

**Village of Walden  
Board of Trustees Regular Meeting  
July 21, 2020**

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

Absent:

Also Present:	John Revella, Village Manager Marisa Kraus, Village Clerk David Donovan, Village Attorney
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**Public Hearing – Local Law 3 of 2020 – Zoning Code Amendment**

Trustee Thompson made a motion to open Public Hearing – Local Law 3 of 2020 Zoning Code Amendment. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

**Attorney Donovan:** This is an amendment which would do a couple of things. It would decrease the age for senior citizens from 60 to 55 for this type of development and would also allow an increase in the allowable density coinciding with the certain amenities that are provided. The project is in front of the Planning Board and is making its way through the approval process. There's a coordinated environmental review. The agency for the environmental review and so prior to the board acting, you would need to adopt a Negative Declaration that the Planning Board adopted, I'm told back in May at their meeting there's a written Negative Declaration and I'm also told it was given to the Chairman for signature. Increased density means more units.

**Mayor Taylor:** Because of the amenities provided.

**Attorney Donovan:** That is correct.

**Trustee Svarczkopf:** It's come up that some of these may already be in a senior home something that has to be there by law. Are any of these 16 things on the list, something that has to be there by law and is in your home anyway?

**Attorney Donovan:** Running down the list that I see in the local law, elevators in all buildings. That's a building code issue, whether it be required or not. What has to do with the building code, I really can't answer that question.

**Trustee Thompson:** In certain buildings now, don't you have to comply with certain rules about

people with disabilities that you have to have elevators or escalators or alternative modes for them to get up and down?

**Attorney Donovan:** It depend on the funding. Say, federal or state funding for a type of development. You may need to have those, wider doorways. If it's private funding, that may not be required \*inaudible\*. Again, just looking down the list, I'm seeing community room, social hall. That would be an amenity that wouldn't be required. As far as I'm concerned, we're talking about a pedestrian connection to the downtown. Landscape, buffer's, garages, onsite walking paths. We're adding those to the list of 16. Elevators, I don't know the requirements relative to those. Frankly, numbers 1 through 10, I don't have committed to memory. I can't give a good answer on that.

**Trustee Svarczkopf:** I'd like to take a deeper look at that list and try to figure out if the things on this list are really worth giving the extra because they don't need to get all 16 to get the max amount. They only need to get, I think, to 10. With that said, some of those are super easy to get to and some of those are the things that we really want them to do, but they'll just leave those out because they they've already hit their 10 mark. I think we need to look at the list a little bit harder and try to get rid of some things. A pedestrian walkway? I'm not sure that that's worth the extra density.

**Mayor Taylor:** Is that the sidewalk that they're referring to as a pedestrian walkway?

**Attorney Donovan:** What's in the local law is pedestrian connection. Whether that's a sidewalk, I don't know. I had not reviewed the specific project.

**Mayor Taylor:** Remember when we were discussing the project, there is no sidewalk where that property is located right now. I believe the Village was asking that a sidewalk be built where that property is that would then connect to existing sidewalks so that people would be able to walk safely in that area to get to downtown.

**Manager Revella:** I don't know if that would be up to interpretation for the Planning Board to see if the walkway, internal, or public walkway, is what they're talking about.

**Attorney Donovan:** There's 2 things going on here. We have we have a local law that would make an amendment to the general requirements of our code. And then we have a site specific project. Which this zoning code, this amendment is adopted. \*inaudible\* So, the pedestrian connection to downtown is kind of a generic requirement that would apply to any development that's consistent with this provision of the code. What's proposed for what's in front of the Planning Board, I just don't know the answer to that. I haven't looked at the plan.

**Trustee Svarczkopf:** I just think that that would be something that we would require anyway. So, to put that in there seems like it's a giveaway.

**Mayor Taylor:** Obviously, it's out in the code yet, because if we would have to make an amendment to the code specific to this kind of project, that there would have to be a sidewalk that would connect to existing sidewalks. I think that's what Dave is saying, if I'm not mistaken. And it wouldn't just be pertinent to this project, it would be pertinent to any project that's faced with the same thing with building and there's no connection to Village or to sidewalks.

**Attorney Donovan:** Currently items 11 through 16 are not in the code. The local law just proposes to add them as items 11 through 16.

**Trustee Svarczkopf:** I'm not sure I'm happy with the answer, but definitely helps. Thank you.

**Deputy Mayor Moore:** Just for public participation, can we just read off those items 11 through 16?

**Attorney Donovan:** Item 11, the buildings. Item 12, community room/social hall. 13, pedestrian connections to downtown. Item 14, landscape buffers from adjacent properties. Item 15, garages for at least half of the units. Item 16, on site walking paths, trails and/or gardens. And if I may be permitted to make one additional point, as I always like to remind you, by local law, this is your local law. I kind of drafted this as a result of conversations a number of years ago. If you think it's a good local law, you can adopt it. If you want the amendment. You can amend it. And if you don't want to do it, you don't have to do it.

**Trustee Svarczkopf:** The interior walkways and the buffer, I think those are things that people do anyway. So to add that on, seems like a giveaway. 1 through 12, cafeteria, self-service laundry, game room, exercise or multipurpose room, workshop, library, building for operations of the facility, first aid clinic, 24 hour security and a caretaker's dwelling. I think that a lot of those are really useful things. I'm not sure cafeteria is useful. But a group kitchen might be considered a cafeteria. When I ask, what is that exterior walkway look like, the fact that that's open to interpretation kind of scares me a little bit. I would rather that be very specific.

**Manager Revella:** They're all open to interpretation. We have to be careful not to be too specific.

**Deputy Mayor Moore:** That's why we have a Planning Board.

**Mayor Taylor:** Then I think that was specific. Didn't it say walkway connecting to what there is already?

**Trustee Svarczkopf:** For example, the garden. Does that mean a small two by two garden or does that mean a community garden? I feel like if they can add extra units by adding a two by two garden and then the front by the by the welcome sign, they're going to do that all day long. But does that really add to the property? I don't think it does. I think we need to review this a little bit more.

**Trustee Sebring:** What they had done across the street where he wants the build, they had a manager on site and that gave him extra units there in his previous project. I think they had washers and dryers in there. But the manager had to be on site.

**Trustee Svarczkopf:** I think that's a great add. That means the people who live there are the people that are taking care of it. That person is responsible and he's there. That's a great value add for us. I would give extra units for that. I think that that's worthwhile. Some of these other things. I don't think so.

**Trustee Thompson:** I know we can't plan everything for the future. I know that we're trying to amend the zoning and make changes as we need to for the benefit of our community. I'm good with all that. I do actually read a lot of different things and journal articles and whatnot. This COVID thing has really changed the perspective on a lot of things. 1 of the things that's been a topic of discussion and it's been in literature put out by different organizations, is to take a hard look at senior housing and adult housing programs and plans. Because now apparently the shift is toward

not such high density housing. Do we want such high density housing? I think we all agree that there is a definite need for this type of housing in our community. But do we want this super high density housing?

**Mayor Taylor:** What's the alternative to high density housing?

**Trustee Thompson:** To have either bigger apartments, more common space, wider hallways. Is anybody familiar with the place to live up in Middletown called Braemar? Those people up there, it's not assisted living, it's adult housing. They are not even able to use their common spaces. They're having their meals either alone in their apartments or in the corridors where they can have distancing and ventilation. They're not allowed to use their common gathering spaces right now. I don't know. I have some questions about this high density housing. I want the project. But should we scale back on some of this plan? I don't know. There's lines in here where it talks about public welfare, deleterious impact on neighboring properties. I know the people up on Liberty Street are really not happy with the size of this building. I don't know if everyone on our board has been to the site, if they're familiar with the terrain there. What you all are thinking about this property. I have talked to John Revella about it. He assures me that it is well within the dimensions of our code. I just question the size of this. I know it's going back and forth with the Planning Board and they finally did agree to everything. I know people in our community are not really very happy with this.

**Deputy Mayor Moore:** I read some of the similar articles that Lynn is talking about. I would possibly like to consider in this local law adding a number 17 that would use some sort of ventilation system in the common areas. Something similar to the levels that are being required in malls and other areas for them to reopen. The other comment that I have with this is I realize that they're kind of cohesively together, but our conversation is based on Local Law 3 of 2020 and not this project that is specifically in front of the Planning Board. I know this local law will affect that project, but having this conversation based on the site, based on the residents, is not really pertinent to this conversation because our conversation is about the local law and that is going to affect the entire Village. The local laws that we put in place is what our Planning Board then has to utilize to approve site specific projects. I just wanted to make that comment that I would like us to try to keep on track with the local law and not that specific project.

**Trustee Ramos:** Everybody brought up from some really good ideas and thoughts. I think we ought to just be patient and watch how this comes about. I know last night the Planning Board was discussing certain things about this project to include sidewalks on the 52 side. So, there's a lot of variables that are not being answered. As for the local law, there's too many ambiguous pieces. I'd like to do a little bit more research and homework on that.

**Mayor Taylor:** I watched the Planning Board meeting last night and as far as I know, they're sending it back to us. They didn't want to go forward any further if our board was not going to amend that zoning. It's going to end up in our laps, so we have to formulate a local law so that the Planning Board knows how to deal with projects like this in the entire Village, not just this project. Which was what Faith was talking about. I guess our decision is, what are we going to require? What kind of amendment are we going to make to this zoning code in anticipation of these kinds of projects coming into the Village? We're not making the decision sites specific to what you're referring to. It's what do we want to put in the code for projects such as this down the line. Correct?

**Manager Revella:** Yes. I know that Trustee Thompson is talking about people not being healthy in the common areas in some of the developments. My grandparents live in a similar type of housing

in the Village of Montgomery. But they are apartments. You're supposed to be in your apartment. That's your own space. They all have kitchens. It's not like you're putting them out by not being able to use a common area. But to have the option there is what the point is in the local law. So there's options for residents. We want options with park, options with gardens, we want options with walkways and pool facilities, laundry facilities, onsite management. Those kinds of options are things that we're looking for to try and help the people to live there, have a more comfortable life. And that's why you consider them as bonus densities, because of the people have more amenities on their site. They're not really utilizing infrastructure as much in the Village and they're supposed to be helpful. Whether they do or not, I don't know, but that's the enticement, I believe.

**Mayor Taylor:** The building that I worked in happened to be an apartment building. Had a common area, nobody ever used it. I'd be there all day long, sometimes on weekends. Nobody would sit there and watch TV. Having a common area is nice and it's up to the residents how much they want to utilize that space. It's nice that it's offered.

**Trustee Ramos:** There was a mention of a pool. Was that 1 through 10?

**Trustee Svarczkopf:** Number 4 on the original list is exercise or multipurpose room, sauna, spa, whirl pool. But not a full pool.

**Trustee Sebring:** I would like to see the manager be on site and also have the amenities of a gathering room with exercise place. As far as this hot tub, I don't know, that's kind of out there for me. There's more things in there that I'd like to address a little bit more. But manager on site, has to stay there.

**Trustee Svarczkopf:** I think you bring up a good point. Can we make some of some of these mandatory to start?

**Manager Revella:** I don't know if it says something like that already or certain ones that they want to priority or how do you think they should address that?

**Attorney Donovan:** Right now with the code says, senior citizen housing developments \*inaudible\* more of the following ancillary facilities provided that the ancillary not primary and then one of those Brian is included; a caretaker's dwelling. Is it legally permissible? Yes.

**Trustee Sebring:** What about an area for open barbecuing?

**Trustee Ramos:** A covered patio or a paved area where they could all assemble.

**Trustee Thompson:** A pavilion.

**Trustee Svarczkopf:** I would like to see us come up with a list of things that we want to see if they want extra units. Then from there, give a list if they want additional units, they have to start with these. Otherwise they're going to pick the easiest and cheapest things off of the 16. Some of those are not things that really benefit the people that live there or the Village as a whole.

**Mayor Taylor:** When we have a local law that addresses senior housing and we change the local law, the Planning Board approves the project under that local law that its senior housing. Can that then that project change or down the line, the owner of the property sells it, can it be anything other

than what it was approved for originally? Could it change to apartments for anyone of any age at any point in time?

**Attorney Donovan:** Couple of facets to that question. First, that the project that's before the Planning Board cannot be approved at this time. Because it is sort of designed in accordance with this local law. The Planning Board is going to run out of things to do. They've adopted their negative declaration. They can't issue any approvals until the Village board acts. Second thing is, could it change? It would require additional approvals either from the Planning Board or from the Zoning Board of Appeals or from the Village Board for some type of zone change. Once the approval is issued with certain conditions attached to the approval that must be adhered to for the project to be legally valid and to continue. But that's not to say that in the future, some future owner may not come back and say, I want to convert this to open market rentals with no age restrictions. That would either need a Village Board or some type of variance from the Zoning Board of Appeals.

**Mayor Taylor:** Right now, we have the age at 60. If we drop it to 55, there are people out there that have children when you're 55 years of age. I did ask if children were allowed to live there. There have been circumstances that I know of that for some reason sometimes senior citizens end up with their grandchildren. Is that a possibility?

**Attorney Donovan:** The definition we have proposed, the local law, is that a dwelling unit occupied exclusively by one or more persons who is at least 55 years of age. The legal requirement is to be 55 or older. It does become an enforcement issue. If someone becomes ill and a family member, less than 55 moves in, for example. It does become an enforcement issue. This is not foolproof.

**Mayor Taylor:** I don't know if that issue goes away or gets any better if you keep the age at 60 years old.

**Trustee Svarczkopf:** If you're 60 and have a 10 year old child, it's well within our rights to say these communities are not an option for you. They are for 55 and older without children living there.

**Mayor Taylor:** They agree to that. They understand that. Then they end up with the grandchild. They have to legally take the child. Just just a thought process, because I know it's happened in other places and people have gotten upset because they've moved to this specific place knowing that it's going to be only adults and then it ends up not being that.

**Trustee Svarczkopf:** I appreciate you bringing it up, because when we're making these laws, sometimes it's easy to just think black and white and then not realize that life happens.

**Manager Revella:** I don't want to get to a situation where we're violating the fair housing law either. A Supreme Court action like that happened in the Midwest where everything was overturned and they got sued and lost for a hefty sum. I think that Dave is keeping us on track with that aspect. You can't just put make a local law that excludes children.

**Attorney Donovan:** It's very difficult to do that. There's nuances there and there's private restrictions as well as public restrictions. The Manager is correct.

**Trustee Ramos:** What Brian brought up is an extremely valid point. This is why it's necessary to have management on premises so that he can manage everything. If it gets to that point where we have a resident that is forced to take on 2 or 3 grandchildren, the management is to ensure that it may be a temporary basis or that they might have to find an alternate area. Because the area is not conducive to little children, obviously. That's why management is critical. They can police that instead of our overburdened Building Department and our Police Department or us itself.

**Mayor Taylor:** Everybody would look at this list and jot down their thoughts about what we would want to see in a project like this. Choose the 3 that we feel are most important. That would be something that that has to be included in a project like this. Then you talk about the other ancillary stuff as add ons to get more density.

Deputy Mayor Moore made a motion to keep public hearing open for Local Law 3 of 2020 until August 4, 2020 at 6:30pm or soon thereafter. Seconded by Trustee Thompson. All ayes. Motion carried.

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

**Manager Revella:** The week of the July 5th and July 12th for me, that first week, I had a couple of days where I was out of the office, making sure that everything was good with COVID. Obviously, everything negative, but wanted to make sure that everyone was aware that we were keeping up to date on travel restrictions, talking to county officials about different quarantines for people that traveling out of state. And as you know, 10 more states got added. That's constantly being updated. People just need to be careful about where they're going and when. Going over projects with DPW Super for vacation. He's on vacation this week and rest of the month. That's why there's not really a report from DPW in here, because he's not here. Went over some executive orders and board meeting information. The board members went over summer programming and park maintenance with Rec Coordinator. I talked about replacing Chief's position with Trustee Ramos. Interviewed different candidates for the Village Office. We did select the part time person for Village Office. They're supposed to be starting the first week in August. We'll make sure they appear for that August meeting so they can be introduced, which hopefully will be live. Had an online conference with a worker's comp carrier regarding the impact of COVID. So far they're not felt because we're about 6 to 8 months behind on our worker's comp rates. A lot of those are based on the market and market trends. Those aren't gonna be felt yet. So we'll see if that affects us going forward when the new market trends come out. Caught up with Northeast Sweeper with the DPW Super to make sure the third arm broom comes. That's the one that actually helps to cut the brush and debris along the curbs. Went over the Ulster Ave project with the Village Engineer and Project Engineer to make sure everything's on track. We had to make a couple adjustments around Woodruff Street for truck traffic. We're just waiting for the state to approve the handrails to finish the rails going up the steps to different houses where the walls are. Then that really should be the end of that project. Went over some shared services with the Town Super and potential topics for the joint board meeting, which we're trying to schedule. PBA matters what Labor Council, which we'll talk about in exec. As well as CSEA. Went over some FOILS with the Village Clerk and Village Attorney. A lot coming in. Went over the Town finances, a couple of things that had to do with the Village with the Mayor and the town finance office regarding library and recreation funding. Went over the rehab loans with the Village Attorney and Treasurer. Getting those all worked out. Went over the Edmunds program installation with the Building Department and Treasurer. They're working on data now. We had a labor management meeting. Parks, they're continuing to do updates with the limited manpower they have right now. Trying to work on that to make sure they're able to maintain all the parks plus the entrances and work on property maintenance violations. Concert series, did some more online

programming as well, including with Anytime Fitness. Outdoor soccer program starting registration. Building Inspector has been working on COs and reports, building reports. He's been on vacation for a week. We'll be interviewing candidates for the full time position there when he gets back. Went over items for upcoming items for the audit with the Treasurer and some personnel matters. The new police car is ready for the DMV and the lettering. We have some new part time officers coming. They're getting background checks. 1 is in phase two of the academy, should be finished soon. 2 new dispatchers are currently in training. We still have 2 officers out on 207c. Very lovely walk out ceremony and celebration for Jeff Holmes. Very well attended. Highway has been patching. Responding to issues. Continuing maintenance pump stations as well and responding to overflow alarms during the rainstorms. Water Department has been putting in meters and doing dig inspections. The courts are still closed. But just so you guys are aware, I was able to order some plexiglass dividers. If come to Village Hall to the assembly room, you'll see what they look like. If interested, we can get additional. They look like they work pretty well and not too expensive. Library still on curbside pickup. They're also working on programming, joint programming as well with the Rec Department. Community Council, with the music program, but also with their own programming. If you walked around Village Hall outside the triangle, you'll see there's a story path to walk around the building to follow. Pretty neat.

**Deputy Mayor Moore:** With vacations and everything that's happening, do you need any assistance from us, since the change in the liaison's, do you need any of us to step in and help with anything?

**Manager Revella:** The only thing I can think of is if anybody from the board wanted to review those applicants that are going to come in for interviews for the full time Building Department position, more than welcome to look. The Building Inspector looked through and has a handful that he'd like to try and interview. We're getting some help in the office, part time help, and also some assistance from the Secretary to DPW, when she can. Just hard right now with Fred out. But the new person coming in will be a big help. The building, will likely be opening up in August to the public again. We'll have notices at the door for people, how to conduct themselves, and wearing masks. Getting the word out will be helpful. Otherwise, we're doing okay.

**Mayor Taylor:** When the building reopens, are we going to have any masks or anything available for people that are coming into the building that may not have one?

**Manager Revella:** We're going to have a table set up with the hand sanitizer and masks right by the front door.

**Mayor Taylor:** Right now, there's a drop box there for people to pay bills, are we going to leave that there?

**Manager Revella:** That box will be there forever.

**Mayor Taylor:** Any changes going to be made to maintenance in the building, cleaning, once people are allowed back into the building?

**Manager Revella:** The thing that I can anticipate will happen more often is the wipe down of doorknobs, light switches, things like that. Thankfully, most of our rooms are automatic switches. So no one's touching them. But door entrances, doorknobs, common things that are being touched daily are the things that will be needed to wipe down. Not just by cleaning staff, but by everyone

using them. That's the biggest part for us. Make sure using the proper products which we have. But continue.

**Mayor Taylor:** Does the library anticipate reopening when the building reopens?

**Manager Revella:** They're on a schedule with the Ramapo Catskill Library Association about when they can do certain things. But it'll help them to know when that's going to happen. Ginny and I have been talking about it and trying to coordinate that as well to make sure that kind of happens almost hand in hand. It's close.

**Mayor Taylor:** Has she talked about limiting access to one entrance so that there can be PPE there?

**Manager Revella:** We haven't talked about that part yet, but if she was going to open fully, I would recommend she have a table set up by her second door as well, because we have one by the front door. So she wouldn't even by her side door.

**Trustee Thompson:** I think that's a great idea. We have talked about this as a board, about not having our building open 24 hours a day, not having all these access points for a multitude of reasons. Now we have this COVID thing. I personally think this is a good time to keep 1 entrance to the library for now, until this situation is remarkably improved. Are we going to leave the building open 24 hours a day once we open or can we limit our hours that we're open to the public?

**Manager Revella:** We can limit.

**Mayor Taylor:** The only issue I can think of at this point is we've used the building as a cooling station. I would hate to have no access for people to get into the building if for some reason they lose their air conditioning, their power. They've always been able to come to the Village Hall and utilize it.

**Trustee Thompson:** I don't think anybody would have a problem with that. We don't usually get two months of that, that we need to keep the building open 24/7 as a cooling station.

**Mayor Taylor:** Do we have homeless in the Village? I know we've been aware in the past. I would hate for them not to have somewhere to go. I know we stopped the bathrooms on the second and third floor in the evenings. That would be my only concern.

**Manager Revella:** I think we have less than a handful of people that the dispatcher could always let them in if they know who they are. They tend to know those people who might be that are in need. If we have to go that route.

**Trustee Svarczkopf:** I agree with a concern. I think about at night, closing up. During the day it's still going to be open to the public. At night, locking those doors. If those people do need to come in, then at least we know they're in there as opposed to them walking through when someone's not looking and then we're not sure who's in the building.

**Trustee Sebring:** Most of the time when kids after school, they'd hang out on the stairs, second and third floor. They'd be quiet when anybody was coming in or going out. So, you didn't know they were there.

**Mayor Taylor:** What's the pleasure of the board?

**Trustee Svarczkopf:** I'm for closing at night. 9:00pm til 7am, that's a random number.

**Trustee Kraus:** I figure 9:00pm to 6:00 in the morning.

**Trustee Thompson:** I would have to say somewhere between 9 and 10 o'clock at night, because there are sometimes meetings in the building once it's open again that run a little later. Until between 6:00 or 7:00 in the morning.

**Deputy Mayor Moore:** I am fine with restricting access in the evening, with dispatch allowing people in under circumstances. But I think there has to be conversation, dispatch needs to be able to remotely open that door without having to leave their post. I think Trustees need to have remote access, like a fob to get in themselves or a key. Necessarily people don't need to be coming in there randomly that after a certain time, but I think we need to make it easier, not add more work on to dispatch.

**Trustee Ramos:** I agree with Lynn. 10-6 would be a good time with limited access and the key fob is fabulous. That person has to be really identified at the doorway to enter the building between the hours of 10 and 6. The Police Department is going to have to find out a way where we can accomplish that without the dispatcher leaving its post. Maybe having a car in that post area that can verify the person that's trying to gain access to the building. There shouldn't be too many people besides special circumstances between 10 and 6. I would like to see it that way.

**Trustee Sebring:** I believe 10 to 6 is adequate because of the meetings that are held.

**Deputy Mayor Moore:** Trustee Ramos's comment gave me an idea and also Marisa texted me as well, but the same kind of a camera system that is on the side employee door so that there's a camera that points to the outside with the buzzer for the dispatcher. If there's a camera at that front door as well for when it's locked, they can very clearly identify and speak to whoever is there, so they don't have to leave their post.

**Trustee Thompson:** That's a good idea.

**Trustee Kraus:** I agree with Faith. I was thinking the same thing.

**Manager Revella:** Yes, consensus seemed to be 10pm to 6am.

**Mayor Taylor:** If you could talk to dispatch and the PD and get their input, they would know when the building's busiest to nail down that time. I don't mind 10 to 6, I'd like their input to let us know if people are coming in the building. Maybe they need to close it earlier or if the 10 o'clock is okay. And if you're already in the building for a meeting, we're not going to shove you out the door. That would just be access to more people coming in versus people leaving a meeting and exiting the building.

#### **Approval of Minutes July 7, 2020**

Trustee Ramos made a motion to approve July 7, 2020 Minutes. Seconded by Trustee Kraus. All ayes. Motion carried.

**Action Items:**

**Local Law 3 of 2020 - Zoning Code Amendment**

**Attorney Donovan:** I think this is just a discussion that John and I had earlier. I spoke about earlier this evening about the environmental review. The Planning Board has just issued a Negative Declaration and before you take any action, you need to adopt that.

**Resolution 5-20-21 – Budget Transfers**

**Manager Revella:** These are the year-end transfers. Went through every line to make sure we balance out by department. We've tried to stay within departments.

Trustee Ramos made a motion to adopt Resolution 5-20-21 Budget Transfers. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

**Revised Tax Warrant**

**Manager Revella:** There were 2 small errors on the tax bills that we had to correct and correct them in the warrant. One was one property was charged for refuse on 2 parcels, even though they get service on one parcel. It's a commercial property. Then there was one tax adjustment on another parcel that we got from the county that we had to fix.

Trustee Sebring made a motion to approve Tax Warrant Revision. Seconded by Trustee Thompson. All ayes. Motion carried.

**Franco's Outdoor Café Request**

Trustee Ramos made a motion to approve Franco's Outdoor Café Request. Seconded by Trustee Thompson. All ayes. Motion carried.

**Sweeney's Outdoor Café Request**

Trustee Sebring made a motion to approve Sweeney's Outdoor Café Request. Seconded by Trustee Ramos. All ayes. Motion carried.

**Introductory to Local Law 4 of 2020 – Donation Boxes**

**Attorney Donovan:** I wasn't here at the last meeting. I did review the minutes of that meeting to try to favor what the board was looking for and in reviewing the existing code, there is a provision, clothing bins require a permit, a \$50 annual fee for a permit and the permit is reissued every year. There's a provision in the existing law that indicates failure to abide by the terms of the local law, shall be denied a reissuance of a permit. My question or perhaps suggestion to the board, if I understand correctly, which you wanted to accomplish, is that if there is a failure to abide, that you could deny a new permit. They could request again in the future, but you certainly could deny the permit. I don't know if that's satisfactory, to address the boards needs or your concerns, but I do suggest that to the board.

**Trustee Ramos:** Do we have to wait for the expiration of the permit in order to effectuate that remedy or can we deny it instantaneously?

**Attorney Donovan:** You'd have to wait, it's the reissuance of a permit. That's not to say that you can't pursue enforcement, there's fines that you could pursue in justice court. I know there's some discussion at the last meeting about increasing the level of fines. It was also questioned it was the rip-roaring meeting where I was present, as to whether ban them entirely. This is a mechanism to which if the board doesn't like that mechanism, we can go the route of the increased fines. But I

guess my point is there is a mechanism to deny a permit and to require the bins to be removed, at least for a period of time in the existing law.

**Mayor Taylor:** Typically the property owners where these bins are placed, charge these entities to put those boxes there. Do they have to tell us how much they're charging these people?

**Manager Revella:** No, not at all.

**Mayor Taylor:** And we can't regulate how much the fees can be, they can charge them whatever they feel like charging them.

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

**Attorney Donovan:** Section 117-2 of the code limits the locations of these boxes. They have to be on property that's owned by an entity that is tax exempt status or they have to be on property that's a church or some type of religious organization.

**Trustee Thompson:** Are all of the boxes that we've been dealing with, have they been on tax exempt property? I don't think so.

**Manager Revella:** Or part of a 501C3 organization.

**Attorney Donovan:** I don't know. But that's what your law says.

**Trustee Thompson:** I'm asking my board and my Village Manager to think about where those boxes have been located. I don't believe they fit that criteria.

**Manager Revella:** Some of them do, yes. The firehouse, MPB, absolutely. I don't know if the organization where the Medicine Shoppe is or at the 110 West Main, but that's one. The only one left is at the Medicine Shoppe. No other ones are in the Village that I'm aware of.

**Mayor Taylor:** Were all these boxes given permits?

**Manager Revella:** I asked the Building Dept. to clarify yesterday when Dave and I were talking about. Dean is out this week and Darlene is out today. We'll follow up tomorrow to see what's on record.

**Trustee Thompson:** I'm a little confused. We can keep the boxes, issue them a permit, revoke the permit at the end of the calendar year, but can we still find them for noncompliance? In addition to that?

**Manager Revella:** Yes. Dave was saying you did take action to fine or whatever other remedies available to the court.

**Trustee Thompson:** What about the discussion we had where if they continue to violate, after X amount of time, we're done. Move your box. The permit requirement says we have to let them keep the box for a year. Then is it null and void that if they have X amount of violations they have to remove the box or we're stuck fining them for a whole year?

**Manager Revella:** Yes, fining them and waiting for reissuance.

**Attorney Donovan:** That's all I'm suggesting.

**Manager Revella:** Is there a way to remove prior to that point?

**Attorney Donovan:** Is there is there a legal mechanism? You've got to understand that the Village Justice Court, any justice court, court of what's called limited jurisdiction. They have the ability to impose fines. They do not have what the law calls equitable jurisdiction, so they can't order a box to be removed. We can try. We can send a letter that says it has to be removed. But if they refuse to do that, we go to Supreme Court to ask for a directive from Supreme Court that has jurisdiction to compel them to remove the donation box.

**Trustee Kraus:** Can't put in there 3 strikes, got to remove the box?

**Trustee Svarczkopf:** I think the sheer cost of fine will do that. If the fine is 250 dollars every single time this happens and it's 3 times in a month, that this property owner is going to have to pay that, just the sheer number is going to have the property owner tell these people that they're not allowed to put this box in there anymore. Then if that doesn't happen, we've collected 5 thousand dollars' worth of fees at the end of the year and we get to not issue them a permit the following year.

**Trustee Thompson:** But we also have to look at the mess on our Village streets and our Building Department has to take the time to keep going and writing them citations.

**Trustee Svarczkopf:** I think the marketplace will dictate the fact that that won't happen very long if there's a thousand dollars' worth of fines issued to them every single month.

**Mayor Taylor:** And the attorney has told us that we can't prohibit them from the Village. There is a chance, that you're going to have to look at the pile up of stuff and the fines will accrue. But we can't tell them they can't come in the Village.

**Trustee Thompson:** But we can tell them, the law says where they're allowed to put the boxes. It's quite specific. Tax exempt, charitable.

**Trustee Svarczkopf:** The actual company could be a 501c3 as well and put it on my property. Is that correct?

**Manager Revella:** That's what it reads.

**Deputy Mayor Moore:** Dave correct me if I'm wrong, it just says that an entity or organizations that have a tax exempt status under 501c3 or churches, synagogues have to accompany the permit application. It does not say that the box has to be located on one of those specific properties. Which is where I think, for example, the one at the Medicine Shoppe got placed there. The company that owns the box is a 501c3 organization and then rents that space from the Medicine Shoppe.

**Attorney Donovan:** That's correct.

**Deputy Mayor Moore:** I do want to add that we're not the only municipality having this issue. I was through a couple of them this past weekend and I happened to notice and at least 3 or 4 other

municipalities where this is happening. Technically, with all the COVID, none of the boxes should be accepting donations currently. I think that's also the issue that they haven't come and close the box. People are still putting stuff and then they're not coming to collect it and people shouldn't be putting it there.

**Mayor Taylor:** The box being there is the impetus for people to say they can dump stuff there. I know that the Vietnam veterans have just resumed picking donations up. They won't take furniture. Whether these entities that own these boxes have started as well, they could have and they're just prohibiting certain items like furniture, that kind of thing. They may be accepting donations again.

**Trustee Svarczkopf:** John, would it be a suggestion to the people who have these on their property that a camera placed at the donation box with the donation box, specifically saying this is for clothes only anything else will be considered dumping and prosecuted by law?

**Manager Revella:** It would. Prosecution of that is different. It's some evidence, but I don't know if it's enough to prosecute fully, but it definitely will lead them in the right direction to at least to investigate.

**Trustee Svarczkopf:** Maybe a suggestion to them of something like that. Then at least they have some sort of recourse to come back to us and say they're trying. These people are dumping illegally. That's not their fault necessarily, but that would also give them a way to know whether the boxes are full or not. Then they don't have an excuse not to come out and pick it up because they don't not know.

**Mayor Taylor:** When they come to get these permits, are they given a copy of the local law?

**Manager Revella:** We're not required to. Just like any law, you're not required to give notice here. You're supposed to know what the laws are or investigate.

**Mayor Taylor:** I was just wondering if that would give someone pause. When they're allowing somebody to put one of these on their property, it's the property owner that's going to be responsible for what happens with that box. They're the one allowing it there. They're charging the entity to put the box there. Maybe when they come to apply for the permit, if they saw with the local law was and what the fine was going to be if things get out of hand with the box, they might reconsider having it on their property because they don't want a potential issue.

**Manager Revella:** I'll make sure that happens.

**Attorney Donovan:** The question is, is the board still looking to modify the law or are they satisfied with the existing law? If you want a modification, I would draft a modification to the local law that would be on your desk in time for the next meeting to review and schedule a public hearing.

**Mayor Taylor:** Modification for the 3 strikes. Roll call.

**Trustee Svarczkopf:** Not for the 3 strikes. I just want to make sure that there's something in place that says that we can fine them.

**Trustee Kraus:** I think 3 strikes you're out.

**Trustee Thompson:** I would like to see them fined and I would like to see 3 strikes you're out.

**Mayor Taylor:** In the local law right now, there is the mechanism to fine. The only thing we're talking about is if you want to modify the current law to include the 3 strikes.

**Deputy Mayor Moore:** I can go either way. Yes, let's modify it to have the 3 strikes and they're out.

**Trustee Ramos:** I agree.

**Trustee Sebring:** I agree. 3 strikes and you're out.

**Mayor Taylor:** I'm in favor of modifying it with the 3 strikes.

**Trustee Ramos:** I have something to add. The application for a building permit, you do sign a statement "I am familiar with the zoning and building ordinances of the Village of Walden and do hereby agree" so they are affirming that they are knowledgeable about the code and the enforcement actions.

**Mayor Taylor:** I just think if when they get that permit, they're given something that it sticks out like a sore thumb and says \$250 fine, they may think twice because anybody that through any municipality sees these boxes, sees the pile of stuff. Do you really want to deal with that on your property?

#### **Discussion – Potential 4 Year Terms**

**Trustee Thompson:** I had spoken to John about it a while back and just kept forgetting to pursue it. With all of the things that have happened with the local elections, there's actually been a lot of people that have questioned why only 2 year terms. I thought about it and I get it. I've asked around from other municipalities in other places in the state. Some, the mayor's a 4 year term. The trustees are 2 year terms. Others, everybody is a 4 year term. I thought it might be a topic worthy of discussion. My personal feeling is when you're brand new, getting elected and you have a 2 year term, the first 2 years is basically you're training and then it's time to run again. You have to interrupt the flow of your work and get out there and do your petitions and get your signs up and do your campaigning. It's a considerable amount of work. Then you're still trying to do your work for your municipality. I also feel like every single time we have these really short terms, we have an interruption in the cohesive work that we just start all clicking together and working together. We also seem to be consistently running into the problem where we don't get people that want to come out and run. We have people that just stay on the board, because nobody challenges them. Instead of paying the expense of running an election, which it cost the municipality money, the time of the people running and all of that, I just wonder maybe we should consider doing something different with our terms.

**Trustee Svarczkopf:** I second everything she said. Definitely by the time the 2 years is up, you're just starting to feel like you know what you're doing and then you have to run again. The cost of the elections, I think each ballot cost somewhere between 50 and 60 cents times the number of voters that we have because we have to make a ballot for every single voter, even though we only have 300 show up. That's a considerable cost, \$2,000 a year that we could move to every 2 years, essentially. I just think it would be better for the overall long term knowledge of the board members

because you're that you're there longer and you understand what's going on.

**Trustee Kraus:** I agree. A 4 year term would be a better way of going about it.

**Deputy Mayor Moore:** How would that work with our form of government? If it's even something that could work. I will refrain from any other comments until I've had a chance to actually really look at it and think about it. I will be honest that it was the first I read this material that was handed to us for this today. I'm not prepared to talk about it.

**Trustee Ramos:** I agree, I'm unprepared for this and I would like to dive deep in the research and get back to us at a later date when we can when we're all fully aware what the 2 to 4 year terms allows the people of the Village.

**Trustee Sebring:** We went through this one other time. Can we get the Marisa to go back through the records and find out exactly what was talked about back then? Maybe their questions would be answered or they would find out new information. I would say hold off for a while and get the minutes from the previous board that went through that.

**Mayor Taylor:** That's a huge task to ask the clerk to sit and go through minutes. Do you have any idea when that discussion was?

**Trustee Sebring:** 6-8 years ago. I know it's a big undertaking.

**Mayor Taylor:** I'm not remembering that discussion, because I was on the board back then, I don't remember it, but that doesn't mean it didn't happen. Let her do a little bit of research.

**Trustee Thompson:** What are your thoughts?

**Mayor Taylor:** We've been through this before with the Town. Even though you don't have people running, people seem to think that every 2 years, sometimes they think people get very comfortable when they have a 4 year term like everything else. They can sit around and relax for 3 years and then when the 4th year hits, they go like a ball of fire to get something accomplished so they have something to talk about and run on. Also, it depends on how much effort somebody wants to put into the office. You're elected, it's a 2 year term. You make it your business to find out how you do the job. It all depends on the person that's elected to that position. If they're enthusiastic and they want to learn, they will learn. It's a referendum. It's the people of the Village have to decide how often they want to elect their officials. If they like the job somebody is doing, then they're going to come out and they're going to vote. If they don't like the job somebody is doing, they can change it after 2 years and don't have to wait 4. Marisa, see what you can find and get back to us. Meanwhile, everybody can feel free to do some homework on their own.

**Manager Revella:** Dave, explain the process if it would take place.

**Attorney Donovan:** You can either adopt a resolution or go by local law, whichever method you choose is subject to a permissive referendum. If the board votes in favor. If enough signatures are gathered that the public would sign a ballot for a vote. If it is passed. What would happened is that the next whoever who was running, for instance, in March for the new term. Anybody on the board would finish out the 2 year term. If it expired in March, whoever got elected, it would be a 4 year term. You can do the mayor only, you can do the trustees only or you can do the mayor and trustees.

### **Discussion – September Meeting Dates**

**Manager Revella:** Wasn't sure how the board thought about it right now. Currently, the election is going to be held on September 15th, which is a Tuesday and it is a board meeting night. I don't know if you want to wait until August to determine whether you're gonna have that or not. It's something to keep in mind that it may need to be canceled or changed in light of the elections.

**Mayor Taylor:** The Governor changes something with 2 days' notice sometimes. I hate to cancel a meeting if we don't have to. We could keep it scheduled and then wait until August if we need to change it.

**Trustee Thompson:** I think we should do that because who knows where this COVID thing is going. What if he changes the election again? We have time to wait.

### **Discussion – Larger Residential Zones**

**Manager Revella:** Last meeting there was discussion regarding an annexation. In that discussion, there was another discussion about whether the board wanted to consider having an additional zone added to the Village. R3 being the largest minimum lot size that we have and whether the board wanted to have an additional lot size minimum on another zone, potentially. Where that would be is a different discussion. Dave, I'm not sure if you've seen zones and other Villages that would have another density, minimum lot size and what that would be called. I know the Town has several.

**Attorney Donovan:** Obviously, you're authorized to do that because you have it now. You could have a different zoning district, if that's what you want to do. You can have some sort of analysis. You do have a Village plan. Make sure that you cover all your bases in terms of adopting a new zoning district. I don't know where the zone would be located. Typically speaking, as a general rule, Villages generally have smaller lots because typically Villages have central services. Municipal water, municipal sewer. And the idea is that that provides or allows for smaller lots. Not to say you can't, because you can. It's legal.

**Mayor Taylor:** John, are you suggesting that you speak to the planner and have them print something up that they can tell us what the differences are or board members can contact them with their questions or ideas of why they wanted to have this discussion to begin with.

**Manager Revella:** If the board so chooses, I can ask the planner to look into the potential for a larger zone and what it would look like and how it would be entailed. But there's a cost that. I'm not sure if it's the whole board's desire. Just need to make sure there's a majority that want me to go forward to pursuing that.

**Deputy Mayor Moore:** I do have something that I would like to share with the board. Just shows traditional unconventional development versus cluster development. \*referred to document shared on her screen\*

**Trustee Thompson:** You are involved in housing and you look at housing in the big picture so you see what's trending. From what I read and what I hear people talk about and where I go in my travels, I thought cluster housing is much more desirable these days because people want to incorporate a lot of nice green space for recreational activities where they live and they don't want to pay the taxes and do the maintenance on these enormous lots.

**Deputy Mayor Moore:** Exactly. They don't want the maintenance on all that. They want to be able to walk outside and have this shared area and the green in open space. I agree it is definitely with a lot more desirable from what I see in the housing market. That's just my opinion from my professional housing side. I will also say that with this discussion, based on the zoning that we already have, that it just basically says that it's a minimum, but there is no maximum. So, any property that we choose to incorporate into our Village from any area around that we would like to annex in. If it came in at an R3, yes, there is a minimum of a 12,000 square foot lot, but there is no maximum. Depending on whatever development wants to be put on that property, it could still come before us as a 2 acre lot. There is no maximum, but we don't know what that could come in as. I personally am not in favor of spending money on a planner to have a conversation about further zoning.

**Trustee Thompson:** It sounds like it's something we can all get the information on.

**Deputy Mayor Moore:** Absolutely.

**Trustee Svarczkopf:** I would want to see where the actual zone would look like from the planner.

**Mayor Taylor:** Do you want to know what the cost of that would be ahead of time before you make that decision? Because I'm sure it wasn't in our original budget.

**Trustee Svarczkopf:** Yes.

**Trustee Kraus:** I don't want to have the extra expense.

**Trustee Thompson:** I have a pretty sound understanding of it, but if Faith would like to send me anything additional to read or to look up on my own, I'm very happy doing that.

**Mayor Taylor:** If Faith is willing to share that information, how about if we all read it and then if we all come to the conclusion that we want, if John can find out approximately what that would cost, then we can make a decision at a later date if we want to spend the money to have a planner work something up for us. Is everybody agreeable to that?

**All:** Yes.

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

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

### **Correspondence**

**Trustee Thompson:** I received a video clip and some text messages from a resident late this afternoon about some very large dump trucks rolling through the Village at a high rate of speed. The windows were rattling in the business that she called from. I believe she also sent this to John and I asked her to please call the Police Department so they could look into it.

**Deputy Mayor Moore:** Just a text message from our resident regarding some housing today. Other than that, nothing that I can recall at this time.

**Trustee Ramos:** Received quite extensive report from Mr. Sam Wright on Albany Avenue

regarding the speeding cars. I'm still digesting most of it and I should have a report ready for the rest of the board at our next meeting.

**Trustee Sebring:** Has anything been done about the dump trucks going up Wait Street that I had a report from one of the residents.

**Trustee Ramos:** They've alternated their route, but now it's on 52. Those trucks are coming from some sight off of Albany Post. They're taking the left on 52 and going straight through the Village. I counted literally 70 dump trucks, 4 axles, 80 thousand pounds, give or take. I know they were all overweight and they were racing up and down Beamer and Wait Street blowing past Sunset. I told John. Apparently they're alternating their route to 17K and now through the Village. I think they should be using Albany Post straight through to 17K. I believe it's coming from the site at 17K, the Amazon project. Whoever is buying their dirt, they're buying it and it's got to be on the other side, either the far west end Montgomery or the Shawangunk line there. Thank you John, for calling the police on it.

**Mayor Taylor:** I received the same video from the resident about the trucks as well.

#### Miscellaneous Comments from the Board of Trustees

**Trustee Thompson:** I would just like to encourage everybody, if they haven't, to go over to the Farmer's Market over in the Town of Montgomery at the Town Hall. I was there today, it was well attended. They were very good about masking and social distancing. There's some interesting vendors. It was a nice variety of things in our community that people are selling. I also attended the concert at the Grove. We finally had one that wasn't rained out. It was very well attended. Mike and his crew did a nice job of setting it all up for proper social distancing. Everybody seemed to have a good time and they abided by all the rules with the masks and what not. It was a nice evening.

**Deputy Mayor Moore:** I would like to mention that in light of everything that has been going on with COVID-19, it has been great to see our community come together and help one another and to help people within the community, from the beginning with making sure that people had food, to just really everybody coming together. I know I said this is the last meeting because of a message I got from a resident. However, I would like to really commend our Police Department again. I had to have interactions with them today on a personal matter with a very dear friend and just from them calling it in to dispatch, to handling the very sensitive situation. The amount of professionalism that came out of that Police Department in a very upsetting time is just completely amazing.

**Trustee Ramos:** Everybody did a phenomenal job on the sendoff with the Chief and even the picnic afterwards. Everybody kept their distance. Food was properly prepared and they did an awesome job.

**Trustee Sebring:** The sendoff for the Chief, it was well attended by quite a few residents. Boy Scouts were there and the Fire Companies that he's been involved with were there. It was a nice gesture to see him go out like he did. It's never been done before here in Walden that I remember. The picnic was very nice. There was a lot of food. People did keep their distance and everybody had a good time.

**Mayor Taylor:** It was emotional to send Jeff off. 37 years in the same place. His career in the Police Department was spent here in the Village, raised his family here, well-liked, well-loved. I probably say without hesitation, sorry to see him go, but happy that he's going to get to retire and

enjoy the rest of his life. Well done, Sir. The other thing I had to ask John, more guidance. Trustee Thompson did mention something to me that I'd been thinking about. I know we have the election in September. That's one issue, but we'll be having another one in March. I don't think it's too early to get some guidance from the Governor's office because whenever you run for office, it's required that you get 100 signatures from residents. People usually go door to door. Not sure if the Governor is going to agree that's a great idea with COVID. Even if you're wearing a mask. Just wondered if there was going to be any guidance forthcoming to prepare for the next election, if that's a question that can be asked.

**Manager Revella:** I'll ask the question.

**Executive Session – PBA & CSEA Negotiations, Personal history of a particular employee and 105f**

Deputy Mayor Moore made a motion to enter executive session to discuss personal history of a particular employee. Seconded by Trustee Sebring. 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.

**Village of Walden Board of Trustees  
Regular Meeting  
July 21, 2020  
Motions & Resolutions**

**Public Hearing – Local Law 3 of 2020 – Zoning Code Amendment**

Trustee Thompson made a motion to open Public Hearing – Local Law 3 of 2020 Zoning Code Amendment. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Deputy Mayor Moore made a motion to keep public hearing open for Local Law 3 of 2020 until August 4, 2020 at 6:30pm or soon thereafter. Seconded by Trustee Thompson. All ayes. Motion carried.

**Approval of Minutes July 7, 2020**

Trustee Ramos made a motion to approve July 7, 2020 Minutes. Seconded by Trustee Kraus. All ayes. Motion carried.

**Resolution 5-20-21 – Budget Transfers**

Trustee Ramos made a motion to adopt Resolution 5-20-21 Budget Transfers. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

**Revised Tax Warrant**

Trustee Sebring made a motion to approve Tax Warrant Revision. Seconded by Trustee Thompson. All ayes. Motion carried.

**Franco’s Outdoor Café Request**

Trustee Ramos made a motion to approve Franco’s Outdoor Café Request. Seconded by Trustee Thompson. All ayes. Motion carried.

**Sweeney’s Outdoor Café Request**

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

**Payment of the Audited Bills**

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

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