

**Village of Walden  
Board of Trustees Regular Meeting  
September 5, 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	
	Trustees	Becky Pearson Chris Batson Patricia Maher Kristie Hall Ralph Garrison Jr

Absent: Willie Carley

Also Present: John Revella, Village Manager  
Marisa Kraus, Village Clerk  
David Donovan, Village Attorney

**Village Manager's Report**

**Manager Revella:** We've had a few departments to cover from vacations, time off here and there and thankfully it's a slower finance month for us, so it wasn't too crazy but September it gets a little hectic, so hopefully everyone's well rested for September. Went over some staffing issues with the Finance Department, the office, the Police Department and Public Works and the Building Department. There'll be some personnel discussions in exec later today. Went over the waterfront project with the engineer. The contractor was supposed to start today. He got backed up a week, so hopefully he can start next week. He is our best option right now, so hopefully that works out when he gets started next week. Went over a few issues with labor counsel and also with litigation counsel and our attorney will have an update for you with myself later today on Hill Street litigation. There was the end of the year summer camp picnic, went very well, very well attended. The temperature was warm and the weather held out pretty good. There were over 400 people there. Met with the Comptrollers and discussed audit process again. They were here again today and they'll be here through the rest of the month as well. Had a meeting with Orange Bank & Trust and the Finance Department to review the invoices for the new company that went out. And for anybody who's not aware of the utility bills, which is water and sewer and commercial garbage, we were using a company called Towne Mailer, which was sending out the bills for us, so we paid the postage stamp, envelope. Our bank is doing that through their company and they're covering that cost. So, it's saving the village over \$10,000 a year now. Doesn't change the amount of work that our office really does. They still have the same intake, but it saves us some money and just wanted to make sure the public is aware when they get bills and it says return to this place in New Jersey. It's legitimate. It's not a scam. I was able to attend the Gold Award ceremony here in the assembly room for the project in the back of the room here at the fireplace and some of those old papers from the village. Thank you to Liz Zefi for that. I did get to review the Falcon Rest project, which is on the West Side. I did hand around to the board a little packet of what the place looks like inside. They're paving today. Hopefully they get that finished up when they get their CO and people start moving in there soon. Rec and Parks Department. Harvest Fest is ramping up for September 30th. Hope everyone can attend. Teen center and after school is going well. Park use requests are coming

in daily. The lawn maintenance is going on at the direction of the Building Department. Music in the Grove, the last concert is tomorrow, it's a make-up concert, Jazz Pioneers. Outdoor soccer registration is going on now. The Building Inspector issued 30 permits, 17 Certificates of Compliance, 9 COs, 26 violations on properties and 19 other properties were visited for follow ups. The Code Enforcement Officer has been out sick and didn't submit, but the part time inspector, did advise that the outdoor painting of Village Hall will begin September 11th. We're not sure how long exactly it'll take, but they'll get through as quick as possible. Also completed 10 commercial fire and safety inspections, 14 residential inspections and 11 letters to owners to make corrections and helped with the Planning and Zoning Board. Clerk's been updating Facebook and website. Going through personal matters, helping special counsel and myself out along with some FOILs, also was in the office meeting with the bank regarding the invoice process and has been working on handicapped passes, minutes and responding to residents. The Finance office has been working on audits, going over staffing concerns, journal entries, bank reqs, helping out residents, coding for billing, also got in the new retirement rates, which are bad. Met with me to go over different reports and requests. Public Works, we hopefully have a new mechanic starting on the 18th. They've been replacing parts of the plant as needed. We have something on the agenda later for something we need at the plant for the clarifier. Water Department's done 17 mark outs, replaced 19 meters, 10 endpoints, 2 inspections and closings. The work on well 5 is still going on, hopefully finished soon. The company's been down there and has everything out and hopefully comes back in shortly. Going over sidewalk requests, trees, dig permits. They've been patching roads as they can and have done some street painting with the contractor throughout the village. There's still more to do. They finished the water readings for this month and assisted on the paving projects and helping with the bids for Walker Street. They did get the new backhoe in service and met with me and the insurance rep on safety measures at the village. That's their annual inspection and flushing and jetting. Police Department still has staffing issues. We put out another request for applications for full timers and part timers. They did hand out 13 traffic tickets, 6 parking summonses, went to 7 MVAs and had 12 arrests, 33 traffic stops and it was 530 blotters.

**Trustee Pearson:** Anything with a new mechanic yet? Will we know who he is?

**Manager Revella:** Yes, we'll introduce him to the board.

**Trustee Pearson:** Anything on the kitchen in the community center yet?

**Manager Revella:** I know that they did send out some schematics. Hopefully they get that back with appliances so we can get that started.

**Trustee Pearson:** Well 5 still working. What's going on?

**Manager Revella:** They have all the stuff out there's waiting for it to come back and put it back together.

**Trustee Pearson:** Painting the streets, when did we pave Scofield Street?

**Manager Revella:** It's been painted since we paved it. It was paved I think maybe three years.

**Trustee Pearson:** Why didn't we do the lower end of Scofield Street? Isn't it all one street?

**Manager Revella:** We don't do all of one street. Sometimes we do sections.

**Trustee Pearson:** Will we be doing that someday soon?

**Manager Revella:** Whenever it gets on the list, there's a usual rotation for the streets. Which ones are poorest and which ones are best. If it gets on the list, it'll get done.

**Trustee Pearson:** You'd think if it was the same name, why wouldn't it be done all at the same time?

**Manager Revella:** Not the same condition or the same usage. This section of Scofield Street is used far more. The car count on it is extremely more than the other one, which goes to a one way street. Traffic count is a factor.

**Trustee Pearson:** Building Department and correspondence from Orange County Transit, they haven't started working on any other thing, they're still waiting. Here we give them leniency and they're still not doing anything. Lights replaced, bulbs on the on the bridge. I see that. But the lights on the west side of Main Street, West Main Street, the 6 lights that are here are all out, just so you know.

**Manager Revella:** Sometimes it's the breaker, sometimes it's not. They check the breaker and if it's not the breaker, they do the bulb change.

**Trustee Pearson:** That's been out, I talked to you about that a few weeks ago too. There's a couple on Main Street that are off, too.

**Manager Revella:** We're looking at replacing the entire unit. We're just making sure it's conducive to the wreaths and the other things that the board wants to do.

**Trustee Pearson:** And then above that, so Orchard Street parking lot that NYSEG was for?

**Manager Revella:** For the electric vehicle station.

**Trustee Pearson:** They have to wait again now for what?

**Manager Revella:** Just NYSEG. They met on a field, onsite to look at it. Now they actually have to come do the work. Drop the line.

**Trustee Pearson:** Who has credit cards in the Village of Walden? Who is able to use credit cards? All the Department Heads have a credit card? How does that work? I was signing those bills today.

**Manager Revella:** I have one. The Treasurer has one. The Rec Coordinator. DPW Super has one, the Police Chief has one. And there's a purchasing card as well for the office. Usually the Building Department uses that one when they purchases at the office. There's a travel card too.

**Trustee Pearson:** There were stacks and stacks of them in there.

**Manager Revella:** There was three month's worth.

**Trustee Pearson:** The bus stop bench, I'm just putting it back out there again.

**Manager Revella:** It's going to be bigger. I'm just waiting for him to get it in there. Just trying to catch up.

**Trustee Pearson:** Cameras? Anything on cameras? You get that report from the Maybrook guy?

**Manager Revella:** He sent a second report. I asked the Chief to let me know if that makes sense, because I'm not sure what they were talking about with the type of camera. I'm just waiting for him to let me know if that's good so that we can bring it to the board for next meeting. That should be on the agenda for the 19th.

**Trustee Pearson:** The floors up here and library, second floor. Where are we at?

**Manager Revella:** No contractor yet. No bids.

**Trustee Pearson:** I spoke to Ginny and she said that there's a guy that does their floors all the time and it's a state bid. She reached out to you and gave you the name of the guy that she uses on all of her stuff.

**Manager Revella:** We sent that information to our engineer and he has not gotten a response or a bid back yet.

**Trustee Pearson:** He didn't respond back?

**Manager Revella:** Not that I got. It would go to Queenan.

**Trustee Pearson:** Can we reach out to them again? Or talk to Ginny and see maybe she has a better contact or something? I want to talk about the cannabis, but you want to put that on the agenda for the next meaning? Is that what we're thinking?

**Manager Revella:** If that's the pleasure of the board.

**All:** Yes

**Trustee Maher:** Sorry to make you repeat yourself, but can you just review again the third party billing change? Because I know there was a post that went out on Facebook regarding the change and I think it caused a little confusion.

**Manager Revella:** We were using a company called Towne Mailer. Now we're using this new company. Instead of the bills that were being returned receipted to our office, they're being returned receipted to a post office box in New Jersey and then they're getting sent to us in a file for the ones that are mailed. We're still getting ACH's here, walk ins, mailings here as well. It's not everybody that's doing it. It's about the same as it was before. The only difference is we're not paying for the mailing. The bank's cover that cost for us. It saves us over \$10,000 a year.

**Trustee Maher:** Thank you. I know we picked a date for the reveal of the Sam Wright dedication. What was that date again?

**Manager Revella:** 2 pm on October 15th.

**Trustee Garrison:** Did they replace the fire hydrant on South Montgomery? I've seen them working over there today, so I was curious if they actually finally got that one fixed.

**Manager Revella:** No. The company is putting the insta-valve in tomorrow and then we'll fix it the day after. We have to wait for the valve to go in.

**Trustee Batson:** We've made some concessions around the change in headcount for the Deputy Treasurer. It's disheartening to see that that person resigned.

**Manager Revella:** As of September 13th.

**Trustee Batson:** Will we continue to elevate that position to a full time position or revert back to a part time?

**Manager Revella:** It would still be full time.

**Trustee Batson:** So, we have plans to aggressively pursue that getting that filled.

**Manager Revella:** Correct.

**Trustee Batson:** Record week for the police. Just correlates with the warm weather. Increased activity is what it is?

**Manager Revella:** No, it's just been that many weeks since the last report.

**Trustee Batson:** Back to the invoice piece. Thank you for clarifying that. But do you think it would be possible for us to rerelease that Facebook post in more of a form of an FAQ? There were a tremendous amount of questions on that.

**Manager Revella:** I answered as many as I could that came up.

**Trustee Batson:** The last thing was usually in your report, there is some dialog with Interstate Waste around complaints. I didn't see that particularly noted or called out in this week's. Did that decrease?

**Manager Revella:** I would say it's a decrease in number, but they're still there.

**Trustee Batson:** Do they keep any sort of logs or records as to why trash was not picked up? I get if they miss, they miss there would be no log entry for that. But any sort of documentation or anything that says, we consciously made the decision to not pick up in this location because of x?

**Manager Revella:** It's an email. They email us back to let us know they got it or didn't. A couple of times, it could be construction. It could be a car in the way. It could be because there are cinder blocks in there. Paint cans. That's happened a few times. People throw away things they're not supposed to.

**Trustee Batson:** If you were to look at the number of reasons that trash is not picked up, vast majority coming out of failure to comply with the rules or that they miss it?

**Manager Revella:** I would think more are failure to comply than they are missing. They do miss. Most of the reasons they're not picked up is from some reason either the resident didn't put it out and they thought they did because they forgot or they put out the wrong materials or they put out too much material or the wrong material on the wrong day. Could be numerous things. That happens a lot. We try to make sure it's complied with quickly because even if there's let's say somebody put the recycling on the wrong day, like, just leave it out there for tomorrow. They'll pick it up tomorrow. But still I would consider that a complaint that comes up.

**Trustee Batson:** But they do keep records.

**Manager Revella:** We have every single one in an email.

### Approval of August 10, 2023 Minutes

Trustee Batson made a motion to approve the August 10, 2023 minutes. Seconded by Trustee Pearson. All ayes. Motion carried.

### Public Comment

**Brenda Adams:** I've been listening to your conversation about Village Code and you realize when we go through it how many rules and regulations we have in this village and when you get done because all of your comments are very valid. I think that there's a lot of the product will be very good when you're done because you're hitting on a lot of things that are obsolete and new things that have come about. My question, though, is how are you going to enforce all of this? Do you have enough staff? Do you need to build that in budget so that you have more people? Tonight, you spent a lot of time on dogs. Living in on a street in the village that has people walking 24/7, the dogs mess. Nobody sees it. I don't know whose dog is donating to my property. So, what do you do? It sounds good on paper. If somebody looks at our code, say somebody wants to buy a house here and they say, gosh, everybody keeps this so nice, but in reality it's not. As you consider this revision, think about how you're going to enforce the rules because there's no sense having rules that you can enforce. And tonight, you're going to discuss another item that will become a rule that we already know, Trustee Maher has mentioned a couple of times that the rentals are already here. Again, you're going to have to enforce that. If they're already here, how do we let them keep going if there were no rules? That sort of fell through the cracks. Now we're cleaning it up. That's a good thing to clean it up. I'm just concerned about enforcement because we have rules all over, from traffic rules to no parking rules that just never get enforced. I would just you would take that into consideration as you're writing your new code. Thank you.

**Greg Anderson:** I heard the young lady speak about new dog rules regards to enforcement of dogs.

**Manager Revella:** The board has been reviewing, the codes already on the books and to try and see if there's any need for updates. That was one of the codes they reviewed.

**Greg Anderson:** The reason I brought it up is because I was walking my dog and I was attacked by another dog that was left unattended on a leash. The only reason I didn't get injured is because I kicked the dog before I was able to what it wanted to do to me. I called 911. I'm interested to know why when I call the Code Enforcement Officer, no one reached back out to me in regard to that? I want to make sure that whoever owns that dog is made aware of what just happened. I just want to bring it up. I heard a young lady speak about it, but a more pressing issue is, can I read an article? This is an article I pulled up to kind of express what I went through and it's of great concern to me because it involved one of your officers, shield number 30. This article talks about incidents where people call the police on unsuspecting people doing their daily duties for no other reason because of race. Never in my life have I had the police called on me 2 times. One for blowing leaves, the other for asking a gentleman. "What? Did you just throw my garbage can?" I had the police respond to my home. I'm not a criminal. I don't do crime. I live a legal life. I did that all my life. I'm a retired detective from the New York City Police Department. I served my country in the military and in the city. I was terribly surprised and hurt when the police responded to my home. Now I'm on video, not happy. The police trying to explain why he's at my door. I respect the police and I respect the laws of the land. But when someone calls the police on me, I would hope is for a reason is justified. By saying that there's no reason to call the police on me because I don't break the law.

**Trustee Batson:** Is that the article or no?

**Greg Anderson:** \*read article into minutes\* I know the demographic of Walden has changed, but still is majority Caucasian or white. I'm in a place where traditionally people of color haven't been

okay. I'm feeling the pressures of these unwanted calls by the police. In the sense saying that maybe I'm not welcome. Like I said before, I will leave the article at that. I am a law abiding citizen and I have never broken the law before. I respect police. I just really wanted to say that. Let me also say that after this incident, I dialed 911 and I was somewhat excited. The 911 operator got upset with me because I was excited. That is so antithetical to what service and police service tells the people they deserve. When people call the police, they're at their lowest a lot of times. They're frustrated and angry. What this person did was call the police to my house. What I did was I called the police and I told them what happened and that they could meet me at this person's house because that's where I'm going. I told the 911 operator to have the police meet me there because we're going to have a discussion as to why he called the police to my house. What happened was the incident became more heated and I was accused of being threatening. So, that further incited the incident. Then shield 30 put his thumb on the incident. Which is totally unprofessional. He put his own feelings and beliefs on the discussion. And then when I tried to address him, he stormed away like a little child and went down the block. I find that totally unacceptable. I'm here officially to log the complaint against him, because if this is the way he operates and I know he has a disciplinary issue, if this is the way he operates. My safety is in jeopardy.

**Mayor Ramos:** We do have a process.

**Manager Revella:** Just make sure that we get the complaint logged properly.

**Greg Anderson:** I got the complaint.

**Manager Revella:** There's a written complaint you file with the Clerk, first. It gets stamped received, you have a copy that confirms receipt. Then the process through the department or myself.

**Greg Anderson:** I went to get the complaint and I did reach out to the 911 operator to have a Police Sergeant respond to that night. There was none available. And they said that he would call me back. He did not reach back out to me. Again, I just didn't expect that.

**Mayor Ramos:** We'll work on it. We're getting better.

**Greg Anderson:** Let me just say, I'm a stickler in the sense, but I've been dealing with rules and regulations all my life, and I've been following them all my life. You understand what I'm saying? I expect to be taken care of because I follow the rules and regulations.

**Mayor Ramos:** Thank you.

**Lynn Thompson:** I just wanted to also briefly mention about the short term rentals. I was on the committee that worked on that, and part of why we worked on that was because we were trying to be preemptive because the state of New York, nobody quite knows what's going to go on with the short term rental. It's been at the state level for quite some time. The governor has tried to get it through. She hasn't gotten the support that she needs. I hope that while you're doing all your code reviews and things like that, you really think about this one, because as it has been said, apparently they are taking place. People are doing these rentals in the village already and we're not able to enforce. On television this morning, they talked about the short term rentals with the VRBO and the Airbnb, they're starting to happen in New York City. I realize we are not New York City, but they're also very concerned about enforcement. They're going to start on the other end of it where if you would like to participate in these short term rentals, in those two capacities, you have to file an inordinate amount of paperwork with the city. If you are running one without the proper forms on file, it's a \$5,000 fine. I just hope there's a lot of input from our new Building Inspector and everything is really thought about very carefully because again, we can have the best laws, the best

code, whatever, but if it can't be enforced, it's really a moot point.

### **Village Code – Review of 67-109**

**Mayor Ramos:** I thought we had a very good session on reviewing 67-109. Our attorney has a little bit of homework to do. We did have a few pending issues that needs to be codified in different terms. Wording needs to be more constructive and more consistent. Our next sections are going to be reviewed next board meeting the 19th at 5:30pm, 111-117.

### **Short Term Rentals**

**Manager Revella:** We have gotten feedback from the county. We still don't have feedback from the Planning Board, but we do have a meeting set up for this next Thursday with Trustee Pearson, the Building Inspector, myself, for some updates and notes for feedback.

**Trustee Batson:** Seemed like the last time we discussed the short term rental piece for one of the hang ups was around parking. Is the plan to resolve those challenges? There were some differences in how we would enforce parking on short term rentals versus how we would for a normal citizen. That seemed to be the last part that was unresolved.

**Manager Revella:** That and there was a couple of other notes I have as well to be discussed at the meeting. I'm sure we're going to talk about the forms to make sure they're updated. We had some sample forms just to make sure they're up to snuff.

**Trustee Batson:** Those are the last components for us to be able to vote to put this policy in place.

**Manager Revella:** Yes.

### **Justice Department Audit**

Tabled

### **Temporary Sign Request – St Baldrick's**

Trustee Pearson made a motion to approve Temporary Sign Request for Saint Baldrick's Event on September 30, 2023. Seconded by Trustee Garrison. 5 ayes. 1 abstention (Trustee Hall). Motion carried.

### **Liberty Street Town Hall Meeting**

**Manager Revella:** I know that we tried to schedule something in August. There was a lot of scheduling conflicts. I would just hope the board can find a date to meet on Liberty Street, to talk to the residents about the parking situation on the street, whether it needs to be amended, made one side only, or what is the best course of action.

**Trustee Pearson:** Can we do it in the evening-ish, early evening?

**Manager Revella:** The Board just needs to set the date and time so it's public.

**Mayor Ramos:** We have a meeting on the 19th. Can everyone make it on the 26th?

**Trustee Hall:** I cannot.

**Mayor Ramos:** What day is good on for that week?

**Manager Revella:** 27th, Wednesday? Is that bad for everyone or okay?



**Trustee Garrison:** That's good for me.

**Trustee Hall:** I'm good.

**Manager Revella:** 27th at 6. Just need a vote so we can publish that.

Trustee Batson made a motion for a Town Hall on Liberty Street on Wednesday, September 27, 2023 at 6pm. Seconded by Trustee Pearson. All ayes. Motion carried.

### **Sewer Waivers**

Trustee Garrison made a motion to approve sewer waiver for 200 Orange Ave. Seconded by Trustee Hall. All ayes. Motion carried.

Trustee Maher made a motion to approve sewer waiver for 140 North Montgomery Street with a condition on replacing the lid. Seconded by Trustee Hall. All ayes. Motion carried.

Trustee Garrison made a motion to approve sewer waiver for 30 Richardson Street. Seconded by Trustee Hall. All ayes. Motion carried.

**Manager Revella:** If you're going to approve the waiver, you would condition them on providing getting an application and permit to the Building Department within 8 months for a replacement of the disposal system.

**Trustee Pearson:** How do we come up with 8 months?

**Manager Revella:** That's what the engineer says. Probably because of winter. I don't know.

**Mayor Ramos:** Would there be a need to split it up in between 4 months to see what kind of work is being done at 4 months?

**Manager Revella:** That's your prerogative. You're able to do whatever condition you want. It's just a recommendation.

**Trustee Pearson:** I'm fine with 4 months.

**Trustee Hall:** I'm good with 4 months.

**Trustee Garrison:** I am, too.

**Mayor Ramos:** 4 and 4 upon completion.

Trustee Hall made a motion to approve the sewer waiver for 157 Millspaugh Court with a condition to have a status report in 4 months and then continue with another 4 months for a total of 8 months. Seconded by Trustee Batson. 5 ayes. 1 nay. Motion carried.

243, 245, 247 East Main

**Mayor Ramos:** It's noted that 3 of the lids of septic tanks needs correction.

**Trustee Batson:** The conditions for things like septic lids, what we're technically voting on is an exemption here for them to be connected to our sewers, correct?

**Manager Revella:** Correct.

**Trustee Batson:** So, the conditions of them perhaps not having a sewer lead are independent of that and need to be addressed through code violations or there surely has to exist some sort of safety violation.

**Manager Revella:** This is really the first authorization point. So, if you want to make it a condition of authorization, that's the best spot to leave it. Then going forward, they won't have permission if the things aren't corrected.

**Trustee Batson:** But the recourse is to force them to connect to our sewer?

**Manager Revella:** It could be. One of these will likely within the year.

**Trustee Pearson:** You just gave them a year extension. But these issues were addressed when they were here that those were not done at that time either. It's not something that's new. This report came out two meetings ago and it's still not addressed and fixed. I'm not sure why. The reason I say that is you gave them all the extension and now why bother? That's what I'm thinking.

**Trustee Batson:** It was a 4-3 vote.

**Trustee Pearson:** That's true. Sorry. Thank you. I'll make a motion that they fix the lids and be able to get it done in a timely fashion, maybe within two weeks. Get the lids put on there. It's been months already, so let's give them 2 weeks and then if it gets done through the Building Department, then they'll get the approval.

**Trustee Hall:** Did they mention why they weren't corrected yet?

**Manager Revella:** I have not had any correspondence from them on that. Neither has the Building Department.

**Trustee Pearson:** I'm retracting my motion. Thank you.

**Attorney Donovan:** What does that mean? So, you've given him a year. Well, whatever it is now, 11 months.

**Trustee Pearson:** But then fix what the issues are to get the waiver. That's what I'm saying. But I voted no for the other part, so I'm not even going to make a motion. If somebody wants this to go through, can make the motion.

**Manager Revella:** There's no waiver until a motion is made and actually voted on to waive. Right now, there's no waiver.

**Trustee Hall:** And they can proceed and do all that until they get the waiver to do it. They can't do that unless they do this?

**Manager Revella:** They can do the work. I'll make sure that the Building Department's aware that they can send some correspondence to the owner to make sure they fix the lid so they can get the waiver.

**Trustee Hall:** Can we do that?

**Trustee Pearson:** And then they'll come back to the board and get the waiver.

**Manager Revella:** Correct.

### **Set Public Hearing for 9/19 – NYForward Grant**

**Manager Revella:** In order for any entity in the village to be eligible to receive a NYForward Grant, we have to have a public hearing and the board discusses potential projects. We did last year, potential at Railroad Place, which is the Grant Street area. That's likely what the topic will be this time because the grant writers believe that's potentially a good area to receive funding and would win. Just need the board to set a public hearing to discuss any other projects that might come to mind. But we have to have that in order to proceed.

**Trustee Pearson:** How much is it for?

**Manager Revella:** Whatever the maximum is, I think it's 2 million.

**Trustee Pearson:** And we don't have to have a project to say to go for it?

**Manager Revella:** That's what the public hearing is for. Yes, we will have to. We'll discuss what the potential ones are and see what the board wants to do.

**Trustee Batson:** Do you feel confident that we can come to that conclusion in 2 weeks?

**Manager Revella:** Yes. We had the project last year, which is available. It's 29 Grant Street. There was a rehab project for that one. If there are other ones that come to mind or some other ones come up, the board can discuss those at the public hearing and see what the best option is.

**Attorney Donovan:** In other words, the public hearing is not for you to vote on what project. It's to get input from the public for you to consider.

Trustee Garrison made a motion to set public hearing for NYForward Grant for September 19, 2023 at 6:30pm or soon thereafter. Seconded by Trustee Hall. All ayes. Motion carried.

### **36 Orange Ave – Zoning Amendment**

**Manager Revella:** Wanted to make sure the board got the copies of packets for the requested zoning amendment from the current zone, which is B3 to MX.

**Tom Olley:** I represent the owners of 36 Orange Avenue. Babylon Real Estate Management LLC. They have recently purchased the building and have done quite a bit of exterior renovations. They received a site plan approval from the Planning Board to restore the office and retail uses in the first floor. But because it's in the B3 zone, they're only entitled to one apartment on the second floor. It's really a financial difficulty for them to try to support the upkeep of that building with only one residential apartment. I can vouch for the difficulty in the retail and office market in the village. We have definitely have submarket rental rates. We have a hard time filling those. My building at 152 Orange has gone for years at a clip without being able to attract tenants at very low, low rates. Just to give you a couple of statistics on the building. The building is about 5000 square feet, 5015 square feet. There's only 1785 square feet on the ground floor. The building dates back to over 110 years. What most people don't realize is that the first floor only goes partway back. The second floor extended back into the hillside. If anybody is interested, years ago, it was actually a car dealer and a Chevy dealer and Fred Gorss can give you the background on it because his father took over the Chevy dealer from that site and located right across from my office on Orange Avenue. But the second floor, if you do the math is 3230 square feet which far exceeds any apartment that fits the market here in town. You can't really rent out a 3000 plus square foot apartment. So, the applicant,

the owner of the property is petitioning the board to change the zoning designation for this property to multi-use. The MX zone is directly across the street. It's not a far stretch. It's contiguous to the MX zone. And what that would allow them to do is to have more than one apartment. Again, it would be subject to the Planning Board's approval. But one other thing with the MX zone is that it also allows the use of on street parking in the calculation which is favorable. We meet the requirements now but the right of way line is a mere inches off of the face of the building and we could legitimize those parking spaces along 208, along Orange Avenue with approval from the DOT. The code calls for some very specific steps for you to follow and we're asking that you view this petition favorably tonight and refer it to the Planning Board, which is a mandatory review. I believe it also does meet the qualifications of the GML 239 and LM whichever section. We would ask that process begin. Of course, we're not asking for the board to make a decision, but at least due to favorably look upon the application and allow us to begin a process.

**Manager Revella:** If it was to switch to MX zone, how many units would it give you upstairs? Permissive.

**Tom Olley:** 3 maximum.

**Trustee Pearson:** How many bedrooms?

**Tom Olley:** Most likely 2. There is a possibility with the 3000 that there could be a third bedroom.

**Trustee Pearson:** You have an apartment in there now.

**Tom Olley:** There is an apartment.

**Trustee Pearson:** And how big is that? How many square feet?

**Tom Olley:** It's cordoned off. That one apartment is a 3 bedroom and it's 1600 square feet.

**Trustee Pearson:** How are you going to get 3 bedrooms out of 2 smaller bedrooms? Because if you do an MX zone, the apartments have to be 1000 square feet each. There's 150 square feet for workspace within that apartment. But an artist's loft, which is in the zone, is a thousand square feet. It's actually more square footage than what an apartment would be in the B3 zone. How are you going to fit 3 apartments up there?

**Tom Olley:** We'll look at it. If we can't fit 3, we won't. We'll take a closer look at the code. But we can't have more than one.

**Trustee Pearson:** Can I ask why you're not going to the Zoning Board for a use variance?

**Tom Olley:** Because it's an almost impossible hurdle to get over. Because we would have to show not only a hardship, because it's a use variance, we'd have to demonstrate that there's no other feasible use. We probably could not meet the self-creation.

**Trustee Pearson:** Correct.

**Tom Olley:** I do not believe that the Zoning Board has granted a variance for such a conversion from B3 building in the past.

**Trustee Pearson:** There are reasons for that. That's why this board should really be conscious of that. You have a Zoning Board that really looks out for this village. Some of these questions I'm

going to ask are coming from that position because I was on the Zoning Board for years. You have how many retail spaces on the first floor?

**Tom Olley:** 3.

**Trustee Pearson:** They are how big each?

**Tom Olley:** Excuse me, 4. They range from 335 feet and up to, I don't have the exact numbers, but it's a total of that 1785 square feet.

**Trustee Pearson:** Because for parking, parking is going to be a big issue for me because there is no parking there. You show some spaces, but for each retail space, you have to have at least for every 350 feet, I believe it is square feet. You have to have one space for each. So, there's 4 spaces right there you need right now.

**Tom Olley:** I believe it's five that we need to have. Excuse me. We have to have 6. Plus we have 2 for the apartment upstairs.

**Trustee Pearson:** 2 for the apartment upstairs now. And you'd have to have 6 for the bottom. You need to have 8 parking spaces right now. In order to do it. So, you really only have 5 spaces plus a retail.

**Tom Olley:** That's not true.

**Trustee Pearson:** I saw on your map.

**Tom Olley:** We have a site plan that's approved with 8 parking spaces on it.

**Trustee Pearson:** Where are the 8 spaces? I didn't see the site plan. I don't see it here.

**Tom Olley:** I did not submit the site plan, because it was not a requirement.

**Trustee Pearson:** Where the parking space is going to be?

**Tom Olley:** There are two parking spaces on the upper level. There is one parking space to the right of the garage building.

**Trustee Pearson:** Which was handicapped.

**Tom Olley:** Yes. Which counts.

**Trustee Pearson:** So, up that ramp, you're talking about putting cars up that ramp?

**Tom Olley:** Yes.

**Trustee Pearson:** How are they going to get down this ramp? They're going to back down it?

**Tom Olley:** Yes.

**Trustee Pearson:** You can't back out on a state road. How does that work?

**Tom Olley:** It is an existing condition of the property.

**Trustee Pearson:** Not with the 2 apartments. Maybe for the business, but not when you're adding 2 apartments.

**Tom Olley:** The use has been there. By code we could put office space up on that second floor which would also create the same parking demand. We were faced with the same situation. By going to the MX zone. We can add, I believe it's 4 parking spaces right along Orange Avenue, in front of the building, which have been traditionally used for years.

**Manager Revella:** Pull in spaces. They're even used today.

**Tom Olley:** Absolutely. Also because we have frontage on Church Street, we would be allowed to have parking on Church Street. One side of Church Street is assigned no parking. It would only be on the west side or northwest side of Church Street.

**Trustee Pearson:** How about snow removal? Where does that go? You got people parked up on a ramp. Where does this snow go? There's a whole neighborhood here that you're going to actually make nonconforming. It's spot zoning.

**Manager Revella:** It's not spot zoning. It's contiguous to across the street.

**Trustee Pearson:** It's not contiguous with the one side.

**Manager Revella:** It's not required.

**Tom Olley:** It's contiguous to the zoning. That's a pregnancy test. Either you are or you aren't. We are contiguous.

**Trustee Pearson:** So, we have to redo the comp plan. You're setting precedent for anything in a B3 that will then become an MX that want to go for MX.

**Manager Revella:** If it's contiguous. Yes.

**Trustee Pearson:** So, you're setting up for all of Main Street to become an MX zone. You're taking away businesses, you're putting more apartments, more parking issues. It's not just one building that you're changing. You're changing the scope of the downtown businesses.

**Tom Olley:** Actually, that is not an accurate statement, because only those businesses on John Street and a little bit on Hepper and a very small amount on East Main Street are contiguous to the MX zone.

**Trustee Pearson:** What you're telling me, John, is that it has to be connected?

**Manager Revella:** Contiguous. Yes.

**Trustee Pearson:** As the business owner over here in Main Street and I know that you, the board, did this for this, and they're going to come and say, well, you did it for him. Why aren't you doing it for me?

**Manager Revella:** Because he's abutted to the other zone. That's not spot zoning.

**Trustee Pearson:** Then take spot zoning away, but talk about the rest of the businesses that are

going to be affected by this.

**Manager Revella:** Why would they be affected?

**Trustee Batson:** Can you define spot zoning?

**Tom Olley:** If I may make an example, my office, you know where that is at 152 Orange. I am in the OL-I zone. If I came to you and asked to go into the MX zone, that would be considered spot zoning because it is a single property or an isolated number of properties that are asking for that zone. I don't believe that it requires a comp plan revision, especially since it's contiguous to the comprehensive plan areas that were designated for MX zone. I do not know why.

**Manager Revella:** We're redoing the comp plan this coming years. That's the only point I'm trying to make.

**Tom Olley:** I would hope that this process could be done in advance of waiting for a new comp plan, because we do know that, comp plans are done over, an extended period of time to make sure that, you've turned over every stone looked at all of the issues that you need to. But we don't believe that this requires a comp plan amendment or a revision.

**Trustee Pearson:** How many parking spaces with what you're proposing will you need?

**Tom Olley:** If we add 2 more apartments we would need probably 4 more parking spaces.

**Trustee Pearson:** In an MX zone your apartments have to be 1000 square feet, so you're not going to get 2 apartments up there.

**Manager Revella:** What's 3230 square feet?

**Trustee Pearson:** He said he already had 1600.

**Manager Revella:** He can reconfigure if he wants to.

**Tom Olley:** We can. Absolutely.

**Trustee Pearson:** You have somebody living there. You already revamped it upstairs. Didn't you put on a patio out the back and everything else, the backside?

**Tom Olley:** That was there. We've just replaced the fencing on it. The apartment that was there is just as it was. If we were to get 3 apartments, we would reconfigure that space.

**Manager Revella:** This board wouldn't be approving 2, 3 apartments. That's not what you would be doing. Approving the zone improvement, which would allow up to 3 apartments. Whether they do that or not, would go to site plan in the Building Department. Whether they can reconfigure that, that wouldn't be this board's purview. But if you do end up approving it to MX zone, they can get up to 3 apartments. So, you'd want to make sure the parking was appropriate for up to 3 apartments. Whether they have 1, 2 or 3 is a different stories.

**Tom Olley:** Really becomes a Planning Board matter for the review of that, whether we can demonstrate that we have the adequate parking.

**Trustee Hall:** That's pretty optimistic with all that parking, honestly. I can see how you have the 8

spaces. I can totally see that. I drive that way a lot. I'm just concerned about the 4 that you want to put in the front. Especially during the winter, but just on a normal day. That it seems like to put 4 cars in front of that building, plus all the parking on the side and then the 2 up the ramp.

**Trustee Pearson:** They'll be going down Grant Street next to the new owners of Sweeney's.

**Trustee Hall:** Parking is limited there to begin with.

**Tom Olley:** There's an issue with, customers of Sweeney's parking on this property. But if it's on street parking, it's on street parking. There's no reservation for any given business of any size. Again, that review is a Planning Board matter. We're coming before the board expressing our issue is that you can't support the upkeep of the building based solely on the ground floor.

**Trustee Hall:** I can understand. I don't disagree to have apartments up there. I don't disagree with that at all. I just think maybe it seemed a little easier to come here than to here than the proper. Instead of going to the Zoning Board to begin with.

**Manager Revella:** It's their right to come to this board. It's not like they have to go the Zoning Board. Don't get that wrong. They have the option to come to this board.

**Trustee Hall:** Right but he said it was easier to come here.

**Trustee Pearson:** It is easier because they would get denied.

**Manager Revella:** This is the only board that can change the zone. Zoning Board can't change the zoning.

**Trustee Pearson:** They don't have a hardship.

**Trustee Hall:** I don't disagree with having apartments up there by any means. I'm just concerned with the parking.

**Tom Olley:** Understood. The one thing about having the residential and the retail uses is that the parking demand, for the most part, not 100%, but for the most part is opposite each other. The retail spaces needs parking spaces during the day, offices need the parking spaces during the day. The apartments mostly need it at night. That's not saying that every apartment needs it only in the night. We know that people work different shifts. Different days of the week. So, we're not claiming that it's 100%. For the periods that there would be a snow emergency. We can have a little bit less than conventional parking on the site that will allow those uses to function properly while the snow emergency is in effect. Just like any other business in the village. Some of the businesses may choose to close because they can. Successfully operate under those conditions. It's no different than any other property within the downtown area as far as having to comply with those regulations.

**Trustee Pearson:** Well, it is when you have parking in front of that building and the snow plows come through. The state snow plows.

**Tom Olley:** That's on street parking. So, it would not be allowed.

**Trustee Hall:** Would you be able to fit more parking on the other side of that handicapped spot?

**Trustee Pearson:** There's a ramp that goes up and he's getting out of the cars at the top.



**Trustee Hall:** I'm familiar with that, but where the handicap spot is, you could probably fit 1 or 2 spaces in there. No?

**Tom Olley:** Maybe 1 or 2. Yes. That would that would extend out. There are 2 telephone poles that are near there. The angle of the wall pushes a parking space out into the right of way. But if we're getting on street parking in front of the building, then certainly we could have a space there too.

**Trustee Maher:** I definitely understand the parking concerns and the additional cars in that area, because as you come this way, as you're heading out of town, it is a little bit of a blind curve coming that way. So I do see the concern there. I would be all for moving this to mixed use. We need more rentals in the Village of Walden, I recently just tried to help a friend of mine find a rental, and it was almost impossible. We have someone who's willing to, I think the ultimate goal here is to have long standing commercial use and to fill those storefronts, which I think is also something that we all want to see happen here. So, for me, that just makes sense in order to sustain the rentals and the businesses in that property, you do have to have more apartments on top. If we could find a way to make the parking less of a safety concern, I would be completely for having this move forward.

**Trustee Garrison:** Parking is definitely an issue and safety. Backing out on a state road off of that ramp especially. There's already a blind turn there. I see people having difficulties coming out of the post office onto Church Street from Church Street, making a right onto the main road and now you're adding an entire different level of concern with somebody backing on to that road. It's already a hard turn to make. I've seen people wait a long time to turn from Church Street just to go that way. Now you're adding another level of difficulty wondering if somebody's going to be backing out, are they looking? The parking is a concern. I don't know. I'm all for apartments and bringing more people in and more business. But I'm also concerned about the people that are already here and the driving conditions of that area and then you factor in the snow removal and on street parking and what are they going to do now? Are they all going to pile up on that little paved driveway thing? You're going to park, what, 5, 6 cars there for the apartments during snow emergencies. Then you have to worry about that. It sounds great on paper. I think in reality, it's a cause for concern. We're talking school busses and bus routes. This is a high traffic road from the village. I don't know. It sounds very dangerous. It sounds like it's going to put a lot of concern on that specific small area of the post office and Church Street, the Main Street, Grand Street. Where the diner is now, if they open up and we just got new owners of the tire place. So that business is probably going to start expanding and bringing in more. You're talking about a lot of congestion in a very small area. That's what concerns me.

**Tom Olley:** May I point out one thing, too, is that this was a blighted property for so long. This gentleman and his company invested in it and looks great, but if it's not sustainable, it's going to return to that. It's a business decision.

**Anthony Cabrera:** I came to the village with the idea that it was a great village to invest and to do business. Put all my saving into this building. I also got a mortgage to finish up this building that's been sitting there for so long. I thought that it was a great idea for renovating this building for the community. Unfortunately, if I don't get 2 more apartment there, the building is going to go back to the county because I'm not going to be able to pay the taxes. I'm going to be able to sustain the expenses that a building like this requires. You can see the retail sector right now is going through *\*inaudible\** and without the support of you, at some point the building might go back to the county as it was before. All I need is the support of you. I think that if we can figure out a way how this could move forward of putting the idea together, I think we could we could figure out a way that this is doesn't cause trouble for the village and rather benefit the community and that's what I'm here for. I'm not trying to be a troublemaker for the village. I'm here to make sure that this building

become a great resource for your community. I'm putting my savings for that reason. I'm trusting this village without knowing the village and I'm putting my savings into it. We work together to figure out a way of this to become a permanent resource for the village. And become where people could work and live in the village. Thank you.

**Trustee Pearson:** When you purchased the building, it's an LLC, is that you? The principal of the LLC.

**Anthony Cabrera:** Yes.

**Trustee Pearson:** You have other people with you?

**Anthony Cabrera:** No. Myself.

**Trustee Pearson:** So, when you bought the building, you had an attorney that represented you. Did he tell you what the zone was and what it was zoned for and what you could put in there and what you couldn't put in there?

**Anthony Cabrera:** I didn't know at the time.

**Trustee Pearson:** But you have an attorney at closing and you have a real estate agent. Do they not guide you?

**Anthony Cabrera:** I bought it through the county. Through the Orange County tax resale.

**Trustee Pearson:** But did you have an attorney representing you?

**Anthony Cabrera:** No.

**Tom Olley:** We're not asking this board to make the Planning Board decision. What we are asking for you is to allow an avenue for this applicant to go before the Planning Board to see if we can't work out those issues that you raise. We can't do that. Worst comes to worse for this applicant is that the Planning Board rejects the application for cause and for whatever reason. We're exactly where we are today with Mr. Cabrera's building. But if you allow this to be moved into the MX zone line, to be moved to include this property, it at least allows a path to explore those solutions. Those engineers, we're good at finding solutions. We're good at identifying the problems. Some of the issues that Ralph raises, could be addressed through improving the grading of the bank along Church Street. There's ways to address some of these things. We have on street parking all through the village. Pisano's next door have the exact same situation as far as the setback of the building off the right of way line. They park out there. It's been done for years and years and years. We're just asking to have the ability to legitimize that and to address any of those concerns. We can we can certainly work on those concerns with the Planning Board. But we can't even do that without change in zone. And as Becky points out, there's no hardship there. So, we don't even get to square one with the Zoning Board. Not that we're coming to you as an easier route. It's our only route to do something else with the building.

**Trustee Pearson:** Why couldn't you just approach the board to put in one more apartment instead of change the zone?

**Tom Olley:** As I said, there's absolutely zero record. They would have to find hardship and we can't demonstrate that.

**Trustee Pearson:** This board. Why didn't you come to this board, instead of changing the zone, ask them for another apartment?

**Tom Olley:** I don't believe that this board has that ability.

**Trustee Pearson:** Why not?

**Attorney Donovan:** I like to say, there's rules. I don't know how we get the extra apartment rule because I don't know what that reason is. What I did, I know there's a couple of you that haven't spoken. There is just a kind of an overview of the process. There is a request for a zone change. \*inaudible\* to be supported, if it goes anywhere. This is discretionary. You could say yes. You could say no. You can say, I want to think about it. But if you want to move forward, there's a local law and we have to file SEQR. So, there needs to be an EAF as well. It would be that local law and the EAF referred to the Village Planning Board and the Orange County Department of Planning for review and report, and then there would be a public hearing after that for you to solicit comments before you need to make up your mind. My point being is you don't need to make up your mind tonight unless you just want to throw rotten tomatoes at Tom. But if you want to move forward, you're not committing yourself to any particular course of action just to start the process, which will take a couple months.

**Trustee Pearson:** You didn't answer my question.

**Attorney Donovan:** I don't know. Because I don't know how to answer that question. What's the basis for adding an extra apartment?

**Trustee Pearson:** Because I'm still convinced that one MX person wants another one and then the next one wants another one and then another one wants another one. And they're all contiguous.

**Attorney Donovan:** That's not a reason for you to say that you can't have another apartment.

**Trustee Pearson:** But it takes away the whole main street then. Because it's going to go right down the street if somebody wants to change it. Maybe the post office goes out of business and they want to put in a business with apartments in there.

**Manager Revella:** They already can do that.

**Trustee Pearson:** It's B3. They can put on the floor.

**Manager Revella:** They're contiguous to MX zone.

**Trustee Pearson:** How do you figure it's continuous, it's across the street.

**Manager Revella:** MX zone goes all the way through to where Larry had a shop.

**Trustee Pearson:** We should also talk about the MX zone because all the homes in that business, we should really address that anyway. I brought one to bring that up because all the homes in that area are non-conforming and there's so much non-conforming. This was brought up because of Railroad Place, because the train was coming. Everybody wanted the train to come. We were going to revitalize that area. We were going to put in the walk thing. None of that has happened. Nothing has happened. So all these people who own these homes down there are non-conforming. They don't conform to the law. That's a whole other issue.

**Manager Revella:** That's preexisting non-conforming, that's allowed.

**Trustee Pearson:** Yes, I get it. But it's not fair to the people who live there.

**Trustee Batson:** Why is there only 1 apartment allowed? What's the intent behind only allowing a single apartment?

**Manager Revella:** You got me. Because a lot of the buildings downtown are more than 3 stories. If you have a second or third floor, it would make sense to have more than 1 apartment above it. Not sure why that is.

**Trustee Batson:** That seems to be the stickler for me, is that we're hung up on a rule. But if no one can understand what's the intent of the rule? I find it challenging to enforce. The other pieces that I do worry that if this building can be completely sustained by residential, then there would be no incentive to utilize the retail. If you could just completely turn a profit off of this. What would be the incentive?

**Tom Olley:** The MX zone requires that the first law not be or prohibits, residential on the first.

**Trustee Batson:** But it doesn't require it to be occupied.

**Tom Olley:** Still have to provide the parking, we have to go through the site plan approvals.

**Manager Revella:** You don't want to pay for empty space.

**Trustee Batson:** I get it.

**Tom Olley:** On the other hand, put yourself in this position. If you make it work with just the apartments then the commercial use on the ground floor becomes your income to invest back in the property. I don't think it's a fair assessment to say that anybody would want to have their downstairs empty if they can rent it out. Just doesn't make good business sense. If I can just go back on the one apartment, it is something that has been on the books for an extremely long time. The empty lot next to John the Taylor. That couldn't move forward because of this requirement in the B3 zone.

**Trustee Batson:** Is there a place where I can perhaps research to find the answer to that?

**Manager Revella:** I don't know where it would here.

**Tom Olley:** It's a long history. That building has been there 30 years.

**Manager Revella:** Since 1994.

**Trustee Pearson:** I am not against apartments at all. It's not against the people that are here. But there's a process. That's an issue with parking. Parking is going to be a big issue. It will happen. And you're all going to say, it's going to be fine and all of a sudden it's not. That really needs to be addressed. I get it that it's going to go to the Planning Board to do that. But I still feel that it is spot zoning because I don't feel it's contiguous. Yes, it's across the street, but it's not in the same neighborhood as that. For me, I'm not convinced that it's not spot zoning. I just have a lot of issues and I'm not against the people. Thank you for fixing it up. I think it's a great idea, but there are places that can handle cars and places that cannot. I feel that it's, as Ralph said, dangerous. You're backing out of a ramp onto the main street on a state road where you're not supposed to back up anyway. Snow removal. There are many issues with this and sitting on a Zoning Board for years,

it's hard to say. It's the hardest board to sit on because sometimes you are saying no, because there is no hardship, because the person bought it knowing what it was.

**Manager Revella:** I just want to make sure the board's aware the parking issue doesn't go away because you say yes or no, it's the same issue. They're allowed to have 8 spots there. They could have 20 cars there any day if they want to. It doesn't change the safety issue that you might have, the concern you might have with cars parking there. It's going to happen now or in the future. Definitely want to, if you do move forward with the Planning Board, make sure they make a note of it and find some solution to that problem. Whether it's 1 car or 20 cars, it needs to be addressed. But otherwise it doesn't make the problem go away.

**Mayor Ramos:** Do you know what the depth of the parking spaces to the left of the structure, the length?

**Tom Olley:** The main building, the 2 story part of the building is roughly 50 by 70. The one story on the side is about 30 feet. It's a little less than the 50 by 70. Probably 45 to 50 feet.

**Mayor Ramos:** The parking spaces that you indicated right above where the deck is. How deep are those spaces? Where the deck is.

**Tom Olley:** We show an 18 foot parking space in there. But the wall back there is about 35 feet back behind the right of way line.

**Mayor Ramos:** It's 35 feet from route 208.

**Tom Olley:** From the right of way line. It's about 45 or 50 feet from the white line back to the wall.

**Mayor Ramos:** 2 cars can't fit in there?

**Tom Olley:** The problem is that at the end of the parking standard, during a snow emergency, we definitely go nose to tail. So, we would have adequate room to get the cars off of the street. However, we can't use it that way unless the Planning Board, unless we were to reserve 2 spaces nose to nose. I'm sorry, the code doesn't allow that parking. It actually specifically only allows that parking for single family residents in that configuration. That's where we would run into some of the issues and technicalities of designing it.

**Mayor Ramos:** Mr. Cabrera, I applaud you for using your ability and adaptive reuse of an older building. Since 1906 the building has been there. I praise you for your vision. We do need rental apartments. Newer ones. I know that the 2-3 apartments, if you're going to get 3, are new and they are productive for families that are coming into the village of Walden. I think the Planning Board's got some homework to do in your issue if it goes past to the state. I think they're well off especially with the engineer to find solutions to issues. What is our process?

**Manager Revella:** You can either vote to move forward or not. Moving forward would be to ask for a local law.

**Attorney Donovan:** You're not required to do anything. Thinking, reflecting is always a good thing. If you want to push it forward, then it would be an authorization to prepare a local law, environmental assessment form. And if you were happy with it, could be circulated to the Planning Board and the Department of Planning. Just want to emphasize, you're not required to do anything.

**Trustee Batson:** Pushing it forward does not guarantee that it will be resolved. It is just simply a

motion to move forward to explore a solution with no guarantee.

**Attorney Donovan:** That's correct and the process from there will be the referral to the 2 agencies that I mentioned and back to you with their comments and a public hearing. After that, interestingly enough, with a local law, there's still a lot of timeframe as opposed to an application in front of the ZBA and Planning. There really is no time frame for the Village Board to act. But you would have to wait till after that public hearing before you could act anyway.

Trustee Maher made a motion to have Village Attorney draft local law to change 36 Orange Ave from B3 to MX. Seconded by Trustee Hall. 4 ayes. 2 nays. Motion carried.

#### **Resolution 5-23-24 – Budget Transfers**

Trustee Pearson made a motion to adopt Resolution 5-23-24 Budget Transfers. Seconded by Trustee Maher. All ayes. Motion carried.

#### **Clarifier at Wastewater Treatment Plant**

**Trustee Batson:** Trustee Batson made a motion to approve the clarifier quote from RSG. Seconded by Trustee Hall. All ayes. Motion carried.

#### **Public Comment**

**Raymond Ortiz:** This past weekend, Sunday, my daughter had to go back to school drive. On behalf of Mercedes Ortiz and my family, I want to thank everyone who attended our third annual, helped the kids drive back to school drive. I also want to thank the following for donating school supplies as well as monetary donations. 160 book bags were prepared and we gave out 140. That worked out good. Compared to last year where we gave up 90. \*read list of names into the minutes\* We have the following book bag supplies. If anybody is in need, we have 14 middle school book bags, 9 girls, 5 boys. In the elementary, we have 3 unisex, 1 girls and 3 unisex. In the high school, we only have 3 bags left. The colors are red, purple and yellow. Anybody that knows anybody in need, they can get my daughter Facebook. Mercedes Carmen is on Facebook. You can get a hold of Becky Pearson or Kristi Hall or myself and we'll make arrangements. Since the book bag drive started Sunday, we gave out book bags yesterday and today as well. We're going to try to get out on Sunday. Back to Nirvana. I think we only got 25 bags. I don't know if we're going to make it, but I got to speak to Nelson to get his permission. If we can go back out there and set up again and give out these bags. I can't thank everybody on this board because this thing worked out real well. It was short, but it worked out well and people were traveling with the Labor Day weekend, so it was busy. I just want to thank everybody for your cooperation.

**Trustee Pearson:** We thank you for your part in that. You put it all together.

**Greg Anderson:** Mr. Revella, if you could help me set up an appointment or what do I need to set up an appointment with the Chief? I would like for us to have a deliberate discussion on the facts before we come to some type of decision on what should or could be done. I'd like to thank you guys for listening to me and hearing me out. Thank you so much.

**Lynn Thompson:** Before I forget, I just wanted to say something about the special use that the gentleman was asking. I just wanted to address one of the comments that was made about businesses operate during the daytime and people that would live there. I was a night shift person, so not everybody parked outside at night. I am constantly hearing people complain about the live stream, still the quality of them. I know we've been over this before. I know Mr. Ibberson had put some troubleshooting online a while ago about things people could do at home if they were having difficulty with the live stream. It's a common complaint and people that I'm talking to have very good technical abilities and have really good computers and wifi and all that in their houses. They

still complain terribly about the quality of the live stream. I'm glad there's finally going to be some work done on the outside of the building, but quite frankly, I'm tired of hearing what seems like excuses on the inside of the building. This has been going on for at least 4 years now. The excuse was COVID. COVID is over. The excuse is the engineer. I feel like it's just excuses. The building really needs a little love. I think if you haven't heard from the engineer, you need to call the engineer every day. When are we doing it? When is it happening? Come on, come on, come on. It's been a long time. Just my opinion. I wish you guys could stay on top of that. As far as some of the people that work on the third floor, it's not very uplifting to have to come to work every day and look at what they have to look at. It's not very nice. It's not a very positive work environment for people. I think maybe attitude, morale and performance might improve tremendously if people looked forward to coming in to a really nice office every day. I always ask about a maintenance schedule. I don't know if we have a maintenance schedule, but it feels like we have a lot of things that need attention, that have needed attention for a long time and still need attention. The only other thing I worked really hard this summer on the beautification in the village. It's really hard to get volunteers, but we did manage to get some work done. I hope everybody noticed and everybody liked how everything came about. I'm planning on meeting with John Revella and Mike Bliss this week to discuss a few more things that we can do as we end the season and look forward to next year. If anybody has any suggestions, let me know. Thank you.

**Manager Revella:** Just so the board is aware of, Ms. Thompson also helped to make sure that we have plantings that'll regenerate each year. It's been better, more cost effective. We're not the biggest green thumbs. It's been helpful having her on board.

**Trustee Pearson:** Bradley Park is beautiful.

**Cheryl Baker:** I just wanted to give an update on the Veterans Hometown Banners that we have been working on. Trustee Maher and myself both met with our awesome DPW Supervisor Fred Perna to go over the locations from Wait Street all the way down to the Dunkin Donuts. Most on the Main Street doesn't seem to be any concern at all with the banners being put up. The only couple of spots we have that might be a concern and we all have to test them out is by the Catholic Charities building in the center square because the delivery trucks. We may have to skip a pole or 2, depending if they're not observant when they're backing out. They could possibly hit a banner, will test it and if we find that's a problem then we'll just remove you from that spot. So, we could be missing a spot or 2. I don't know if you got my email. You may not have what the update or what it would look like with the new colors, did you get that?

**Manager Revella:** I got an email about accepting applications here. In that email?

**Cheryl Baker:** It should be. I didn't know if you had time to put it on because I sent it late.

**Manager Revella:** Not yet. But I did say that was fine.

**Cheryl Baker:** I have also reached out to several businesses, I would never want a veteran or family to be denied a banner because of the financial cost. If that is the case, don't hesitate to still send me an application. I have already had one business commit to several sponsorships. I'm meeting with several more businesses tomorrow. Send it in. I will find someone to fund that for you. I don't want you to think that you won't have a banner because you don't have finances. I understand the average Social Security payments are only \$1500 a month. When \$175 could mean whether you get your meds or not. I don't want that to happen to somebody. I do ask if you want your banners up by Veteran's Day. I do need the applications in by October 13th, so I have time to send them in, get the proofs, send them out to you. So, if you want to make any changes, we can do that and then get them printed. I know some had concerns in regards to scanning photos because

they don't have the technology. I understand that. If you reach out to me, I've purchased a scanner. I can go to your home and scan the photos for you. Or if you prefer to meet at a public place, either at the library or at time at the Village Hall. I'll make arrangements. Meet you at the computer. I'll scan the photo and we can send it out so you can get your proofs. I do ask for that October 13th deadline, so we have enough time in case there are any kinks or any issues. I have not heard back about the general banners yet. It's looking positive. I should hopefully know relatively soon whether those will be covered. We did request 12 of them with the new colors, with the American flag on back with all 6 branches. As soon as I hear about that, I will let you know. I do have extra applications here, there are some on the table outside the offices here, there at the VFW and they're also at the library. If you know of someone that doesn't have access to internet, that might be a veteran, let me know. I've already hand-delivered several to people and will be picking them up from them. I'm happy to do that. If anyone wants any, please let me know.

**Trustee Pearson:** How many you got so far?

**Cheryl Baker:** There are 25 out right now. I've gotten 5 back. I followed up with the other ones. The problem was the technology. I'll be meeting with them this week to finish that out for them.

**Trustee Pearson:** How many poles are you talking?

**Cheryl Baker:** There was 48, then 11 and 16. 16 going down towards the Dunkin from where Orchard Street comes out and then 11 from Wait Street to the bridge.

**Trustee Maher:** It's about 68 total.

**Trustee Batson:** That just addressing.

**William Lopez:** I wanted to address the issues on Gladstone again. What are we doing? It's been on the whiteboard. We talked about it last time. Sidewalks, pipes out, tree stumps everywhere. At least 8 years there's tree stumps. Had the Deputy Mayor out with us, he took pictures. No curbs. You rode a bike there, you said, all the time.

**Manager Revella:** I walked there, too. The budget's done in March for capital projects. It's definitely on the agenda, but it won't be till March till the board decides if that's the priority project for them and then that will be addressed hopefully by September of next year if it gets approved.

**William Lopez:** And we got water pressure issues. We've had this in the village for I don't know how long. Up on Gladstone, I know we have bad water pressure issues, I don't know if you guys can address that too.

**Manager Revella:** Anytime anybody has a water pressure issue they call the Water Department, they'll come test the pressure and see what there might be the issue. It could be something internally. We don't know until we they test it. They'll definitely help you out if you call.

### **Payment of Audited Bills**

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

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

**Trustee Batson:** Random question about our use of social media. Do we have any guidance or governance on what we can post on there? Is it our most effective way to communicate with the public? There are probably some rules and regulations. Previous meetings we talked about things



like the public brought up concerns around bicycle safety. We talked about maybe some sort of reminder that went to the school, which is great, but can we use social media to address a friendly reminder, the Police Department that operating electric bikes without a helmet is subject to.

**Manager Revella:** All those things are allowed.

**Trustee Batson:** How do we go about requesting that that we use our social media to address issues?

**Manager Revella:** If there's ever an issue you want to address for a notice to be put out, you just let me know.

**Trustee Batson:** Does it require anything decision approval.

**Manager Revella:** If it's something that's already legal, a notice that don't do it, make sure you cut your lawn because it's lawn season, something like that, or make sure you're not riding a motorcycle on the sidewalk. It's illegal. Those kinds of things are always allowed.

**Trustee Batson:** General professional courtesy.

**Manager Revella:** Yes, exactly.

**Trustee Garrison:** Just want to say good luck to all the kids going to school tomorrow and the parents that are sending their kids back to school tomorrow. Really nice to see the DPW guys out there. I wave and drive by. They're actually doing work, which is exciting to see. The village is looking better and better every year. Lynn, your work did not go unnoticed at Bradley Park. I was down there with my children yesterday and they had a blast. It looks amazing when you walk in and everything. It looks great. Thank you for that.

**Trustee Hall:** I just want to say thank you to the Ortiz family. I did stop down there Sunday and they were doing really well. I had gotten donations from other people. The bags that I brought down from several people. It's nice to see people helping other people. The banners, I do know a few people that will be, probably 5 or 6 more banners. I'll have them get with you within the next week, because I do know they'll want them up for Veterans Day. If you need help with any of that and just let me know and I can try to get down to scan or pick stuff up as well if she's not available.

**Trustee Maher:** I just wanted to commend Jody Nicoli. I attended the August 31st National Overdose Awareness Celebration of Life that she had down there. Great turnout and we were able to commemorate over 200 souls that had lost their lives due to overdose. It's something that I think we started with the intention of having more education put out there on the issue and to make it less taboo and more talked about and more able to have those conversations. This year especially, I noticed a lot younger of an audience attending. So that was something that I really thought I'd like to see more of and to see how parents were okay to bring their children, some as young as 6 years old, and explain to them what happened and what the ceremony was all about. I thought it was a great job.

**Trustee Pearson:** Waterfront Park. What's happening?

**Manager Revella:** I mentioned in my report. He should be starting next week. He was supposed to start today, but he got pushed back from another project.

**Trustee Pearson:** And what's going to be happening?

**Manager Revella:** He's going to get all the grading done and set up so it's ready. And then we're going to go to the next part.

**Trustee Pearson:** We don't have anybody for the next part yet?

**Manager Revella:** He will likely be doing the next part, too. That's our plan right now. We hope he can.

**Trustee Pearson:** Filling boards. Planning Board. Zoning Board. You have some alternates that need to be filled. People that are not there. I know the Planning Board had a meeting the other night and you didn't have a quorum. So, somebody who came before the Planning Board couldn't get their work done. It was an issue for people coming before the board. If people aren't showing up, maybe you need to discuss with them that they need to resign or do something. If they can't make those meetings and maybe put people on that can. It's just hard for people that show up and come and want their stuff reviewed and they don't have people enough to do it. The other thing, I did watch Jody's thing. It was awesome. The people that came up at the speaking that was just very emotional and very touching, that they were able to feel comfortable enough to come up and talk. I thought that was great. Mr. Ortiz, yes, thank you very much. Having community members like you, it's just awesome. Volunteering and doing and we have a lot of those. But it's so nice to have you on board as well.

**Mayor Ramos:** Just a big shout out to Superintendent Sean Meres from the Town of Montgomery, who came here to the village to assist our DPW in removing potentially dangerous trees at the Wooster Grove with a lot of work. I wanted to thank the Town of Montgomery and Superintendent Sean Meres for helping us out. Tomorrow, we have Jazz Pioneers, our last Music at the Grove. Hopefully, come out. It will start at 6:00 because obviously the lights will start dimming real soon. I did also attend the awareness event by Jody Nicoli, very well attended. Well over 120 people. It was heartfelt to hear and listen to those stories of people in need. Definitely their hearts were in the right places as these tragic events occur in their lives. September 11th event. 7 pm here at the Firemen's Triangle.

**Manager Revella:** If it's bad weather, it'll be inside.

**Mayor Ramos:** Same format as the past couple of years and hope to see you all there.

**Executive Session - Employment History of a Particular Person, Attorney-Client Privilege Session to discuss the Hill St Litigation**

Trustee Hall made a motion to enter into executive session to discuss employment history of a particular person and attorney-client session to discuss Hill St litigation. Seconded By Trustee Pearson. All ayes. Motion carried.

**Reconvene**

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

**Village of Walden Board of Trustees  
Regular Meeting  
September 5, 2023  
Motions & Resolutions**

**Approval of August 10, 2023 Minutes**

Trustee Batson made a motion to approve the August 10, 2023 minutes. Seconded by Trustee Pearson. All ayes. Motion carried.

**Temporary Sign Request – St Baldrick’s**

Trustee Pearson made a motion to approve Temporary Sign Request for Saint Baldrick's Event on September 30, 2023. Seconded by Trustee Garrison. 5 ayes. 1 abstention (Trustee Hall). Motion carried.

**Liberty Street Town Hall Meeting**

Trustee Batson made a motion for a Town Hall on Liberty Street on Wednesday, September 27, 2023 at 6pm. Seconded by Trustee Pearson. All ayes. Motion carried.

**Sewer Waivers**

Trustee Garrison made a motion to approve sewer waiver for 200 Orange Ave. Seconded by Trustee Hall. All ayes. Motion carried.

Trustee Maher made a motion to approve sewer waiver for 140 North Montgomery Street with a condition on replacing the lid. Seconded by Trustee Hall. All ayes. Motion carried.

Trustee Garrison made a motion to approve sewer waiver for 30 Richardson Street. Seconded by Trustee Hall. All ayes. Motion carried.

Trustee Hall made a motion to approve the sewer waiver for 157 Millspaugh Court with a condition to have a status report in 4 months and then continue with another 4 months for a total of 8 months. Seconded by Trustee Batson. 5 ayes. 1 nay. Motion carried.

**Set Public Hearing for 9/19 – NYForward Grant**

Trustee Garrison made a motion to set public hearing for NYForward Grant for September 19, 2023 at 6:30pm or soon thereafter. Seconded by Trustee Hall. All ayes. Motion carried.

**36 Orange Ave – Zoning Amendment**

Trustee Maher made a motion to have Village Attorney draft local law to change 36 Orange Ave from B3 to MX. Seconded by Trustee Hall. 4 ayes. 2 nays. Motion carried.

**Resolution 5-23-24 – Budget Transfers**

Trustee Pearson made a motion to adopt Resolution 5-23-24 Budget Transfers. Seconded by Trustee Maher. All ayes. Motion carried.

**Clarifier at Wastewater Treatment Plant**

**Trustee Batson:** Trustee Batson made a motion to approve the clarifier quote from RSG. Seconded by Trustee Hall. All ayes. Motion carried.

**Payment of Audited Bills**

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

**Executive Session - Employment History of a Particular Person, Attorney-Client Privilege Session to discuss the Hill St Litigation**

Trustee Hall made a motion to enter into executive session to discuss employment history of a particular person and attorney-client session to discuss Hill St litigation. Seconded By Trustee Pearson. All ayes. Motion carried.

**Reconvene**

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