

**Village of Walden
Board of Trustees Regular Meeting
February 7, 2023**

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
		Patricia Maher
		Brian Sebring

Absent: John Elliott

Also Present: John Revella, Village Manager
Maria Tapia, Deputy Village Clerk
Kelly A Kelly, Village Treasurer
Dave Donovan, Village Attorney

Village Manager's Report

Manager Revella: I'm not sure if everyone's aware, but there's been a transition on William Street and ownership of a few properties. What was formerly Occupations is now Taconic Innovations. I believe they bought a few property properties there and are putting residents in those properties. It's kind of changed the dynamic of the neighborhood and some of the residents have been contacting me to discuss the conditions there, making sure that we're keeping on top of that. We've been trying. Met with the New York State Comptroller Reps for the risk assessment and the auditors from RBT. Attended the ribbon cutting for the Anita L Vandermark Community Center. Had a wonderful conference with Trustee Pearson, Trustee Thompson, the Building Inspector and then the second time with the Code Enforcement Officer to review short term rentals and going over that with our committee. Conducted the interviews for part time office staff with the Village Clerk and Village Treasurer. We did hire someone part time, they started this Monday. Met with special counsel and the Treasurer, we reviewed and attended an arbitration on a CSEA contract issue. Then also went over some proposals for the new contract. I had a meeting with the MPB school officials, the Regional Superintendents office, Chief Herlihy and Mayor Ramos regarding SROs at their school. Transportation Council Planning meeting, discussed upcoming funding, to see what's available. We went over Bridge New York that everybody's submissions are in, including the Town of Montgomery submission for Hill Street. I also met with Interstate Waste to let them know that their contract ends in May and there may be a transition that we're bidding on, hopefully next month. That should be on the agenda next meeting as well. Rec Department, basketball program has 163 participants, which is higher than last year. The Teen Center and After School program are going well. Adult gym begun. Two days a week, which is tonight again. Building Department: Code Enforcement Officer, issued 1 building permit, 10 certificate of compliance, 6 letters of violation, 4 complaints were reviewed, 3 were resolved, 9 violations for fire and safety inspections, 16 inspections, 7 landlord registry violations, and took 3 cases to court. I don't have an update on the court ones, yet. Building Inspector did 14 permits, 4 certificates compliance, 2 stop work orders issued, 1 violation and is helping with the Planning and Zoning items to get on the agendas. Clerk's

been helping with updates on comp, 207c, special counsel issues, FOILs, invoices, bi-monthly calendar is out. Helped out with audits and interviews as well. Treasurer also obviously has helped with the interviews, audits, bank reqs, audits with the Comptroller, arbitration prep, year-end items including W2 and 1099, all those got out on time and going over different requests. Public Works have been replacing parts of the sewer plant as they can, still waiting on confirmation from the various DEC members to make sure we can move forward with the projects that we have there. They have been using the belt press when they can. Water Department replaced 13 meters, 37 end points, 19 mark outs, 3 inspections and 4 closings. Superintendent and I went over some complaints. The staff is working on putting GPS locations on all the catch basins, which will help for future inventories and work plans that are happening. Also, all departments have been continually working on evaluations, year-end reports and inventories. A lot of them are done. Finishing up a few stragglers. Did have to salt roads a few times. Had to do that and clean the equipment and working on streetlights as they can. They were able to move that weight limit sign on East Ave closer to 52. We're also hopeful to get some signs at the entrances. After more information we gather from the Village of Maybrook's attorney. Police are working on special details and tickets. 10 traffic tickets were issued since last meeting, 10 parking summonses, 19 arrests, 14 traffic stops and 400 blotters.

Trustee Pearson: Is there something we can do in those neighborhoods of William Street or nothing?

Manager Revella: Not at this time. They are tax exempt properties. There's not much we can do in that zone at this time under those conditions, but we're working on it. We're working on the tenants that are there, not the use of the property, but the people that are there causing problems. The landlords aware. If there's actual crimes, then we can prosecute.

Trustee Pearson: Met with the Gold Award candidate up here in this room to do what?

Manager Revella: Just to go over what she did back there so far and what's going to happen next. I know that the display case is going to be redone, so we're working on those.

Trustee Pearson: Discuss Olley Park transition. Programs going to be scheduled soon?

Manager Revella: They're moving the office down there so they can reuse and repurpose the train station building. So, that's hopeful and then we're working on what we can put down there.

Trustee Pearson: So, we don't have any programs ready to run for the new community center.

Manager Revella: Community Center? Not scheduled yet.

Trustee Pearson: How long before that will happen?

Manager Revella: Soon. I know they have people already trying to rent out for certain dates.

Trustee Pearson: I don't mean renting. I mean like senior programs or new programs that can happen. Like a yoga class or a Zumba class.

Manager Revella: They coordinate that with the senior group. I know that they do have those kinds of instructors with those groups now because they already have meetings scheduled. So, I'm sure they'll start to roll in the building with the new meetings.

Trustee Pearson: So, that'll all just be senior projects? It won't be everybody can go projects?

Manager Revella: We'll see what we can do there. The floor isn't that conducive towards certain aerobics, but other programs can be there.

Trustee Pearson: I thought you were having that so you could use it as a community room for those type of programs.

Manager Revella: No, not for more active programs. More passive programs.

Trustee Pearson: Okay. Soon we'll have some type of schedule on what's going to be happening. Status of capital projects. That's something you're going to discuss later?

Manager Revella: I went over the ten-year capital plan with the engineer. Always trying to get updates every so often on capital projects and where they are. We have several outstanding. I know the engineer is waiting on an architect to do a couple of them, including the roof at the sewer plant and the stairs at the DPW facility that have already been budgeted for but haven't done because we're waiting on an architect. It's been difficult to secure one, the one that we have been using has retired and he's trying to get new ones and to put price quotes up.

Trustee Pearson: You had a meeting with problem properties. Can you discuss that? Is that still William Street or is that something else?

Manager Revella: Other stuff? Just some properties in general that had violations. We talked about a few that had tires around them that I wanted them to follow up on. It's a few of them.

Trustee Pearson: Chief Herlihy, reviewing staff issues.

Manager Revella: Full time personnel.

Trustee Pearson: I know that I just saw in the paper somewhere about the Chief's test that was just passed in the county. Would those people only want to be Chief or would they come as a Sergeant or an Officer or something here?

Manager Revella: Just to be a Chief. For that test. It's to become a Chief.

Trustee Pearson: But if there's not enough Chiefs out there, would they go to another position or not?

Manager Revella: They take a different test for the other position. To be Sergeant, they take a Sergeants test.

Trustee Pearson: How did you make out with the SROs for the MPB School?

Manager Revella: We're not sure. They're going to talk to the school district and we're going to talk to the school district and see what their plan is. If they have a plan for the private schools in the district.

Trustee Pearson: What was the meeting about?

Manager Revella: Options. What MPB School itself was looking for?

Trustee Pearson: What are they looking for?

Manager Revella: They reached out to look for SROs.

Trustee Pearson: You met with the garbage company? Only one.

Manager Revella: Yes. Our current company to let them know their contract is expiring.

Trustee Pearson: I did talk to you about that the other day, too.

Manager Revella: It's going to be on the next agenda. We're going to try and bid it in March.

Trustee Pearson: Park maintenance, repairs various parks. I know someone came up to me and told me that the handicapped swing in Wooster is broken. I don't know what we're doing about that. Building Inspector is part time. I know he's back. Thank you, Dean for coming back. Wondered if we're still looking for a full-time position or what are we doing?

Manager Revella: I called for the list from the county, I have not received yet.

Trustee Pearson: That was a couple of weeks ago.

Manager Revella: I had followed up another email asking for it.

Trustee Pearson: So, we are looking for another Building Inspector. What's the plan?

Manager Revella: We're getting the list for the full time Building Inspector and then we'll evaluate. I don't know what's on there, if anyone's on it. They haven't give me a list, so I'm kind of skeptical now.

Trustee Pearson: How long is Dean planning on staying?

Manager Revella: Maybe a couple of years.

Trustee Pearson: I hope we don't get down to the same part we did this time and not have somebody to fill in the positions that need to get filled in.

Manager Revella: I hope not.

Trustee Pearson: Everybody seems to be working on evaluations. I don't see evaluations. Does the Park Department do evaluations as well?

Manager Revella: Every department does.

Trustee Pearson: So, the Department Heads do the evaluations and then you go over that with the Department Head. Department Head goes over it with the employee?

Manager Revella: Correct.

Trustee Pearson: But you check them all out first? And you go over it together.

Manager Revella: Yes.

Trustee Pearson: If there's an issue or something going on, do they get written up? What's the procedure?

Manager Revella: The Department Head will go over the evaluation with the employee. They would sign it. The employee would sign it and bring it to me. I'd review it for any concerns and they would let me know any concerns they may have as well. And if there are, we would address it in a performance plan if there's a need for one. Or let them know how to address whatever the issue may be, good or bad.

Trustee Pearson: Thank you. Where are we with the Boardwalk project?

Manager Revella: We're waiting for the drainage pipe to come in. It's on special order.

Trustee Pearson: Then what?

Manager Revella: Then it gets put in.

Trustee Pearson: Then what?

Manager Revella: Then they start working.

Trustee Pearson: I did see on Oak Street because I drive by it every day. They're putting that rear deck on. What about the cracks in that building? Does anybody look at the cracks in the front of that building that might. Maybe we should look at them. Sales tax looks good. Is that more than normal?

Manager Revella: I don't remember if it's more than last year. We were a little short until we got that, so we're a little concerned. So, we'll see if we're done at the end of the year. I don't ever count my blessings on that one because you never know how the year ends. We should be ahead of last year by the end of the year, but we don't know for sure.

Trustee Pearson: There's 10 parking summonses issued. Just a question. I just know on Main Street on Saturday mornings, it's full. There's no place to park. We had talked about a person to do the parking, but they don't usually work Saturdays. Just didn't know about where those summonses were maybe in the parking lot. I was just curious if you knew.

Manager Revella: I'm not sure which location for those.

Trustee Maher: In regards to the speeding in the village, I know in the past we had talked about possibly looking into getting those monitors that clock your speed. Any headway on those?

Manager Revella: We asked for speed trailer. I'm not sure what weeks they'll be here. The Chief is working on getting it.

Trustee Thompson: I'm glad you brought up the garbage company. I had complaints again today because it's pick up day. They're just throwing the garbage cans in the street. It's really becoming problematic, so I can't wait until we have that conversation in March. If we're going to keep the same carrier, is there a way we can have a few more things maybe written into the contract?

Manager Revella: We can't say who we're going to have as a contractor. It's going to open bid. We'll see who responds.

Trustee Thompson: I understand that. Whoever wins, see if we can get different language in there to get more of what we need for service.

Trustee Pearson: Why can't that language be in the bid?

Attorney Donovan: If you want to make modifications to the contract, the time to do that is when you go out to bid. Part of the bid is contract. Maybe I'll write a note to myself, and I can circulate the contract that we have now and then you can see what kind of practical consideration you want to have it. I believe there's a provision in the now for some sort of fine or penalty. I don't remember off the top of my head, but there are a number of things that are written into the contract. But certainly, things can always be improved upon.

Trustee Pearson: The complaints are never ending about the trash. It's very frustrating to village residents. I feel like they deserve for us to pay a little more attention to it because it's not just one or two people. It's a lot of people constantly complaining. I know Marisa fields a ton of phone calls about garbage. Hopefully, we can try and work on that.

Manager Revella: Everybody in the office does. It's a lot.

Trustee Thompson: I'm happy to see that there's actually notation in the Building Department that they've written violations. Thank you, Building Department for that. Just reading through the reports, the Building Inspector didn't make a note that he's been attending the Airbnb meetings that we've had. I saw that was in your report and the Code Enforcement Officer came to the last one as well. They should take credit for that hard work. I did ask about the usage of Bradley Park, but you didn't give me anything back. I was curious about that. So, maybe during the week. Again, in the reports, I was reading through the Parks and yes, thank you to the Bruderhof for all of the refreshments at the dedication ceremony. But Calculated Confections also provided a lot of the goodies. Thank you to them as well. If I recall, the gentleman that came here and spoke from was it Hidden View, didn't we tell him we'd have a reply for him of some sort within a certain time period? Were we able to reach out to him?

Manager Revella: We have some information, we've been working on that.

Trustee Thompson: So, he doesn't have it.

Attorney Donovan: Do you to have that conversation now?

Trustee Thompson: I'm just asking if we were able to reply to him with any information.

Attorney Donovan: I believe that there was an email from the manager to the board on January 18th that indicated some of my suggestions and that there would need to be a commitment on the board's part, spend money on those things. I don't know where that where that stood.

Trustee Thompson: No, I understood that. I'm asking if we gave any information to the resident.

Manager Revella: To answer the resident, we would need that information.

Attorney Donovan: To let him know it's a private enforcement. The village has the ability, but not the obligation.

Trustee Thompson: I was just curious because he sometimes reaches out to me, I wanted to know if there was anything to tell him. I obviously can tell him to contact you.

Manager Revella: I can tell him what I have so far, but it's not a complete answer. We have the one map, but we don't have another map that he's looking for.

Attorney Donovan: I did pull the file declaration because we only had an unsigned declaration. I did stick a crowbar in my wallet so I could pay for the file company and it's the same one that was filed.

Trustee Pearson: Does it have anything on it?

Manager Revella: Yes, it does. For what we have so far.

Attorney Donovan: Here's the thing. There is a statement that says that it violated the restrictive covenant. So, in order for that to be proven, right, you have to have common sense be a part of it, that doesn't always work that way in the legal world. You need to have a surveyor field locate exactly, there's an area on the map that's shown not to be disturbed, that the area that was disturbed is that same area. You'd have to first confirm that. And then there's also in the declaration, there's some exceptions for maintenance, dead, diseased, trees. I have no idea what the trees were like, so that they can be removed. The word fence is not mentioned, but it does say that the area is supposed to be left in its natural state. Which would seem to infer that you can't put a shed or a pool or any kind of accessory structure. But there would need to be some definitive proof that the location in which the work was done, was the same location that's protected. Have you showing the map because the file declaration doesn't have what we call, meets and bounds description, there's no legal description defining exactly where that is. It makes reference to the map.

Trustee Pearson: So, if he hired a surveyor, he'd be able to find out.

Attorney Donovan: That's correct.

Trustee Sebring: 36 Orange Avenue. What would they like to put there?

Manager Revella: He met with me to talk about what he wants to do there and I told him he needs to go to the Zoning Board. Right now, he has the commercial first floor, which is allowed in the zone and then residential above. How many units above, he needs to go to the Zoning Board. Right now, I think it's only allowed one without zoning approval. It's a huge upstairs. Common sense would say maybe it would be more, but we don't make that determination. Thanked him for making the outside look nice. Hopefully he can clean up a little more the yard and driveways. But he hasn't worked on the inside yet because he's waiting to find out what he's allowed to do. Just pointed him in the right direction.

Trustee Sebring: Adult gym, how many people have they had gone into that to make it worthwhile?

Manager Revella: I think tonight's the second night. I'm not sure.

Trustee Sebring: I'm just curious, there's only maybe one or two people and you're paying the instructor more than what you're getting.

Mayor Ramos: There was 4 last Thursday.

Trustee Sebring: The sign on East Avenue for the trucks. I still see some trucks, but no tractor trailers. But there are fuel oil trucks going back and forth.

Manager Revella: We can't stop them.

Trustee Sebring: I know. But if they don't stop and deliver oil and they're just cutting through. Are we going to put a sign on the other end of Sherman and East Avenue?

Manager Revella: Yes. We can do that. I'll put a note.

Deputy Mayor Carley: I just want to go back to the Hidden View. The gentleman, we didn't have the record of the survey?

Manager Revella: There was a map that was referenced on here that we don't have a copy of. That's what Dave was talking about. We have this big map, which is everything we have but the one that's referenced on there is not included. We didn't have a copy of it. That's what Dave was referring to.

Attorney Donovan: What the filed instrument says, it's called Declaration of Restrictive Covenants. It says that there shall be a designated 10-foot buffer area shall remain in their natural state, except as provided here in or removal of trees, timber or other materials on or from the designated 10-foot buffer be permitted. There's not legal description that refers to the map that was approved by the Planning Board.

Deputy Mayor Carley: Moving forward, should that have been in the Building Department? Things can happen. What's our remedy, next time somebody come?

Attorney Donovan: Up to you. But the point I want to make is you don't. Because what the instrument also says is the covenants conditions restrictions shall bind in order to the benefit and made enforceable by the declarant. That was Beazer. Good luck with that. The owner or owners of any of the lots shown on the map and the village. So, the village doesn't have to be involved. You can be, but you don't have to. You don't have an obligation to. But the owner can take it upon himself to bring an enforcement proceeding.

Deputy Mayor Carley: So, we don't want to create a precedent. That's what I'm getting at. Every time we come around, every time there's an issue, we have to do all the fact finding for the individual. But based off what you just read, we can use as a precedent, say as a board, once we get to that point, we'll say moving forward the onus is on the complainant.

Attorney Donovan: The property owner who was allegedly wronged. Because you'll see a kind of different scenario. There's something called the Stormwater Facilities Maintenance Agreement. If you have a large warehouse or a big piece of property and there's stormwater maybe contained in a pond, it's called the drainage facility. And those agreements, say that the property owner has the obligation to maintain and if he doesn't, the municipality can. Well, the municipality is going to get dinged by the DEC if they don't. So, that's a situation where you're definitely going to want to make the property or try to make the property owner do it. If they do it, you want to step in. Because that's going to have an adverse impact on the environment and neighbors. In a situation like this, I think it's a judgment call whether this is something that you want to be involved in. Clearly, by the language, you can, but clearly, you're not required to.

Deputy Mayor Carley: How do we put that into our language?

Attorney Donovan: I got this from John.

Manager Revella: This is all from the Building Department. We had all these things, but it wasn't signed. So, we weren't sure if it was the actual one that was adopted.

Attorney Donovan: So, I pulled the signed copy from the County Clerk and then the map was in the Building Department as well.

Manager Revella: For some reason, the recorded copy never got back to us.

Deputy Mayor Carley: I appreciate it. I was just wondering moving forward for the board if we ever come up against it again.

Manager Revella: I told the gentleman, initially FOIL for the records or ask to go see them at the Building Department and see what's there and take it from there. His inclination was to put the onus on us to do the work and to take action, which Dave saying is not required of you. It could be himself or the board if they wanted to.

Trustee Pearson: Does it show on the map? What he talked about.

Manager Revella: 10-foot tree buffer. See note.

Attorney Donovan: There's a dark line and then there's the property the property line. Whether it was done within that area or on the other person's property. The property owner may say, listen, I can tell because there's you don't see any topography on this map and where it is. I can tell what's mine, what's his. Again, the commonsense element. I can't deal in that. I would need to have a survey field locate exactly where so you know it was in that shaded area.

Trustee Pearson: Well, he can come get a copy of that map. I don't know why it's taking him so long to get those copies.

Manager Revella: He's never asked me for a copy of the map.

Trustee Pearson: Plus, the fence went up. Somebody allowed the fence to go up without checking all that. So, there's a whole other issue.

Manager Revella: How would they know to check? How would you know there's a restrictive covenant if it's not filed with the property?

Trustee Pearson: If it's on the map.

Attorney Donovan: In theory, if it was rear property, already, put the fence on his property. You can't put on someone else's property. The restricted area is not on the other person's property. It's on the person who bought the lot.

Trustee Pearson: It's 10 feet of that property.

Attorney Donovan: If you lived behind me and I moved into Beazer, you could put a fence on your property. You can put a fence on your property. I can't put one in the restricted area.

Trustee Pearson: Right and that's what he is questioning. The guy in the new lot put a fence up. Why is it taking so long for him to get information if he went to the Planning Department and talked to the manager?

Manager Revella: He didn't talk to me until well after. Almost a year later. Not sure why he waited.

Trustee Pearson: Passing the buck doesn't solve the problem.

Manager Revella: But it's not our fight.

Trustee Pearson: It's our problem that somebody allowed the fence to go up. Without checking that map.

Attorney Donovan: That gets into a whole other issue. What was the complex that wanted the village to enforce their private restrictions? This is not a violation of village code, which we would have an obligation, but it's a violation of this covenant that was a condition of the Planning Board approval that gave the Village of Walden the right, but not the obligation to enforce.

Deputy Mayor Carley: The audit and the risk assessment. How did that go?

Manager Revella: It's on going.

Deputy Mayor Carley: It's still ongoing. Or just one?

Manager Revella: Both. RBT is close to completing 2021. They started asking Kelly for some preliminary items on the 2022 audit as well. So, it's going to be a while for that.

Deputy Mayor Carley: The list for the Comptroller's.

Manager Revella: It's ongoing. They have new lists as well that came out. And they said there'll be more lists. We'll talk about that later.

Mayor Ramos: Orange Avenue, do you think he could have the Building Inspector run over and see if he can clean the embankment? That falls over from Church Street down. That's his property, correct?

Manager Revella: I'm not sure where his property line is.

Mayor Ramos: Looking at the map that looks like it's his until the sidewalk above on Church Street, that embankment down from that place. There is a tremendous amount of trees that are knocked down and deteriorating. East Avenue, commercial trucks, I understand fuel trucks need to do local deliveries. There is a tractor, Bob Dylan. Is he going to be restricted?

Manager Revella: I believe your code says that you're allowed to park your own truck on your property.

Attorney Donovan: I'm pretty good, but I don't remember that off the top of my head.

Manager Revella: We were just talking the other day when we're looking about parking on public street and you said the one commercial code.

Attorney Donovan: But I don't recall whether that's residential, commercial, mixed use. I don't recall because you have different parking requirements for different districts.

Mayor Ramos: But it's a J.B. Hunt truck. It's not his.

Manager Revella: We have a code that they're allowed to have their truck for work to park at home. But only allowed one. Have to check.

Approval of January 17, 2023, Minutes

Tabled

Public Comment

None

Designate Reps for CSEA Negotiations

Manager Revella: Typically, we'd have two board members that sit in on negotiations designated from the board. You could have zero. You can have one. You can have two. You could have more. But I wouldn't recommend it because it dilutes the conversation. But it's really up to you guys who you want to designate to go in for that.

Mayor Ramos: I understand the Deputy Mayor would like to be on that. We just need one more.

Trustee Thompson: I will volunteer again.

Manager Revella: The board's okay with that?

All: Yes.

Tow Fee Policy

Trustee Sebring: If you get a tow operator from New Windsor or Town of Newburgh, that's quite a few miles away and they're paying mileage. Take that car back there. That's quite a ways. I think we discussed that before. They asked a tow operator, give them a break, but you're at their mercy because not everybody wants to be a tow operator during a snowstorm. It's hard. That's my only comment.

Trustee Thompson: If we can just let the village residents know, like when we post our bulletins how expensive it is to have your car towed, that perhaps that would be a little incentive to park your car where you're supposed to park your car so you can avoid having your car towed and you get an exorbitant fee. We talked about putting out some sort of a notice maybe on our calendar.

Manager Revella: Definitely will once you guys decide.

Trustee Thompson: The fee schedule and everything is fine with me. I just feel very strongly that we let our residents know.

Trustee Maher: Yes. Fee schedule looked good.

Trustee Pearson: The winching charge. It says \$50 per half hour. You winch the car truck up on to the flatbed. That's called winching. That winching is for the whole time that they're driving your car?

Manager Revella: No. Say there's a tractor trailer down an embankment in the river. They have to get it out with a winch. Sometimes that takes a couple of hours.

Trustee Pearson: Who decides where they're going to put them inside or outside storage? Is that where they take tow them to?

Manager Revella: Whatever they have available at the facility. Most of the facilities that tow here don't have an indoor. There's only one that might, Quality.

Trustee Pearson: You were talking about a tow fee, mileage charge, but that's not in here.

Manager Revella: That's what I was asking for the change to allow for a \$7 per mile charge on a. Everything else will stay the same. That's the only change that's been requested.

Trustee Pearson: Plus the \$100?

Manager Revella: Yes. Or depending on the time, could be hundred and could be \$150. Correct.

Deputy Mayor Carley: Can you help me with that? What do you mean by those \$70 mileage?

Manager Revella: \$7 per mile, wherever they have to take it to. They could take it to their house. I don't know. Depends. Wherever they're towing.

Trustee Pearson: If they're towing it from here to New Windsor. 40 miles. 40 times 7 is what? 280 more dollars on top of the 150.

Deputy Mayor Carley: Is that normal?

Manager Revella: Yes. That's why I gave you that Thruway standard contract. Just to show you what their rate is. And that's probably the lowest standard rate.

Deputy Mayor Carley: Because I got stuck on the Thruway and I had to go through this. They don't allow other tow trucks to come on the thruway to pull a vehicle. So, we're at their mercy, whatever they charge. So, they charge whatever it is, but they're getting 100% of the business. Here they're not getting 100% of the business and \$70 is the Thruway, but we're not on a Thruway.

Manager Revella: Correct. But they have to be permitted through us. They can just come as a tow company whenever they want. They have to go through and get a permit from the village to be able to tow here. They have to be inspected.

Deputy Mayor Carley: We're passing the \$70 off to the person who's stuck.

Manager Revella: It's paid directly. They don't pay us at all. This is so the tow companies don't overcharge people. This is the standard fee. They can charge less. They can't charge more. That's the maximum allowed by the tow companies that tow in the village. Otherwise, they can't come here.

Trustee Pearson: But if we don't have the fee in there at all, they're not going to get that fee. They're going to get \$100.

Manager Revella: Nobody's coming. That's the problem. We have a very limited amount of tow trucks. We're trying to get the tow trucks here by making it at least comparable.

Trustee Pearson: How far away is like our furthest one that's come here to do this?

Manager Revella: I don't know how many miles away Quality is 14 miles, 15 miles. To their facility on 32 in New Windsor. That's their furthest location they would tow to. I think it's 14 miles.

Deputy Mayor Carley: This is not for a standard pickup. If I was to call and said I need my car to take to the dealer.

Manager Revella: You call privately, you don't call the police? That's through you. You do what you want. But if you're calling for the Police Department, they're calling off a list of allowed tow companies. If you're calling to get your car towed personally, you call whoever you want and they can charge you whatever they want. But if you go through this, this is what they're allowed to charge you.

Deputy Mayor Carley: And this is max, correct?

Manager Revella: This is the maximum.

Trustee Pearson: So, it doesn't have to be seven.

Manager Revella: We're setting the maximum so we can actually get some tow companies here to tow. This is an incentive. Like Trustee Thompson said, put on the website, move your car. I'd rather we make them make \$0. No one has to get towed. That'd be great. That'd be ideal, we don't wish for anyone to be in the situation where they have to get towed.

Trustee Sebring: When they get the first tow bill, they sure as heck won't park on the road during a snowstorm after that.

Manager Revella: That's the goal.

Mayor Ramos: This is pretty inexpensive. Winching charge. I understand a regular two axle tow truck, \$50 per half hour. But you open up the door about tractor trailers. How are you going to justify your company come in here with the rotator to pull a tractor trailer out at \$50 a half hour?

Manager Revella: Maybe they got to get two and they get 50 for each. I don't know.

Mayor Ramos: But the rotators are nearly a \$500 to \$1000 to get to the site. That may have to need clarification because if we pass this, binding to whatever tow company that comes here.

Trustee Sebring: Maybe you want to clarify that. Cars and small pickups. Then anything over X amount of weight, you get the bigger tow trucks is going to be more expensive. At their going rate.

Mayor Ramos: 10,000 lbs.

Manager Revella: 10,000 gross vehicle. You know what they charge though? Thruway doesn't charge more.

Mayor Ramos: It's not \$50, trust me. The GVW, New York State for commercial trucks is 10,000lbs and above. I would venture to clarify that passenger cars and vehicles over 10,000lbs would be a set fee. I don't know what the tow agencies are getting.

Manager Revella: I'm just going to put a caveat in there for 10k gross vehicle weight to be determined.

Trustee Sebring made a motion to adopt the tow fee schedule with changes. Seconded by Trustee Maher. All ayes. Motion carried.

Knights of Columbus- Car Show Request

Trustee Pearson made a motion to approve the Knights of Columbus Car show Request for July 8, 2023. Seconded by Trustee Maher. 5 ayes. 1 abstention (Mayor Ramos) Motion carried.

Resolution – Orange County Youth Bureau - Funding

Trustee Pearson made a motion to adopt Resolution Accepting Youth Bureau Funding. Seconded by Trustee Thompson. All ayes. Motion carried.

DASNY

Trustee Sebring made a motion to approve transfer of \$370,000 from fund balance to the community center to be reimbursed by the DASNY grant funds. Seconded by Deputy Mayor Carley. All ayes. All in favor. Motion carried.

Public Comment

Mary Ellen Matise: Pathways Committee today, the rails and trails. Open Space Institute put out a concept of the trails in Orange County, and everything is going to be wonderful. And we're still like the dogs tail just hanging there. The rail trail ends in Walden and we're not connected to anything south of us. Alan Sorenson has been putting forth this idea about rails and trails. I sent this report to John. It was a federal report, with designs and everything from 2021. So, we could conceivably and we should get the town involved, should go to the town too, and get them to start promoting this, to do a trail, continue the rail trail along the freight line down to Campbell Hall. Then from there we could get connected into the heritage trail and all the other things that they're doing. But we have to get south of here. That's going to be the feasible way to do it. That's up to the county and the state to find the money. The money's out there because they're all pushing intermodal and they all want to get people out of their cars. We should get the town involved, talk to the supervisor and let's get that promoted in a bigger way. In June, they're going to have the placemaking conference. I don't know if it's something we want to be a part of. I don't think they have a firm date yet. But they're going to have a planning meeting at the end of this month or first week in March. I can let you know. I didn't understand your answer to Becky about adult programing. It's not senior program. It's not even just adult programing. We need more diversified recreational programing in the village. We used to have a recreation committee. We had a committee that met when they were working on developing the recreation plan. Maybe we need that again for a while. Get some public input on what we want to see down there because I understand your reservations. Can't be doing things right away, but yet I still think we should have maybe had that in the works and really have been ready to roll when we knew the place was going to be opened. Don't need a kitchen for everything that's going to happen there. Bring coffeepot. You can plug in electric pot for tea. Let's start using it. Let's get the community having fun. It's been a long three years with COVID. The Senior Club does not do senior programs. It's up to the village, to the Recreation Department to do the programing.

Payment of Audited Bills

Trustee Sebring made a motion to approve payment of audited bills. Seconded by Trustee Maher. 5 ayes. 1 abstention (Trustee Pearson) Motion carried.

Miscellaneous Comments from the Board of Trustees

Trustee Sebring: For us Trustees that got this book this week from the state. If you look on the back page, concerns the video conferencing that we were doing when we were in COVID. Now the state has put it in here that we as a village can through a referendum authorize that we can do video conferencing if we need it.

Attorney Donovan: I don't think it's a referendum. It's a local law or a resolution. One of the interesting things that New York State did. They actually made video conferencing more difficult than it was before COVID because you were allowed to meet before COVID. A board member could participate via Skype. The rule was always you could be seen and be heard. Your location would have to be disclosed. The public could go to the location. You could do that. Then we all had Zoom meetings, that was the COVID time. But this new legislation is post COVID and it makes a requirement for rules that it makes it more stringent because before you could do it pretty much any time, as long as those other requirements were satisfied. This is more difficult but the point is, I think the point you make, is if you want to allow this to happen, you need to adopt rules and regulations.

Trustee Sebring: That's why I'm bringing it up, we should make the rules and regulations to cover that in case, it has to be used. Do you have this?

Attorney Donovan: Yes. All municipal matters. I get New York State Association of Towns, which there was also an article about furloughs and Airbnb's and regulations of those which I will pass on to the manager and Lynn and Becky.

Manager Revella: I can put it on the agenda.

Mayor Ramos: Why don't we look at that. It's pretty lengthy.

Attorney Donovan: Much more complicated than it was before. I can't for the life me figure that out.

Trustee Thompson: I think that it's because they don't want people to be participating this way unless it's absolutely essential.

Attorney Donovan: Well, that's speculation, but it would seem that would make sense.

Trustee Thompson: I agree with Brian that it's something we should perhaps explore.

Deputy Mayor Carley: They brought it up during the NYCOM meeting and that's exactly what they're saying, because it could get abused a certain kind of way.

Trustee Sebring: Right. I agree with you.

Attorney Donovan: It's a policy decision for the board.

Deputy Mayor Carley: Just make it extraordinary conditions. Just not stay at home and do the videoconference. There has to be a reason for it. And they did outline some reasons for it, but you could go into further with your village.

Attorney Donovan: Right. I was thinking a situation where you didn't have a quorum. You had to take action on a time sensitive matter.

Deputy Mayor Carley: They actually brought they up. You can't do it without a quorum.

Trustee Sebring: This here says you have to have a quorum.

Attorney Donovan: You have to have the quorum physically present.

Mayor Ramos: We can have our attorney in the conclusion this is that we do have to consult with our attorney. If he had any other insight, especially from AOT and the NYCOM that he should bring it to our attention for a next meeting and possibly in draft local law.

Attorney Donovan: I think my recollection is you could do it by local law or resolution. I will double check because I forgot about the physical presence for it. Let me take another look and I will have something for you. Even if you decide not to take action, it's good to have all the in front of you before whatever decision you make.

Trustee Pearson: Any news on Hill Street Bridge from the town?

Manager Revella: I think they applied for the Bridge NY Grant.

Trustee Pearson: We had talked about the definition of our senior development and the attorney was going to look into that. I don't know if you've gotten a chance to do that. I asked senior is 55 in development here and people think that children should be allowed to live there.

Attorney Donovan: I did look into it because I think the question that I took away was what can the village of Walden do should you choose to enforce that? What would be the remedy? There is a code violation. Will put the quantum of proof required on the site. There's a code violation where you could impose a fine or you could go to Supreme Court to try to get injunctive relief. If you could prove. Now, here's the thing that you got to focus on. You would have to do, I say a fair amount, some investigative work to make sure there was a violation. You have to, if you go to court, you need to have proof. It can't be that there was a transient 22 year old who stopped to see his parents for a holiday. It would have to be that there was a specific violation of the village code that could be enforced. Then what would it take? And is that from a policy point of view, almost like similar to the prior situation, where you have the ability but not the obligation.

Trustee Pearson: And also in part of that code, it talked about when you are in the development stages of that, that they are to be built out of view and no outside advertising. What does that mean no outside advertising? They can't put a sign outside that they're renting out senior citizen housing? If you want to look into that for me.

Attorney Donovan: Okay.

Trustee Pearson: Orange County Transit wasn't here today, so I drove by the other night and those lights. I'm telling you, I know everybody thinks those lights are in a good spot, but I looked back at the Winums house and that light from the middle of that parking lot, which is far away, is shining into their house. I just drove by and I saw all that. I really think to be a good neighbor, they need to still address that lighting situation that's there.

Manager Revella: There'll be at the next meeting. There's a meeting on Thursday with them.

Trustee Pearson: Any issues with speeders on South Montgomery Street?

Manager Revella: Yes. On numerous streets in the village. They haven't been complaining lately, but it's absolutely happening.

Trustee Pearson: The sewer letter. Hopefully that'll happen.

Manager Revella: You saw it? On the website.

Trustee Pearson: I didn't see it, but I thought we were sending it out to the house. I'm expecting something in my mailbox anyway. Also, Mayor, you wanted to or somebody to come on and talk about the short-term rentals, what we're working on. We did have two meetings. Dean showed up. First one, John, Lynn and myself. It was a good meeting. We talked about where we thought they should be, how they should be, where in the village they would be most accessible and used. We talked about going into definitions and I just sent the board member, Lynn and John, about the purpose and the intent of what it is. I kind of worked on that and it might be a lot, but I think a lot is pretty much covered. So, we're working on that. That's where we are standing right now. We're going to have another meeting this Thursday to go over the definitions and look at the intent that I wrote, and then we'll go to the next step and do the requirements. Kind of decided we're possibly moving forward with it. We need to at least talk about it because the state is coming out with either they're going to get payment for it and we're going to have to enforce it or we get the money for it and we enforce it. It's at the Senate level right now. It may go through. It may not go through. We're just trying to be proactive, move a little more forward. If we need to pass it, we can we'll have it kind of ready where you think you might like it to be, but that's coming up.

Deputy Mayor Carley: You're talking about the state with short term rental or specifically like Airbnb?

Trustee Pearson: No short-term rentals. It's in the Senate right now and it's a 25-page document.

Deputy Mayor Carley: I just want to be clear cut. Were we talking about short term before?

Trustee Pearson: We are talking about short term rentals, which people use as Airbnb's.

Attorney Donovan: It's kind of an umbrella term.

Trustee Pearson: But they can also be an independent host and do their own thing. That means they'd have to come to the village and be registered for that.

Mayor Ramos: Well, attended a Community Center Anita L Vandermark Building. Thank you to Calculated Confections for providing cupcakes. And Fox Hill for helping out. They do an awesome job for us.

Trustee Pearson: The health care issue that came up last meeting. Are we talking about that any further?

Manager Revella: Yes.

read community events into minutes

Executive Session – Personal History of a Particular Employee, Attorney Client, CSEA Arbitration

Trustee Sebring made a motion to enter into executive session to discuss CSEA, Arbitration Discussion, Personal history of employee and Attorney Client matter regarding insurance reimbursement. Seconded by Trustee Thompson. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
February 7, 2023
Motions & Resolutions**

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