

**Village of Walden
Board of Trustees Regular Meeting
April 4, 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	Kristie Hall
		Becky Pearson
		Chris Batson

Absent:	Ralph Garrison
	Patricia Maher

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

Village Manager's Report

Manager Revella: Since we had just met last week, there's not much to report. We've received the garbage bids which are later on in the agenda. I've had some meetings with DEC scheduled and been attending a few on our grants. But I think that the Treasurer just wanted to let you know about the 2021 audit and where we are.

Treasurer Kelly: Just a brief update. We are almost done with the 2021 audit. We received drafts. John and I reviewed the drafts together. Dave Donovan generously reviewed another letter that the auditors wanted us to sign before they will release the audit to us. So we should have finals probably, I want to say this week or next week. They were at GFOA last week. I did want to say what we're trying to do is now schedule the 22 audit. I said to Deputy Mayor Carley, a lot of our auditors also do tax, so it'll probably be after April 15th, hopefully getting the fieldwork done in mid-May. And then my thought process, if it's okay with everyone here, is they could present both years together. I think it would save everyone some time as opposed to having them come present one year and then come back within probably a month or two.

Trustee Pearson: You said they're going to start probably in May and their timeframe is maybe a month?

Treasurer Kelly: They're usually here for field work for a week or two, depending on their schedule and our schedule. Then usually after that they have more questions. They require more schedules. We have started sending them some documentation for 2022 because they knew our situation. They have given me some suggestions on trying to speed up the 22 audit. Again, it depends on their schedule also because they audit other municipalities. I'm going to beg them to try and get it done by May so that we can be caught up and be in a good place for the next fiscal year.

Approval of March 28, 2023 Minutes

Tabled

Public Comment

Mary Ellen Matise: Hearing request for 5 Clinton Street. Who's requesting the hearing?

Manager Revella: The Building Department.

Resolution 29-22-23 – Budget Transfers

Tabled

Hearing Request - 5 Clinton St

Manager Revella: This issue has been in front of the board before. The owner has been in front of the board before as well. The problem has not been remedied and the Building Department is requesting that the hearing be set for the next board meeting at 6:30 pm.

Attorney Donovan: What typically happens with these, property owner gets the opportunity to be heard and then you make a determination. The board used to do this pretty consistently, fell away from doing this for years. But you could require that the deficiency be remedied, giving the property owner a certain period of time if it was not remedied with that period of time. The village be authorized to go ahead and make those repairs in this instance and charge back the property owner and the property.

Trustee Pearson: Through taxes?

Attorney Donovan: If it was unpaid, it would be levied on their taxes. But the hearing is for the purpose of giving due process to the property owner to make whatever case they may wish to make relative to the substance of the ordinary violation.

Deputy Mayor Carley: So because it's been before.

Attorney Donovan: I don't think it was really before the board. I think the gentleman came to raise an issue. I don't think it was officially before the board.

Manager Revella: Not as a hearing.

Deputy Mayor Carley: So we have to do the hearing in order to give a time frame and then enforce.

Attorney Donovan: I'd rather you give the hearing to listen to what he has to say.

Manager Revella: You may determine he's not guilty.

Attorney Donovan: Remember, a judge once said to me, you want to plead guilty before trial or my client or be found guilty after trial. You need to wait is my point. Are you suggesting two weeks may not be enough?

Manager Revella: I don't know. Is that enough time for a notice?

Attorney Donovan: Marisa, we go into ten days, why don't you make it 30 days, because it's going to be easier, we're not going to have any issues in terms of notice in the newspaper. It's a public notice type thing and service on the property owner.

Manager Revella: May 2nd.

Deputy Mayor Carley made a motion to set the hearing for 5 Clinton St on May 2, 2023 at 6:30 pm or soon thereafter. Seconded by Trustee Hall. All ayes. Motion carried.

Garbage Bid Review

Attorney Donovan: Back in February, the board authorized and for the new board members, the garbage pickup in the village is pursuant to a bid, one year contract with 2 one year renewals. Historically, the village has granted those renewals. So, it's now this contract is up. Gone through their three years and expires May 31st. The board back in February authorized a new bid package to go out. That package did go out. There were two bidders. IWS was the current provider and County Waste. You'll see that it's a fair discrepancy in the price County Waste was almost 70% higher than IWS. I've issued a letter recommending that the village award the bid to IWS.

Trustee Pearson: Yes. Does it say in here, one, two and three years? Is this price that's quoted here price per home for all three years? Are we doing a three year bid process or is it just this for one year?

Attorney Donovan: That was in the bid package that you authorized in February.

Trustee Pearson: So, the \$29.50 is the one for three years. Every year at the same time price.

Attorney Donovan: It's 1 year with 2 one year renewals. So, when you voted back in February, this was the package.

Trustee Pearson: So, the price stays the same every year. Or do we have to redo a price every year?

Manager Revella: With our option.

Trustee Pearson: If we choose to do it.

Manager Revella: Right.

Trustee Batson: How is this price on here compared to our current rate?

Manager Revella: It's slightly higher.

Trustee Batson: Is this contract a new contract? A renewal? I know there was some discussion amongst the public around concerns around service levels. I wanted to see if that could be noted in any new contract negotiations.

Manager Revella: Yes. We've actually discussed with the company even before the bids were out about that issue in addressing remedying the issue.

Trustee Pearson: Slightly higher mean is what?

Manager Revella: I don't remember the exact number.

Attorney Donovan: I always tell my clients not to guess, but it was like \$26 or 27 before.

Trustee Pearson: So, another \$5.

Manager Revella: I am not sure. The Treasurer will calculate.

Trustee Pearson: I always round up.

Attorney Donovan: I failed my trigonometry, but 29-27 is not 5.

Trustee Pearson: So, \$2-3 more.

Deputy Mayor Carley: I'm not familiar with County Waste, that's all.

Manager Revella: They were the village's service provider years ago, but they lost the bid and then we've been with Interstate Waste since. We've bid it every three years and sometimes we get one bid, sometimes we get a few. But we always discuss as a board. You guys have always voted on what's best for the village. The price disparity in this is pretty severe. And just so the boards aware as well, just because you say yes to the bid doesn't mean we say yes to the contract. There still has to be contract negotiations. The attorney will work out with the company. So if there are terms and conditions that we need to modify from the last one, we'll go over those as well, which we've already discussed with the company as well. A couple of things we want to make sure are clear in the contract.

Trustee Pearson: The commercial part of it and multifamily. Do you know what the price was last year for that one?

Manager Revella: That I don't recall. Do you recall how much it was last year?

Marisa Kellerhouse: The price from IWS to the village is \$4.95 is the current contract, commercial.

Trustee Pearson: So, \$4.95 up to \$7.65. Then do you know what the price is now for the residential home?

Marisa Kellerhouse: Off the top of my head, I don't have that.

Manager Revella: They don't look at that rate all the time because they're not going to customers with that rate all the time to the market. It was set three years ago. And just so the board's aware, the company had talked to us about potentially changing the commercial rates last year because the county tipping fees went up significantly and we said, no, we're in a contract. It seems like a big jump, but it actually should have jumped a couple of years in a row and we were smart enough to lock the contract in to help the businesses in the community.

Marisa Kellerhouse: When we negotiated the last contract, the tipping rates were \$103 a ton for the county. They're up to \$128.25 per ton today. A significant jump in the tipping fees for Orange County. And in addition to that, the single stream back when we negotiated this in 2020. It was at zero. Now they're at \$110 a ton for single stream. Significant jumps in disposal costs overall in the county.

Trustee Pearson: The business sets how many times it's picked up?

Manager Revella: Correct. Those individual commercial and multifamily, if they're about five family, they set what they'd like their pick up to be. If it's with a dumpster, canisters, twice a week, every day, the size, are all regulated by that. And if they have overflow issues, which we've had in the past, we've required them to get a larger or more frequent pickup.

Trustee Pearson: At one time, the village had to have all businesses had dumpsters, not garbage cans.

Manager Revella: It's not a rule. I definitely wouldn't recommend that, because if there's a business that only needs 2 toters why have a dumpster? That's ugly. Rather just have the toters. In and out and be done if they can. And some are very practical. Like some places you can't get in to a dumpster. Like Guneratne's, old place. You can't get to a dumpster back there. There's only a small access and that's why they use toters, because it's the only way to get the garbage out now.

Trustee Hall made a motion to approve the bid proposal for IWS for the one year with two additional options of one year each and to authorize the Village Attorney and Village Manager to negotiate a contract. Seconded by Trustee Batson. All ayes. Motion carried.

Public Comment

Mary Ellen Matise: I'm one of the residents who complained a lot. It seems, though, that lately, the company has hired some better people working on the trucks, and it's made a big difference. I did have one complaint, though, that I know that I think John passed on to you, and that was trucks backing up on our streets. That's really dangerous. They would go the whole length of Gladstone Avenue backwards. Please make sure that's addressed. I haven't noticed it lately.

Manager Revella: It was happening for a little while. They actually hit a car and then they stopped doing it.

Mary Ellen Matise: This is old news because this is March 23rd. Going through the paper and look at Montgomery Saint Patrick's Day parade. Irish pride in the Hamlet. What did we have in Walden? What family wonderful, exciting event did we have in Walden. It's getting a little depressing. You know that all these big spreads are for the other communities in Montgomery and not for us. And we have some great events, but there are serious events. We have Flag Day, which nobody else has. Serious. We have everybody. We all have Memorial Day, Veterans Day. But how about some fun? What's happening to Walden? Also this morning, Mr. John Revella. I'd like somebody from this board to participate, the Pathways meeting. I'm the only one who gets on this zoom at 8:30 on Tuesday mornings every other month. I'm saying, what about us? What about our trail? What about connecting our trail? What about thinking about us up here? And Alan was on the meeting this morning, and a bunch of other people, and they're going to be doing a pathways thing at the Placemaking conference in June and stuff. Where is our representation in this when we have one of the best Rail Trails going? Where is our representation? I really would like somebody from this village to participate in this because I don't really have any standing.

Manager Revella: I didn't even get invited to the last one. I didn't know it was today.

Mary Ellen Matise: I think that you should really have a meeting with Kerron Barnes. Kerron's been very, very active with Mamakating and with the south end of the county, which is which is garnering all their attention, the D&H canal and all of that area, Port Jervis. That's all they pay attention to and the Heritage Trail. And then we're just like dangling up here on the north end of the county. And yet our trail will take you to the Walkway over the Hudson.

Manager Revella: They're trying to get to us. Alan's applied for funding to connect. We hope we get it. We'll see. He's working with the railroad company to bring our trail south. That's the issue we were having.

Mary Ellen Matise: The trail along the rail. But it's going to be a really expensive proposition to

get down to Campbell Hall from here. But if they do them, yes, we get linked in. But I'd like somebody else on this board to participate. Thank you.

Attorney Donovan: As the board knows public comment is public comment. But I did wake up, John, Sunday morning, my favorite thing to do is coffee and the New York Times, in the real estate section of The New York Times, there is a picture, the entrance to a paved three mile section of the Walden Wallkill Rail Trail, and there's also a statement in here it says "in Walden, in a former Borden dairy condensary, Michael Dorf, Chief Executive of City Winery, is planning a \$30 million project called the Milk Factory." So, you've got a little plug, in the New York Times.

Susan Taylor: Have you scheduled Department Heads for budget session yet?

Manager Revella: I don't have it confirmed. I have a tentative.

Susan Taylor: I'll take tentative.

Manager Revella: I know that Kelly and I are going to do a brief introduction of the budget to the board first on Monday. Then we were going to have DPW and John Queenan talk about Public Works and capital projects on Monday. Tuesday, tentatively, of course, as the Police Department and Rec Department. And then Thursday will be a smorgasbord. The Clerk, the Building Department, Justice Department and Library, potentially. I sent it out to Department Heads to confirm their availabilities to probably work.

Susan Taylor: Budget's not going to be available for the public until?

Manager Revella: They're available.

Treasurer Kelly: There's one in the Library, one available at Village Hall.

Manager Revella: I have one extra in my room, posted on the website since March 20th.

Susan Taylor: Do you remember how much was this podium?

Manager Revella: \$130 from Amazon.

Susan Taylor: If you don't have a policy yet before anyone can borrow any village property that has to be signed out, signed back in.

Manager Revella: No one had permission to remove it when it was removed.

Susan Taylor: Well, that makes it even worse because now it's stolen property.

Manager Revella: Correct. I don't know who took it.

Susan Taylor: I'm giving you a check for \$130. I'm donating the podium to the village because I just think it's egregious that anybody would have the gall to take public property, first of all, and then not return it. I don't know whether you have a policy. If we don't have a policy, I don't recall from my 12 years on this board, but whoever took it, I hope it falls on your foot and breaks it and you walk around in a cast. To steal public things. What if somebody borrows chairs? Do you sign them out? Who's in charge of that? Mike? Does he keep track?

Manager Revella: Only for the veterans park events. Yes, he brings a certain number of chairs and

tables.

Susan Taylor: It's not like you can fit it in your pocketbook. Somebody had to carry it out of here. I'm giving you a check for \$130. I'm donating the podium.

Manager Revella: The Susan Taylor Podium is going to be here for a long time. Thank you.

Payment of Audited Bills

Deputy Mayor Carley made a motion to pay audited bills. Seconded by Trustee Hall. All ayes. Motion carried.

Miscellaneous Comments from the Board of Trustees

Trustee Pearson: Short term rentals. We're working on that still. Last meeting, we pretty much finalized everything and did it go to Dave?

Manager Revella: Yes, we're getting the other color put on there.

Trustee Pearson: Pretty much maybe for the next meeting or the meeting after once we can reread. The committee wants to reread everything that is done and then pass it on to you. So we'll have that shortly for you. Any news on the comptroller?

Manager Revella: They're coming this week. They are short-staffed. And speaking of short staffed, we did post for the position in the office for the part timer. We're ferreting through the about 50 applications we got on the online service. We only got one in-house, like in-person application, so we have to vet those before we set up interviews.

Trustee Pearson: Waterfront Park, where are we?

Manager Revella: Fred just needs to put in the drainage part. As soon as the water is down, the water table is going to be down to a certain level. Then he can install it and then they can do their work.

Trustee Pearson: Who can do their work?

Manager Revella: The contractor that got the bid.

Trustee Pearson: What do we have a time frame, roughly?

Manager Revella: It's depends on the river level. As soon as that's in, that guy's going to go to town, it'll be pretty quick.

Trustee Pearson: Dave, the other day I was asking you, can you go over that with me again about being on another board and responsibilities to the village. My question was, if you are asked to be on another board in a position, I was and I had asked you being in a position on another board, you had said something, you can't be in the position in another board if the village ends up giving money to that organization. Is that what you said? Can you clarify that?

Attorney Donovan: Let me clarify. The question was, can a board member sit on another board? My answer, which is the answer that I give 99% of the time, is it depends. I think the example I gave was if you were going to the President of the Rotary Club. Of course, that's fine. If you were going to sit on some county committee that may have some oversight over the Village of Walden, that may be problematic. If you were going to sit on the board of directors of some company that

gets money somehow as a contract with the Village of Walden, that may be a prohibitive conflict of interest. I think you asked me about the Community Council, your volunteer position of the community council, which sometimes I think the village may donate some money.

Trustee Pearson: Yes. That was my question.

Attorney Donovan: I indicated to you that I did not see that as a problem.

Trustee Pearson: So if you're President or Vice President, does it matter whether you get money from the Village of Walden as that person sitting on that board.

Attorney Donovan: A specific instance may be a problem. In other words, if Village of Walden doesn't give me X, I'm not going to vote for Y, that specific instance may be a problem.

Trustee Pearson: That's what I mean. That's what sitting in those seats.

Attorney Donovan: If you use that position to gain influence.

Trustee Pearson: But if you sit on the board and say, by the way, I'm not going to do that for them because of some reason. Then you're influencing.

Deputy Mayor Carley: Isn't it like historically we recuse ourselves if there's a conflict? When we operate that they may be a little gray. Somebody can say, well, I'm going to recuse myself for voting or whatever on that particular topic and then move on.

Attorney Donovan: Those are what we call black line rules. Let's assume that you work for IWS. Somebody on the board. You couldn't vote on that contract. Clearly you have interest. Your company has an interest in that. Other things may be less clear. So you kind of approach it on a case by case basis.

Trustee Pearson: But there's no real set, anything. You're fine to do that.

Attorney Donovan: There are 2 really set rules. One is you can't benefit financially. And the other is you can't be your own boss. You can't take a position that would supervise yourself. Other than that, that's why you have a board of ethics. And they have to go through their process.

Manager Revella: There's only two items for you if you're in that position to recuse yourself would be Music in the Grove and Harvest Fest. I would think. When I was first got this position, I was President Community Counsel and was told that by our attorney at the time that I shouldn't because I can give Community Council authorization to do certain things. You don't. So, that helps a little bit.

Attorney Donovan: Just to kind of round out the conversations there is that whole appearance of impropriety, which is kind of subjective. But, there may be I can't insulate you from public comment. Where it says you shouldn't do that. As opposed to you are prohibited from doing that.

Trustee Pearson: I was just concerned of the money part of it, that if the village gives money and to certain organizations and then you sit on that organization board.

Attorney Donovan: Then you shouldn't vote when that is authorized.

Trustee Pearson: NYCOM just sent something out. I don't know who got it. About a webinar for

new officials in April. I can forward that to you. I can send it to Marisa and she can send it to you. Where are we with Empanada? Did we hear about the parking in the fire zone?

Manager Revella: Yes. And the Building Inspector said that he was going to look at the potential violations and bring them up for the next board meeting to potentially set a hearing. So, April 18th meeting, we should have something like we got today for 5 Clinton.

Trustee Pearson: I tried to look up fire lane, parking in a fire lane or having equipment and people in the fire lane. I think that would be against the law. I did find some things, but I looked under fire safety and I also looked under vehicle in traffic. And I found two different things. Says you're not to be in the fire lane at all, basically. I don't know if Dean had found anything to that effect or where we were at.

Manager Revella: You'll have an update at the next board meeting.

Trustee Hall: I just wanted to say thank you to all the residents that have faith in us to do this. I don't really have anything about this yet. I've lived through quite a bit, so hopefully by the next meeting, I'll have a little more.

Read Community Events into Minutes.

Set Public Hearing for Budget

Deputy Mayor Carley made a motion to set public hearing for Budget 2023-2024 for April 18, 2023 at 6:30pm or soon thereafter. Seconded by Trustee Batson. All ayes.

Executive Session - Attorney Client Privilege regarding Hill Street Bridge Litigation

Trustee Pearson made a motion to enter into executive session to discuss attorney client privilege regarding Hill Street Bridge litigation. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
April 4, 2023
Motions & Resolutions**

Hearing Request - 5 Clinton St

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Garbage Bid Review

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