

**Village of Walden
Board of Trustees Regular Meeting
March 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
Marisa Kraus, Village Clerk
David Donovan, Village Attorney

Public Hearing - CDBG

Trustee Sebring made a motion to open the public hearing for CDBG. Seconded by Trustee Thompson. All ayes. Motion carried.

Engineer Queenan: Here for our annual CDBG. As John was alluding to, basically the way the CDBG program works, it's delivered to the county and it's based upon low moderate income census tracts where the projects are targeted. So, the Village of Walden has, I believe, approximately six census tracts. In the past, probably around 2015. The village had four eligible census tracts. Since they've updated the census and the data, the village is now down to only one census tract that a CDBG project can be funded in that area. John alluded to a map, but basically your census tract is the center of the village, which is pretty much from the upper bridge and the lower bridge through West Main Street to the intersection of 208 and 52 down East Main Street, a little bit of 52 and then up 208, Orange Avenue, just a little bit heading towards the town. You're limited in what we can do in that zone. The county through HUD no longer recognizes that if a project is located outside of the census tract but benefits the census tract that it can be applied. So, for instance, if you wanted to do an improvement at the sewage treatment plant, you can't because the plant is not physically located in that census tract. They no longer do a composite saying that it's going to benefit the census tract because overall the village doesn't meet the goal of the percentage for low mod income. That's what the whole program is driven on. With that in mind, you're limited to this section. The projects that qualify are the same that they've been every year. You know, either infrastructure improvements, water, sewer, drainage, ADA improvements, sidewalk improvements. That's basically the meat and potatoes of the program. There are some other options that you can do. Property acquisition and building relocations and that kind of project. But mostly its infrastructure related public improvements. You cannot use any of the CDBG funds on a government building, unless it is for ADA barrier improvements. For instance, Village Hall, unfortunately, it doesn't fall in the census tract to begin with, but you couldn't use the funds to do anything at Village Hall unless it was tied to an ADA barrier impediment improvement project. So, keep that in mind when you do it. County also, the other wrinkle this year, is there are no more three year applications. They're all one year applications. Each municipality is only allowed to issue one application. You can't put in more than

one, and it's a minimum of \$125,000 project, up to a maximum of \$175k. Those are the requirements of it. Basically, the application is due in June to the county. They will go through their scoring and review process. They will award or let you know who got what around, I think the end of December 2023. Contracts and funds are available April 2024 and the project must be completed by 2025. Now the prior three years, 2023 was sewer improvement in this track. 2022 was also sewer improvement in this track and 2021 was a sidewalk improvement.

Manager Revella: Anyone have any preferences of what to go after? The last two years we haven't been able to start yet because CDBG hasn't let us yet. But we're supposed to be doing the smoke testing and lining. I'm sure we're going to need more, but I'm not sure where we can go without knowing these first two sections.

Engineer Queenan: As of right now, there's \$250,000 to do the smoke testing and sewer lining in this area.

Trustee Thompson: You mean we've spent that much or that's how much we're allocated?

Engineer Queenan: That's how much we've been allocated.

Trustee Pearson: When do we have to spend that by?

Engineer Queenan: We have to spend the first \$125 by the end of this year.

Manager Revella: They haven't approved our contract yet.

Engineer Queenan: The funds from HUD are a year behind. That's why everything is shifted.

Trustee Pearson: I know you said not municipal building, but it's a historic building and in the requirements, you can rehabilitate and preserve and restore historic building. Can that be this building?

Manager Revella: This building is not in the track.

Engineer Queenan: You're just outside. The boundaries are the square.

Trustee Pearson: What about lampposts and beautification and trees and that kind of stuff?

Engineer Queenan: It has to be a public infrastructure facility. Sewer, water. Lighting, you could it be. Well, I would caution you to try because you want to get. So, if we're in that gray area where we're not sure, they just won't award you anything. What I would suggest, this is good brainstorming, come up with that. I can call the county and ask them if lighting is a strong candidate, because we have till June and this is why we're having the public hearing. If lighting is a strong candidate, if they feel other towns have done it that's fine. We can go there. But if they're like, I don't think so. I wouldn't want to just submit for that and then you just get nothing and you miss out on that. The county is very good at they actually pretty much spread the money to all of the members of the consortium. Usually get something as long as they're meeting all the eligible activities.

Trustee Pearson: Yes, but if we don't have anything else to go for. We're not going to rip up the street we just did.

Engineer Queenan: Well, it's just not Main Street. There are portions of Orchard, Railroad, Grant.

Orange Ave. You got Scofield, portions of Maple, Church. Oak. Pine. There are other targets.

Deputy Mayor Carley: Are there other things you want to go after?

Manager Revella: I was going to ask him to just explain to the board the sections that we went to the last two years, the sections of town that we did the lining for in the award, I don't remember from street to street which ones they were.

Engineer Queenan: It was 52 from Sherman and Elm.

Manager Revella: No, I mean the ones that we been awarded in the last two years that we haven't used yet. Do you remember?

Engineer Queenan: We wrote it in a manner that it can be used anywhere in the census track. So, how we wrote the last two was that we were going to smoke test and we're going to camera and based on the problems that we find, they will be fixed. It wasn't specific to say, you know, Grant Street that we have to do Grant Street. We can apply to anywhere in that zone.

Manager Revella: We weren't sure what the smoke testing was going to reveal. So we try to be ambiguous about it, but I'm not sure. I mean, we could use more money for that project. It's going to be more.

Trustee Pearson: You have the smoke test already for the next two years. So, why wouldn't we go for the lining then? Because if we find issues in that area that you're going to be doing, then you'd have the lining set up for the next year?

Manager Revella: That's allowed in that. That's part of the same grant that says smoke testing and lining or repairs.

Trustee Pearson: Yes. But it's only how much money?

Manager Revella: \$250,000 so far. So if we get more, we'll be able to do more.

Trustee Pearson: How much does that cover?

Engineer Queenan: It covers a good bit. I mean, sewer lining is much, much cheaper than, you know, rip and replace.

Manager Revella: Our issue is going to be when we have a drainage that is connected, disconnecting and rerouting to drainage is going to be a problem. That's going to be a little more costly. Road repairs on the state road. That's where we have problems. Potentially.

Deputy Mayor Carley: If we're already two years behind on the dollar to spend for that. And then we're going to get extra money that's not double dipping?

Manager Revella: No, because they were delayed because of Covid and awarding. So, they got pushed back. We haven't done any work in two years.

Engineer Queenan: They're all individual separate applications. It's the same ongoing process.

Manager Revella: It looks good to the DEC that we're still pursuing it because we do need it. I'm just not sure if Mr. Queenan thinks it's viable or what your options would be.

Engineer Queenan: Well, you can always look at sidewalks, if there's any bad section of sidewalk. That's always a target because it's also tied to ADA. You would do the ADA ramps and your application becomes much stronger. There are always water main replacement and drainage improvements. You can pick any of the utilities.

Trustee Thompson: What's your main focus? What's your top priority?

Manager Revella: Ours has been sewer.

Trustee Thompson: And it remains that?

Manager Revella: Unfortunately. We don't know what's going to happen with the drainage, that's where we won't know until we smoke test if there's issues with that still, because there was an integrated system. It wasn't bifurcated like it supposed to be. So we may find problems with that. We may have roof leaders into the sewer lines will have to be separated. It's going to be hard to do. And people are going to look to us to help.

Trustee Thompson: Are you calling down the line for comments or are we just having a generic discussion?

Engineer Queenan: This is it your public hearing.

Manager Revella: I don't know if you want to hear from the public or anyone who's in public has any comment.

Deputy Mayor Carley: Was there anything else that you had?

Engineer Queenan: I don't have anything else unless you have.

Deputy Mayor Carley: To entertain Trustee Pearson's lighting, do you think it'll be enough for that to meet \$125,000 threshold?

Engineer Queenan: I think so, yes. I'm assuming you would want to do the square and Main Street?

Manager Revella: Yes. Ornamental.

Trustee Pearson: I would at least entertain and see if the county would. That would be my vote. We already have the sewer lines that we're not even doing because we can't even get the money to do them yet for two years.

Engineer Queenan: The first round is coming in. The contracts were just approved by the county, so that would be going out to bid. But I can call the county and see how strong a lighting application would be. Might be able to turn it into an ADA compliant visual sidewalk improvement.

Trustee Sebring: We got so much going on Main Street with the smoke test and you know you're going to run into the drainage. That in itself is going to be costly to navigate, to get rid of them, to put them to another source.

Trustee Pearson: I had other suggestions, but they were for this building. I talked to John the other day about them and so really the only one for me would be the lighting, because half the time they

work and half the time they don't and they're always fixing them. If we get something new, its services for the community, maybe even add some more, we could add more to it instead of just the little bit that we have.

Engineer Queenan: So, the lighting would be the square, out towards Main and then Main Street. That's in the track.

Trustee Pearson: High Bridge. Does it go to over the bridge?

Engineer Queenan: It does not go over the bridge.

Trustee Pearson: There's nobody on that census bridge so why don't we say it goes over the bridge through to the west side? Why don't we try for it?

Engineer Queenan: We'll try. It's not my decision.

Trustee Sebring: John, at one time, did we ever get an estimate of what it would cost to powder coat the lamp posts?

Manager Revella: The guy that we sent it said, don't do it. You're throwing money away. You're going to do the same thing within a couple of years. They're just going to peel. It's almost the same cost as buying new lights. It was like \$4000 a fixture. The new ones are like \$5000 or something like that.

Trustee Sebring: What I was getting at was powder coating the post and new lighting, different type of lighting on the top.

Manager Revella: My thing was like, if we can't get it, at least we'll do a section. Like we could do the square first, get that done and upgraded and then get Main Street after. Do portions at a time to get it upgraded.

Trustee Pearson: Get 25 lights out of \$125,000.

Engineer Queenan: Well we'd target the \$175.

Trustee Pearson: That would be my suggestion. If you definitely want to do the sewer some more then I'm fine with that as well. That's up to the board and public.

Trustee Maher: I think we're always going to need more funding for our sewer system. People aren't living here less, they're living here more. I think that's always going to be a constant. However, we do also need lighting, so I'd be in favor of either.

Trustee Thompson: For as long as I've been here, the focus has always been on the sewer and the sidewalks. We've started those projects and I think we should follow them through. If it looks like we're not going to get the funding we need for that. I think Plan B, to think about the lighting is definitely something to consider because we're always calling down here about the lights. It's nonstop, but we had to put it in sequence of importance. I would have to say, to continue with the sewer work.

Trustee Sebring: My thought is the sewer work is the most important on Main Street. The water, your roof drains, that's going to be a big thing too. Between those two, that's got to be done. That's where my focus would be.

Deputy Mayor Carley: It has to be just one project, right? Can it be like a mixed?

Engineer Queenan: Just one.

Deputy Mayor Carley: Where are we, the sidewalk still? Are we anything that we need to do with that?

Manager Revella: We'll have to look in the zone and see what's on the sidewalks that are eligible, that need repair and priority of that dollar amount. Or if they'll let us do different sections like \$30,000 on one street and \$50,000 on another.

Engineer Queenan: I would write it up the same way we did the sewer. General sidewalk repairs in the census track. You could do that.

Manager Revella: There are only some sidewalks that really wouldn't be preferred because New York State wants us to do surveying boundaries.

Engineer Queenan: Stay off the state highways.

Manager Revella: It really makes it cumbersome and it'll never happen. We tried it. We got an award for it from CDBG to do East Main from Sunoco down. Which was needed. We got the award for it, and the state's like, now you got to do this, this and this. We're just trying to replace what's there. Nope. So, they turned a \$125,000 grant into a \$500,000 project and it just made no sense. So, we took that money and moved it to Maple and Walnut.

Susan Taylor: If my voice counts. The 12 years I spent on this board, it was always water and sewer. I agree with Mr. Queenan that you don't want to just put in to get money. I understand the lighting, but if I had to have a priority, obviously it's going to be water and sewer. Trustee Sebring is correct. Whenever you do the smoke test, you open up a can of worms, and it's almost like a treasure trove down there when you see what's going on with those pipes. I still remember the time that we had a water main break, and when we opened up the street, there was a piece of wooden pipe down in the street that was in better shape than the metal pipe. Which flabbergasted me, but that's what we've got around. We need to, to deal with, especially the sewer piping in this village. So that's what my priority would be as it was for those 12 years. Sidewalks look pretty, lights are nice. People can't see what goes on underneath. It's not a popular thing because there isn't something nice to look at. But when you need to get that water out of your house, it's always nice that it leaves. So, that should be the priority in my estimation.

Deputy Mayor Carley: Any further comments from the board.

Trustee Pearson: I'm fine with whatever those two issues are. I'm not against anything.

Deputy Mayor Carley: From what I'm hearing and we don't have to really take a poll, but sewer primary, with everybody. Then we'll leave the lighting and the sidewalk.

Manager Revella: We'll need a consensus. Eventually for that though, once you close the public hearing.

Trustee Pearson: Do you want Mr. Queenan to talk to the county about the lighting?

Deputy Mayor Carley: I personally don't think there's a need, but I didn't want to say that because

you don't want to shoot down someone's thoughts.

Trustee Pearson: It's fine. It's just the thoughts and idea we were supposed to come up with ideas.

Trustee Thompson: The lighting is a need, but is it a top priority need? It has to be fixed. It's been going on and on for years with the lighting as well. So, it's not just to make things look nice. I mean, it's definitely a need, is it not, John?

Manager Revella: It is.

Deputy Mayor Carley: No, I agree that it's a need. I personally think sewer and water like stated everywhere is primary.

Trustee Thompson: I do, too. But I misunderstood you then. I thought you meant that it wasn't a need.

Trustee Pearson: I'm fine with the water sewer, yes. Because I'm the one who also asked about the sewer plant outside of the main street that services the area. So I did ask that question as well. But then you told us we couldn't do that either.

Engineer Queenan: They used to do that not too long ago, maybe 10-15 years ago and then HUD cut that out. Communities were abusing it. So we will do the max application \$175 for sewer related improvements.

Trustee Maher made a motion to close the public hearing. Seconded by Trustee Sebring. All yes. Motion carried.

Attorney Donovan: We need a formal resolution. I don't think you do anything tonight. We'll recreate what we've done the last 2 years. So, you'll have a formal resolution on the agenda to vote on. Because this application doesn't go until June. We'll do that in the relatively near future. But the county is going to want to see the physical resolution.

Presentation Walden Fire Department

Jason Faso: I'm the 3rd Assistant Chief of the Walden Fire Department. I'm a retired New York City Fireman. I was a fireman for 30 years. What we're basically asking for the board is to allow us to do a 9/11 ceremony every year. It came to our attention that it wasn't happening every year. It was only happening every five years. We are willing to take on doing the ceremony. All we are going to ask for the village is to have the square shut down on September 11th. Whether it's a weekday, it would probably be at night. And if it was a weekend, it would probably be in the morning. I was still currently working, so I my time had to be down in New York City. We're just asking now that we could pursue it every year.

Deputy Mayor Carley: I need clarification personally. The board originally said every five years for the village to host or the village to authorize a host?

Manager Revella: The village wanted to host every fifth anniversary.

Deputy Mayor Carley: What we're saying is that every five years the village will actually do all the work to have an anniversary for 9/11.

Manager Revella: With coordination through the other entities as well.

Deputy Mayor Carley: So, now we want to do it every year.

Manager Revella: The Fire Department wants to.

Deputy Mayor Carley: You're going to submit an application, the whole nine yards?

Jason Faso: We'll do whatever it takes.

Deputy Mayor Carley: I just want to be clear that what happened in the history behind so everyone understands.

Manager Revella: They would submit a letter to the board, usually a month or two in advance, if they can, saying they're having the ceremony on this day, at this time, we'd like the square to be closed off, barricades, whatever, for this time period. Pretty easy.

Jason Faso: That's all we're asking that we can do it every year.

Deputy Mayor Carley: I think we should get a consensus of the board how they feel about that. Any objection to that?

Trustee Sebring: No. I'm glad to see the Fire Department stepping up too.

Trustee Maher: Thank you, yes.

Trustee Sebring: Nothing bad about what went on before. It is the Fire Department and Police Department down in the city that took the biggest brunt of what happened. You, as the Fire Department, are going to step up and do it every year. I have no problem with that. I'll always authorize it as long as I'm sitting on this board.

Trustee Thompson: I also have no problem. I think it's unfortunate that it went where it went. I agree with you. Let's forget it. Let's start from today. So, the village will not do the big anniversaries. You guys are going to take the ball and go.

Jason Faso: We're going to take it and I'll submit it with John and whatever you guys want us to do, we will do it. The only thing we're asking, is really for the permission to get the square shut down.

Trustee Thompson: That's not going to be a problem. What you just said, whatever we want you to do. That's not the way it goes. It's whatever you want us to do. It will become your event with support from the Village of Walden. I think that's great. I think that's the way it should be.

Trustee Maher: Absolutely. Same.

Trustee Pearson: Good to go.

Jason Faso: Thank you.

Deputy Mayor Carley: That's why I just need a clarification about the anniversary. But I'm 100% for it also. So thank you very much.

Jason Faso: Thank you for your time. Really it's unfortunate that there was a misunderstanding and it came to our attention and we all looked at each other and said, we've got to do something. There

were village members, village residents that died on the 11th. You had Ronnie Henderson. You got Brian Masterson, who passed away from 9/11 cancer. I hate to say it, but there's probably going to be more.

Trustee Pearson: I don't think any board member here didn't want it to happen ever. There was a whole big to do that happened that should not have happened the way it happened.

Jason Faso: I think there was miscommunication and I know there's a lot of miscommunication on our end. I'm not here to point fingers. I'm just here.

Trustee Pearson: We're happy you're here. It's awesome to be a community and work together with different groups.

Jason Faso: I said to John to open up some communication between the village and the Fire Department.

Trustee Sebring: We always have had good communication with the Fire Department prior. I've been in this village all my life and it's always been. Always. Whatever the village needed or wanted or whatever a Police or Fire Department wanted, you got it. Because you're our backbone for saving the houses and going to the accidents and all that stuff, even though I'm a life member. But that's the way it was.

Trustee Sebring: I appreciate it. Thank you.

Village Manager's Report

Manager Revella: We have a potential arbitration with CSEA regarding an overtime issue coming up. Did go to the conference in the city with a lot of Orange County Municipalities, the Association conference. The mayor attended as well. I had a meeting with the Rec Coordinator and a few others, including, the mayor, about Olley programming, I put some schedules in your boxes about what's planned there so far. That'll get posted as it gets formalized. Meeting with the Treasurer pretty frequently, went over the new bond, deposits. Going through audits. Reconciliations. Today we finally got the budget started because we got the first audit almost completed. I actually went to an event with Assemblyman Maher to discuss issues with the state, including the electric bills, utility bills and problems with utility billing. Hopefully we get some progress on that at the state level. Met at the conference with the Villages Engineer, went over CDBG actually and a couple other projects coming up, including capital projects for the budget. Attended the meeting for short term rentals with Trustee Pearson, Trustee Thompson, Building Inspector and the Code Enforcement Officer. Made a lot of progress reviewing some of the options with our attorney to make sure we're integrating that properly for the local law. Interviewed a dispatcher candidate with the Chief. Did make the hire, they'll be training soon. Met with the Rec Coordinator and Trustee Thompson about a couple of projects that we worked on last year to try and continue them this year at the parks. Went over the garbage contract with our attorney as well. I had a couple requests for waiver at the Community Center to use a facility from a civic organization to waive the fee, not the deposit, but the actual fee. We're discussing with some residents potential no parking on one side of East Avenue. I also got an award letter from the DEC for Water Quality Improvement grant of \$500,000 for the Village of Walden to build a new salt barn. The Parks Department has been continuing maintenance, reviewing park use requests. The programs are going well after school. Teen center. Easter Egg Hunt and indoor pickle ball is being set up now. The Building Department, the Code Enforcement Officer issued permits, Certificates of Compliance and violations for property maintenance. Fire and safety inspections. And handled a new complaint. Landlord registry violations. Snow violations, noncompliance violations, and did inspections. The Building Inspector has been assisting with the Planning and Zoning Boards as well. Clerk's updating social media as

usual. Updating 207c, comp. communicating with me and Special Counsel for personnel issues that we have going on, FOILs on unemployment matter, assisting with residents, water, sewer, billing and complaints and the minutes. The Treasurer obviously working on the audits with the Comptroller and our internal audit, attending meetings for those purposes. Working on issues with Edmunds, coding, preparing year end bills, the BAN, IRS forms, project updates, preparing the budget and the budget transfers, and working with me on updating reports and vouchers. Public Work's been working on vehicles, replacing parts of the plant, generator. The Water Department did replace 30 meters, 16 endpoints, 7 mark outs were done, 1 inspection and 5 closings. Did the meter readings, continued maintenance. They did repair a water break and a new valve on North Montgomery Street, there's some road maintenance that's needed over there. They had a water break on Bradley Lane as well, but thankfully that was in the dirt, not in the road. They're pretty much finishing up the mapping for the catch basins. They're doing the flushing and jetting they did have to plow and salt the roads in the last couple of storms. Working on street permits and working on cutting back trees. The Police Department. Trying to get part timers in still has been an issue. Over time is an issue due to the 207c. They're still looking for applicants. They did issue 3 traffic tickets, 17 parking summonses, 14 were snow, 11 cars got towed, 4 mvas, 4 arrests, 14 vehicle stops and there was 287 blotters. Just so you know, today, the part time office person that was in there, had to resign today due to health reasons. We're going to be advertising for that again.

Trustee Thompson: The third floor?

Manager Revella: Yes.

Trustee Pearson: When you met with Assemblyman Maher, what was the outcome of that?

Manager Revella: Most Assembly members and Senators in our area are working hard on NYSEG and Central Hudson. They've both been a big problem with billing and having billing issues with their own internal software and with customer service. There's a huge outreach for that. I know Senator Skoufis and our Congressman as well also was asking to help on that to try and push those companies to do something. I know that our Congressman got the CEO to step down from Central Hudson due to those issues. I think there was big press about that. They're all working hard to try and fix that. They know it's a huge problem for everyone. Even our own bills at the village have been affected. We found another one today. The bill was just wrong. When you have 40 bills every month in triplicate with 15 pages of backup, it's easy to get missed. So you've got to be careful. And I'm not sure if some people really look, they have automatic payments. They're getting withdrawn on these wrong bills and their accounts are getting overdrawn. It's causing a lot of problems. So, they're trying to help.

Deputy Mayor Carley: What should we tell the public?

Manager Revella: Please contact the state representative or their federal representative. Mostly state representative will be the big help here because the New York State Public Service Commission is the one that really oversees those companies. Federal has been helping as well. Either one.

Trustee Pearson: You met with the attorney on the finalizing the bid for the garbage. Do we have a copy of that yet?

Manager Revella: You had it last time.

Trustee Pearson: It wasn't finalized.

Manager Revella: The only revisions were made were the ones that you guys told me to make. It's posted. It's out. If you want to look at the full copy, it's in the office as well. Its 30 something pages.

Trustee Pearson: You talked about park use and about the community center. Filling out forms and all that. I know the last meeting, Mary Ellen had some really good comments about that, I know we've come up with the policy to rent it out how much is going to be. But do community groups get to not have to pay to use it. How does that work?

Manager Revella: Civic organizations can request a fee waiver.

Trustee Pearson: And who determines that they get that waived?

Manager Revella: I have been authorized to do that by the board in the past. We try to stay consistent with that. For example, the school district, if they had an event they wanted to host. They give us the gym for free. So, I don't see why we would charge them. They do supply us with insurance. All the organizations would, no matter who they are and do pay a deposit regardless of who they are.

Trustee Pearson: How do the deposits get back to people?

Manager Revella: Once we've determined that there are no damages, we refund them.

Trustee Pearson: Do we have a list of if something got damaged, what the price would be for something damaged? Should we have that? Should we have some type of policy for what's going to be paid out?

Manager Revella: We have a policy but not a price list. We don't know what the damage could be to replace a chair leg. We don't know what it's going to be until it gets damaged. Because the price has changed constantly.

Trustee Pearson: I just think there should be some type of policy, more of a policy than what we have in a new building and new equipment.

Manager Revella: If we say to replace a chair and we set the policy, it's \$50. Someone breaks the chair, we go to replace it and it's actually \$60, then we just screwed our self out of ten bucks. So, we say you just have to replace at the cost of whatever it is then we cover our self. Did you see the packet that comes with it? It's not in the application, it's in the policy. The ones that you guys went over.

Trustee Pearson: Shouldn't the Clerk in the office know? Do they schedule together on a certain calendar of who's going to be there and not be there so that there's, like everybody knows in the village, like between the office and the Parks Department of who's going to be there and who's opening and closing and should they know that?

Manager Revella: The Parks Department. That's their business. Just like the Parks Department doesn't know who's scheduled to be in here in Village Hall. That's the Clerk.

Trustee Pearson: So, the Clerk doesn't need to know any of that?

Manager Revella: Who's at the park? No. The Rec Coordinator knows and their assistant knows.

Trustee Pearson: I didn't know if we needed more of that. I thought Mary Ellen had made great

statements at the last meeting. There used to be a company years ago, about 15 years ago, that would clean out the pump stations. Do they still do that?

Manager Revella: So, we do clean them. We clean the pump stations. They have the daily at the pump stations. If they see something, they'll get it. But we have the actual, like, the sucking out of the grit. Maybe once a year. We have companies come do that. They bid on that.

Trustee Maher: John, you mentioned something about a DEC grant for \$500,000 for a salt barn. Can you talk about that?

Manager Revella: So the water quality improvement projects from the State DEC. We applied last year through the CFA. The Consolidated Funding Applications. Usually they come out in December. For some reason they didn't. They just came out and we got awarded to replace our salt barn down at DPW.

Trustee Maher: 11 cars got towed in the last snowstorm, which to me, that just seems like a lot. Was it a specific area, like a cluster or was it just sporadic?

Manager Revella: Sporadic. It's always sporadic. There's times when there's 60 cars towed. So, 11 isn't too excessive. I hate that anybody gets towed.

Trustee Maher: I was just wondering or curious if I was in one specific area. With the meetings that you guys have been having regarding the short term rentals, has any information come from that, like any notes that we can get updated on?

Manager Revella: There's a ton of notes. I'm going over them with Dave to try and consolidate to do a draft. The draft we're going to go over in the committee and hopefully report that to the board.

Trustee Pearson: We talked about the last meeting. What we were working on.

Manager Revella: We have some good stuff. For example, Dean did a sample registration form, which is great. I think it's awesome. The committee thinks it's great. And then there were a couple other things that we wanted updates on. We saw Village of Nelsonville had a good bullet point overview of the whole law that we're going to try incorporate some things from too. It was pretty good.

Trustee Thompson: Just on what Trish was talking about, I believe, John, we're ready with all the short term rental meetings that Dave is going to write up a draft.

Manager Revella: I'm working on it with Dave.

Trustee Thompson: Will that be just for the committee to talk about or when it gets to that phase, we're going to give it to the whole board?

Manager Revella: That's up to the committee how you wanted to present that, if you're ready to present it.

Trustee Thompson: I think the whole board should be able to see.

Manager Revella: All this stuff is for the whole board.

Trustee Thompson: Fairly soon. It's a lot of information. I have no problem with it. I think they

should see it sooner rather than later.

Attorney Donovan: My only suggestion that since that's coming out of the committee, you may want to see it first just to make sure you're okay that your intent got translated into the law.

Manager Revella: Anyone that wants to read through the folder, it's in my office.

Attorney Donovan: There was a series of emails that the manager greeted me with when I came back from vacation.

Trustee Pearson: We have a meeting this Thursday. Are you going to be prepared for that?

Attorney Donovan: I'm still reading your notes.

Trustee Thompson: The paperwork for renting the park facilities. I understand that it goes through the Rec Coordinator and I get it. But nothing gets filed with the Clerk as far as the insurance and all of those things that permit, it doesn't go through the Clerk's office?

Manager Revella: No. Insurance and the permission in the form are all kept with the Parks Department. They have that too.

Trustee Thompson: So, then when the people have deposits, be it cash or checks, then that comes to the finance office?

Manager Revella: That's correct. They're supposed to let the finance office know so-and-so was approved to use the park, this is the fee they're going to come with just to make sure it matches.

Trustee Thompson: I don't see it anywhere on the report. Did you have the meeting yet with the towing people?

Manager Revella: I did.

Trustee Thompson: How did that go? Or is there anything you can tell us?

Manager Revella: Some of the words I wouldn't use.

Trustee Thompson: Are we going to get something else submitted to us to talk about or are we revisiting?

Manager Revella: The people that I met with said to check the Town of New Windsor's rates to see what they're doing. They believe that our rates are still too low. They think that the accidents should be open to the rates, whatever open rates. I disagree, but it's up to the board. But they said for snow, that's fine if we want to set the rates and then we don't have anything on here for lock out or no key. There should be charge on a list for that. I don't disagree. Storage was a little low and the fuel surcharge they asked about. I was going to bring it up for the discussion at the re-org for the fee schedules when we do that. If you want it sooner, it's not a problem.

Trustee Thompson: Are you drafting something else?

Manager Revella: It's just the notes to give to you guys to see if you're in favor of it. It's kind of hard to have it because we have those meetings so close together. The 28th is really for billing and stuff. And then the reorg meeting and regular meeting is right then. So maybe for that meeting we

could do it. The 4th.

Trustee Thompson: What did that do with as far as them accepting a bit?

Manager Revella: We didn't have an issue with tows during the last storm, but we really didn't have that many. If they have more, it may be an issue. They still aren't applying, this company in particular. Not yet. They're thankful that we met. I explained how it happened. I was like we weren't trying to lowball anybody. We're actually increased a little bit more. Their point was it wasn't enough to make it competitive, to make it worth the tow.

Trustee Thompson: We haven't had anybody else.

Manager Revella: We had another company apply and was accepted, permitted recently. We have two right now that I know of that are permitted. In emergencies we're allowed to call whoever we need to, but permitted we have two.

Trustee Thompson: I didn't see anything in the Highway Department report. Is there any update about some of the fire hydrants that have had to have repairs in the village? Somebody asked me about one on Walnut Street.

Manager Revella: There are two that are getting replaced. We have to do what's called an insta-valve. You really can't do that in cold weather. So we're trying to make sure the weather's consistent so we can do those two. They're expensive, but it has to be done that way to make sure they can shut off the hydrants for replacement later on. Right now they're leaded in and we have to try and get rid of all lead in the village.

Trustee Thompson: I directed the residents to call you. I have no clue if you heard from them.

Manager Revella: No, but Fred and I actually talked about it today about getting the replacement scheduled. They should be scheduled in April.

Trustee Sebring: Talking about the fire hydrants. I think we have one or two that has the two-hatch and that's it. Do you think that would be reasonable to replace that with the new fire hydrants?

Manager Revella: Where are you talking about? You mean the old eddys? That's one of the issues is to replace those. They'd have to do that insta-valve. It's pretty costly. We're trying to do a couple a year. But unfortunately, we've had cars and trucks hit them and it changes our scheduling a little bit. Yeah, but that is the goal is absolutely to get those updated at some point.

Trustee Sebring: The updates on a generator.

Manager Revella: Which one?

Trustee Sebring: It doesn't say, the sewer plant and stations, including generator updates and general maintenance.

Manager Revella: The generator company, they going around doing the updates. There's been a lot of, I don't know if they're circuit boards and things that they've had to replace. Just annoying, tedious stuff.

Deputy Mayor Carley: Just remind the public about to contact the state representative concerning NYSEG if you have bills that are outdated or overly charged, whatever the case is, just make sure

you do that. I had a question about Town of New Windsor. We're going to look at their rates?

Manager Revella: He said to check out their rates as an example.

Deputy Mayor Carley: It's typically an open? Like they could charge somebody anything they want?

Manager Revella: No. That's what he's saying should be for accidents is open. They charge whatever they charge as a business.

Deputy Mayor Carley: We talking about waivers to use of buildings and facilities. Do we have a list of legacy organizations that we typically provide that type of service to because of whatever reason?

Manager Revella: Not really. Not a list. No.

Deputy Mayor Carley: I think we should.

Manager Revella: I don't want to be exclusive.

Deputy Mayor Carley: That's what I'm saying. I'm going to use the school as an example, so we know that we say the school because of quid pro quo, doing something. That's a legacy organization. So, we know that based off of lists, do we have those that we can make them? Not to say that we will exclude anyone, but typically based off a history, we just always given it to one, two and three?

Manager Revella: I just don't know if you want to put that in writing.

Trustee Sebring: I wouldn't put it in writing.

Attorney Donovan: What's the purpose?

Deputy Mayor Carley: Continuity.

Attorney Donovan: What are we talking about? People that are waived?

Manager Revella: Organizations get their fee waved for using a facility.

Attorney Donovan: If you're going to put something in writing, I would have a policy that says, if you're such and such an organization, I'll make up 501c3, and you qualify for fee to be waived. Rather than listing out the names of agencies. In other words, have a criteria by which the determination is made. Who has to pay a fee and who doesn't. I think it's a more effective way than saying people in column a have to pay and people in column b don't have to pay.

Deputy Mayor Carley: It was a thought, and I thought I'd just bring it up.

Approval of February 21, 2023 Minutes

Trustee Pearson made a motion to approve the February 21, 2022 minutes. Seconded by Trustee Thompson. 3 ayes. 2 abs (Trustee Maher & Trustee Sebring) Motion Failed.

Manager Revella: Minutes will be take effect as of today. It's 14 days from the meeting.

Attorney Donovan: That is correct. Actually, it is opinions from the New York State Committee on Open Government that you don't need to approve the minutes. Minutes are the minutes and you may vote as a matter of practice, but you're not required to do so.

Deputy Mayor Carley: Thank you, sir. Appreciate that.

Public Comment

Resolution 23-22-23 – Budget Transfers

Trustee Sebring made a motion to adopt Resolution 23-22-23 - Budget Transfers. Seconded by Trustee Maher.

May 13th Event – Drug Awareness

Trustee Maher made a motion to approve the May 13th Substance Abuse Awareness Event contingent on providing sufficient traffic control and insurance. Seconded by Trustee Thompson. All ayes. Motion carried.

Outdoor Café Request – Sweeney's

Trustee Thompson made a motion to approve Outdoor Cafe Request for Sweeney's. Seconded by Trustee Sebring. All ayes. Motion carried.

Outdoor Café Request – PBF Cafe

Trustee Maher made a motion to approve Outdoor Cafe Request for PBF Cafe. Seconded by Trustee Pearson. All ayes. Motion carried.

Outdoor Café Request – Empanada Nirvana

Trustee Maher made a motion to approve the Outdoor Cafe Request for Empanada Nirvana. Seconded by Deputy Mayor Carley.

Trustee Sebring read notice from Building Inspector Stickles into the minutes

Trustee Pearson: I think that I'm comfortable approving it after the violation is done. It's been months. The violation has been going on for months. I think that he knows that for a long time. Well, again, I believe that some of the tables and chairs, might also be in the fire lane in the front of that building. I know there's a fire lane in front of that building. It doesn't really show me that either on here. I'd like clarification that it's not in a fire lane as well. I have some questions on the application and I would like to see the violation completed before I approve it anyway.

Trustee Maher: I agree. I think that I'm in favor of the outdoor cafe, but we have to have the resolution of the refrigerator and have all that cleared up first.

Trustee Thompson: When I looked at the application and I looked at the sketch, my first thought was the four tables in the front of that building are definitely in a fire lane. I don't see how he could have the tables there. The ones on the side and the ones in the rear where he has them indicated on the sketch. I don't see any problem with those, but it's the four in the front. Are we allowed to have tables in a parking lot? Because I don't know where else the front tables would go unless he relocates to the side and to the rear. After the fire lane, you're in the parking lot. I don't know what the code is.

Manager Revella: I'm not sure what the site plan approval was for parking spaces. If you take away the spaces that would be a problem.

Trustee Thompson: I think that's something that should be addressed with the applicant and after reading Mr. Stickles letter, I agree with this because I've mentioned the refrigerator countless times and I know it's in violation and I know people have made comments that I don't care about the needy and our community, and that could not be further from the truth. I just think when we operate something like this, we have to follow the law. It becomes a public health concern. I also agree that it should be pending on the corrections and talking to the applicant about the location of those tables.

Trustee Sebring: I agree that the violation should be corrected first before the final approval is given to him to have his outdoor cafe with the thought at looking at the tables in the fire zone. To his comments made last year, I believe last year that from residents that his music was excessively loud. So this time that the stipulation should be kept at a dull roar. Not to be able to hear up on Highland Avenue, East Avenue, Church Street.

Deputy Mayor Carley: We have a noise ordinance.

Trustee Sebring: After the police went down to remind them to turn it down, the decibels went down. But this should be a part of the condition of no loud noises.

Deputy Mayor Carley: Already have a noise ordinance.

Trustee Sebring: I realize that. But he didn't pay attention to that last year.

Deputy Mayor Carley: I have a slightly different view on everything we're talking about. I think the request was for an outdoor cafe is separate from a refrigerator and noise and everything. I say that we approve it. That's my view, because I think it's outside of everything else. And to use it as a bargaining leveraging tool to say, hey, either you have this or you do this. I don't think the village should get in the practice of doing that. Either, you honor what you're looking at and the application is talking about the outdoor café. So, it's either yes or no. However, I do agree with Trustee Pearson because I don't know the layout in the fire lanes, if this is in a fire lane or not, I think that's worth looking at just to make sure for security and safety that nothing's obstructed in an area. I do not see it here on the diagram. I think that should be looked at. But however, in reference to Mr. Stickles letter, I don't think it plays a role in the outdoor cafe. That's my view. Any more discussion?

Trustee Thompson: I agree with you. These are two different things. But to grant someone a permit for something else when they're still in violation of another issue. I have a difference of opinion than you do. Someone is asking for permission to do yet something else when there's another issue at that location. Then we have the fire lane issue, which is an issue.

Deputy Mayor Carley: Let me ask the Village Manager. In regards to the refrigerator, what have we done about that?

Manager Revella: The property has been cited and the department is going to bring the citation to the court, see what happens.

Deputy Mayor Carley: That issue is being addressed 100% via court. However, it turns out in the court and this request is for the outdoor cafe. In regards to Trustee Sebring's comments about music and everything, we have a noise ordinance concerning that. I think that addresses that. And if he violates it or the organization violates it, then it can be addressed there. I think I'm good with my position on it, so I leave it with everyone else on their position. I think is separate and we should honor the application. Then the refrigerator is being addressed through court and that's how we address that. We have asked our stages to address it. It's not as though the individual doesn't have a

right to say I disagree with the outcome or the Building Department and evidently he does. That's why he's going to court and then it'll be settled there, whichever way it goes.

Trustee Thompson: The Building Inspector clearly says it should be granted pending the relocation. That's the advice of our Building Inspector.

Deputy Mayor Carley: It's advice. He says it should be granted. I agree with him.

Trustee Thompson: Pending, so they should have a provision on it.

Deputy Mayor Carley: Well, pending, in my opinion, is saying we're going to wait to see what the courts say. I think it's two separate issues. That's me.

Trustee Thompson: No, it says pending the relocation, the business owner can relocate it without going to court.

Deputy Mayor Carley: That's the Mr. Stickles view of it.

Trustee Thompson: He's the Building Inspector. His view means quite a lot as far as enforcing code. But he's saying the application be granted pending. So, he doesn't have a problem with the application of the cafe if the violation is corrected.

Deputy Mayor Carley: I'm saying is I believe is two different things. And so even though the Building Inspector is saying we should do pending, I say nay because it's something totally separate and is being handled through the courts. However that comes out. The individual should be granted the outdoor cafe. However, I do agree with Trustee Pearson saying about the fire lane, because I don't know if that's an issue based off the layout, then that should be addressed. But if it's not an issue based off the fire lane, then so be it.

Trustee Maher: I see where you're coming from, Willie, I think you're making a good point. To me, when I look at this issue, when we grant a business in our community, an outdoor cafe permit, we do so with the knowledge that they're going to conduct their restaurant in a public health and safety in the in the aspect of how we view it should be. So, I do think that when there is a health and safety violation here, to me it is the same because then I'm not confident that that's not going to be a concern for health and safety for people who eat there.

Deputy Mayor Carley: I say this if the courts say that, sir, you got to move that refrigerator, then you move it. He has his rights to take it to the next level as high as it goes. It could go to, I don't know how New York does it, to Supreme Court for something as small as this. However, he has that right. 100%.

Trustee Pearson: Village Code already says it shouldn't be out there, so he's already breaking that. To me, I'm ready to vote on this if you want to make a call. He's not following village law, and he's just seeing how far he's able to go and it's not fair to the public.

Trustee Maher: It just could be maybe they need more information? Maybe we can provide them with some more communication to try and remedy that.

Deputy Mayor Carley: Let me just ask our attorney, if the owner of the restaurant feels that the Building Department is wrong. He has a right to go to the next level of requesting and change or whatever the case is. And if he's trying to pursue it all the way through the court, does he have that right or not?

Attorney Donovan: I think, if I may, the question is a different question. The question is, does the Village Board have the right to deny the request because there's a pending violation? Right? I think the answer to that is yes. Does the property owner have the right to contest that and have his day in court? 100%, absolutely. But does the Village Board have the right to say, we're not going to grant this because the Building Department has issued a violation and until that violation is resolved one way or another, we're not going to grant the application. You have the ability to do that so the property owner can do whatever he wants. But the Village Board has the authority to grant or deny. And is there a basis to deny because of any violation? In my view, the answer is yes.

Deputy Mayor Carley: With that being said, just like I said, my view is pass it in spite of, all right. Your view is no, let's go with the pending. I'm only one vote. And you have yours and I respect yours. I pray that you respect mine and we move forward. Thank you, sir. Appreciate it.

Attorney Donovan: I believe the motion on the floor is to grant the application without condition.

Trustee Maher: I would have to rescind my motion.

Attorney Donovan: Trustee Maher would have to amend, it was her motion. If she wanted. Then the second would have to be amended if whoever seconded wants to do that. But right now, the motion on the floor is to grant the application period.

Deputy Mayor Carley: If we want to do an amendment, now is the time to say it, because we just did the discussion. If you want to amend with the language from the letter, that's fine.

Trustee Maher made a motion to amend her motion for Outdoor Cafe Request for Empanada Nirvana to be approved pending violation being cleared up and that there are no seating violations in the fire lanes. Seconded by Trustee Sebring.

Roll Call:

Trustee Pearson: Yes

Trustee Maher: Yes

Trustee Thompson: Yes

Trustee Sebring: Yes

Deputy Mayor Carley: No

Mayor Ramos: Yes

Motion carried

Stop DWI

Trustee Thompson made a motion to approve the Stop DWI IMA in the amount of \$2,354. Seconded by Trustee Maher. All ayes. Motion carried.

Open Meetings – Video Conferencing

Manager Revella: At a previous meeting, the board had talked about that. NYCOM had put something out. Dave shared it with the board. Asked for any feedback if you wanted to do the policy. He missed the last meeting, so I just put it on again, just in case there was any feedback from the board about that interest. I know Dave had some comment on those.

Attorney Donovan: We've talked about this a couple of times. This is different than it used to be. The first question is, do you want to allow video conferencing? Because if you do, you need to have a resolution or a local law, either subject to a public hearing. If you want to have video

conferencing. Which would allow people to appear remotely. Go back to the Zoom days. Hopefully we don't go back to the pandemic, but that type of thing. We have what we call the hybrid. We had some people here, some people there, but only the location where the public could attend. But you need to have something on your books to allow for that. You need to have a public hearing before you adopt that and you need to have rules that would govern that. So before we get too deep into the weeds on this, the question is, do you want to allow it? Because until you adopt a local law or a resolution after a public hearing, you can't do it.

Trustee Sebring: I brought it up and I do believe that possibly, you never know when things can go south again that you may have to use it. I know that I took advantage of it because I was down in Florida and Covid was excessively high here. I made the choice to stay in Florida so I wouldn't be coming back and catching Covid myself. But I did catch it. Not from because it was so high. The state put that out with different laws in order to have it. It's up to the board. I would say at least have it. Have a law for it just in case. That's my opinion.

Trustee Thompson: My first thought is, yes, that we should draft something that we can do video conferencing. I just think we have to have it documented properly so it's not taken advantage of. Being someone who's had surgeries. I don't like missing my board meetings. So, if I could fulfill my obligation to be here from my house, from my sofa or my bed because I was recovering. I think that's a valid reason to allow somebody to miss a board meeting or if you had a family member who was really, really ill, a child or whatever, and you were able to participate from your home. I think those are legitimate reasons to allow the video conferencing. Can we be that specific?

Attorney Donovan: The law requires that, the board members have to be at a location where the public can also attend in person. So, when we went back to the zoom and Brian was down in Florida and when you were out of here, I was troubled by how can someone from Walden fly out to Brian's sit in his living room while he's on Zoom? But there was an opinion. I'm not aware of any court cases, but there was an opinion from the committee in open Government that said, oh, if you're a snowbird and you're down in Florida for the winter and you're on a board, you can attend a meeting by Zoom or remotely. It was actually the Skype was that was the language at the time, I presume. There was authority for it but I am troubled by that because really if somebody is big game hunting in Montana they get on their phone and nobody from Walden is going to be there. I don't know that is really available to the public. I'm troubled by that.

Trustee Thompson: But I thought if some of the body could be present.

Manager Revella: A quorum. So, four people would have to be present.

Attorney Donovan: Not necessarily in the municipal hall because reading NYCOM. NYCOM says if three members of a five member public body, four for this board, are participating via video conference from three different locations and the public is allowed to physically be present at each location, you would satisfy that requirement. It sounds crazy to me, but that's what it says.

Trustee Pearson: Number three on page 46 of the book. You can't have people in your living room, unless you're going to have people in your living room coming into your living room. It's really; what's the point?

Trustee Thompson: But you can have people in your living room if you're doing it via Zoom or Skype or facetime or whatever.

Attorney Donovan: It's supposed to be accessible to the public.

Deputy Mayor Carley: It says unless the member is unable to be physically present due to extraordinary circumstances as set forth in a public body, the adopted meeting procedures which include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance as such meeting.

Attorney Donovan: Correct and that would be a reason for them not to be there but still the public would need to be present or need to have access to the place where that person was appearing remotely from. Can I go back to the first question? Is this something that the board is interested in doing? Because we can hash out the details. You got to have a public hearing. You got to adopt rules. But you got to decide that you want to do it first.

Trustee Thompson: I would just like to have a few questions answered before we put in all the time and effort and you do it only to say we don't want to do it.

Attorney Donovan: But there's a reason to go through the process. I don't have an objection to putting in the time because if at the end of the time you say this is a really good idea, or you say it was a really bad idea, it was worth it because we put the time in. I don't mind doing that to get a good product for the board and the public at the end of the day.

Trustee Thompson: I personally would like to explore it further, but that's just me.

Trustee Maher: I'm all for open meetings. I'm very happy that we do the live stream. I think it's really important. I think these meetings are really important to be at in person. I know whenever I have to miss a meeting, it's usually because I'm really sick and can't make it here. In that case, I wouldn't want someone in my home if I was really sick or if I was on vacation and I can't make it here. And it doesn't sound like I'd be able to be on vacation and video conference in because the public wouldn't be able to be there either. I'm good with how we're doing it now. I don't think we need to change it. I'm good with the live stream.

Trustee Pearson: I'm fine the way it is. I think that the majority of the board, if they can be here, would be here. If they couldn't, we understand it. I think that you when the meetings are going to be. On the reorg meeting, first and third Tuesday of every month there's a meeting except maybe once in whatever month that is. So, you can plan your vacations around those dates. You can plan all of that happening most of the time. So, I find that it's beneficial to be here. And I'm fine with the way it is right now.

Trustee Thompson: Well, what happens if you're in a bad car accident and you have to be home? You can't be mobile, you can't come here, but you're okay enough to participate in your meeting if you're doing it remotely. Things do happen to people. Terrible things happen. You might want to be here, but you can't physically get here. But you could participate remotely from your home or your hospital bed or wherever you may be, as long as you're not on the beach in Maui.

Trustee Maher: I guess if you had a very clear restriction like that.

Trustee Thompson: That's what I'm asking him. How specific can we be?

Attorney Donovan: I think you can be pretty specific. But I guess what I'm gleaning from this conversation is that maybe under certain circumstances, which would then push this forward to developing those circumstances.

Trustee Thompson: That's what I would like to see happen if everybody else thinks it's worthwhile to explore.

Deputy Mayor Carley: Are you a no or yes?

Trustee Pearson: I'm going to hear what everybody else has to say before I make it a final decision.

Deputy Mayor Carley: So I said, yes, we should explore it.

Mayor Ramos: I agree.

Manager Revella: 4 yeses for exploring. It'll be on a future agenda. We'll do a draft, then we can start working on it.

Public Comment

Mary Ellen Matise: I'm just looking at this in the packet, is that going to be a law or just a procedure that the board would adopt?

Attorney Donovan: Could be either. You have to have a public hearing. You can do it by resolution. You do it by local law.

Mary Ellen Matise: If it's a local law, then it binds the next board. But if it's a resolution, then the next board wouldn't be bound by it.

Manager Revella: Can change the local law.

Attorney Donovan: Can change a resolution too.

Mary Ellen Matise: I'm just asking in terms of how if you've enacted something like this at this level, would it be a law or would it just be a procedure? Would it or wouldn't it bind the next board? That's all I'm asking at this point. I think that's probably something you should take into consideration when you do it. I'm getting old and getting old fashioned. But when you run for a board and you sign up for a board and things happen, that's obvious. But most people, I think here try to get to every board meeting and it doesn't seem to have been such an urgent issue to be dealt with. It's more important now that we're not under Covid restrictions anymore to be here and show up and the public can be here, then the board members can be here, too. How else do you conduct business? Saying that I went down Sunday to the honor flight and Trish was there and they had a lot of people. It was a nice event, but I wound up looking at a bunch of different things there. And of course, the horse is out of the barn already because the building is up. But I had a bunch of questions and one, of course centers around parking and I said the building was half empty, but the parking lot was overfull. There was like no parking left and yet the building was not even half capacity. So what's going to start happening? And of course, the parking lot is full of mud, too. Then, of course, people track the mud inside the building. You had all little pieces of dry mud all over the floor. That's going to be fun. When you're in the main room, you go out through the double doors, you came in through into the hallway, and then you can go out the double doors to the front. There's a one side door that what is supposed to be the wheelchair width. Now, the sidewalk all the way around the building, though, the one in the back which the doors from the back, I guess, or from the maybe the hallway and the kitchen. But those are only single doors. Are those doors also wheelchair accessible width and the pathway across the back, which somebody did not completely shovel out, which I think they should, because otherwise you've got snow leaning up against your brand new building and it's going to eventually rot the siding. But aside from that, is that space where there's the wall and the building and just the width of it. Is that a wheelchair accessible area? Then also besides wheelchair, because I'm just thinking about how would people get out of the

building in a rush if they had to. Also, of course, in the future when there's a kitchen there. Is that going to be and I know it was designed and these things should probably were thought of. So I'm saying the horse is out of the barn, but are they going to be able to really bring food and things and garbage, is that path really wide enough? My other big concern was the front doors. The front doors, which really are you going to be your main exit in an emergency? Only one side has a breakaway bar and the other side, which I can't reach, you have to unlatch it to open it. This building has two breakaway bars? Why not both of those doors have breakaway bars. To me, that's a concern. I don't know why it was designed like that, but I really think that both doors should have a bar. People get panicked and it's just not good. I will say I took a before picture of the bathrooms. So, we'll use this as a baseline and we'll see how clean they are next year.

Susan Taylor: Did we find our podium yet?

Manager Revella: Negative.

Susan Taylor: Do we know who borrowed it last?

Manager Revella: Also negative.

Susan Taylor: It's village property. It's a shame it's been here forever. I think a lot of us should be very grateful to our DPW because they work very hard on trimming tree branches around wires all year long. And I think we're very fortunate that they do that because I think we might have the same problems as other municipalities do if they didn't do it. So, kudos to them. I thought the bus company was going to be here.

Manager Revella: The last letter they sent us for the 21st, which we're not meeting, we're meeting the 28th.

Susan Taylor: Because we were surprised they weren't here last time. Did we ever check the porta potties? Because we know they're over capacity with all the employees that are there.

Manager Revella: There was some correspondence sent to them regarding that specific issue.

Susan Taylor: I know that it was an issue until they moved all the employees there. So now it's a bigger issue.

Manager Revella: It's an issue. I had to revise some letters today for the Building Department to send over again as well.

Susan Taylor: I was surprised to see the tables and chairs in the fire lane to be an issue because I went to the dry cleaners and there's already tables and chairs there. I don't know why you would be asking permission to put a dining area if you've already put it there.

Payment of Audited Bills

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

Miscellaneous Comments from the Board of Trustees

Trustee Pearson: Any news on Hill Street Bridge?

Attorney Donovan: I plan to discuss that in attorney client session.

Trustee Pearson: Senior development definition. Did we find out anything or should I make a motion to have you find out what our law says and how it should be stated?

Attorney Donovan: Wasn't your question about enforcement?

Trustee Pearson: Yes, because it states that a dwelling exclusively occupied by one or more persons, which is at least 55 years old. So, children are not allowed. That's what my question was.

Attorney Donovan: I don't know. I thought that the question was, does the Village Board have the right to bring an enforcement proceeding against an approved senior project? And my answer to that was, yes, you do. So does the HOA or the organization or a member who lives there. But the Village Board would have enforcement either as a violation of village code, I believe, or you could go after and question the validity of the site plan approval and try to get them removed. I'm not saying either of them are easy. If the village issued the approval, so you have the right to enforce the terms of that approval should you choose to do so. You need to develop a little more facts about exactly what's going on before you jumped in.

Trustee Pearson: I just didn't know you were going to follow up and just read that and make sure I was thinking the right direction. We had talked about when is Orange County Transit up for their next?

Manager Revella: April.

Trustee Pearson: We have through March. I thought we were going to be talking about that as a board.

Attorney Donovan: That's an attorney client issue for tonight as well.

Trustee Pearson: Arbor Day I spoke to Jimmy Presutti and Mike Bliss and Nancy at the school. We're planning on Arbor Day for April 27th. It's a Thursday. We're not going to be planting trees this year because Nancy couldn't get them. It'll be at the Walden Elementary School, on the playground. And Jimmy will do his program. I don't have a time yet. I'll get that for you. Jimmy's fine. Mike Bliss said he's fine, but we still need to plant a couple big trees.

Manager Revella: We have funding set aside for that.

Trustee Pearson: We have to keep our Tree City as well. Thank you very much.

Deputy Mayor Carley: Last time we had our meeting, we were discussing about, article 15a, regarding the role of the manager and the mayor and the trustees. I went ahead and I emailed the board information that I found concerning article 15a. I had a discussion with the young lady from New York State and she provided me with the copy of it and I forward that to you. And also we have NYCOM, so forth, so on. I went back and I looked at a lot of different things we found in the back room here. It reminded me of Harry Potter type thing. There was information that I pieced together. I thought it was important that the village really understands the 15A and I still think it's important that we make it some kind of way that is displayed some kind of way to show and demonstrate where our village is, because I think it is unique in reference to how its form is based on, from my understanding with the rest of the villages in areas within New York State. It talked about the role of the Village Manager, and it went through what the Village Manager is supposed to do. I still feel in my opinion, and based off what I read, is that the role of the Village Manager is explained and that the role of the mayor or a trustee still has its room for in 15A. I can't read everything and I'm not going to try to read everything. It talk about legislative powers in article 15

A, section 369, all the legislative powers of the village conferred upon or possessed by it are hereby vested in the Board of Trustees, which shall be composed of the mayor and the four trustees, which we have. And it also gave credence to the petition in the way that the Village Manager supposed to be selected, which it is. And then in section 370 it talks about powers and duties of mayor. The mayor shall preside at all meetings of the Board of trustees. He shall be the official head of the village for service of civil process. He shall have no power of veto, but shall have the same power as the trustee to vote upon all matters coming before the board. And then it talks about section 371 administrative and executive powers of the village and to appoint officers and so forth, so on. And like I said, I'm not going to go into everything because this is quite a bit of stuff, but it does not say that a mayor cannot attend a meeting. Now, with that being said, or a trustee cannot attend a meeting. But with that being said in the NYCOM handbook, it talks about what a trustee can and cannot do. The question at hand was, for me, it wasn't so much the Village Manager, even though I thought originally that the question was pointed towards the village manager and that's why I said he can do, if he feels to appoint somebody to be there, he can. I still stand by that. However, the question was more towards a trustee or more importantly, the mayor. So it state's in the NYCOM manual, which I find to be based off of the New York State law. And just to make it easy, says the trustees do not possess any inherent authority to supervise or direct the work of a subordinate village officer or employees, the responsibility empowered to supervise all subordinate village officers and employees is vested in the Village Mayor. While village trustees may need to observe village officers and employees in the exercising of their official duties, trustees should do so in a manner that does not interfere with those officers or employees ability to perform their duties in compliance with 15a. In addition, trustees do not possess any power in their individual capacity to enter into contracts or other agreements or to approve payments of contracts on behalf of the municipality. Any officer or person who assumes to create a liability or appropriate money or property of the village without authority may become personally liable either for the debt or to the village, for the money and the properties. So it covers more. The question that was on the table is can a trustee or the mayor, he being a trustee, go to a meeting? It does not say that in 15a. It clearly tells what the Village Manager supposed to do and that we do have authority concerning the board. But what I do find that I didn't see that we did very well as a village is to outline what we will have the Village Trustees concerning a meeting or actions other than what's outlined in the NYCOM handbook. I still stand by that the mayor or any trustee can attend a meeting as long as they do not obligate the funds or contracts or anything that I just read during that meeting and the individual who attends a meeting needs to be careful that they don't obligate the village to anything. So I leave it open for discussion if we want to have another discussion about it. But I went back and I read it. I provide it all to the board with the information regarding what 15a says. And if we have to go back and clarify something through our local law, which I think we do, because it kind of leaves some things, not addressed. Please, after you've read it. I hope everyone read it because I sent out all the information to everybody. I know this, but my comment for miscellaneous comments. But can we have the discussion?

Mayor Ramos: Sure. We can do that within limitations, obviously.

Deputy Mayor Carley: Were you able to read it? Any thoughts, concerns? Anything for the board?

Trustee Pearson: You know, my thoughts. My thoughts are, is that we have a manager form of government. It's been that way forever. It's not changing. It's not going to change. The manager hires and fires. He is responsible for the budget, the spending of the money, the mayor and the board set legislative duties. That's all we do. Should they go to a meeting if the manager wants to invite a board member to a meeting, then the board should approve that and say yes 2 people can come with me to this. Maybe he wants to go and go to Albany and help out in Albany with him. That would be something that the board would okay. Again, it is a board approval. It's not just one person deciding they want to do this and decide they want to show up at a meeting. It's not how it's

run. It's not how it goes. That's why I sent you part of that information as well. We are going to disagree because I went through this 15 years ago when I was mayor. There was a man that came from, he's a professor, Mr. McAvoy, or whoever his name was. And he came before the board because there was so much confusion on what was happening then. And he pretty much set it straight how it's supposed to work, and that's how it works. The manager does what the manager what he needs to do. That's what we pay him for. The mayor and the board members are not supposed to be in that position, but they can be invited to be in that position. That's how I read that law.

Deputy Mayor Carley: I don't disagree with you about the Village Manager. I think the point was that we had that discussion before was the trustee or the mayor's position at a meeting. And based off what I've read and that's why I'm bringing it up now, is that when it talks about that council manager and it says that the manager is supposed to appoint and he's a professional and the administrator, yes, 100%. I think the question came when he was talking about us as a board member there. I agree that it's it was probably muddy then and like it's muddy now, and that's why clarity needs to come. As we move forward, I can only suggest this is during this comment is that we going to address that and make sure it's spelled out so that no one can have their own opinion on it versus what it actually says.

Trustee Pearson: I don't think it's muddy at all.

Deputy Mayor Carley: I don't think it's muddy either. But we have two distinctive differences. When the role of the trustee. It's not so much as the manager is the role of the trustee, that I think that needs to be clarified if we can be at a meeting or not, because that to me, that's what the question is.

Trustee Pearson: What do you think your role is?

Deputy Mayor Carley: As a trustee? We do the legislative part of the village and we make sure that the laws and everything are carried out. We pass everything and we do the things that we supposed to do to make sure we care for the village and all the needs for the tax payer. I believe also that our job is to make sure that no one is overstepping their bounds when it comes to our desk. So if we feel that something is not right or something is out of character, out of sorts or whatever phrase we want to use, we bring it and we address it and we're only one vote. With that being said, I believe as a trustee, you know that any trustee can go to a meeting. However, based off what I just read, we cannot obligate the village to do anything. If we put that in writing and make sure that is concise, instead of having to find several documents to kind of pull all of this together, it'll be clear and cut what a trustee can and cannot do. It doesn't take away from the role of the Village Manager because he's supposed to do his job 100%. If this is in regards to where I misspoke last week because I thought the Village Manager said to the mayor, go to a meeting for me. But I was wrong in that. He did not say that. And so the question was on the table, can he attend a meeting? And the answer is based off of everything that I've read. And now if we go further, he can or we can. However, we cannot obligate the village to do anything until it comes by the board. We can go there, sit and listen. You can even have a comment which I would say, hey, make sure that's balance. But I believe that moving forward, especially for a future board. That they fully understand in writing what they can and cannot do so that we wouldn't have to address this again. Now that we're addressing it, it was addressed years ago, like you just stated, and it was probably addressed before that. Let's put the baby to rest and make the policy or local law, whatever the case is, so that everyone will know that the roles and responsibilities are abhor what we can and cannot do. So we don't step on the Village Manager's toes and we won't step on the toes of the trustees. That's my view of it.

Trustee Maher: Thank you, Willie, for sending all the information. I think it's definitely good to bring it up for those that don't know and there was nothing that I read that I didn't already know. As far as my role as trustee. So thank you. I think it's also good for the public to be aware.

Trustee Thompson: This entire conversation is just very disconcerting to me. No one on this board right now is new. Your first responsibility, when you become an elected official, is to know what your duties are. When I became a trustee in 2017, the first two people that I went to were John Revella and Mayor Rumbold to get a crystal clear understanding of what 15a was and what my role was in a 15a form of government. To me, we have a law. It's very clear. I feel like we don't need to visit this and reinvent the wheel. We don't need policy and procedure. The law is the policy and procedure. And it's the responsibility of everyone on this board to know what their role is, the day that they take their oath of office or shortly thereafter. So, it's just disturbing to me that we're having this discussion by people that have been on this board for more than one term. I'm sorry. Yes, we can go to meetings. We should not be just arbitrarily going to meetings and representing the Village of Walden. That is not our role. That is the role of the Village Manager. So if we would like to attend a meeting with him, that's fine. But we are not there to actively engage. We are there to listen and I'd even be cautious offering comments, which I'd like to hear what Mr. Donovan says about that. Because you start going down a path where you should not go. I don't have any questions. I'm going to do what I know is my role and my responsibility as a Village Trustee.

Trustee Sebring: Once, three, four years ago, I made a statement here on the board about when they were having problems with the engine oil in the police cars. I made a statement and I was reprimanded because I made a statement that doesn't come from the Village Manager. I understand where this is all coming from. Going to meetings on your own because you are the mayor and we do have a Village Manager. You have to be given the authority from the Village Manager to go to that meeting. In case you may say something that you put the village in jeopardy for. We as trustees, we know that we're not supposed to be doing that. I just don't say too much about it. But this has come up that you've been to many meetings that the manager should have been at. So as far as changing the code that we're in on village. I would not want to change that and I'm not in favor of changing anything. Because that was set up many years ago after the village come out of the mayor form of government with the trustees being on different committees and reporting to the mayor. Now times have changed so much with rules, regulations, what you can say, what you can't say. You could put the village in jeopardy. That's why the manage form of government was set up. For him to know the workings of the village because of the conferences that he does go and the position that he does hold. I don't want to visit this anymore. It should be that if there's any more meetings to be going to that you get the authorization from the Village Manager and let him direct you on which way to go.

Deputy Mayor Carley: Based off of what I just heard from all the trustees, this is why we need to address it. Because now it's left open to interpretation. When I sat on a board previously, there was an issue then. There's an issue now. And to say that we're trying to change or take away from the Village Manager is incorrect, it will specifically, as we address it, as we talked about concerning other things, we go down this road, we find out to make sure that everything's being addressed, not opinions or not someone saying that I feel that I know it's in writing and saying this is what the village has adopted. When you go to chapter 56, talking about in the village code, it talks about the administrative and executive powers and it talks about the Board of Trustees and the Village Manager, and it discusses the general duties of the Village Manager. The Village Manager shall be the administrative head of the village government. There's no question about that. It does not say in there at any point in a trustee should not go. I believe, as a form of practice, I understand exactly what you're saying. However, I'm saying that we should make sure it's not just an opinion form of practice. It's part of our law that we should not do X, Y, and Z. So that we will not put the village liable for whatever reason. And if the board agrees to that, then that's how we move forward, not

someone's opinion, saying, I know how to act as a trustee because I do too, and that's why I'm reading what I read, and that's why I went through all the hoops to find the all the information that I found. And I still have not found where it says a trustee cannot attend a meeting. And if that is out there, please show it to me so that I can put the baby to rest when I make my comments that a trustee should not attend a meeting. I think it's a good practice for a trustee not to be a maverick and do certain things, but at the same time, there's nothing hindering somebody from attending a meeting with or without the Village Manager being present. Thank you.

Mayor Ramos: Thank you and thank you for all your research. I know it took a lot of time to do this and I just have one comment. I know the definition of liability. I've lived it and I have nothing else to make a comment about 15a. I know my duties and responsibilities.

Mayor Read Community Events into Minutes.

Executive session - Attorney Client Privilege regarding Orange County Transit and Hill St Bridge

Trustee Pearson made a motion to enter into executive session for attorney client privilege session to get legal advice regarding Orange County Transit and Hill Street Bridge. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Reconvene

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

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

Public Hearing - CDBG

Trustee Sebring made a motion to open the public hearing for CDBG. Seconded by Trustee Thompson. All ayes. Motion carried.

Trustee Maher made a motion to close the public hearing. Seconded by Trustee Sebring. All yes. Motion carried.

Approval of February 21, 2023 Minutes

Trustee Pearson made a motion to approve the February 21, 2022 minutes. Seconded by Trustee Thompson. 3 ayes. 2 abs (Trustee Maher & Trustee Sebring) Motion Failed.

Resolution 23-22-23 – Budget Transfers

Trustee Sebring made a motion to adopt Resolution 23-22-23 - Budget Transfers. Seconded by Trustee Maher.

May 13th Event – Drug Awareness

Trustee Maher made a motion to approve the May 13th Substance Abuse Awareness Event contingent on providing sufficient traffic control and insurance. Seconded by Trustee Thompson. All ayes. Motion carried.

Outdoor Café Request – Sweeney’s

Trustee Thompson made a motion to approve Outdoor Cafe Request for Sweeney's. Seconded by Trustee Sebring. All ayes. Motion carried.

Outdoor Café Request – PBF Cafe

Trustee Maher made a motion to approve Outdoor Cafe Request for PBF Cafe. Seconded by Trustee Pearson. All ayes. Motion carried.

Outdoor Café Request – Empanada Nirvana

Trustee Maher made a motion to amend her motion for Outdoor Cafe Request for Empanada Nirvana to be approved pending violation being cleared up and that there are no seating violations in the fire lanes. Seconded by Trustee Sebring.

Roll Call:

Trustee Pearson: Yes

Trustee Maher: Yes

Trustee Thompson: Yes

Trustee Sebring: Yes

Deputy Mayor Carley: No

Mayor Ramos: Yes

Motion carried

Stop DWI

Trustee Thompson made a motion to approve the Stop DWI IMA in the amount of \$2,354. Seconded by Trustee Maher. All ayes. Motion carried.

Payment of Audited Bills

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

Executive session - Attorney Client Privilege regarding Orange County Transit and Hill St Bridge

Trustee Pearson made a motion to enter into executive session for attorney client privilege session to get legal advice regarding Orange County Transit and Hill Street Bridge. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Reconvene

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