

**Village of Walden  
Board of Trustees Regular Meeting  
November 15, 2022**

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

On roll call the following were:	Mayor:	John Ramos
Present:	Deputy Mayor	Willie Carley
	Trustees	Lynn Thompson
		Becky Pearson
		Brian Sebring
		Patricia Maher
		John Elliott

Absent:

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

Chief Herlihy introduced Michael Sink as new FT Officer

**Orange County Transit**

**Ali Fausner:** A couple brief updates related to the site improvements first. Today we had the fence contractors come and start installing the fence on top of the berm. We've also completed or in the process of completing these sound dampening acoustic fence for the neighbors. Those are a couple updates that we've had and we're happy to keep progressing those items. Unfortunately, the same can't be said for the DOT process. We can't begin any of the water and sewer work because the DOT has not issued their use and occupancy permit. As Anthony described last month, we always knew we had to apply for a highway work permit that was flagged early on in this two year process. So, we applied for that in June of this year. About a month or two ago, the DOT finally flagged that we also need a use and occupancy permit for the water and sewer connections. We filed an application within a week after getting that notice, and then at the end of last month they said that they were inclined to deny the permit application for the use and occupancy, even though they were ready to issue the highway work permit. Of course, one can't be issued without the other and we cannot conduct or start any of that work in the right of way until we get a use and occupancy permit. So, we've been following up with the DOT. It seems that they have some issues related to the length of the private sewer line. The water lines aren't an issue here. It's the sewer lines that run along the right of way. We've had a couple of meetings with them and we've had our teams on those calls. We've had village officials on those calls, and we're really just trying to understand how we can get through this process. What are our options here? We're trying to research solutions, how we can make sure that they issue this use and occupancy permit. But right now, our hands are tied until they issue that for us or give us a pathway forward. Or tell us what about this length of private line can be altered or changed so we can get it issued. They haven't give us any sort of standard or requirement about the length of the private line as that issue. What we could shorten it to. So we don't really know how we can make them happy at this point and how we can get it issued.

**Trustee Sebring:** I have no questions because it's all on DOT to give their permit. It's cut and dry as far as I'm concerned. You got the permission to go across the street. But you don't have permission to put the sewer line in to go up to the village. I don't know, it's just mind boggling as to

why.

**Manager Revella:** I can tell you what the DOT told us. We were on the call. They said that they won't give it to a private entity. We weren't sure why. I know that the property owner and the attorneys were looking into a compromise with the neighbor at Dollar General to see if they can go through that property to be able to get to the village. I'm not sure if there was any progress in that.

**Ali Fausner:** I have heard no progress on that. And even if we do get some sort of agreement with Dollar General, there's still an issue with DOT saying it's a private line.

**Manager Revella:** But they can't discuss what you do on private property, as long as it's not in the right of way, you can get through. And then if it's a small connection, I'm sure we can make that work. I'm just not sure what happened with that. They were going to talk to Dollar General. Anthony was going to talk to them. I'm not sure if that happened.

**Ali Fausner:** I'm not sure if it happened either. But I can check in with Anthony and we'd probably have to have our engineer then look what's underneath the property over there.

**Manager Revella:** I know it's difficult because it's an improved property. They have to cut through the parking lot to get there. It's kind of a nuisance. The only other alternative was something that we talked about was setting up a sewer district just for them so they would have to pay any improvements on a line, if it were to be municipal. But I'm not sure if that's even feasible. Dave is going to look to see if that's even possible.

**Trustee Thompson:** I understand that this is out of your control. I'm assuming if you don't get any favorable response from them, you're going to have to come back and ask for an extension, because it sounds like if your hands are tied, we're getting into that time of year where it's probably not going to be able to happen.

**Ali Fausner:** Where it starting to become the freezing season.

**Trustee Thompson:** Which we were hoping when they came before us the last time and asked for an extension, we gave a shorter one with the hopes that this would spur everybody on. But I realize you cannot control the DOT. My only other thing is if that part of your project can't move forward, I certainly hope that the time is used wisely to continue on some of the other things that people have concerns about, like the lighting, the berm, the fencing and the cleaning up the mess that's going on to the neighboring property. So, if you can't move forward with the road work, the sewer, the water, the paving, I would just like to say please go full steam ahead on the other parts of the project that they did not commence until much further down in the project.

**Ali Fausner:** Understood.

**Trustee Elliott:** Is there like a set distance?

**Attorney Donovan:** I was on the call as well. Very interesting commentary from the DOT. Anthony asked specifically what rule regulation requirement of DOT are we not complying with? To which the answer was, the home office doesn't like this. So, then the next question that he asked is, so if we move the line outside of the right a way on our property, but keep it where it's proposed in the right a way on the Dollar General property, would reducing that length by a couple of hundred feet. I think we're talking about 750 feet, plus or minus.

**Ali Fausner:** its 685 feet.

**Attorney Donovan:** If we reduced the linear feet, would that be acceptable? "We don't know" or "we'd have to run that by the home office". As a taxpayer, it was disappointing. This is a state agency that is funded by the taxpayer and provide a reason. This does this doesn't comply with manual regulation, paragraph D, whatever it may be. Not someone in the home office doesn't like this. Two and a half years into the project.

**Trustee Elliott:** There's no kind of law or rule, whatever code that sets a distance, that's just whatever they want?

**Attorney Donovan:** They were asked specifically and they said, the home office doesn't like this.

**Trustee Sebring:** Has the state ever run into a problem where they've been sued possibly because of this type of situation?

**Attorney Donovan:** Not that I'm aware of.

**Trustee Elliott:** What's the negative effect to having it longer as opposed to the shorter?

**Attorney Donovan:** Beyond my comprehension, because what runs through the line, runs through the line. No matter if it's privately or publicly owned.

**Trustee Maher:** I echo the same sentiments that Lynn just mentioned. Unfortunate. Whatever support we can provide, just keep us looped in, let us know. We'll rally the troops and pivot and let's do what we can do and maybe shift some things around in the interim.

**Trustee Pearson:** The homeowner contacted me today. There's been an issue with clean up on their property. The neighbor to the left. Which is in the town because you annexed that property to the village. They have a concern because they're being told that they have to go to the town to get anything accomplished, and go to the town instead of the village to get that cleaned up. Now you can clean up the one side, the bus side that has all the parking there, but you can't clean up the neighbors side. I don't understand why that can't happen. She did tell me they're starting to put up fence today. If they could put up fence, why can't they pick up their mess that's on their property? She's frustrated because she's been to the village. They're telling her she's got to go to the town, which I don't believe is true. This is still the mess of your bus company that's making this mess. The lighting is still shining into their property. They're older people. They shouldn't have to have the light shining into the bedroom window, their bathroom window all night long. There's got to be something that can be done about the lighting. We talked about the lighting last meeting. It was still shining in their windows. It's very frustrating to hear that they would have to go to the town and get some answer to getting it cleaned up.

**Ali Fausner:** I'm sorry. Who's telling them to go to the town?

**Trustee Pearson:** I talked to people in the village here and they said because it's a town piece of property, we can't do anything about it. I don't believe that that's true. I believe that because you are annexed into the village and you're the people who made the mess, then they should be able to clean up the mess.

**Ali Fausner:** Yes, all the approvals were for the village property and since the annexation agreement was fully executed, it is a village property.

**Trustee Pearson:** But the person who lives next door is in the town and that mess that was thrown

onto their property is in the town. They need to be cleaning up their mess on both sides of that berm because it's not fair to the homeowner that has to look at it all day.

**Manager Revella:** Anthony, when he came last meeting, said that he would mention it to the owner to have it cleaned up and to work on the light. That's why she's mentioning it, because it hasn't happened yet.

**Ali Fausner:** We're working on it. We're working on the fence. And I know if they're doing fence work, like you said, it should be very easy for them to just go and pick it up. I will make sure.

**Trustee Pearson:** Also, when I was at the homeowner's house, it rained the other day and I looked over into the parking lot of that bus company and there were ponds. What is scheduled for that? I don't know how people can drive through it. It was deep and it was just look like a pond. Is that acceptable? I don't know who's going to be in charge of enforcing that. Are they going to be putting down blacktop or are they going to be putting down gravel?

**Ali Fausner:** As far as I'm aware, all of the storm water improvements have been put on except for some minor irrigation related to the berm. All that has been installed has been inspected by the Building Department and has been found in conformance with the approved site plan.

**Trustee Pearson:** It was a mess. I know you talked about the DOT and the attorney also stated that they're saying it's coming from above. But I can't believe that engineers don't know what the DOT does and doesn't do. Like you have engineering firms. We have engineering firms. They don't understand that there has to be on certain property, not on certain property.

**Manager Revella:** That's not a rule.

**Attorney Donovan:** Typically, utilities, water, sewer are in the right a way. And interestingly enough, the water connections go perpendicular across the street are fine. It's for whatever reason, the sewer line running along the street.

**Manager Revella:** They tried to imply that it was the length, but we weren't sure where they were getting that from. And that's what Dave mentioned, they said higher up. I'm not sure where that comes from. They couldn't cite a regulation, code, provision or anything. I know that Anthony and the engineer were going to look into that, trying to shorten that up. They're going to bring the line more on the Orange County Transit's property and to see if there was any way to get across the Dollar General property or not.

**Trustee Pearson:** Where does the line stop? Is it just on the opposite side of Dollar General parking lot?

**Manager Revella:** No. The top of the hill there. Just before Grandview.

**Trustee Thompson:** There's no other state agency that could intervene on our behalf?

**Manager Revella:** The state senator and the state assemblyman.

**Trustee Pearson:** If they don't get this approval, they're paying for water right now.

**Manager Revella:** Yes.

**Trustee Pearson:** They're not paying for sewer right now.

**Manager Revella:** I don't believe so. There's no sewer hookup right now.

**Deputy Mayor Carley:** The only issue I have, did someone go down and look at the light at night and see it shining?

**Manager Revella:** Dean did as well before he retired. It's an issue. They need to move the direction. It's shining in their house. They said they were going to. I just don't know who was doing that or when.

**Deputy Mayor Carley:** It's just been months since it's been brought up.

**Trustee Sebring:** Would it be okay for the Winums to write a letter allowing the construction company that's doing the work on the property to go on their side of the property, clean the mess up and then, just make sure it's cleaned up. Maybe a just a letter of acceptance to allow them.

**Mayor Ramos:** Thank you again for coming out tonight. You have a couple of questions to field for the owner and for Anthony.

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

**Manager Revella:** I did have to meet with the HVAC contractor at Village Hall regarding HVAC and plumbing. There's an issue at the Police Department that I'll have Chief talk about in a little bit. Had a conference with the Mayor, Village Attorney, DOT, Orange County Transit, to discuss the sewer line issue. Had a conference with the Village Attorney regarding potential litigation, which will go over after an executive to attorney client. Did attend the town board meeting and did speak about the Hill Street Bridge replacement there. People saw there was an article in the paper that gave some highlights on it. Did meet with special counsel to go over CSEA. We were going to have arbitration next month, but it got moved to February. Did talk to a special counsel on a PBA matter. And we have something going on with verification of some terms in the contract. Had a conference with finance, went over personnel. We did have to switch the Deputy Treasurer/Clerk. A new person came on, which we will introduce later. Had a conference with Village Engineer to go over the sidewalks at Olley Park. Met with the Code Enforcement Officer to go over department updates. We'll need to talk to the board later about coverage for that department until we can find a permanent replacement and a replacement is confirmed. Conference with the grant writers to go over updates on projects and potential projects. They have a few things they're working on now. Met with the Chief to go over staffing and budget. We're hoping that the test results come out for Police Officers by February. We're not sure though, could be March. We still have 3 full time officers out on comp. Went over the archives with the OC Historian. We had a couple of things that are being held at the county on microfiche and we went over that as well with the Clerk to see if there's things we need to keep or not keep since we don't really use microfiche anymore. Covered DPW during some time off. Rec Department, indoor soccer and basketball registrations going on now. The Jets trip went well. Was full. The Teen Center and after school program is going well. Christmas in the Square is going to be December 8th. We have our tree selected. It should be going up next week. The former Building Inspector may be back part time starting in December. We're working on that. The Code Enforcement Officer issued 15 building permits, 15 certificates of compliance, 1 CO, 13 fire and safety inspections, 9 landlord registry violations, and has 3 matters still pending before the court with 1 that potentially may come up that Dave was talking about with him. The Clerk's been updating 207c, Facebook, website, went over some FOILs with me, the attorney, went over some stuff for DPW certified letters out for Department of Health, responding to residents and helping with coverage. Finance Department, we did get a new full time Deputy Treasurer/Clerk. Treasurer, been working on bank reqs, updates, entries, corrections. There's a lot more budget transfers that are coming up for last year's budget. There was some errors that were

made and transfers that she's got to correct from last year in order to close out. And that's what's holding us up. Public Works, they're pressing sludge, but should be finishing probably this week due to temperature. Water Department replaced 5 meters, 14 mark outs, 1 inspection, 2 closings. Still maintaining facilities, working on capital projects. They did all the stone and drainage around Olley. Met with me on some personnel matters. We have a labor management meeting coming up on Monday with the union and worked on street lights. There's a couple that the heads are bad and it's hard to get heads but they did verify that it wasn't bulbs. It's head issues. We're working on replacements for the whole units. PD did special details, tickets. They did 17 traffic tickets, 1 parking summons, 5 MVAs, 6 arrests, 23 vehicle traffic stops, 297 blotters. Chief, while you're here, if you don't mind just explaining to the board the issue with HVAC in the police station.

**Chief Herlihy:** We have no heat. Wherever it comes from, we have no idea. But it's 83 degrees downstairs right now in the police room. Now, in my office, I have the electric heater. So, when I walk across in the morning, come in to my room, it's freezing cold. I turn on the electric heater, it warms up. Cool, no problem. Roy never has to turn on the heat in his room. The conference room never goes on. Our back hallway is probably like 78/79 right now. But our room's freezing cold. When you go out into the patrol room, right now, it's about 83. I have a portable unit that I sealed off one of the interview rooms to make it a heat disbursement area so it doesn't blow back into the PD. It dropped it by a degree, if that. Yes, the Police Officers can go outside and catch a breath of fresh air. The dispatchers are stuck inside all the time. They are not free to leave. They have to maintain the position at the desk. 83 degrees is unbearable downstairs. If we can do something and come to some sort of conclusion on how we can cool that room down by some, it would be greatly appreciated.

**Manager Revella:** I'm getting a proposal from the HVAC guy. It's a lot of money. The unit that's in there is unusable now. They had an HVAC/AC unit in that room, but it doesn't work anymore. So, to replace that is expensive because they have to put piping through the walls. They don't have the same sizes anymore. So, the updated, more energy efficient size unit is going to take some work. Once I get the proposal in, I'll let you know and see what we can do to fix that. The other question, which I don't have a great answer for, I have a half answer. Sometimes people will see generally the public or whatever will see cars outside idling. I know that most of our cars are hybrid now, so idling isn't as bad as it used to be. It's not wasting gas per se. What are the positives and negatives to idling?

**Chief Herlihy:** From how Fred explained it to us is the idle wheel is not going as frequently in the hybrids as it was when you have a gas powered motor vehicle. So, it switches. What it does is it turns on the vehicle, on the hybrid, just to charge the battery up while it's running in battery mode sitting there. So, yes, the cars, whether it's cold outside right now and they're running to maintain the warmer temperatures. So that way, if there is a call for service or a catastrophic event, there is no hesitation. There's no defrost time or anything in order to get in the car and take off and go. Same thing during the summertime. It stays cooler. So, when they get in the car, it's not sweltering hot with all their gear on as well. So, it makes it a little bit more convenient for them.

**Manager Revella:** Is that any more detrimental to the engine or the car at all? Have you heard? I'm not sure.

**Chief Herlihy:** I'm not a mechanic, I can't quote that 100%. From what I've been told with the hybrids, it's not as bad for the vehicle as a full gas vehicle.

**Manager Revella:** Thank you.

**Trustee Thompson:** No questions?

**Manager Revella:** You can ask me.

**Trustee Sebring:** I went down and I looked at the sidewalk at the senior center. They did a good job. I saw where they had put the stones around the sidewalk against the building. Do they have any idea when they're going to try to put any grass seed down with hay? Or they're going to wait until springtime?

**Manager Revella:** We're going to wait till springtime for grass seed, but we're trying to get the paving done for that handicapped parking so we can open and use the building and start getting it retrofitted.

**Trustee Sebring:** Now, the other day when I was down there, the back door was open.

**Manager Revella:** Like the back door that comes through the hallway or the back to the kitchen?

**Trustee Sebring:** Against of retaining wall. That door was open. Unlocked.

**Manager Revella:** If you ever see doors unlocked at the building, please call me or call PD and they'll come down and lock it. It could've been the contractors down there using the bathroom while they're doing the sidewalks and forgot to lock it.

**Trustee Thompson:** I'm bringing it up again, reading the Building Department report. I realize they're going through a reorganization period over there. Once again, nothing about property violations. If you haven't noticed, that makes me a little crazy. I don't know what else to say. I'm hoping perhaps you can give an explanation.

**Manager Revella:** If anybody has a property that they believe has a violation, please send the address to myself or the Building Department and they will go and investigate.

**Trustee Thompson:** Okay. I would like to know about the Finance Department. I know we're still catching up from our previous Treasurer. It feels like it's a never ending job for the Treasurer. I know she's handling current work. She's playing catch up constantly. I do believe you're doing a really good job on that. But where does it end?

**Manager Revella:** We actually found more problems today, worse problems today. There was some transfers that were done to the wrong accounts that could have cause issues on audit with our worker's comp rates. So, we were going to have other budget transfers tonight to regulate those, but it's a lot more work. We'll have at next meeting.

**Trustee Thompson:** I would just like to thank the Treasurer because I know she's doing the best job that she possibly can. It's very unfortunate that there's so much that has to be corrected. If there's anything I can do to assist you, I'm very happy to do that. I appreciate your hard work. And now you're coming into your normally very busy season. I get it. I hope it's going to be smoother sailing going forward. I would like more information on the police cars idling, because when I hear the word convenience, I understand you don't want to get into a freezing cold car. I understand you don't want to get into a hot car. I understand the new hybrid vehicles. It's not as much of an issue. But first we were told it's the computers, for the computers to boot up. Now, I'm hearing the word convenience. I wish you could look into that more and address that. Also, part of our Climate Smart Initiative, it goes in steps and the next one that's coming up is going to be emission controls from the village fleet. Any vehicle that we own and operate. I think that's going to come up again. So please look into that. Thank you.

**Trustee Pearson:** You've met with grant writers. What are we working on right now for grants?

**Manager Revella:** It's a lot. Probably 8 or 9 different ones we're trying to get in with the grant writers. There's one for downtown initiative. There's one for Greenway. There's one for water. There's another one for sewer. There's one that the Mayor sent us as well. It came through some association. Wellness grant. And the T-Mobile grant. They just sent me another one today that they were looking at for us. We applied for 2 so far fully. We haven't fully applied for the other ones yet. The deadlines aren't up yet, but they're working on them to see if it makes sense. There's a couple that are there that may not be worth the effort because it's so stringent on the award and so little the award and the match is so much, it doesn't make sense to even apply. But there's one that we're looking at now that may be worth it just for trees to replant the boulevard.

**Trustee Pearson:** We have park requests. How many are we getting? How many a month do we get?

**Manager Revella:** We get a few a week.

**Trustee Pearson:** A few a week, to do at different parts of the park?

**Manager Revella:** Yes. Different parks. Some are using the scout cabin. Some are people using pavilions. Some are using the Wooster gym.

**Trustee Pearson:** Have we put out an ad for the part time?

**Manager Revella:** We were just actually talking about that. Tomorrow the ad will go out for the part time person at the office. We also have to advertise for another DPW person. Somebody resigned.

**Trustee Pearson:** Building Inspector test been called for?

**Manager Revella:** I asked the county. They will let me know when it's ready. It's not out yet.

**Trustee Pearson:** In the DPW report, about a working leader. We don't have that in the budget. I didn't see anything in the budget for that. Is that something we're doing this time now or before next budget?

**Manager Revella:** It wasn't proposed in the budget. They will be paid on the union's scale if there's funds available. Otherwise it'll have to wait.

**Trustee Pearson:** Do we have what they do as a working leader, job description?

**Manager Revella:** Yes. Civil Service job description.

**Trustee Pearson:** Have we hired somebody for this position?

**Manager Revella:** We interviewed. We didn't hire yet because we're making sure we have the funds.

**Trustee Pearson:** Where do we store our decorations and stuff?

**Manager Revella:** Some stuff in the basement next door.



**Trustee Pearson:** Didn't we move a shed down to Bradley Park?

**Manager Revella:** There's stuff there too.

**Trustee Pearson:** Do we still have this on Sunshine Society stuff? And where is that?

**Manager Revella:** We do. It's in the shed at Bradley.

**Trustee Pearson:** Is that full of their stuff or is there room for our stuff?

**Manager Revella:** It's pretty full right now. Sometimes it's not, sometimes it is. But we're looking to see, I don't know if they want to stay there. We'll work on that.

**Deputy Mayor Carley:** The hybrids are very nice. Based off just regular gas vehicles. And because idling, if you're worried about the emissions, it usually shuts off and it shifts the cooling side over so there's not a big emissions and anything like that. Cold start, hot start, warm start. They work very, very well. There's no need to turn it off. There's no need to keep it on because they don't have a cold start. It really just start by itself. There's no emissions. There's no it has to warm up in order to go. It'll just go. There's a lot of social norms that are going on with the police, which is fine, but whatever they're comfortable with. They really don't have to have it. But if they do have it, there's no climate issues with that. Working with the Department of Veteran Affairs that's part of my area, fleet management, so we go over that and that's why we kind of review those options to make sure that if somebody keeps it on and so forth, you have to have a certain degree of electric vehicles. It's either or. There's no bad side to leaving it on and there's no super good sign to leaving it on. It's a preference.

**Mayor Ramos:** Can you let us know how many fire hydrants are tagged out right now?

**Manager Revella:** I know there are at least 2 right now. 1 they have to dig up the road on Walnut St to put a valve in. They can't replace without doing a valve, because there's no way to shut it off. If they take the hydrant off, it's going to blow the water out in the air. There's one other one that's getting replaced on Elm St. It used to be on East Main Street. That's the only 2 that I know of right now. Should only be the 2 right now that I'm aware of. But when they do the hydrant flushing, which they did last month, that's how they find them.

**Trustee Sebring:** The Treasurer. Since he is, the time has come that she's getting busier and busier and the problems that she found in the budget that are increasing, do you think it'd be wise to hire somebody for a couple of days or a week to get her through that period to where she don't have to worry about this or that so she can keep going on her own duties?

**Manager Revella:** Normally, I would say sure, but it's hard to get someone trained to do the things she needs done in order for her to free herself some time. Because there are things that only that person would do normally. Once we get the part time person in to get some stuff off of other people, then that will happen. It'll just take a few weeks.

**Trustee Sebring:** What about the outfit that we hired while we were looking for the Treasurer?

**Manager Revella:** That person is a full time Treasurer somewhere.

**Trustee Sebring:** Okay. I'm just trying to help.

Treasurer Kelly introduced Maria Tapia and the new Deputy Clerk/Treasurer.

### **Approval of November 1, 2022, Minutes**

Tabled

### **Public Comment**

None

### **Zone Change Request**

Trustee Thompson made a motion to schedule public hearing for December 20, 2022 for the Zone Change Request at 6:30pm or soon thereafter. Seconded by Trustee Maher. All ayes. Motion carried.

### **Overdose Awareness Memorial**

Trustee Sebring made a motion to approve Overdose Awareness Memorial event on December 4th at 12 pm. Seconded by Trustee Thompson. All ayes. Motion carried.

### **Resolution 16-22-23 – Budget Transfer**

Trustee Elliott made a motion to adopt Resolution 16-22-23 Budget Transfer. Seconded by Thompson. All ayes. Motion carried.

### **Public Comment**

**John Kovalsky:** The issue I'm here about tonight is a conservation easement that was set up by the Planning Board behind me, between Galloway and Hidden View Drive. There was a strip of land that's not supposed to have trees removed, structures put up, any fences. And currently there's 100 foot of fence on the property adjoining mine, with a probably about a half a dozen trees that were removed. The interesting thing was I did interact with the Building Department on it. The response I got from Dean was, I'll have to look at the wording in it. That was September of last year when the homeowner actually had someone come out just to lay a line out to put a fence up. I inquired as to whether there was a permit for this because there was an easement and his response was no. 2 months ago, same thing. There was a line up and went back down. Mike actually wrote the permit for this, not knowing that there was a conservation easement. And again, I asked if he looked at the paperwork, he said, I'll have to look at it. So, I went to the Planning Board last month and inquired of it and they said, well, we're not enforcement. We set it up. I did have occasion to go meet back with Dean again and there seems to be some confusion about who's going to enforce this, because nothing's been enforced to date. I did tell him that when the public hearing was set for Beazer before the project started, there was a lengthy discussion about this conservation easement. Eden Holmes actually was the author of it. They went into great detail about what types of bushes, deciduous, what could be removed, what couldn't be removed. Probably within the first year, there were a lot of Village Board meetings where residents had occasion to come because of different things that were going on during the construction. These are at their model home. They actually put up a fence behind it and it's in the minutes of the meeting. The resident was number 8. She actually moved her swing set, put up a fence. Fence was immediately removed because of the conservation easement. I did provide those proofs to the Building Department. There are minutes in the hearing. There are minutes proving that this has been enforced.

**Manager Revella:** The fence is in on one property? Or more than one?

**John Kovalsky:** There's a permit, as far as I know, for the one property which is 19 Galloway, which is directly adjacent to me. The property owner next to that. What they did was, he had probably about another 30 foot to complete the run to another fence that goes across on Hidden View. He just kind of like closed it off. Up the hill.

**Manager Revella:** Just so the board is aware, from what he's saying, I'm going to have the conservation easement copy and the permit copies given to Dave to review so we can see what happened there.

**Trustee Thompson:** I just want to make sure that everybody understands what a conservation easement is.

**Manager Revella:** For Beazer to be allowed to have that many homes, a portion of that property, I don't know if it was acres or a piece of an acre, was not allowed to be touched, had to be conserved. Trees, plants, as he said, a description of what types are allowed there. No building, nothing permanent. I'm pretty sure most conservation easements allow temporary, but nothing permanent is allowed on the property. So, we have to check and see what this exactly says and if it's an issue, Dave will have to assist.

**Trustee Maher:** That's really unfortunate. Hopefully we look into it and get some answers.

**Trustee Pearson:** I'm sorry you had to come here to get your answers. I think that we have a Building Department that should be taking care of that and Village Manager that you should be able to contact at any time. We appreciate you coming. I was Mayor at the time and I remember that easement. So, yes, I hope you get the satisfaction you need and hopefully we can review it and move forward, but keep on top of it.

**John Kovalsky:** I tried to obtain the minutes just to bring those as proof, but it only goes back to 2009 when you go on the website.

**Manager Revella:** We have them just not online. If you ever want to look at minutes, you can always come up and we can get them for you to review. You can always come up to my office.

**John Kovalsky:** I appreciate that. And like I said, if the minutes are reviewed for the public hearing and the subsequent village meetings where these issues came up and it was enforced will be proof that that's what the intention of the easement was.

**Deputy Mayor Carley:** I just echo what everybody else said. People make mistakes. Our code enforcement, they should review all of that prior to saying yes. Hopefully everything was reviewed.

**Trustee Thompson:** Is it appropriate, I would like to know for me, I would like to go and just look at this myself, so I have a thorough understanding of what this resident is talking about.

**Manager Revella:** Its private property, you would have to get permission.

**John Kovalsky:** Sure, you can go on my property.

**Trustee Thompson:** Can you email me with whatever information I need, so I know where to find you and maybe pick a day that you're there? Or if you don't mind, I'll just go and look. I don't want to trespass on your property without your permission.

**John Kovalsky:** You can go there, I have cameras I can see what you do there.

**Manager Revella:** Is there a way for her to go through the backyard to see it from your backyard?

**John Kovalsky:** Yes. If you go right up the driveway, you can see it.

**Trustee Thompson:** I would never do that without your permission.

**John Kovalsky:** All the trees that were cut down, I have pictures of all the stumps.

**Manager Revella:** Don't lose those, please.

**John Kovalsky:** You can see that they're healthy trees. They're not dead trees. It actually took away all the privacy.

**Deputy Mayor Carley:** When was it cut down?

**John Kovalsky:** The trees were cut down 2 years ago.

**Trustee Pearson:** Do you know who did it?

**John Kovalsky:** The property owner did. He had someone come in.

**Deputy Mayor Carley:** Is there an enforcement with that?

**Manager Revella:** We'll discuss our options with the attorney before making anything public.

**John Kovalsky:** I spoke with the homeowner, I advised him, because it's like 15 years old and I re-address it with the Building Inspector too, a year ago. I really don't understand why it's still happening.

**Mayor Ramos:** Thank you for bringing it to our attention. The attorney will pursue it and remedy the situation.

**Brenda Adams:** I just want to thank the board, all the Village Officials for helping us out for the Veterans Day ceremony. The fellas that came to the park from Parks and Recreation. Rich and Lex were fabulous. They really helped a lot, especially with the rain and everything else that was going on that day. And also the Walden Police Department. They have really worked at protecting all the access to the hill and to the people coming from all directions. We really appreciate that they they do such a good job to keep us feeling safe in these times.

**Trustee Sebring:** Had a good turnout for the day with the rain.

**Mary Ellen Matise:** Just to follow up on what John said. I've had an issue going on, but my issues only going on for 2 months. I've documented it. I've sent copies of the code to the Building Inspector and to the Village Manager and maybe that'll get dealt with too. You can ask John about it. It's code issues, setback issues, runoff issues. Code issues that are brought up about the zoning board. Why would we be sitting there when the project is already done? Nobody sees these things happening. I just don't get it at this point. I've been doing this since 2005. I just don't get it. It's diligence and it's protecting other people's property and the village. That's important because if you don't protect our property and our values, nobody's going to want to move in here. The word gets out, you know.

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

Trustee Sebring made a motion to approve payment of audited bills. Seconded by Trustee Maher. All ayes. Motion carried.

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

**Trustee Pearson:** I was going to bring up this at the joint board meeting, but we kind of got cut short. Maybe next one can be a little longer because I think people still needed to say things which I think is important. Senior housing. There's issues with how that's enforced as well. I don't know whether we need to look at something more strongly for that as well. It says that it's exclusive to 55 and older, but I'm confident that there are people living in senior places that are not 55 and older. How do we enforce that? Do we need to have something stronger as a law that our Code Enforcement Officer can take care of? The other issue is apartments on the first floor in a business district. That's happening as well. Why is it happening? I don't understand that. If I can see that it's happening, why can't other people see that it's happening?

**Manager Revella:** The one that you're speaking of was cited.

**Trustee Pearson:** I know they were after I talked about it, but I don't understand why I'm the one who has to bring it up and we have to deal with that. Why can't people see what's happening? That's why we pay people to be here and do that as well. That's their job. It's frustrating. Again, we're back down to code enforcement and do we need to do something different? Do we need to have stronger laws? There's a new senior apartment going up, who is going to enforce that. How does it get enforced? Maybe we need to put that into our law of how inspections and how we're going to inspect it. Anybody could put a name down of a person who's 55 or older, but who's living there is a whole other issue.

**Manager Revella:** We can't stop someone who's under 55 from living there if they're not the main occupant.

**Trustee Pearson:** Yes you can. Your code says exclusively 55 and older.

**Trustee Thompson:** But what if you're 55 years old and you have a 13 year old child?

**Trustee Pearson:** Then you don't live there.

**Attorney Donovan:** Let me look at your code. Depending upon the nature, if it's a condominium, there's a requirement for a filing with the attorney general's office. There would be disclosures in that that could be enforced by the attorney general. I don't know specifically what your code says on this issue.

**Trustee Pearson:** I was going to read it to you because it says exclusively is a dwelling unit occupied exclusively by one or more persons who is or are at least 55 years of age. Occupied exclusively. Exclusive means only.

**Attorney Donovan:** Is that the whole code? Is there any other revisions of the code?

**Trustee Pearson:** That's the senior citizen dwelling unit. And then it says Senior Citizen Housing Development, a planned residential development which contains senior citizen dwelling units in either detached, attached or multiple dwelling buildings. It's still talking about the definition of the senior citizen dwelling is in that same thing. It says exclusively. So, how does that get enforced?

**Attorney Donovan:** So, I'm not going to answer that, now. But I will answer that. Because there may be more to it than you just sort of read to me on your phone.

**Trustee Pearson:** Thank you. That's just our code. Do we need to put something more in it? Do we need to be more direct? How do we enforce it?

**Trustee Elliott:** Listened to the town board meeting last week and it was a little disappointing. They have made some comments about reasons why they don't think they should pay for their bridge. None of them made sense to me. They talked about a fire hydrant being there, but we can't get a truck to the fire hydrant, so it's kind of useless unless they want to run back with buckets of water. It doesn't make a lot of sense. Then they said, which I thought was pretty funny, we haven't plowed that bridge. Well, they're supposed to. Then another comment that was made, well it hasn't been used in 12 years, it was all pretty disgusting. I'm trying to figure out why we as village residents pay town tax. We get no services from them. And the one thing they forced to do, they refused to do. I guess, against their attorney's advice.

**Attorney Donovan:** One of the things that I do want to discuss with the board in the attorney-client is potential litigation regarding the Hill St Bridge and some thoughts that I have along those lines.

**Trustee Thompson:** I would just like to say, I think the Tri-Board meeting was a good idea and that was exactly the purpose of why we should have them frequently. All 3 boards can relate to each other as to what their issues are and try and come up with a solution. I hope we do look into what Chairwoman Adams had to say, because I do think it's very pertinent. I think it was successful, and I'm glad the Mayor agrees that we should try and do them every 6 months. Veterans Day was really well-attended. I usually go and I don't think I've seen that many people there all the years that I've been going. It was really a well done event. It was nice to see people from outside of our village attend. There were people from other communities, which was very nice. We had some elected officials from outside of our village. Kudos to the committee and all the village employees who did help. You did a really good job. Do we have any tentative date that Olley Park is going to be ready to go the community center?

**Manager Revella:** As soon as the handicap parking is paved. Consorti Brothers is paving it for us for free. So, I don't try to look a gift horse in the mouth, but I appreciate them doing it for free as soon as they can.

**Trustee Thompson:** There was a program in the library on November 10th, it was very, very interesting. It was alternatives to shipping freight. It's too much to like give in detail. Did they record that?

**Mayor Ramos:** No.

**Trustee Thompson:** But there's a there's somewhere you can go to look at some of that gentlemen's videos he said. You guys might want to just check it out. It was just really, really fascinating. The senior housing. Dave, if you're going to research that, do people with disabilities fall under that? I know some of those complexes, younger adults can live there if they're handicapped.

**Attorney Donovan:** Some of it also depends on whether or not that complex receives any kind of federal funding, state funding. Then there are requirements.

**Manager Revella:** The Cedars have that requirement.

**Trustee Thompson:** I know that takes place in some communities, but I don't know what our code says. At our last meeting we discussed bids for AV equipment and I am not a techie by any means, but it kept being repeated about the desktop. I looked that up and I don't know if everybody understood what that meant because I distinctly remembered that there was talk of a computer that would go on the wall, which is what makes the whole system run. When I looked at it, that is the desktop, and I just don't know if everybody understood what that was. I remember during the

presentation we were told that that component was vital to make the system run properly for what we're using it for. I just had some questions and concerns about that. I don't know if it's appropriate to have the gentleman come back.

**Trustee Maher:** From my understanding, you could still plug in with an HDMI or you could have the computer where they could just pop it in.

**Manager Revella:** As far as I understand, it's either we have one here or they have to bring one. If we have one here, they can bring a thumb drive. If we don't have to bring a computer.

**Trustee Thompson:** I just wanted to make sure everybody understood what he was talking about, because it was confusing to me. And I voted to not have it because of the cost factor that seemed to be important to everyone. I just don't know if that should be something we revisit because perhaps we didn't understand it thoroughly. Just my opinion. I would just like to talk about this community refrigerator for a moment. I am in favor of a community refrigerator. I think in these times with so many people struggling to feed themselves and their families. Any assistance that we can give them or any business in our community can give them is a good thing. But there's been some very negative narrative about that, which is unfortunate because I personally think it's a really good idea. But I do have some questions about the execution, and I think that maybe comes from being a retired nurse and taking care of people that became very ill from foodborne illness. I just want to make sure that people know where I'm coming from with that have.

**Trustee Sebring:** I'd like to say thank you for the people that came to Veteran's Day. It was well attended. The committee that I'm on and Brenda's on and the rest of them. We did an excellent job as always, every year. Seems like the attendance gets more and more. The statement was made that they never plowed the Hill St over the two bridges as well. That's a lie, because prior to that bridge being gone through the hurricane, that road was always plowed. I lived on East Ave 50 years and that street was always open in snowstorm. For that kind of comment and for the comment about the fire hydrant is ridiculous. To be a pathway for a walkway and whatnot, as far as I'm concerned, they didn't do their due diligence and didn't want to do their due diligence on trying to get that bridge replaced for us. They dragged their feet at least 7 years and they could have had it done for half the price or less if they had not dragged their feet. We had one Supervisor that he lost. He would have gotten it done real quickly because he was that type of guy. He said something was legitimate. Let's get it done. But once the new Supervisor came in, nope, don't want to spend the money. He wants to hoard that money or whatever. For all that length of time that that bridge has sat there. The price to the town has just kept going up and up and up and up. And now it's at such a high price. Oh, we can't afford that. Well, it's your bridge.

**Manager Revella:** I don't know how they can afford that but I heard they can afford a \$30 million bond for the Village of Montgomery.

**Trustee Elliott:** Don't they have material for it, too?

**Manager Revella:** They have the Tappen-Zee bridge panels already.

**Trustee Sebring:** But they can spend maybe \$700k on the mansion on 17K and 747 for walking paths. \$700k you can fix our bridge.

**Deputy Mayor Carley:** The topic about the codes need to be updated. We keep saying we're going to go through the codes and look at them and to make sure that they're updated. But we need to put that on a schedule and actually review it. I think we can start with what we talked about earlier with Mrs. Adams. Let's address them with the Planning Board and Zoning Board to make sure

everybody's on the same sheet of music. Then we can move forward.

**Mayor Ramos:** Thank you, Deputy Mayor, for standing in for me on Veterans Day. My apologies for not being there. The session where Trustee Thompson mentioned of the alternative means of transporting freight through the Hudson River and any of the waterways. The ship was Apollonia. If anybody wants to look it up. That was a tremendous way and means of transporting freight up and down the Hudson River with multiple stops, Newburgh, Poughkeepsie, Round Out and New York City. I hope that the gentleman seeks a couple more ships where we can do that and tremendous drive for him and way to look for the future for our river.

**Executive Session - Attorney Client Session to discuss potential litigation regarding the Hill Street Bridge, also regarding Code Enforcement issue and some legal advice regarding Orange County Transit**

Trustee Thompson made a motion to enter into Executive Session - Attorney Client Session to discuss potential litigation regarding the Hill Street Bridge, also regarding Code Enforcement issue and some legal advice regarding Orange County Transit. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

**Reconvene**

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



**Village of Walden Board of Trustees  
Regular Meeting  
November 15, 2022  
Motions & Resolutions**

**Zone Change Request**

Trustee Thompson made a motion to schedule public hearing for December 20, 2022 for the Zone Change Request at 6:30pm or soon thereafter. Seconded by Trustee Maher. All ayes. Motion carried.

**Overdose Awareness Memorial**

Trustee Sebring made a motion to approve Overdose Awareness Memorial event on December 4th at 12 pm. Seconded by Trustee Thompson. All ayes. Motion carried.

**Resolution 16-22-23 – Budget Transfer**

Trustee Elliott made a motion to adopt Resolution 16-22-23 Budget Transfers. Seconded by Trustee Thompson. All ayes. Motion carried.

**Payment of Audited Bills**

Trustee Sebring made a motion to approve payment of audited bills. Seconded by Trustee Maher. All ayes. Motion carried.

**Executive Session – Executive Session - Attorney Client Session to discuss potential litigation regarding the Hill Street Bridge, also regarding Code Enforcement issue and some legal advice regarding Orange County Transit**

Trustee Thompson made a motion to enter into Executive Session - Attorney Client Session to discuss potential litigation regarding the Hill Street Bridge, also regarding Code Enforcement issue and some legal advice regarding Orange County Transit. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

**Reconvene**

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