

**Village of Walden
Board of Trustees Regular Meeting
October 6, 2020**

Deputy Mayor Moore called the regular meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:	Mayor:	Susan Taylor
Present:	Deputy Mayor	John Ramos
	Trustees	Brian Sebring
		Willie Carley
		Faith Moore
		Cheryl Baker
		Lynn E. Thompson

Absent:

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

Presentation – Officer Wolven’s Retirement

Chief Herlihy presented Officer Peter Wolven with his retirement shield after being a Village of Walden Police Officer for 23 years.

Mayor Taylor: I think I speak for all who have sat here while you served. I've always been proud of your service. Always had a smile on your face. Saw you interact with the community. Everyone in the community thought you were very professional and you really made the Village proud. Thank you for those 23 years and have fun.

Village Manager’s Report

Manager Revella: We've been going over the legislation for the release of records. Went over a new hire for the Building Department. Hopefully, starting October 19th. Went over some staffing with some officers out due to 207c and workers comp. Went to a lovely meeting at the 911 center. Did go over the Community Center plans with the Rec Coordinator and Engineer. We're hoping to get the plans finalized so we can bid on it shortly. Went through audit invoices with the Village Treasure. Went through some CSEA retros and grievances with the Treasure and Special Council and the DPW Superintendent. Had a meeting with the Building Inspector and the owner and the occupant of Amthor property to discuss uses and permits. We were potentially getting an application for tonight's meeting but that will be tabled until we receive that. Did have a wonderful meeting with the NYS DOT and Trustee Ramos. Went over some pedestrian issues that we have concerns with on Main St. The two signal intersections, as well, some line and striping issues. Rec Dept. has been maintaining parks. Doing the box house for the outdoor soccer, so the spectators can be there and social distance. They set up the Drive Thru Candy at Olley Park. Building Dept. has been working on COs, reports and building permits as usual. The Fire and Safety Inspection letters should be going out around October 14th. Clerk got the bi-monthly calendar out. Been working on some FOILS. Helped me create a new position for civil service for the Village and Building Dept. Following up on 207c issues. The Treasurer submitted the AUD. Helping with Edmunds at the Building Dept. with their implementation. Has been going through retro for CSEA and PBA.

Helping with those matters with negotiation. DPW Super has been on top of sewer plant guys with the maintenance work down there. Water Dept. is flushing hydrants, so be mindful of that. If they're flushing in your area, try not to wash white clothes at the time, because there could be discoloration for a short period. Did patching and cut back brush and limbs. Chief has been continuing to work on staffing issues due to people being out on comp and 207c. They've been updating the stations. Did look over a couple items for negotiations. The courts are now open. Limited appearances and hearings. They will be conducting court as scheduling allows. The library did conduct a voter registration drive. They believe census intake will be extended through the end of October. So, if you haven't done it yet, please do so immediately. Wanted to have a full library service as of September 28th. If you need special items, please try to call ahead and make appointments when you can. They do have safety protocols, guidelines in place.

Trustee Moore: At the last meeting, talked about Fire and Safety inspections, I asked how far behind they were, I want to clarify that they weren't behind but they were starting late for the next quarter.

Mayor Taylor: I just want to make everyone aware that former Chief Holmes father passed away. I wanted to send condolences from the board and all Village employees.

Approval of September 22, 2020 Minutes

Trustee Moore made a motion to approve the September 22, 2020 Minutes. Seconded by Deputy Mayor Ramos. All ayes. Motion carried.

Public Comment

Becky Pearson: 167 Walnut St. There really hasn't been a lot of training for Planning Board and Zoning Board and the concern is it's been a year and people here have not had the training. I just had a Chair meeting the other night, it would be nice to be able to get that credit for those hours. If that's possible. The board can make those decisions. We had major discussions on this year and how people are dealing with training, not in training. The board can make a decision. We haven't had any training for Planning and Zoning Board members, per say. There might have been a few web things going on, but sometimes you're working during the day and you can't be on. The meeting that I was in, the State attorneys were also there and said that the Village Board can either find a way for you to get training or they can also just for this year, they can null and void any training that needed to happen.

Mayor Taylor: I thought they were going to do them online.

Trustee Moore: My question was if there was any guidance that came down from the state regarding us being able to do that. Everything has been online. I was looking out for the training credits that both boards would need.

Attorney Donovan: To the best of my recollection, I don't have it in front of me. I believe that the board can waive the requirement at any time. Notwithstanding what we're going through now. I believe you have the ability to waive it for this year. I'd like to take a look at the statute because there may be some self-taught options.

Becky Pearson: We have had training from your department before. So, it is possible but this year is almost over, so just kind of trying to waive that for this year for people and I'm not opposed to having the attorney to come and do training with us at all. It was actually really informative. I just wondered if you would okay the 2 hours that I was on the other night at this meeting.

Trustee Moore: In order to get the link to be on it, you have to register.

Attorney Donovan: Isn't it self-reported?

Becky Pearson: You have to get a paper that you have to turn into the Clerk.

Attorney Donovan: Sometimes you get that. I think you can just submit saying that you participated in x, y and z to satisfy my hours.

Becky Pearson: I was always told that you have to have that certificate to turn into the Clerk so they have to proof that I went.

Manager Revella: The Village has done that, but not sure if that's an internal rule or not.

Attorney Donovan: I can check and come back to the board at the next meeting.

Mayor Taylor: In other words, it's a Zoom meeting and you have to be present. It's not something that you can go on going to do any time.

Becky Pearson: The meeting that I was on was Zoom. The web pages you don't always get credit on.

Trustee Moore: The Federation, normally, the classes that we put together have all been in-person classes. We have not gone to, other than the Chairs meeting that we hosted, that was online. So, we have not done any online education for the credits that the Federation normally does. We have sent out webinars to take advantage of, which we've always had access to as well and each one of those webinars have their own requirements as to what kind of credit you can get and how you can get that credit. So, I can't speak to that. But we have not held any for credit classes through the Federation. I would be in favor at taking a look at waiving credit for the Planning Board and Zoning Board this year. If our attorney wants to just take a look at the statue for the next meeting. As well as giving credit for those two hours for the Chairs meeting.

Trustee Thompson: If Covid continues into 2021, I don't think we can go for another year without people educating themselves about the boards that they sit on. I'm finding it a little hard to believe that there was nothing offered anywhere this year for people to do self-learning modules, online modules, things you can mail in. I do know there's been a ton of webinars. I've done a ton of them myself. I do agree with Becky that some of them were during the day. So for people who work, that is difficult, but they also have things in the evenings. With everything that happened this year, I'm not totally opposed to waiving it for this year. But I think we need to make provision for 2021 if Covid continues. The people sitting on these Boards have to find a way to fulfill their responsibility to their board.

Becky Pearson: I have to say that some of those webinars are not even pertinent to what you're doing on the board.

Trustee Thompson: I try to go to all the Zoning and Planning Board meetings and I've taken classes that I don't have to. So, I know there are things out there and I know people were very preoccupied and very stressed and up to their eyeballs in Covid. But Covid could be continuing into 2021.

Becky Pearson: If we have our attorneys do the classes for us and we pay them anyway. The one we had was very, very good.

Attorney Donovan: To just address Lynn's point. Going on the NYS Dept. website, frequently asked questions, classroom setting, Traditional classroom style training is just one method available. Training could also include distance learning, videos, onsite demonstrations.

Becky Pearson: Do you have to send credits in?

Attorney Donovan: I think the easiest way to track has always been by default. Get your certificate, turn it into the Village Clerk. I don't think there's any problem or objection, if you wrote in and said that you spent two hours on Case Law University Web site. I read the following three articles about the Planning Board process.

Becky Pearson: I don't follow have a problem with that. I would like to hear about the special assessment.

Manager Revella: I don't think there is a decision being made today. It'll be discussed at the next meeting if it's on again.

Becky Pearson: Has there ever been a public presentation and plan for the Community Center?

Manager Revella: We are finalizing the plan so it could be bid.

Becky Pearson: Will we then have a presentation on what it will look like?

Mayor Taylor: Once the plan is finalized.

Becky Pearson: Halloween. There is trick or treating in the Village of Walden?

Mayor Taylor: Trunk or Treat was canceled. There's trick or treat and a Drive By. Right now, the CDC recommendations are that there be no trick or treating, no trick or treat. Those are the CDC recommendations. So, we decided to do the Drive By at Olley Park and for parents who want to adhere to the CDC regulations and not have their children go out door to door.

Becky Pearson: So, door to door is on?

Mayor Taylor: If parents want to take their kids out. If parents want to adhere to the CDC recommendations, we have the Drive By. The candy will be prepackaged. There's volunteers that are going to be there.

Becky Pearson: Then the police will be out there with glow sticks down in the square, everything's going to happen like it happens every Halloween?

Manager Revella: We will prepare for what we need to prepare for. But we can't tell people that they can or cannot trick or treat. Whether they participate or not, that's on them.

Mayor Taylor: There's a lot of parents that are concerned and are not going to allow their children to go door to door. Some people have sided with neighbors. They live in a little cul de sac. They're going to turn their lights on. Those children will stay at those houses.

Becky Pearson: But when all the other Villages don't have trick or treat and they all end up in the Village of Walden.

Mayor Taylor: I don't know of any Villages that aren't having trick or treating, as of yet.

Becky Pearson: I think the Village Board can make those decisions. Plants on Main Street. The beautiful mums that are put out every year and spend a lot of money on and then they're dead. To me, why don't we invest in fake mums and put them out every year. I know that they're fake, but for the money that you waste and spend, unless you're walking by, you don't really know they're fake. The square has dead mums in it already. Or don't put them out at all. Just do the pumpkins and the hay bales. I think it's really a nice gesture.

Dan Svarczkopf: 64 Valley Ave. Recently I've been realizing that the garbage company, when they come through, they leave large amounts of garbage on my street. They're dumping it out and then not getting it all in the truck. Congratulations to the new Trustees. Before I left as a Trustee, I received a concerning email from an anonymous email address. *Read email into the minutes*.

Mayor Taylor: You received that as a board member?

Dan Svarczkopf: Yes. I didn't see a legal issue with that.

Attorney Donovan: There's an allegation and it's not typically something entertained at a board meeting.

Dan Svarczkopf: My point in bringing it up is as board members, we do need to make sure that we're behaving as board members. If we don't and we sit by and watch it happen, you're essentially saying as a board that it's okay and that you're okay with it. Yes, it is an allegation. I think with that, I tried to get the police report and it's still under investigation, so it's not FOILable, yet. I encourage the board to try to look into it. If you do get it and turns out that is true, I believe that an Ethics review or censorship would be appropriate at that point. Just so that you tell the public that that behavior is not okay.

Mayor Taylor: On that note, we do have an Ethics Board and from time to time, they do make recommendations to the board. Are those recommendations and findings FOILable?

Attorney Donovan: Final determination by the Board of Ethics is something that is public document.

Mayor Taylor: Does it have to be FOILED?

Attorney Donovan: I would encourage it to be FOILED. Just so there can be a vetting as to whether or not there are any of the exceptions apply. Such as unwarranted invasion of personal privacy. Information that could be redacted.

Brenda Adams: 31 Valley Ave. Even though trick or treat isn't a Village sponsorship, you do put out the hours that you allow it, which is usually 6-8. Is that going to be the same time as the Drive Thru?

Manager Revella: The Drive Thru is 4-6.

Brenda Adams: You usually make an announcement.

Manager Revella: We had not made that public announcement because we were concerned what the governor was coming back with as announcements for the zone. So, we were holding off.

Mayor Taylor: And that can change at any time. Right now, we know what the CDC says. He said

he wasn't going to cancel it. But given the fact that numbers are rising in Orange County, that could happen. So, everything is still fluid.

Brenda Adams: Can the Village just recommend not having that?

Mayor Taylor: We can post the CDC guidelines.

Brenda Adams: Community Council, we've been asked to donate candy towards the Drive Thru. I'm trying to decide. I don't want a ton of candy that I'm not going to have or use. That's what I'm trying to figure out. What's the big plan?

Mayor Taylor: The plan is we follow Albany. Right now, there's nothing that says that people can't take their children door to door. There was a good amount of concern for parents, and that's why the Drive Thru was created. What other people choose to do is really up to them. All we can do is say if you're going to allow your kids to trick or treat, maybe between six and eight.

Brenda Adams: Trunk or Treat was great last year and I know there was hopes that we could expand it to a bigger event, hay rides, fireworks. That would have been nice to replace trick or treat, so that the kids aren't out on the streets and they're all in one place. The police can control the traffic. I know you mentioned to Becky that you're going to do the discussion for sewer special assessment. I hope your discussion will include who it is that you're going to assess, residents or a particular business or particular section in the Village. When I was at Ramapo Catskill Library System, the Town of Wallkill had water and sewer in front of the building. They still had their ell and septic system. They chose not to join in the beginning. But because the water and sewer was available, they had to pay an assessment fee every year on the footage in front of the property. It was like a thousand dollars for that one. They collected money because it was available. Not necessarily because they were using it. Later on down the line they did join the water system. Then that assessment went away and just started paying water bill like you always do. At this point, they're still paying the assessment on the sewer because the septic systems are still working. That's a thought on that. The request for temporary relief. Maybe they can contribute rather than use or not.

Action Items

Leadership Day

Manager Revella: Every year, there is usually a committee formed the board decides what day they want to conduct Leadership Day. I think it can still be done with social distancing.

Mayor Taylor: Is that something you can do virtually? Kind of diminishes it.

Trustee Moore: In my professional capacity, we're actually doing an event like that next week. We planned it, limited the number of people that can come to 50 and then are posting it online through Zoom so those that cannot attend in person can still watch. I think that that's a good backup for the times that we're in now. I think we could still hold it and have that virtual option in conjunction with the hopes that maybe we don't need to that we can 100% in person by then. And worst case scenario, still do completely online if there can't be any in person. I would be in favor of setting it.

Manager Revella: We are looking at January 7th.

Trustee Moore: You could have prepackaged cupcakes or something that everybody can take a box with cookies in it.

Becky Pearson: Could we have it in a bigger place?

Manager Revella: We could talk about getting another facility. The only other bigger place than here, right now is the firehouse. We could always ask.

Mayor Taylor: What is the regulation right now?

Manager Revella: 50% capacity of this room. Almost 160 people.

Attorney Donovan: I think its 50 people or 50% or whichever is less.

Trustee Moore: I think it depends on what kind of facility it is.

Brenda Adams: The concept of the individual food is good, except that that food is all donated by members of the Community Council. That would be money that we would have to put out to offer the food. Otherwise, we either go shopping for some cookies or we bake.

Manager Revella: If it's only 50 people, it's not too expensive.

Trustee Moore: Is the rule that it can't be home cooked? Or is it that it can't be put out where you're having people gathering around to grab?

Mayor Taylor: I think it can be packaged.

Manager Revella: It's better to have from one source and that one source is handing it out.

Trustee Thompson: I just participated in Climate Smart Expo at Benedict Farm Park and our bakery here provided the refreshments. She had individually wrapped cookies. They were lined up and you took what you wanted. There was very little chance for contamination. But I agree with what John said. That way, if there is a problem, if the food is all coming from one source and it's easier to figure out if there is an issue.

Veterans Day Park Use Request

Trustee Moore made a motion to approve Veterans Day Park Use Request for November 8th at 11am. Seconded by Deputy Mayor Ramos. All ayes. Motion carried.

Intro to Local Law 5 of 2020 – Zombie Poles

Tabled

Discussion – Sewer Special Assessment

Manager Revella: We've been discussing our I&I issues with the sewer plant capacity and with new users that want to come in and how we can handle offsetting capacity issues. The idea was potentially the special assessment, Dave can talk a little more on it.

Attorney Donovan: The idea behind is, Lanc and Tully would develop a protocol for how we want to address our I&I issues, get some sort of cost analysis and then try to develop some type of assessment. Who will pay that assessment becomes a little bit of an issue, because it's easier to say if you are an outside Village user and you want to come in to the Village, this is the cost of coming into the Village. It's a little different to someone who has an undeveloped property and wants to develop, he/she's going to pay what an existing owner is not. Then if you want to fill everyone in the Village in, in difficult times to pay an increase to address the issue. With speaking to the Manager, this is an issue that needs to be addressed and try to find a way to raise the funds to pay it.

Manager Revella: Right now, for new users, makes sense. You want to come in, you have to help

us with our capacity issue.

Attorney Donovan: I just need to make sure that we're square on this new in Village users versus extending services outside of the Village. I need to be more clear that if we can discriminate, if that's the right word, between in Village users. I don't know if Lanc and Tully has developed a protocol of what it would cost to address the issue.

Mayor Taylor: Can Lanc and Tully give us something more in-depth information about, what it was, how they figured out, how it works, so we can have a more in-depth discussion at a later time?

Manager Revella: If not the next meeting, the following meeting.

Becky Pearson: The sewer assessment, is that in relationship to annexation properties?

Mayor Taylor: That is what we're getting the information for from Lanc and Tully. What they set up before and how they have done it, how they differentiated from in Village, outside Village.

Becky Pearson: Instead of hooking up to our sewer, is that what you're saying?

Mayor Taylor: There's different ideas about how to do it. That's what we're asking Lanc and Tully to prepare for us so we know what options there are.

Attorney Donovan: If Lanc and Tully can identify for us what the cost of the fix is and we can figure out who should bear that financial burden and what's the best way to raise the money.

Becky Pearson: I watched the Planning Board meeting about Amthor's and he doesn't think he needs to hook up, doesn't want to, thinks he's grandfathered in. He has a year from the beginning. And then you have another year that you can give him, if you choose to.

Dan Svarczkopf: Was a suggestion there that only new properties pay towards the upgrade to the sewer plant?

Manager Revella: The new users would offset the cost of the I&I issue of capacity. That's the idea. I don't know if we can do it or not, they're going to look into that.

Amthor Project – Request for Temporary Relief

Tabled

Payment of Audited Bills

Trustee Moore made a motion to approve Payment of Audited Bills. Seconded by Deputy Mayor Ramos. All ayes. Motion carried.

Correspondence

Trustee Thompson: I received the e-mail that was read. I also received a very informative text from Rebecca, in regards to the program that the police department is interested in for the accreditation.

Mayor Taylor: I've received the email and the message from Becky. I haven't finished it yet.

Miscellaneous Comments from the Board of Trustees

Deputy Mayor Ramos: Mayor, I would like to thank you for your confidence in me. Hopefully, I will fill the shoes from my past Deputy Mayor. Thank you for your confidence.

Trustee Moore: I just want to give a shout out to our fiscal manager, Kelly Kelly, on the reports that she got into the State and our status of our fiscal side. We are in much better shape than a couple years ago.

Executive Session – Discuss History of Particular Person, Attorney Client

Deputy Mayor Ramos made a motion to enter Executive Session to discuss history of particular person and attorney client matter. Seconded by Trustee Moore. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
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Motions & Resolutions**

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