

**Village of Walden  
Board of Trustees Regular Meeting  
February 16, 2021**

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:	Mayor:	Susan Taylor
Present:	Deputy Mayor	John Ramos
	Trustees	Brian Sebring
		John Elliott
		Willie Carley
		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 – Public Works Superintendent**

**Mayor Taylor:** We had some people questioning the way we plow, the way things are done, if you could just go over what you generally do with the DPW in a storm situation that might help.

**Superintendent Perna:** I have a little explanation and some questions that we get from phone calls that we answer. To prevent narrowing of roads, the plow doesn't push the snow back to the curb or as far to the curb as possible. This snow berm is the new curb line. The next time that it snows, the new snow berm moves further down to the street. The snow berm is too far from the street, is going to impede traffic, make it difficult for emergency services to respond and cause longer response times. This can cause flooding issues when the temperature rises and black ice on the sides of the road. Some of the phone calls we get are "why can't you plow my street now?" We wish we had enough snow plows and drivers to get every right away, but our resources are limited and so we must adhere to careful, laid out systems for clearing the streets. If we allow the plows to divert each time a special request was made, our system would be destroyed and would take far longer to get the streets in the Village cleared. To keep our snow removal operations effective and efficient as possible, plows are permitted to deviate from their assigned routes unless emergency services need assistance. "Why do we abut the corners?" Corners are abutted to allow turning radius of vehicles and emergency vehicles when there are multiple vehicles at intersecting streets. Intersecting street corners may be butted to the corner to remove the one row at the intersecting street. The plow driver must try to split the wing row to the opposite corners as long as it doesn't impede on oncoming traffic. "Can you tell me exactly when my street will be plowed?" Under ideal circumstances, we can't fairly predict accurately when we will have the streets in various sections of the Village plowed. As weather conditions change, we often must alter our snow fighting strategy in the midst of the snow removal operations. In order to keep drifting snow, ice or other special problems, we cannot give you an estimate of when your street will be cleared due to the ever changing weather conditions. "I shoveled my driveway. Why did the Village snow plow push the snow back on it?" When plowing the snow may end up in the driveway. We apologize for the inconvenience this caused you. If your schedule permits, you may want to clear your driveway after the plows pass through your street and the Snow Parking Policy has been lifted. If a significant snowfall, the plows

will probably be back more than once. Streets are typically opened up with 2 or 3 passes during heavy snowfall so that streets can be made passable for drivers as soon as practical. Snow plows may return to the streets, curb the curb. This is done to clear the area of the on street parking where permitted, to allow that melting snow to drain into catch basins. You may find some of this snow you recently shoveled back into your driveway again. Usually what we do, it takes about 4 hours to plow a snow route. Every driver has a route from beginning to end. We don't alter from that. Like I said, unless an emergency service needs it cleared. We start plowing when 2 inches falls, so that the cars are off the road. When a snow emergency lifts, we usually do our last round of salting. We try to tell people, you don't have to leave the house if you could leave 3 foot of the snow there and we plow down the road, it's not going to push into your driveway. It's going to push past it and into the driveway that your neighbor just shoveled or further down the road. This practice common with most Municipalities. I researched and looked online and talked to other Superintendents. It's nothing new. We've been doing it for years.

**Mayor Taylor:** What I heard after the last big storm, was that 3 hours after someone cleared their driveway. The plow came through again and as many times as I try to explain about the curb to curb. That we have to clear the snow to allow cars to park, if parking is allowed on that street or if we don't, then they're out in the street and traffic is impeded and the ability for emergency vehicles to get down those streets is compromised. Is that a correct statement?

**Superintendent Perna:** Yes, it is. It takes us about 4 hours to go through the Village once. So, if it's still snowing, we could say, 6 inches of snow and we go out in 2 inches and its falling 1 inch per hour and it takes us 4 hours to do one route. Once we go back, by the time the plow driver gets to the end of his route, there could be 2 inches all the way to half of his route. So, he goes back again. The idea is to clear the road of all snow and get it back as far as possible. Then we're not wasting salt. We're not playing with salt. That costs quite a bit of money to do that. We're not trying to inconvenience anybody, but we are trying to get the snow back as far as possible. If you're at the end of the route, chances are you shovel, it's going to get pushed back in time and time again. The snow storm we just had was different circumstances. We had guys out from water and sewer. We had a large water main break and had to split the crew in half. So, now it's taking what it would take plow driver to do 4 hours for one route, it's taking them 8 hours to do two routes. Yes, they probably shoveled a lot if they were shoveling. That's why they say, in a State of Emergency, try to stay at your house and just leave it. If you can leave that 3 foot at the end of your driveway when we're plowing, it's going to pass you by. We don't mean to do that. We push snow. We're not trying to inconvenience anybody. We're trying to clear the streets and make them safe.

**Mayor Taylor:** I know people get upset about it. We had one resident who made a comment that the plow went by and his wife was standing towards the end of the driveway and the snow was coming. I guess my answer would be, don't stand at the end of the driveway if you see the plow coming. They can't lift the plow to miss certain driveways. I don't know how else to explain it. I know people get upset about it. But you have to clear the streets.

**Superintendent Perna:** That's the thing of it, when the storm is coming to an end, you have people that pull their car out in to the street and clean them off and clean their driveway and leave them parked there. Now, I receive calls from drivers. Sometimes we've got to call the Police Department and you'll have 5 cars in the in the road. Now, you're holding up that plow driver for 20 minutes to a half an hour. Then now it's taken 4 and half hours to do that route. By the end of the route, every driveway is cleared and we've got to push it back. If we don't push it back, you're going to have flooding, ice in the road. You're going to have your curb be towards the center of the road. At times we've had it after the whole storm is done, we have to send out the loader because if the streets are too narrow, we'll send out the loader not to inconvenience anybody, but we're trying to widen roads so the motorists can get through and emergency vehicles. We don't mean to upset people, but we

live where there's snow.

**Trustee Thompson:** I had a resident complain the other morning that the street actually didn't get plowed as wide as it should have. He was hoping maybe they'd come back at some point. He was out there with a wheelbarrow cutting back. Is that something they routinely do? Drive around the Village and see if there's a spot where maybe they need to come back around several days later?

**Superintendent Perna:** At times we do. We had some circumstances that were pretty hard we dealt with. We do that on Valley. We removed all the snow on both sides. For the school removed the snow to the curb. You're talking manpower and time. Plus you got to dig out the basin. So, when we have like right now, it's warm and the snow is melting. You have to dig out the basins. We didn't even get to the basins yet to dig them out. It's all time and manpower. We try to do the best we can. Like you said, when you're going to get a lot of snowfall, you just try to widen up the streets, maybe 2 or 3 passes. You're going to 4 feet. Now you have to go back with snow on top of that. Even the big trucks can't get it pushed back, so we'll send the loader out. You do have people that say don't put it on my sidewalk, don't put it in my driveway, but your neighbor wants to push it all the way back to the curb. You're not going to make everybody happy and we're not trying to inconvenience people. It's the nature of the beast.

**Trustee Thompson:** If a Village resident has a particular complaint, the best thing is to probably just advise them to call the Village office and John Revella can reach whoever he needs to reach to take a look at a situation, correct?

**Superintendent Perna:** I would think either John Revella or myself. John will just call me and then I talk to him about it. Usually they'll call my office or the secretary at the office. If we have time, we'll do it. If not, it has to wait. We're looking out for the safety of the people, because then you have to go out and do corners. We try to remove snow from corners and we have different areas that we need to remove the snow to make it safe.

**Trustee Carley:** What is butted?

**Superintendent Perna:** The corner, when you go to intersecting streets, you'll have a wing row of snow, just a small one, maybe 2 foot wide and you try to push it to the corner and you try to push the snow to the corner, so when the cars are making a turn, they can do it safely, because you have 2 or 3 cars making turns. Just like at the school. We had a lot of complaints because we couldn't get the corner pushed back far enough or butted. We had to go remove the snow. But we can't do that until there's a process. Some people don't realize that we have different areas we have to clear first. The parking lots, the Village Hall, before we even get to that point. There's a process we do and we try to follow that every time unless there's an emergency. Then John will contact me and we'll change things up.

**Mayor Taylor:** Thank you, Fred. I don't know if this explanation is going to help because it just seems like as long as people have lived in the Village and you have to change certain things up, routes.

**Superintendent Perna:** I understand. We have families and relatives that live in the Village and then after we're done, we have to do the same thing is clear our own. After working 20 hours, you go home and it snows above your mailbox. I get it. You don't like it, but its part of it.

**Mayor Taylor:** How many hours did the guys work for the last storm?

**Superintendent Perna:** We came in on Sunday and we didn't rest until Wednesday, around

noontime, we left.

**Mayor Taylor:** The guys take breaks as they can to eat?

**Superintendent Perna:** We did what we could.

**Mayor Taylor:** Thanks for doing a good job. Back in the day, I did ride in one of those plow trucks and it wasn't fun.

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

**Manager Revella:** Treasurer and I went through billing and the budget for the new budget. Gone through with Special counsel on some personal matters and negotiations. Did some follow up items with the Deputy Clerk and the Clerk for coverage. Went through the Rec Coordinator spring activities list. They are every other Wednesday right now. They will have tennis this spring and flag football mid-season. Did have a conversation with the Town Supervisor regarding the Ambulance District and grant writing. We'll have some more discussion on that coming up. Went over our sewer funding and had a nice conference with DPW Super and engineer over funding sources and what we need to get to where we need for the EPA in DEC standards. Went over some civil service and worker's comp issues with our workers comp rep and county human resources. Had a couple of conferences with the Mayor, Trustee Thompson and Deputy Mayor Ramos on some different Village matters, including some Code Enforcement things. Went over snow removal and some water concerns with DPW Super. Had a couple of breaks in there. Snow removal was challenging. Went over the Community Center updates with the Rec Coordinator and the engineer. They should have the final plan back to us shortly so that the Board can put it out to bid. The upgrades to the Scout Cabin are pretty much done on this stage. We'll go to the next stage soon depending on the budget. We try to keep it low. Building Department has been working on permits, municipal reports and they did get some snow violations out there. It's hard when there are storms back to back, because if you violate somebody 24 hours after the storm and then it snows again within 24 hours, it's kind of hard to get there and clean it up before the next storm comes. They get back to back violations sometimes and try to be mindful of that and consider the residents as well, but also the people that are using the sidewalks. We try to balance. That's a tough balance sometimes. Clerk's been working on postings and social media updates, filed election certifications. The Treasurer's putting the final touches on the proposed budget. Going over with the Department Heads now. Working on grant sources as well and working on numbers for the audit from the state and federal grants that we had. It's a special kind of audit. Also working on the fringe benefits from the state regarding our health insurance increases and retirement increases, we're going to have to cover. Updating rehab loans. There was a couple more approved since last time. I just got another one in last night that will be set for this week. As you know, during the snowstorm, they had a big water main break on South Montgomery Street. Had another one on Sunday on Pine Street. Not nice to have all that overtime, but they're there whenever we need them, so thankfully they answer the call. DPW is working on pricing also for the upcoming budget for different projects and vehicles. Flushing and jetting the sewers. The Police Department from the Chief, they did set up some DOT checks, they have a couple more set up. When the weather permits we'll start doing some more special details and also depending on staffing. He did update some policies for us and we'll be reviewing those at the Police Reform meeting as well. We did review a sewer issue with the attorney from 140 North Montgomery Street and filings for county annexations in that process. We also have an issue on tonight's agenda, a request from the Amthor property as well that Dave reviewed for us.

**Trustee Thompson:** The sewer cameras. I saw there were some invoices with some pretty big numbers for camera repairs. What is that all about?

**Manager Revella:** That's not even a tenth of the cost of a camera. It's maintenance. I think its 8 years old now. It's not a camera-camera, it's like a robot camera that goes inside the sewer lines. Remote control, has a big tether line. Comes with a computer casing. Has its own trailer and it actually crawls through the pipes to camera them out and see where there are issues.

**Trustee Thompson:** That's something we can't anticipate or that's routine maintenance for that?

**Manager Revella:** Things broke that we had to get fixed.

**Trustee Thompson:** Snow removal, why were there some properties that the Building Department was not aware that they were abandoned properties?

**Manager Revella:** Sometimes they're just not on the radar, for whatever reason, they have active water/sewer accounts. There may be usage there because it could be running water and we don't even know. There's a bunch of criteria that have to be met to get on the abandoned property list.

**Trustee Thompson:** If a house is vacated with no one living there, there's no flag that goes up, like with the water and sewer billing?

**Manager Revella:** No. Some people don't use that much water, especially if they're living alone. You have to use over the minimum threshold in order for us to get a bill over the minimum bill. A lot of people actually don't do that. You'd be surprised. Sometimes we see this guy has a minimum bill, is his meter broken? We look and no, they just don't use that much water.

**Trustee Thompson:** I'm assuming that courtesy of this lovely snowfall, there's now some properties that we've picked up on that are abandoned properties. Correct?

**Manager Revella:** They may or may not fall under the criteria of our code for abandoned property, but we did note them to look into that.

**Trustee Thompson:** There was also an incident where some sidewalks weren't cleared because they did not know there were sidewalks there.

**Manager Revella:** There are personnel still learning the Village.

**Trustee Thompson:** Okay. How many meetings do you recall that we talked about dog excrement in the Village?

**Manager Revella:** 4 or 5 meetings back then.

**Trustee Thompson:** I have reported a few properties that are really over the top disgusting with dog excrement. I don't believe it's taken seriously and I don't believe that the owners are being cited for this. It is not snow covered.

**Manager Revella:** There's excrement on top of the snow?

**Trustee Thompson:** Everywhere. Sidewalks. Snow. Driveway. Everywhere.

**Manager Revella:** It can't be on the sidewalk, that's automatic.

**Trustee Thompson:** It's very frustrating because it has been called in and nothing happens. I'm just letting you know.

**Manager Revella:** They may have been cited. I'll check to make sure.

**Mayor Taylor:** I have been getting calls and messages about Main Street potholes. Trying to explain to people that because a roadway is within the Village limits might not belong to the Village. On the corner of Main and Ulster. I know we call the state constantly to come fix potholes on route 52 especially and the one that goes to Main Street. I know that we've put patch in those areas and gotten chastised for it because it's not our roadway to take care of. Are we on the phone with the state again about these areas? Do we know when they're going to address those?

**Manager Revella:** We keep them advised. Just so you know, the DOT paving schedule has Route 52 on for this year from the Village border from the Pine Bush direction through the last pave towards Newburgh. We should be covered finally this year on 52. 208 we don't have a time frame yet. We were told it was supposed to be this year. It got taken off the list when funding got cut. We're trying to find out when it will be on again. But that does include 52, that section you're speaking of.

**Mayor Taylor:** But that doesn't help in the winter when we've got these potholes. People are complaining if there is a little bit of snow on the ground that fills in that area, you don't know it's there sometimes and you're running into it. I wanted it on the record that it is a state road, we call them, we tell them about the issues and it's up to them to repair them.

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

**Mayor Taylor:** Getting the word out to Village residents when there's a change in the garbage and recyclable schedules. I understand a snow storm, people still put their garbage cans out, now they're covered with snow. The garbage isn't picked up. The one day they picked up garbage and recyclables. What do we do to try to get the word out? Do we put it on the Village website? Is it always on Facebook? I don't know how else to communicate to people. When does the garbage company make that decision that they're either not coming to pick up or that they've changed their schedule? Are we diligent in getting it immediately on Facebook, on the Village website?

**Manager Revella:** We usually post it on those 2 places as soon as we're aware. Sometimes it's not too much notice because they try their best to get as much done until the road conditions are absolutely impassable. The last snowstorm, they were actually here when it was snowing and got as much as they could before they just couldn't go any more. They were sliding. They were hopeful they could get it all done before the snow was too bad, but they couldn't and had to leave. As soon as we knew, we let people know that they wouldn't be continuing. We try to give them the notice as soon as we get it.

**Mayor Taylor:** Have they always been in the Village or had there been occasions that they just decided they're not coming and called you?

**Manager Revella:** They usually email all of us in the office. Which includes the Clerk, Treasurer, myself, the Deputy Clerk and the Assistant. Most of us can read that from anywhere. As soon as we get it, we'll try to post it.

**Mayor Taylor:** There's always "they missed my garbage", "they missed my recyclables". I know sometimes cars are parked and they can't get to the bin. But there just seems to be more complaints than usual about garbage/recyclables being missed.

**Manager Revella:** We have a new Route Inspector that started a couple of months ago that we tried

to get on all the complaints and we do forward those as soon as we get them and we keep a log of it. We have it in all of our emails because we copy each other on them as well.

**Trustee Baker:** Is it handled differently for commercial properties, a dumpster that's within an apartment building versus an individual house? Where I live, we have a dumpster and they missed us 2 weeks in a row. The company itself was contacted multiple times to which there was no response from them. Does the Village get notice from them that they aren't picking up from commercial, are they only notifying of the residential portion of it?

**Manager Revella:** It would be the same time, like the same days. They're not here for residential. That wouldn't be for commercial. In any commercial complaint for which should also come to Village office. They shouldn't call the garbage company directly. We would let them know at that time if there was an update from the garbage company.

**Mayor Taylor:** What happens if the garbage company goes to do a pick-up, either residential or commercial, is it up to the building owner to make sure that that dumpster is accessible, so the truck can get in there and pick the dumpster up?

**Manager Revella:** They do try themselves to do as much as they can to get in there, but it is up to the homeowner or the landlord to make sure it's accessible.

#### **Approval of January 19, 2021 & February 2, 2021 Minutes**

Deputy Mayor Ramos made a motion to approve the January 19, 2021 minutes. Seconded by Trustee Baker. All ayes. Motion carried.

Trustee Sebring made a motion to approve the February 2, 2021 minutes. Seconded by Trustee Thompson. All ayes. Motion carried.

#### **Action Items**

##### **15 Walden Estates Road Easement**

**Manager Revella:** We had the discussion last time about the easement. Dave was able to draw something up that seems to cover us and all the bases that we discussed that last time, including if there was a need to remove the fence where it's placed, the cost would be on the homeowner. I did discuss it with the homeowner before the meeting and they are okay with that. As long as the Board is okay with the language. It does incorporate all of the comments from the board from last time to make sure that we're not bearing any that cost for removal or maintenance of any of the fence if there was a need to remove it.

Deputy Mayor Ramos made a motion to approve easement agreement for 15 Walden Estates Road. Seconded by Trustee Baker. All ayes. Motion carried.

#### **Discussion – Annexation Process**

**Attorney Donovan:** An overview of the process, here's the way it works. I should start out by saying the process is statutory. It's in Article 17 of the New York State General Municipal Law. Different sections, they call out how exactly the process works and annexation starts, either the 2 Governing Municipalities, like Town of Montgomery and Village of Walden. We could decide to annex property from the Town to the Village. Alternatively, there can be a petition presented. The petition must be 20% of the residents or the owners of the property. That petition has to have a certain format. It has to be presented to both the Town and the Village within a certain period of time, 20 days after it's submitted, unless the party agrees to extend it. There needs to be a joint public hearing between the Town and the Village. State Environmental Equality Review Act process needs to be followed as well. The law provides that within 90 days, unless there's an

agreement to extend, within 90 days there is determination made by the Governing Municipalities whether or not to grant the annexation. The Governing standard is whether or not the annexations and the overall public interest. What's in the overall public interest will be determined on a case by case basis. That's the front end of the process and if the Boards agree that the annexation is in the overall public interest, the annexation resolution, which has certain findings that are required by statute, is then filed in the office of the Town and in the Village. If there are residents or inhabitants in the area, people live there, there has to be a vote and that has to be approved by the voters. If there is a vote, there is a local law required. That local law then without a public hearing is adopted after the election results are approved. There can be litigation, but we'll leave that to the side. \*Read Section 717 of the General Municipal Law\*

### **CSEA MOA**

**Manager Revella:** 2 things. One is I hope everyone's had a chance to review the MOA. That is the terms and conditions that the committee had agreed to with the CSEA members. One is just to make sure the Board gives me permission to sign the MOA. Second part is kind of a little more complicated. That the Board approves ratification of the MOA pending the CSEA's ratification.

Deputy Mayor Ramos made a motion to accept the CSEA MOA. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Ramos made a motion to give Village Manager permission to sign ratification pending CSEA ratification. Seconded by Trustee Carley. All ayes. Motion carried.

**Mayor Taylor:** Thanks to the committee for the job they did on this. Much appreciated.

### **Walden East Water/Sewer Connection Extension Request**

**Attorney Donovan:** They have a certain period of time to tie into the water and sewer pursuant to the land use agreement that we signed last year. They are asking for an extension of time.

**Mayor Taylor:** When did this have to be completed?

**Attorney Donovan:** That is an item I prefer to discuss with you while giving legal advice in attorney client privilege session.

**George Lithco:** What's been represented to you in the February 12th letter from Marissa Weiss, is that we are in the process of working with the contractor to move forward with the water and sewer installation. But that's going to require a little bit of time to actually accomplish. To give you a brief update on what has happened, there obviously has been the annexation. Once we were in the Village, Mr. Stickles had some issues which we've been working on to correct. I understand he was out there in January and identified some things that he wished to be addressed. He was out there, I believe, last week and apparently things are moving in a positive manner and the property has got some things that he wants addressed. Overall, we seem to be coming into compliance. It's taking a while because of the weather, but we have been working on it. The other thing that's been happening is the contract that the Orange County Transit has been at the Planning Board. My understanding is they were there in the summer. They submitted applications of the plan. They're working with Mercurio-Norton to develop a plan for the water and sewer connections. That's been incorporated into the site plan for the property. My understanding is it's been resubmitted to the Planning Board. It's also been submitted to the involved agencies so they'll have to approve water and sewer connections, as well as the DOT. Which has jurisdiction, because there's a couple of crossings that have to be made. There's been a fair amount of activities taking place to date. They're still with the Planning Board. From the sound of things, will be a few more months before that site plan is approved. I assume there will be more than one or two conditions that have to be addressed.

Some of those conditions will require the other agency approvals for the water and sewer, the Health Department, DOT for the road work and so on. We're not representing Orange County Transit at the Planning Board. Possibility of site plan approval over the summer. That would then put us into a place where we would proceed forward to get the other agency approvals and then could begin construction of water and sewer. In all likelihood, it's going to be probably closer to winter before those approvals are in place. We will need an extension and the question is how much of an extension is the Village thinks appropriate. We're looking to be in a position where we could complete the water and sewer connections, with all approvals in place probably by September of next year. Due to the fact there will be a winter in between and there's just so much uncertainty with the situation with Covid. We have been moving forward. We've been working on the property to bring it into compliance. Orange County Transit is working with the Planning Board to make sure the water and sewer connections are incorporated into their site plan. Then we have the uncertainty of the Health Department schedules and all the agencies are taking much longer than they would before the pandemic struck.

**Mayor Taylor:** I'm going to assume since the annexation was completed in February of 2020. It's now February of 2021 and you just came to the realization that things are taking longer, Covid has had an impact on everything. You think that would have become apparent, May, June, July, and August. Your tenant, Orange County Transit, came to a meeting in the fall and basically told the Board that he suspended all of his activity with the Planning Board because of Covid and our Planning Board never stopped meeting, never stopped doing their due diligence. He stopped doing his. He's been a tenant there for a long period of time, we've known that there are issues with that property. I'm surprised it's taken this long for anybody to do anything to try to get him into compliance and work with our Building Department and the Building Inspector. I'm just gob smacked that all of a sudden the light came on, were supposed to get this done in a 12 month period, the 12 month period is up and here you are on February 16th. Now we need an extension. The annexation was done with Amthor, it had nothing to do with Orange County Transit.

**George Lithco:** As far as I know, that is correct. I would point out the annexation agreement was dated February. But the actual annexation took place when the maps were filed in the Secretary of State's office and that didn't happen until September. That's when the issue of whether or not the property was in compliance. I believe between September and January, there has been movement forward in addressing those issues. Before that it wasn't in the Village. It hadn't been consummated. After that it was obviously in the Village and that was the point at which we could actually make application and expect to connect. There is some separation there between the date of the agreement and the date of the actual annexation.

**Mayor Taylor:** That document that was filed in September, that was contingent on anything being done? What was the tenant doing in front of the Planning Board prior to that?

**Attorney Donovan:** I disagree with his position. The Village under took the position that the annexation was complete far before August of 2020. There was an application, there were things going on at the property. The Building Inspector was out there for a multitude of things going on. In my view, the annexation was complete, that's a ministerial act actually not even required. Given that there are no inhabitants, no election required. I just want to be clear, I disagree with the position that George is taking relative to when the annexation was complete.

**Mayor Taylor:** I'm incredulous because its 2 days before what I consider the deadline was to get anything done. John, have you received any correspondence from the owner of the property June, July, August, September, concerned that time is running out. I don't remember seeing any correspondence or hearing any anything from the owner of the property and that there really has been no movement to comply with the agreement that we came to back in February of 2020.

**Manager Revella:** The only other correspondence that we've had officially from anyone prior to this recent was in the fall, which you mentioned from the tenant that came to the Board meeting discussing the matter. That was the only other one that I'm aware of.

**Mayor Taylor:** I don't recall us entering into an annexation agreement with the tenant, is that correct?

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

**Mayor Taylor:** That's really a moot point because we were discussing his issues with what he's doing on the property as a tenant. I think this matter of annexation was between the Village of Walden and the current owner of the property, which I'm assuming is still Amthor. Here we are, 2 days before the deadline. First contact that I'm aware of that now they want more time. I'm wondering why. It's February and this isn't July or August. Covid really got on its feet in March. Mr. Lithco, I guess I'm asking you, what interests do we have in giving you any kind of extension?

**George Lithco:** The agreement says an extension basically would be in order if it turns out not to be practicable. Had you asked me in February of last year, I of said that it's possible, but if you ask me now, I would say that was unrealistic. The point is we are moving forward. We've taken all the steps that we can take. We're at the Planning Board. We can't hook up until we have Health Department approval. Until we have DPW approval. We can actually hook up the physical system until we have DOT approval. We need all those approvals to be in place and in order to get that in place, we need Planning Board. The Fire District couldn't get approval for its water and sewer connection within 2 years. It certainly should not be implied that this is a lack of diligence on the part of either Amthor or the contractor that he's working with to make those improvements possible. As to why, you have agreement, you have the annexation documents, which point out why it's in the overall interest to do this. Yes, might we have called you earlier? That certainly is possible, but we've been working on things, even though we have a goal to make the existing conditions better and to do the necessary groundwork that is essential in order for us to make a connection. We may not agree on it, but there is the question as to when the annexation actually took place such that we could move forward on it. I hope you understand that both the property owner and the tenant are trying to work cooperatively with the Village to accomplish what the annexation set out to do. Yes, we could have made the request earlier, but we've been doing things since then.

**Manager Revella:** If you can clarify for the Board, do you know when the Planning Board application was presented to the Village? I think it's helpful to know when the Planning Board application was presented, because you're saying that you have to wait for that approval before you can get Department of Health and Department of Transportation approval for connection, is that correct?

**George Lithco:** Yes. Orange County Transit filed an application with the Planning Board in July of 2020 to make improvements to the facility.

**Mayor Taylor:** Do you recall the meeting, when the tenant came and basically told us that he stopped any kind of correspondence or paperwork filing or anything with the Planning Board, citing Covid. And that's when I asked you if our Planning Board, Building Department ever shut down during the entire summer due to Covid and you told me no.

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

**Mayor Taylor:** I guess the tenant made a conscious decision just to stop generating paperwork,

filling out applications or doing his due diligence at the Planning Board. I'm not understanding how it's the Village's problem.

**George Lithco:** What I understand is they made an application in July. They have had communication with the Planning Board. They've revised plans based upon that communication. They've resubmitted the plans to the Planning Board. They've also resubmitted those plans to the agencies that will be eventually approving them once the Planning Board approval is in place so that they can do that. When you say stopping applications, maybe he has not been inclined to meet the Planning Board in person. I would point out we're not meeting in person either.

**Mayor Taylor:** It wasn't in person, wasn't by mail, wasn't by email, wasn't a call.

**George Lithco:** This is where I have a disadvantage because I became familiar with this project on Friday, but my understanding is there have been plans submitted. Planning Board has reviewed those plans. They have been revised to address the water and sewer improvements that are required and they have been resubmitted. I don't know how that happens without some communication back and forth. I do not know what your communication was with the applicant when you had the discussion in the fall. I'm reporting to you what my understanding is of actions that have been taken. If they've had nothing submitted in the fall, how is it that they would have revised plans going back before the Planning Board?

**Mayor Taylor:** I don't know. I guess the discussion got lost as well about what was happening on the property, because I do remember asking a question about when client's tenant was there. We spoke about how many employees were going to be on the property. We were given a number. Asked if the current sewer would be able to accommodate those employees. We were assured, absolutely. Then another facility that that he was running was shut down and the operation was moved to the property on 52 right outside of the Village. Now he's over capacity. Now we have other issues on that property to accommodate the extra employees that originally weren't there, that we had no knowledge that he was moving there. So, when you talk about due diligence, lack of communication, there's been plenty of that. Now we're here being asked to push off the sewer and water connection even farther. Meanwhile, we have a situation now on that property that we were told wasn't going to happen. There was no communication with the Village that all those extra employees, vehicles were going to be brought to that property. I think if anyone, the aggrieved party here, it's the Village of Walden. We made an agreement for an annexation in February of 2020, it was spelled out specifically what that agreement was. The agreement was signed. We've received numerous complaints from neighbors about what's going on, on the property. Let's forget about whatever papers were filed. Let's talk about what we were told that was going to be on that property. Now we find ourselves in a situation where that's not what's there. What's there has multiplied. The issues on that property have multiplied. The answer is to get that sewer and water hookup done that would alleviate the situation. Now we're told that you want an extension far down the road and that everyone is going to have to put up with this situation that we weren't aware of and wasn't there in the beginning.

**George Lithco:** The question is, when can we hook up to water and sewer? If we could do it tomorrow, we would hook up. Can't. What we're trying to give you is a realistic assessment of what is required, what has been done and what our anticipated schedule for accomplishing it is. We're the owner and we have to work with the tenant because the tenant is a party in interest. What we could do is give you a specific time frame and schedule for accomplishing each of these activities. You have to recognize first, it's going to be subject to those other agencies. If we could hook up now without Health Department or any other approval that's necessary, we would be doing that illegally. That's not in anyone's interest. I hear what you're saying, you have concerns and specific issues that you want to have addressed. I believe it's in our client's interest as well as our tenant's interest to

work with you to make sure that is done. I'm representing to what I can represent based on other people's communications to me. It sounds like there are certainly issues that have to be addressed. I would suggest perhaps a meeting among the attorney, yourself and the property owner might be appropriate to take care of those issues. But we still can't hook up. I don't think we could have done it had started everything immediately when that document was signed and leaving aside the question of whether the annexation had actually happened, because until it did happen, we certainly couldn't hook up inside the Village. From what I understand, the issues that with the Village's code came into play after the map was filed. So, there's not much point tonight in trying to resolve that issue. Fact of the matter is, we do need an extension. We can't do it in the timeframe that's allowed and the agreement provides for an extension if we've been working forward on accomplishing the water and sewer connections.

**Manager Revella:** George, I'm just gonna let you know, I don't want to belabor, I know that the Board is going to take your comments into consideration. They have an attorney client scheduled with Dave at the end of this meeting to address the concerns and see if we can get a response to you by tomorrow.

### **Payment of Audited Bills**

Trustee Sebring made a motion to approve Payment of Audited Bills. Seconded by Trustee Baker. All ayes. Motion carried.

### **Correspondence**

**Trustee Carley:** Nothing other than what was sent out by John.

**Trustee Thompson:** I have another email from the Winum family regarding the Amthor property and the fence caving in and the snow being pushed onto their property and the buses being up onto the fence caving it in.

**Trustee Sebring:** I received the same thing as Lynn about the snow being piled up close to the fence and the buses being parked right up against the fence.

**Deputy Mayor Ramos:** I, too, received the same e-mail. I also got an email from Mr. Silva from 140 North Montgomery that the Village Manager mentioned earlier.

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

**Trustee Thompson:** I attended the telephone conference for NYCOM this week. It was very informative. A lot of topics were covered pertinent to our Municipality. They touched upon the Police Reform and what other communities are doing, the legalizing of the adult use marijuana, a lot of things. It was a very, very beneficial conference. If anybody would like any highlights, I'm happy to provide those. The Climate Smart program is moving right along. We finally do have some points up on the Board and our action items are all marked. I'm hoping that we get the paperwork filed from the Heat Expo that we were working on. But Carolyn Cassata feels that we will be able to score some points for that. Since we were doing that with the Climate Smart Expo, the CAC is going to be working on a few projects for Climate Smart and since we're part of their task force that will involve us. There's a meeting on Thursday with Mr. Revella about planting a meadow and the appropriateness of that in one of our Village parks. They also are going to be starting a program for gardening to try and get all Town wide residents interested. It'll be about container planting and our library will be assisting with that. I would like to know how the Board feels about possibly having a grant writer come and give us a presentation in the very near future. I've reached out to someone who may be willing to do that once Covid has calmed down a little bit more. I attended the Wallkill River Watershed Alliance Zoom meeting last night. There's going to be a river sweep, I believe, the first of May. Patricia Henighan usually involves the Town of

Montgomery, somewhere along the Wallkill River or the Tin Brook. Trees for Tribes is going to be setting up a date and Mike Bliss is going to be doing some tree maintenance down at Walden Estates. If anyone would like to volunteer, if his department can't take care of it by themselves, they would welcome some help from anybody in the Village. Apparently the Wallkill River is going to be included in 2020 on the impacted waterway list. It's good as it will open up some more grant funding opportunities. The downside is there'll be some more DEC involvement with disinfecting, because of ailing wastewater treatment plants up and down the river. The only other thing I had was on the annexation, I know that we were able to make sure we can retrieve tax revenue for 2020. I'm just curious where we are for 2021.

**Trustee Sebring:** I attended the Town of Montgomery Board meeting on February 4th. They talked about the Delaware Engineering Infrastructure. They had a bad water leak on Neelytown Rd. They corrected that by lining the pipes like we did, the CIPP. That took away nearly 20 thousand gallons of water per day and it added 14% capacity more to the sewage treatment plant. They mentioned that there is a future for a water tank at Scott's Corners. Which would help Lakeview Park because the water system there is in dire need of replacement. They've come up with an agreement with the Bruderhof that they would be the backup for Lakeview Park for the water. Everything else was sort of minor. I was helping out the Rotary unload the food at the food pantry. I saw on Wallkill Valley Times that they need help Monday and Tuesday of every week to load bags and get ready for the giving away of the food to the residents. I've been there for 2 weeks now helping out.

**Trustee Baker:** Brian, where is it being handed out?

**Trustee Sebring:** Scott's Corners. It's the food pantry. We go there 6-8 on Monday and Tuesday.

**Trustee Baker:** I just want to give a shout out to some residents that have stepped up to help me with a project every year at Valentine's time. I take my service dog and go visit the Montgomery residents at the nursing home. This year because of Covid, visits are restricted. But because of the generosity of many members in our community, we were able to drop off 150 fleece blankets, paw stamped Valentine's cards and teddy bears. It was very well received. Meant a great deal to the residents especially in a time when they feel the most isolated. Wanted to say thank you to the community for reaching out and helping with those donations.

**Trustee Carley:** Trustee Baker and I had a meeting with the Ambulance Committee for the Town of Montgomery. That went very well got a great overview. Looking forward to the next meeting. They're supposed to send us some documents concerning the Ambulance Committee and we can review and report back with that.

**Deputy Mayor Ramos:** I had a telephone call with Miss Carla Castillo. She's the executive director for NYSEDA and Clean Energy Committees. She would like to see if she can chime in one of these days on our biweekly meetings to talk about clean energy for our community. I told her I'd get back with the Village Manager and see if we can get her on online at another Board meeting.

#### **Executive Session – Collective Bargaining with the CSEA & PBA, Attorney Client**

Trustee Sebring made a motion to enter into executive session to discuss collective bargaining with the CSEA & PBA and attorney client. Seconded by Trustee Elliott. All ayes. Motion carried.

#### **Reconvene**

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

**Village of Walden Board of Trustees  
Regular Meeting  
February 16, 2021  
Motions & Resolutions**

**Approval of January 19, 2021 & February 2, 2021 Minutes**

Deputy Mayor Ramos made a motion to approve the January 19, 2021 minutes. Seconded by Trustee Baker. All ayes. Motion carried.

Trustee Sebring made a motion to approve the February 2, 2021 minutes. Seconded by Trustee Thompson. All ayes. Motion carried.

**15 Walden Estates Road Easement**

Deputy Mayor Ramos made a motion to approve easement agreement for 15 Walden Estates Road. Seconded by Trustee Baker. All ayes. Motion carried.

**CSEA MOA**

Deputy Mayor Ramos made a motion to accept the CSEA MOA. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Ramos made a motion to give Village Manager permission to sign ratification pending CSEA ratification. Seconded by Trustee Carley. All ayes. Motion carried.

**Payment of Audited Bills**

Trustee Sebring made a motion to approve Payment of Audited Bills. Seconded by Trustee Baker. All ayes. Motion carried.

**Executive Session – Collective Bargaining with the CSEA & PBA, Attorney Client**

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