

**Village of Walden
Board of Trustees Regular Meeting
January 2, 2024**

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

On roll call the following were:

Present:	Deputy Mayor Trustees	Willy Carley Rebecca Pearson Patricia Maher Ralph Carlson Chris Batson
----------	--------------------------	--

Absent:	Mayor	John Ramos
---------	-------	------------

Also Present:	John Revella, Village Manager Christine Scieurca, Deputy Clerk Dave Donovan, Village Attorney
---------------	---

Village Manager's Report

- Couple conversations with special counsel and village attorney regarding some agenda items. Policies and updates.
- Reviewed canvas list with Chief of Police to try to get this finalized for a new list and begin hiring again. Also reviewed police activity to make sure all is up to date.
- Reviewed items with DPW Superintendent Perna, a lot of orders coming up for the year. Damage to pump station from power surge on 12/31/2023. Some emergencies measurers in order right not. A lot of busy work this week due to power outage. Replace 10 meters 13 endpoints inspections and closings, Well 4 and 5 inspections.
- Reviewed Court actions with building department. Issued 22 new permits, 15 violation notices. 4 commercial fire inspections, 3 follow ups, 3 residential fire inspections and more follow ups. Prepare for today's hearing.
- Rec Coordinator confirmed doors at Wooster Grove are complete. Paving project to the left of Oley Park is complete. Lights outside of Wooster are fixed, next will be the scout cabin. Continuing maintenance.
- Reviewed items with Treasurer regarding the audit and the process. Comptrollers will be back. Water and Sewer issues for payment plans. Year end balances, support items, payroll, 2023 audit.
- Code updates with Village Attorney. Within the next two meetings should be ready.
- Covered for DPW Superintendent.
- Indoor activities all went well.
- Village Clerk updating website as usual. Been out the past week. Responses to foil, upcoming election and leadership day.

Trustee Carly – Thank you. Trustee Pearson, any questions?

Trustee Pearson – Were the Wooster Grove lights repaired or replaced?

Manager Revella stated sconce lights were replaced.

Trustee Pearson – Two lights replaced for \$2,300.00? Thanked Chief for added information in report.

Trustee Maher, Trustee Hall, Trustee Garrison, no questions.

Trustee Batson – There's a crazy amount of basketball encroachments and one summons for these. Do they exist?

Manager Revella – We need to make sure they are out of the road for the winter. Prep for upcoming storm.

Trustee Batson – Police Reports – any media coverage for the notable cases? Will they be resolved as listed? I have a lot of questions regarding the cash report.

Village Manager – We get it monthly report.

Trustee Batson – Will reach out to Treasurer for review.

Deputy Mayor – What was the power outage?

Village Manager – Squirrel set off a transformer at substation by the damn. Some damages at the sewer pump stations that will need fixing and condenser units. We are bypassing sewer stations with companies which are costing quite a bit right now. We cannot go through the station right now.

Trustee Pearson – Do we have generators for these units that come on?

Village Manager – Yes, unfortunately, some of those were fried as well.

Deputy Mayor Carly – We are skipping the approval of the minutes, Public comment on the business of the Board?

Public Comment on the Business of the Board:

- NONE

Park Use Request:

- Alcohol Waiver Request for Wedding Reception. Galvin and Atilia requesting May 11, 2024 for wedding reception.

Deputy Mayor Carly – Did we change the amount of insurance?

Village Manager – No they just completed the old form but the insurance provided meets the requirements.

Trustee Pearson Motions for accepting the Waiver
Trustee Maher seconds

Discussion: None

All in favor: AYE
No Nays
No Obtains

Motion carried.

Deputy Mayor – Shall we go to the Business of Board next. Hold on the hearing till the Mayor joins us so he is a part of that. Let's go to the Zombie Poles.

Trustee Pearson – Why are policies for the Village of Walden in executive session?

Village Manager – They are attorney client privilege and you have to be careful how you speak about them in public.

Village Attorney Donovan: Okay, so I'm certainly not going to speak with Miss Tori who is very capable of speaking for herself but you have to get legal advice about the implications of those policies. That legal advice is properly given in a private alternate platform session and then you can discuss as you may feel appropriate the policies that you wish to adopt or not adopt.

Trustee Batson - Is there a difference between an executive session and a session in which you hear attorney client information?

Village Attorney Donovan – Absolutely. Public Officers Law calls for very specific reasons that you can enter into an executive session, collective bargaining negotiations are one of them. Employment history of a particular person is another. A Law Investigation technique that may expose a suspect to a crime is one of them. They're all called that specifically. Attorney client communications are in different area of the law and that is to get legal advice, not to say you know plan out how you are going to vote I'll trade your vote for this vote You can't do that in private. It's to get legal advice you could understand the legal implications of your decision.

Zombie Poles:

Deputy Mayor Carly – Let's move to Zombie poles or double poles:

Village Attorney Donovan - The board had requested and I put together a sample local law. The board wants some time to take a look at it. The permitting agency if you will for the town was at DPW Super or he designee it says in here the board had raised a question whether you wanted to make it the village manager or the building inspector, and for the purpose tonight is if you had any other questions any other suggested modifications or if

you were ready to push this to a public hearing. You're under no time constraints and you know recognition at the last two weeks perhaps, this wasn't the most important thing in your mind so you can take more time to review if you want or if you feel like you're ready to go you can schedule public hearing.

Trustee Batson – I read it and do not have any comments on it. I would move forward to public hearing.

Trustee Garrison – Agreed, read it and ready to go to public hearing.

Trustee Hall – Read through it, don't see any reason not to move forward

Trustee Maher – Same, ready to proceed.

Trustee Pearson – Would like to review whether the Superintendent or Village Manager in charge of doing what needs to get done in this law.

Village Manager - In the definition of what the Superintendent of public works does, it says the Superintendent or his or her designee, and in his absence I do cover the role as well regardless. I saw more as like we do the dig permits at the office here and the superintendent and I both sign off on those. Be pretty similar I would think.

Trustee Pearson – How do we collect the penalties from them if the company does not remove the Zombie poles?

Village Attorney Donovan - So like any other violation it's a violation notice. There's a court date, come to court, then file a judgment for nonpayment. You collect like any other any other judgment.

Trustee Pearson – Should that be in the Law.

Village Attorney Donovan/Manager – This is the allowable collection by operation of Law.

Deputy Mayor Carley – Subject to Penalty, just confirming that's what that means.

Trustee Pearson – When this law goes into effect will it cover the poles that are up prior to this Law going into effect?

Village Attorney Donovan – It will apply to all poles.

Deputy Mayor Carley – I would like a motion for a public hearing for a local law for utilities companies removing inactive, broken or replaced utility poles within the Village on February 6, 2024 at 6:30PM or as soon thereafter can be heard.

Trustee Pearson – So Motioned

Trustee Garrison – Second

Discussion: None

All in favor – Aye

Opposed – None
Abstain – None

Motion carried.

Village Manager – Small update from Orange County Transit via email. They had an update on the permit for water sewer cup I said they're in possession of the use and occupancy permit for the right away. They're still waiting for insurance of highway permit.

Trustee Pearson – Nothing further. Nothing they are working on, doing etc. Has the building department been there? They have been asked to report every month and we have not seen nor heard from them.

Trustee Garrison – What are we discussing? The Building Department issues and that of the Building Department. Our issue at hand is the Water/Sewer lines. I am just trying to differentiate what we are to be working on as far as the Board.

Dean Stickles – BI – The many items that need to be completed on this site they are claiming cannot be completed until the water/sewer issues are resolved by hooking into the dollar general line and connecting to our (the village's) system. The Board gave them a year extension. I cannot believe the DOT is taking 2 years.

Trustee Pearson – At the end of the July 2023 minutes it statement Mayor asked them for an update every month.

Trustee Maher – Mr. Revella please address with Orange County Transit that it is the pleasure of the board to receive monthly updates going forward.

Deputy Mayor – Year end in July correct?

Village Manager - yes

Hearing – 35-37 North Montgomery Street

Deputy Mayor Carley – Even though we have not had the hearing yet do we still want to go to public comment.

Village Manager – No, not until after the hearing.

Dean Stickles BI – Notice was served by process service and via certified return receipt mail to the property owner. Notice was also given in the newspaper on December 28th 2023. All received correspondence from Lanc & Tully on the condition of the house along with photos attached to that report. The owner, Andreas Vinenzio, s present tonight with an update for the Board. Whether he wants to remove or not.

Village Attorney Donovan - Just for the board's orientation and to quote from the notice, The purpose of the hearing is to allow the property order to show cause why an order should not be made and issued by the Village Board directing at the securing and or

demolition and removal the building should not commence within a certain specified period of time.

Andreas Vinenzio – I am the owner of 35-37 North Montgomery Street. I purchased it about a year ago. Granted, I didn't do much at the beginning because I had another property that I was working on but it was a fire that needed to be remedied. Not an excuse but it is. I spoke with the Village Manager and indicated I wanted to clean it up. I cleaned out 3 dumpsters and 4 truckloads of garbage. Got a demo permit as well. Garbage is out and not will be working on demo permit. I obtained a survey and had the engineer working on it. I just received some preliminary plans. I can concentrate on it now. Service of the mail was not received until the 27th.

I have some rough plans to share. I am trying to get this going, and realize it's an eye soar. Been empty for 10-12 years so I need some time. I am waiting for the engineer to get the real plan.

Village Attorney Donovan – What's the time frame for the receipt of the "real plans?"

Andreas Vinenzio – He's been working on and I hope within a couple weeks.

Village Manager - What's the time the time frame to get the engineers report? Do you have an ETA because the board has to make sure? There's a safety hazard noted and it's a safety hazard for the public. So the Board needs to respond to the public and let them know what's going on.

Andreas Vinenzio – Will definitely within a month, bring it to the building department and try to rush it to see what we can do.

Village Manager – In that assessment or report he is doing an overall assessment of the suitability of the foundation and things like that, etc.

Andreas Vinenzio – Yes, he went downstairs. The basement is pretty good, it pretty much the way they left it. Whoever had it before just tried to do everything without a permit. Opened up walls and just left a mess in the building.

Village Manager – Plan to secure the back of the building?

Andreas Vinenzio – Yes, as soon as we start demoing, we're going to get some plywood and start to close that up and do all that within a month. As long as it doesn't snow too much.

Village Attorney Donovan - Just so you understand this proceeding is under chapter 109 of the village code unsafe buildings. The board is provided and allowed by the code to direct that the building be demolished and that you pay the cost. So what's going to make it difficult for the Board is if you don't provide a certain date by which you at least kind of have a plan in place. I don't know how that helps the board in their decision.

Andreas Vinenzio – Yes, As soon as I get the engineer's regular plans.

Village Manager - Just saw we can be on the same page I would suggest that the board require the engineers report and security of the building on or before the February 6th meeting. Take such action necessary to make it safe and secure.

Trustee Carley - That meets the requirement of what our engineer said. Within 14 days for stable structure and remedial action place within 30 days.

Village Manager – That’s up to you guys. You can make that determination however long you want I wouldn’t do longer

Village Attorney Donovan - I would keep the hearing open So whatever finding you make whatever determination you make I would not close the hearing I would defer the hearing If you got to give this gentleman until February 6th so you still have the remedies available to you if there hasn’t been any work done

Trustee Carley – Dean Do you have anything?

Dean Stickles – BI – If you are keeping the hearing open till the 6th then he should supply the engineer’s report and plan at that time on how he is proceeding.

Village Manager - I would say the board would want the engineer’s report by then but also have the building secure by then, Correct?

Trustee Hall - Yes

Andreas Venzio – When you mean secured you mean closed off and no one can get in.

Village Manager - There was a couple other hazardous conditions in the front as well that were mentioned. I’m not sure if Dean provided you with a copy of the report from the engineer but there was some drainage hanging off the front that could be hazardous people on the sidewalk things like that need to be remedied

Andreas Venzio – I will try to get done whatever I have to get done.

Deputy Mayor Carley – So we want everything done by February 6th?

Village Manager – hazards taken care of, engineer’s report.

Andreas Venzio – So your saying to make sure no one can get hurt and the report from the engineer.

Deputy Mayor Carley – This is where we need clarity. What do we want?

Village Attorney Donovan - My suggestion is this, The building be secured making sure the hazardous situations remedied to the satisfaction of the building department on or before February 6th and that you (Andreas V.) be present again February 6th with an engineered plan for the remediation with the time frame including structural evaluation.

Village Manager - That should be your motion

Trustee Carley – Any questions about that?

All – No

Trustee Carley – Need a Motion that we keep the public hearing open for 35-37 North Montgomery Street and that the building be secured making sure the hazardous situations remedied to the satisfaction of the building department on or before February 6th and that you (Andreas V.) be present again February 6th with an engineered plan for the remediation with the time frame including structural evaluation.

Trustee Batson – So Motioned

Trustee Maher – Second

Discussion

Trustee Pearson – I have a couple questions. You plan on doing something with this building and not demolishing it correct? Dean, what zone is this in?

Dean – R3 – Single family

Andreas Vinenzio – That's another thing; I am going to try to see if I can do this as a duplex. There are two addresses 35-37 so I will be trying to do two apartments.

Village Manager – He would have to meet the criteria that you guys set in the code to go through that process.

Trustee Pearson – Correct, so he may have to go to the zoning Board for that. See, because the home is left empty for one year it reverts back to the single family.

Andreas Vinenzio – I do understand that. That was another reason I want to get the plans ready. Engineer plans are needed.

Deputy Mayor Carley – The discussion that we are having and the motion we made a Motion to have everything by the February that our attorney said and everything is to occur afterwards.

Trustee Batson – He cannot start the process with the zoning board yet?

Village Manager – ZB process is separate.

Trustee Batson – yes, but as information for this gentlemen, can he start his ZB process now?

Village Attorney Donovan - We can't tell him yes or no. We shouldn't be in a position where we provide that kind of advice. For Jack Queen to write that letter and Dean, for them to take the position he's taken I'm sure you folks have all seen it it's a serious

situation so that needs to be remedied And down the road the gentlemen can do whatever he thinks he's can do to try to work.

Trustee Pearson – I would wait for the engineer's report and everything else from him.

Deputy Mayor Carley – We cannot tell him when to go to the Zoning Board but this is a priority right now. The remedy of everything and have all information by February 6th.

Any further discussion?

All in favor? Ayes

All opposed? None

Abstain?

Trustee Garrison – I have to Abstain as I have a working relationship with Mr. Veninzio.

Motion carried.

Trustee Pearson – Due to our code, can there be penalties after this? We should have spoken about this before.

Attorney Donovan – A lot of things could happen?

Village Manager – Monetary and up to and including demolition at his cost.

Trustee Pearson – Just so you know if the future, there can also be monetary penalties. It's in our code.

Andreas Vinenzio – Thank you.

Public Comment:

Mary Ellen Matise – I wanted to talk about June Garcia – Maybe you've seen it on Facebook .We are collecting pajamas Inspire, Cerebral Palsy, and there will be boxes located downstairs and Millspaugh's Furniture. This was one of June Garcia's pet projects. Community Council and Woman's Club is doing this through the month of January. The pajama drive. Please bring some pajamas to the next meeting so we can put them in the box in the library. Talking about June Garcia, the newspaper has been asking me or comments about June and I see the plaques are gone as we were looking for what year she received Volunteer of the year. I found something in the Woman's club records and it's a clip about Talks on Local Government heard by Walden Group and local government was June's passion. She had a huge passion to the point where she was driving force behind the Manager form of government. So Mr. Manager you can give a special thank you. She carried the petitions and in 1972 when the State said you can stay under current form of government or go to the Manager form of Government she carried the Petition for that too. She was chairman of this program so of course she was one of the speakers and William Rusk in the Town of Montgomery was the guest speaker.

Usually the first meeting of the year I come up a knowingly talk trash but I believe this trumps that. Mrs. Garcia spoke for the fine work being done at the sewage disposal plant and suggested that plans be made by the Woman's club and other civic groups in landscaping the area near the plant.

Deputy Mayor Carley – Thank you Ms. Matise

Payment of the Audited Bills:

Deputy Mayor Carley – May we have a motion

Trustee Pearson – Makes Motion

Trustee Maher – Seconds

Deputy Mayor Carley – Discussion

Trustee Pearson – Just the one about the lights in Wooster already discussed.

All Approved – Aye

All opposed – None

Abstain – None

Motion carried

Miscellaneous Comments from the Board:

Trustee Pearson – All Good

Trustee Maher – Just wanted to remind everyone next Tuesday the Mobile DMV will be at Wooster's Grove.

Trustee Hall – Thanked the Police Department and Crossing Guards when power was out for stepping in the direct traffic. Hope everyone had a great holiday

Trustee Garrison - Apologize to tax payers for not being here the last two months. Yes PD did a great job. With the winter storm coming, make sure all sidewalks are done and if you need help, please contact me via Facebook, etc. Otherwise, be safe and Happy New Year.

Trustee Batson – Just wanted to ask about time available for the Cash Report.

Deputy Mayor Carley – Nothing. Reading in events:

Village will be closed January 15th in observance of Martin Luther King Jr.'s Birthday

Friday January 5th Dungeons and Dragons 5 PM at Second floor community room

Saturday January 6 Magic the gathering club 2 PM at 2nd floor community room

7 PM and Team Center

Monday January 8th Mah Jong Club 9 AM Add second floor community room

Tuesday January 9th Mobile DMV 10 AM to 3:30PM at Wooster Rd

Wednesday January 10th 2024 Kids art club at 4:00PM at the 2nd floor community room

Thursday a January 11th leadership day 6:00PM at Bradley Assembly room

Tuesday January 16th Board of Trustee meeting 6:30 Bradley Assembly room

We need a motion to move into executive session

Attorney Donovan - So there will be so we need a motion just for the attorney client session to get advice from labor counsel and also notwithstanding what I said two weeks ago I have an update on the 5 Clinton Street Matter and there will be an executive Session for that.

Trustee Hall – Motions for Attorney Donovan’s Statement.

Trustee Garrison – Second

Discussion – None

All in Favor – Aye

Nays – None

Abstain – None

Motion carried.

Village Manager – There will be no further business of the Board after Executive Session and Attorney Client Session.

Executive Session – Attorney Client Session

Mayor Ramos joined in Executive Session, Attorney Client Session

Trustee Maher motioned to reconvene the regular meeting of the Board of Trustees. Seconded by Trustee Hall. All Ayes. Motion carried

**Village of Walden Board of Trustees
Regular Meeting
January 2, 2024
Motions & Resolutions**

Alcohol Waiver

Trustee Pearson made a motion to approve the request for alcohol waiver for the wedding of Galvin and Atilia for May 11, 2024. Seconded by Trustee Maher. All ayes. Motion carried.

Public Hearing for a Local Law for Utility Poles

Trustee Pearson made a motion for a public hearing for a local law for utility companies removing inactive, broken or replaced utility poles within the Village on February 6, 2024 at 6:30PM or as soon thereafter can be heard. Seconded by Trustee Garrison. All ayes. Motion carried.

35-37 North Montgomery Street

Trustee Batson motioned keep the public hearing open for 35-37 North Montgomery Street and that the building be secured making sure the hazardous situations remedied to the satisfaction of the building department on or before February 6th and that you (Andreas V.) be present again February 6th with an engineered plan for the remediation with the time frame including structural evaluation. Seconded by Trustee Maher. Trustee Garrison Abstained. 6 ayes. Motion carried.

Payment of the Audited Bills

Trustee Pearson made a motion to pay the audited bills. Seconded by Trustee Maher. All ayes. Motion carried.

Executive Session and Attorney Client Session

Trustee Hall made a motion to enter into executive session and attorney client session. Seconded by Trustee Sebring. All ayes. Motion carried.

Reconvene

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