

**Village of Walden
Board of Trustees Regular Meeting
January 2, 2018**

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

On roll call the following were:

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| Present: | Mayor | Sue Rumbold |
| | Deputy Mayor | Sean T. Hoffman |
| | Trustees | Brenda Adams |
| | | Faith Moore |
| | | John Ramos |
| | | Brian B. Sebring |
| | | Lynn E. Thompson |

Absent: Trustees

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| Also Present: | John Revella, Village Manager |
| | Tara Bliss, Village Clerk |
| | Dave Donovan, Village Attorney |

Auditors Presentation – Nugent & Haeussler, PC

No one was present at the meeting from Nugent & Haeussler due to a scheduling conflict, will reschedule for the next Board meeting.

Village Manager’s Report

- We had some water and sewer requests for payment plans, not too many.
- We had some water breaks and on top of those some small snow instances. Only had one parking policy so far but wasn’t too bad for people. No one was towed or anything. It was good.
- Had a few meetings and conferences with the Village Engineer regarding the DEC consent order. Spoke with DEC regarding some funding sources. State wise we have some options but we are looking at federal options as well even though it seems those funding sources have dried up as of late. We will focus on trying to get some State funding for that.
- Went over projects with the DPW Superintendent and everything seems to be on track. The building should be ready for a grand opening or something for it excluding the paving until the spring as the plants are closed due to the winter. Phase III is next year which is the CO system and the salt shed repair, so we are getting there.
 - The Board agreed that whatever the Superintendent wanted to do as far as a grand opening is fine. They asked the Manager to arrange something with him directly.
- Went over our policies with our special counsel. A final version will be available soon to share with the Board.

- Department Heads are doing evaluations, getting prepared for upcoming negotiations, and doing inventories.
- Tomorrow's special meeting with the New York State Department of Health was cancelled this afternoon at the request of the Department of Health regarding water fluoridation. They said they were called for a meeting with the Governor. He will share any reschedule dates with the Board as soon as he gets them.

Trustee Thompson asked if it would be acceptable to have Dr. Connet join us when the Department of Health comes at the rescheduled meeting.

Manager Revella stated it would likely be better to have an alternate date.

Trustee Thompson said she doesn't want us to lose the opportunity to hear from him. Can we schedule an alternate meeting or is absolutely necessary that we wait until the public hearing?

Attorney Donovan stated it is up to the pleasure of the Board.

Mayor Rumbold stated the problem is he's going away correct.

Trustee Thompson replied yes, he leaves February 2nd. She isn't sure of our timeline for the public hearing. Is there a downside to having him come in? She would like to hear from someone as knowledgeable as him and would hate to lose the opportunity to hear what he has to say.

Mayor Rumbold suggested that maybe he can come to the January 16th Board meeting as a speaker. Or can she find out if he is more interested in just himself coming to speak to people? She wants to be mindful of his time as well.

Trustee Thompson said he presented it to her that he would like to participate in a public debate or a public presentation of information. She can ask him how much time he would like including his travel time from Binghamton and then email the Board some suggestions.

Mayor Rumbold asked if we had an idea of the kind of money we are talking about with the arrears accounts for water and sewer.

Manager Revella replied that most of the bad ones have been adjusted we either charged them too much which we had to rectify and a few that are behind but not a lot that are more than a few thousand and those are the normal billing amounts as they are big accounts and this is only the second bill of the year for them. The most he has seen has been a few hundred dollars asking for a few weeks extensions. There are still a few more days to pay so there may be an influx of payments coming in the next day or so.

Treasurer Kelly confirmed that there was a lot in the mail today and they couldn't get through them all and they anticipate more. She also stated that it appears the amounts are similar to where we have been in prior years at this time. Shut off notices we did in the fall may have made it better. People have been calling nervous we would shut them off at this point.

Approval of December 5, 2017 Minutes

Trustee Moore made a motion to approve the December 5, 2017 minutes. Seconded by Trustee Adams. All ayes. Motion carried.

January 2, 2018

Approval of December 19, 2017 Special Meeting Minutes

Trustee Adams made a motion to approve the December 19, 2017 special meeting minutes. Seconded by Trustee Moore. 6 ayes, 0 nays, 1 abstention (Trustee Ramos). Motion carried.

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he spoke with Fred today and the guys did an excellent job on a water main break they had today in the woods off of Wileman Avenue. Prior to the snow and breaks they were working on catch basin cleaning and cutting back trees on plow routes. They did some street sweeping on Main Street as well. The few small snow storms kills us as they have to be out a long time. The Water Department also replaced 9 water meters.

Recreation & Parks Department and Valley Central School Board Liaison – Trustee Ramos

Trustee Ramos reported that Jan 8th is the next School Board meeting. Recreation Department has registration for basketball at 100 at the moment and they anticipate 150 or so. They have also been busy with the delinquent property clean ups from the snow. They did 40 the last few days and there are more coming. They are all hard at work.

Police Department and Justice Department Liaison – Deputy Mayor Hoffman

Deputy Mayor Hoffman reported that he spoke with Chief a few times since the last meeting. Some highlights from their discussion were about the new vehicles which are up and running, had one electrical glitch but it was rectified. There is a cost break down of National Night Out as provided by Officer Reynolds and it is interesting that payroll, in terms of volunteer hours, shows that \$3,200 was saved. Please let him or Chief know if you would like a copy of the report, or the Clerk or the Manager.

Village Offices Liaison – Trustee Adams

Trustee Adams reported that she has been corresponding and had phone calls with all 3 Department heads about various things to be worked on.

Planning and Zoning Boards as well as the Building Department Liaison – Trustee Moore

Trustee Moore reported that she is working with Dean to get some year-end figures with total number of inspections and CO reports for 2017 for the next meeting. The code change committee will be meeting this week again. She will follow up on why there was no Code Enforcement Officer report in the packet.

Town of Montgomery & Library Board liaison – Trustee Thompson

Trustee Thompson reported that the Library Board meeting is tomorrow and she spoke with Supervisor Winchell briefly and will be going there this week to set up an appointment to meet. The Town meetings are after ours so she does not have a lot to tell.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Becky Pearson asked about the Developer's Agreement on the back page is Schedule C on page 44 about the Edmunds Lane pump station upgrade, is that part of what you are going over now.

Attorney Donovan replied no, that is not new, that is an exhibit to the agreement and is part of what was done through the Planning Board.

Becky stated that it doesn't state who is doing those upgrades.

Attorney Donovan commented that part has not been modified that is part of the Planning Board Resolution and we can't modify their resolution.

Mayor Rumbold stated it is a good question, it is implied but it is not specifically stated in that paragraph.

Attorney Donovan replied that he understands but we cannot amend a resolution that was adopted by the Planning Board, he suggested we apprise them of the concern.

Mayor Rumbold explained that the main changes is the addition of the word Manager and a few things that were stricken based on discussions from our last meeting.

Becky asked about a discussion held at the last Planning Board meeting when they talked about the agreement something about them granting 5 years instead of 3 years to finish the whole project. Also that the roads and the pump station were to be put in after the first section goes in but not unless we get the roads and the sewer. Is that in there somewhere?

Trustee Adams said yes, it is in there.

Deputy Mayor Hoffman corrected Becky that it is a total of 5 years and they are giving 2 extra years. We are agreeing for those 2 years, not 5 additional years.

Attorney Donovan stated there is a whole list of what they have to do before they can get a CO in each phase of the project.

Action Items

Overlook at Kidd Farm Developers Agreement

Attorney Donovan explained he had given the Board the redlined version of the agreement. Were there any comments or concerns?

Trustee Adams said that the Manager had mentioned at the last meeting that he was going to check with the insurance company on the insurance limits as they seemed low, how did that go.

Manager Revella replied he checked and they are the limits we have for normal projects but not sure we can change the limits for a special project.

Attorney Donovan stated that we can request more than that but insurance didn't think it would be a problem. The bonds cover us financially. Insurance covers us for liability.

Trustee Adams indicated that one of those sentences that was supposed to have been stricken is still in there. Page 4, number 4 the sentence: "The Developer may request an extension of this vested rights" was supposed to be stricken.

Attorney Donovan apologized and has now made said change.

Trustee Adams wanted the record to reflect that schedule "B" the Resolution of Conditional Preliminary Subdivision Approval from the Planning Board that there is a typing error. It states "market rate housing" units instead of affordable housing units:

"Since the date of the Findings Statement the Village of Walden has adopted Local Law No. 1 of 2012 whereby the frontage requirement for "market rate housing" units was reduced from 24' to a 20' minimum, and such a change in the local zoning law was contemplated by the Findings Statement in consideration of Alternative Plan "A" therein."

Attorney Donovan stated we should recognize there is a typo and apprise the Planning Board of the typing error in their resolution.

Trustee Adams made a motion to authorize the Village Manager to sign the Overlook at Kidd Farm Developer's Agreement. Seconded by Trustee Moore. All ayes. Motion carried.

Resolution 26-17-18: Budget Amendments

Manager Revella explained this is us tidying up the budget lines we have gone through. It allows for some overages in expenses and revenue and this is balancing that out. A few are due to unforeseen incidences such as the Police car engine blowing up.

Trustee Adams stated that this is some of the correspondences she was mentioning in her report. She has been talking with Kelly and John and these are all necessary. She does have a concern with code number 7989.403, Aerobics/Zumba. At the time the budget was done he said the senior luncheon was paid out of that code. This is bringing it down low but if this is paid out of this line perhaps we shouldn't. She doesn't want to have to change this one twice as we did with the soccer line.

Manager Revella replied he thought it came out of the senior trips line.

Trustee Adams made a motion to adopt Resolution 26-17-18: Budget Amendments. Seconded by Trustee Sebring. All ayes. Motion approved.

Resolution 27-17-18: Moving monies from the sale of Cherry Street building to Capital 135

Manager Revella explained this is moving the \$72,500 of funds from the sale of the Cherry Street building that housed our Water Department to accommodate for the move of the water department. We put it in the General Fund but it is more appropriate to put it into the Capital 135 Account because of changes we had to make to have the building accommodate the water department.

Trustee Adams clarified that this is for additional work not to pay down the debt per her conversation with John.

Trustee Ramos made a motion to adopt Resolution 27-17-18: Moving monies from the sale of Cherry Street building to Capital 135. Seconded by Trustee Moore. All ayes. Motion approved.

Resolution 28-17-18: Orange County Mutual Aid Contract

Attorney Donovan explained that you may recall the last time we met there is a proposal to change the current Mutual Aid Contract to include that any injuries/liabilities that may be sustained in a mutual aid scene would move the responsibility from the receiving agency to

the rendering agency. He spoke with the County about the Village Manager form of government. He gave the Board a copy of the changes and the Board would be approving those changes and authorizing the Village Manager to sign the contract. Additionally as proposed it stated that the Village would then adopt a Local Law giving this authority to send our police department to the Chief of police. The Board wanted that stricken leaving the authority with the Village Manager as it currently is. Therefore that sentence has been stricken which was approved by the County as well. This has the support of Chief Holmes.

Trustee Ramos made a motion to adopt Resolution 28-17-18: Orange County Mutual Aid Contract. Seconded by Trustee Sebring. All ayes. Motion approved.

CDBG – Moving of Funding

Manager Revella stated that the Board received a memo from the Engineer today. He was off on vacation for some time so he apologizes it didn't come sooner. He talks about why we would need to move the funds thanks to the hoops of the NYSDOT. Alternatives would be an alternative sidewalk project in another area or to move the funding towards additional sewer lining in the area outlined in the map.

Mayor Rumbold clarified that it was originally designated for sidewalks on East Main Street. She asked the Board if we want to leave that funding for a sidewalk project as it was originally approved.

Deputy Mayor Hoffman stated that he is leery of changing the scope for sewer as opposed to sidewalks. We were already approved for a sewer project this year. They have discretion to accept or deny our suggestion. Personally he would like to keep it for another sidewalk project.

The Board unanimously agreed to keep the money for another sidewalk project and would like to concentrate around the area of the school if possible and do as much as you can in the areas of Maple Street and Walnut Street.

Manager Revella stated we were granted \$125,000 and it is a matter of where does this fall into what we can afford. We would do as many linear feet until we ran out of money.

Trustee Ramos made a motion to move the \$125,000 in CDBG funding for the East Main Street sidewalk project to sidewalks in the area of Maple Street and Walnut Street. Seconded by Trustee Moore. All ayes. Motion carried.

Trustee Adams feels that the people who live there who were likely looking forward to new sidewalks need to know it was not our fault that it's not getting done and that it's the NYS DOT throwing hurdles in front of us that are impossible to meet.

Collective Bargaining Negotiations – CSEA and PBA

Manager Revella stated that in the past we have had Board members sit in on those negotiations as observers who would then bring back information to the Board. They also participate in caucus as well.

The Board agreed to have Trustees Thompson, Moore, Ramos, and Adams participate in the PBA and CSEA negotiations.

Public Comment

Mary Ellen Matisse said she sounds like a broken record about the clothing bin at the Frostee Freeze. Everything is on the ground and its never ending there. They should either be enforced or removed. She was by there this morning at 11:30am and there were bags all over the place. Of course now the business is closed. Dean drives by it every morning. Saw 2 bags and tires there last week and nothing is done.

Mayor Rumbold replied she knows it has been an issue in the past but she hasn't seen it look bad. She looked this morning at 8am and there was nothing there.

Mary Ellen continued that she has seen it covered with junk that they don't take.

Mayor Rumbold thinks they have to take everything. She believes their pick up day is Tuesdays. We stay as good with it as we possibly can.

Mary Ellen continued that it's disgusting and it is on the main drag in the Village and you just see it all the time.

Mayor Rumbold argued that she doesn't see it and she lives in that area and makes it a point to look. She asked her if she wanted to station someone there 24/7 to police it.

Mary Ellen asked how many complaints it takes before you tell the property owner to remove it. She knows it's in the code but it's not being enforced. Her point is we have a law and how do we enforce that law. What action does the law allow you? If you can't enforce it, why have the law.

Mayor Rumbold argued that we didn't have time to enforce it.

Mary Ellen continued that it has been going on for 6 months or more. There will always be times where someone will not be bothered to open the lid and put their bags inside. It's our main drag, it looks terrible. How terrible will it look when there is snow everywhere.

Trustee Moore asked Mary Ellen to let her know when she complains to the Code Enforcement Officer. They do have a purpose, just follow up with her and she will follow through on that.

Mary Ellen stated it's ridiculous at this point. We should notify the box owner or give them a phone call about the instances and keep a time.

Mayor Rumbold stated they have been asked and in the past as well. Not sure how it happens but she is there Monday-Thursday and she makes a point to look and there usually is nothing there. She was there at 11:30...on her way in at 8am it was not there.

Mary Ellen stated she is sick of complaining about it.

Mayor Rumbold replied she is aware that she didn't want it there in the first place and understands it but we take care of it as quickly as we can. It serves a purpose and the people it serves are grateful. We police them as well as we can.

Manager Revella stated he will follow up with Dean tomorrow.

Mary Ellen stated they have 4 other locations in the Village but everyone has to use that one. She asked about the status on the 3 historic markers.

Manager Revella replied that he will check tomorrow if we got the invoice.

Payment of the Audited Bills

Deputy Mayor Hoffman made a motion to pay the audited bills. Seconded by Trustee Adams. All ayes. Motion carried.

Correspondence

Attorney Donovan stated that there was a lawsuit as some of you may be aware of by Mr. Isnady that was handled by the Village's insurance company. It was a longstanding issue as to whether or not he can park on Cliff Street where our fire lane is in place. The court has adjudicated that he does not have an easement to park there. The law suit sought monetary relief as well and both have been dismissed. He can appeal of course. Walden Preservation is the co-defendant and that part was not dismissed. Our part was but not theirs.

Miscellaneous Comments from the Board of Trustees

Trustee Sebring wished everyone a Merry Christmas and New Year water main breaks and such. Bad situations and hoping we don't get any more.

Trustee Adams stated that she completed the audit for the Justice Court. She finished on December 1st and will have a report to the Board very soon. Deputy Mayor Hoffman had mentioned at the last meeting about redoing the EIS on long term projects and mentioned in some cases the traffic is much less and a few pockets where it does increase. She is wondering if we should ask the Planning Board to possibly in the future whenever there is something that goes on for a long time that there is a sunset date for an FEIS.

Attorney Donovan explained that once a project is accepted as complete and a finding statement has been issued that ends the FEIS. It is not uncommon where it has gone through the entire process and they didn't build the project. There was a case in the Town of Southeast where the finding statement was about 15 years old. They had adopted that finding statement and subsequently years later in a law suit they advanced the argument that a supplemental FEIS as a matter of law is not required just because there is a passage of time. In other words there is no automatic FEIS requirement. If there was something such as a new large development or drastic increase in population or something that would drastically change it aside from the passage of time it does not require a new environmental review.

Executive Session

Trustee Ramos made a motion to enter into executive session to discuss the Collective Bargaining Agreements for the PBA and CSEA. Seconded by Trustee Sebring. All ayes. Motion carried.

Reconvene

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

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Motions & Resolutions**

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