

**Village of Walden
Board of Trustees Regular Meeting
February 6, 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:

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

Auditors Presentation – Nugent & Haeussler, PC

Gary Theodore partner for 30 years and Richard Capicchioni from Nugent & Haeussler, PC gave a brief presentation about the 2016-2017 independent Audit as of May 31, 2017. He apologized for missing the January 2nd meeting. The audit report shows nothing odd or unusual happened from last year versus this year. The report analyzes the finances in 2 ways one way from a governmental stand point and the other is from the fund balance stand point. All the funds ended in a positive fund balance except for the capital fund which is not a bad thing as over time the capital fund will go to zero as the BANs are paid off. Overall the budget to actual figures shows the Village underspent \$125,000 than they originally budgeted for. As you can see, the report shows nothing is popping out as out of the ordinary with any of these figures.

Trustee Adams asked if he could go over page 18 fund balance again and give a quick synopsis of the fund balance.

Gary explained that there are different categories the fund balance is broken up into called non-spendable, restricted, assigned, and unassigned. The non-spendable portion is money that usually not in spendable form for various reasons so when you look at the assets at the top of the page you know that is not money that can be spent in any way. Restricted money is put aside for a special purpose so that is not available for general use. The assigned fund balance is money that is put aside for either next years' budget or for open encumbrances and the unassigned is what is available for general use in the fund balance. This shows you don't have a lot of wiggle room with the available balance based on these figures.

Trustee Adams stated that the figures shown on page 23 for the Library she wanted it to be stated that for the Library the Village does not assign their Trustees they have their own

budget but we collect the money and the accounting is done through the Village office but they are in charge of their own budget.

Manager Revella replied that he does indeed appoint the Library Board members.

Trustee Adams replied that she did not know that, thank you.

Village Manager's Report

- We had a meeting with the Mayor and Orange County Partnership and a friend of the Village, Ken McKay, regarding increasing air traffic at Stewart Airport.
- He is working with VRI and our Engineer on the SPDES limits and annual report along with ammonia which is a new part of that permit. Will have more follow up on that.
- We have had numerous water breaks and a lot of snow and ice over the last few weeks which has been very taxing on public works and we will likely have to do budget rearranging should the trend continue.
- Had a shared services meeting at the 911 center with all municipalities looking to share services and save money throughout the county.
- He and the Clerk met with a NYS Tourism representative regarding potential publicity for the Village. We may follow up on that regarding opportunities for marketing and economic development.
- Have been meeting with the Department Heads and going over all the evaluations for the Village employees as well as budgets and inventories for the year. All of those are done with the exception of one department that has to do some follow up this week at that should be it.
- The Salary Survey has been completed. We reviewed it with the committee and sent it to Board members for their review. We can speak about it at the next meeting or during budget sessions according to the pleasure of the Board.
- NYS Department of Health meeting was on the 22nd regarding the Boards preliminary decision to discontinue fluoridation. The process is going on right now.
- He and the Treasurer put their final response into the Comptroller's office which should be out publicly soon.
- We received the final Dam report for the Olley Park Dam from the DEC. It was similar to last year just keeping the dam clear from any vegetation and keeping the spillway free of debris and the banks remediated.
- Have been going back and forth with Civil Service regarding the candidates for Full Time Police Officer. There have been revisions to that based on candidates coming back from military service so we are trying to get through those interviews as quickly as possible to try and get people in to fill those vacant positions.
- Had a Music in the Grove committee meeting and they pretty much set up for this year's concerts.
- Met with Orange County Transportation Council and have a Special Meeting on Friday. There were a few projects throughout the County that needed to move funding around to try to make them happen quickly due to safety issues. Such as a bridge in Port Jervis that is in danger and needs to be fixed as soon as possible.
- Met with the Village Attorney and the Treasure about Rehab loans regarding payment plans and ancient mortgages. We did discover some from many years ago that we will follow up with the Board at the next meeting.
- Judge Mishk was able to implement the credit card machines in the court so they should be fully functioning soon.

- Attended the DARE graduation at MPB with Judge Mishk, Chief Holmes, and the Library Manager which was a nice event.
- Met with the Comprehensive Plan Committee last Thursday where they did a preliminary review and they will meet again next week to do some more in depth review of certain items and chapters that we identified in the preliminary review.
- We had a few meetings yesterday and over the weekend regarding a letter and invoice that was inadvertently sent out from the Building Department to Landlords regarding Fire and Safety Inspections. As the Board is aware it was sent out prematurely as we were still discussing the timing and method for the process. We will continue with that and follow up with that soon.

Trustee Moore added that regarding the letter and what was discussed is that all invoices were going to be reversed.

Manager Revella confirmed.

Deputy Mayor Hoffman asked about the SPDES permit and the change due to ammonia. Can you give more detail and what that entails? It is not a program change, we anticipated that, correct?

Manager Revella replied that we hadn't been subjected to the ammonia issues in our prior permit they added new levels that we had to meet with this permit renewal. We hadn't been meeting that level. We did a couple of the weeks but it is difficult to meet that level during certain months and times during the year and we are trying to figure out ways to lower that level, but we did not meet it for the last couple of months.

Deputy Mayor Hoffman said he had mentioned the effects of the weather on the budget and asked if the Superintendent would be giving a list of costs similar to the ones that Chief gives for the Police Department costs.

Manager Revella replied yes, he has it from last year as well. Every storm he is doing a cost analysis for each one; how much salt was used, how many hours spent; and materials for overtime for water breaks as well.

Deputy Mayor Hoffman asked if he could distribute that report when it is ready.

Manager Revella replied yes.

Approval of January 2, 2018 Minutes

Trustee Adams made a motion to approve the January 2, 2018 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Approval of January 22, 2018 Special Meeting Minutes

Trustee Ramos made a motion to approve the January 22, 2018 special meeting minutes. Seconded by Trustee Moore. 5 ayes, 0 nays, 2 abstentions (Deputy Mayor Hoffman and Trustee Sebring). Motion carried.

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he spoke with Fred today and discussed his budget for the New Year. They have had an extraordinarily busy week or so with water breaks and snow. Mechanic was busy fixing issues from the snow. Have had a lot of vacant houses that the

water pipes froze and broke and filled cellars up with water so they had to shut them off at the curb. The Water Department was only able to install 3 new water meters due to this busy time.

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

Trustee Ramos reported that he spoke a number of times with Mr. Bliss about budgets and the wonderful events coming up in the next couple months which are all on the website. The Parks guys are doing a phenomenal job cleaning up the sidewalks from absentee owners. The School Board meeting they attempted to pass a referendum to get the light by the high school and the NYS DOT would like to have them pay for it out of their budget and then hopefully get a reimbursement from DOT. He spoke with Senator Larkin about that and he said he would see if they will do that the right way.

Police Department and Justice Department Liaison – Deputy Mayor Hoffman

Deputy Mayor Hoffman reported that he spoke with Chief several times since the last meeting. Some highlights from their discussions were about personnel evaluations, inventory, preparing for the upcoming budget, and hiring of potential Full Time Police Officer candidates.

Manager Revella added that all vehicles are back and fully operational, full fleet.

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, mostly the Manager. She wanted to bring to everyone's attention that the Treasurer is in a bit of a dilemma because the Cast Data has suddenly gone out of business and now has to find a new solution to get the water sewer bills out on March 1st.

Mayor Rumbold asked how they got paid.

Treasurer Kelly replied they got paid after the fact and we only paid them for what they have done for us.

Manager Revella stated that we found some alternates but have to figure that out based on the cost and following our procurement policy.

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

Trustee Moore reported that she met with and had several correspondences with the Building Department including Dean as well as Jay. She has several conversations with the Village Attorney and Manager regarding the letter, the proposed Zoning code changes on tonight's agenda, and a question from a resident.

Town of Montgomery & Library Board liaison – Trustee Thompson

Trustee Thompson reported that she met with the Town Supervisor Mr. Winchell and they had a very productive meeting. He is eager when the weather gets nice to walk on the Walden end of the rail trail to see for himself the issues there and make sure they aren't ongoing issues. The rail trail construction is complete. He was very receptive to ongoing open dialogue between the Villages and wants to meet with each Village Mayor and our Village Manager perhaps on a quarterly basis. He is encouraging everyone to come to Town meetings. He is doing a lot of reorganizing since he took office. She got conflicting

information about the Hill Street bridge as Mr. Woznick said they had the panels secured and were looking to start construction in the spring but Mr. Winchell wasn't sure the panels had been secured and had arrived. He explained there are a host of open positions on various boards (Ethics, Planning, and Zoning Boards) in the Town and he would love for some residents of Walden to participate if so inclined. Please call his office for vacancies. As for the Library, their Board meeting is tomorrow and Ginny is anticipating starting the children's room renovations shortly. She also met with Mr. Winchell and there is ongoing dialogue about security in the Library. The staff is still doing some drills and still looking into a monitoring and surveillance system but it has come back much more expensive than they had anticipated. She will likely talk to our Board about that as well as the Police Department and Mr. Revella soon.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

Greg Raymondo asked why the Village is still reluctant of doing speed enforcement in the Village.

Mayor Rumbold replied that she doesn't feel we aren't as she does ride along patrols at least 3 times a week. She can guarantee we are doing speed control as she is sitting in the car with them while they are doing it.

Greg replied he feels there is none. Try to do near his driveway. He has a baseball speed gun and it is very dangerous.

Manager Revella stated we did do a speed check at that location and it is pretty high.

Greg said his wife is afraid of getting out of the house and a very good friend of his almost got killed. The guard rail is still down. Route 52 and Coldenham are just as bad in the morning. For 20 years he's been asking. He is afraid to try to get out of his driveway. In the past we have had officers doing speed enforcement at all the entrances. It is dangerous and no cops are out there enforcing. Traffic violations generate revenues he knows for a fact but that goes to the general fund, it does not get filtered down to the Police Department. Please do it as someone will get hurt. The Manager already said it was studied. It is dangerous. We need someone issuing tickets. You go through Maybrook and Montgomery and no one is speeding there.

Deputy Mayor Hoffman replied that they had spoken about speed enforcement and you had written to him about that bad accident and he got back to him that same day he thinks. The following week he met with Chief and Officer Conklin who is in charge of putting out our speed tubes. You may have noticed about a week or so after the tubes were out there collecting data. In the spring Chief intends to use that data to program and target enforcement in that area.

Greg replied he has heard that same answer for 20 years.

Deputy Mayor Hoffman feels that the overarching comment he made that we don't do speed enforcement is inaccurate. We do, speed is a problem here and we do our best to address it. We can't post an officer there 24/7 that is why we did the speed tube data collection to have a targeted enforcement during times when speeding is highest. It is a scientific approach and he agrees with it.

Greg said he doesn't see no one on 208, or on Coldenham Road either. All his cousin's animals get killed there by speeders. His garbage can is a target and his mailbox. They give him the finger and scream at him as he can't see well coming out of his driveway. They are going 45 to 55 mph in that area and they will hit him.

Deputy Mayor Hoffman said he would be happy to set up an appointment to view that data with him, see him after the meeting.

Greg thanked him.

Action Items

Flag Day Request – June 10, 2018 at 1pm at Veterans Park

Trustee Ramos made a motion to approve the Flag Day Request for June 10, 2018 at 1pm at Veterans Memorial Park. Seconded by Trustee Moore. All ayes. Motion carried.

Knights of Columbus Car Show Request – Saturday, July 14, 2018 9a-3p

Trustee Moore made a motion to approve the Knights of Columbus Car Show Request for Saturday, July 14, 2018 with a rain date of Saturday, July 21, 2018 from 9a-3p in the Municipal Square with set up beginning at 7am. Seconded by Trustee Sebring. 6 ayes, 0 nays, 1 abstention (Trustee Ramos). Motion carried.

Resolution 30-17-18: Election Inspectors

Manager Revella explained this sets the inspectors for the upcoming Election. The pay is the same as it was last year and the individuals were chosen based off the lists provided by the Board of Elections.

Trustee Adams made a motion to adopt Resolution 30-17-18: Election Inspectors. Seconded by Trustee Moore. All ayes. Motion carried.

Resolution 31-17-18: Urban County Cooperation Agreement

Manager Revella explained that every few years if we want to participate in and receive any future CDBG funds for projects we need to do this agreement. It has been beneficial to us in the past, we have been awarded every year so far.

Attorney Donovan stated that this is a form resolution that has been circulated through the municipalities in the County.

Trustee Adams said this is one of the items she was discussing with the Manager and it is beneficial as we are likely to get more funding if we do this.

Trustee Moore clarified that this is for years 2018, 2019, and 2020.

Trustee Sebring made a motion to adopt Resolution 31-17-18: Urban County Cooperation Agreement. Seconded by Trustee Ramos. All ayes. Motion carried.

Resolution 32-17-18: 2015 and 2016 Audit Report for the Justice Court

Attorney Donovan explained that section 2019A of the Uniform Justice Act requires that the Village Justice court be audited on an annual basis. This says that for the calendar years 2015 and 2016 you have received them and they are filed with the Village.

Trustee Ramos made a motion to adopt Resolution 32-17-18: 2015 and 2016 Audit Report for the Justice Court. Seconded by Trustee Sebring. All ayes. Motion carried.

Resolution 33-17-18: Discontinuance of Fluoridation of the Public Drinking Water

Attorney Donovan explained that if the Board will recall last fall you adopted a resolution indicating your preliminary determination to discontinue fluoride in the drinking water. One of the legal requirements is that you had consultations with health professionals. The state advised us that though we had heard from them as well as the Orange County Department of Health that did not constitute a consultation with them and they required a meeting with the Board. They were invited to a meeting they declined to attend and then we scheduled a meeting that they cancelled and ultimately we reschedule and held a meeting in January and spoke to the Board members present at the time. He was not in attendance but was told that they raised some issues with the resolution and the public notice. They obviously spoke in favor of fluoridation. He quite frankly doesn't agree with what they said but he has revised it as it is much easier to modify based on their suggestions and then notice them again. The modifications are highlighted in bold and italics. Essentially it lists out those who were in favor and that that were opposed and summarizes the meeting with NYS DOH and he also referenced the plan for discontinuance that is required and was completed by Lanc & Tully in the fall and he also moved out the date to accommodate for the 90 day requirement from March 1st to May 15th.

Trustee Moore pointed out the spelling error on the 3rd page; Lanc and Tully not Land. She also wanted to clarify that by adopting this we are also adopting the plan set forth should we make a final determination to discontinue.

Attorney Donovan replied that error was noted. The process is that we have to issue a preliminary determination and this just reaffirms that preliminary determination. We don't make the final determination until after the Health Department is given 90 days to comment. Also, the Village code has a local law that provided for fluoridation. We would need to have a public hearing to rescind that local law if that is the Board's pleasure and we move forward with this process.

Deputy Mayor Hoffman confirmed that the 90 day clock starts now anew based on this new resolution.

Attorney Donovan replied that is correct.

Mayor Rumbold added that Manager Revella asked the panel from the NYS DOH when they were here if non fluoridating communities had any regulations for their citizens and the answer was no. If you want to add fluoride you only have to fill out an application. Only those that want to discontinue fluoridation have to go through his labyrinth of regulations. She thanked Manager Revella and Attorney Donovan for all their hard work on this.

Trustee Thompson made a motion to adopt Resolution 33-17-18: Discontinuance of Fluoridation of the Public Drinking Water. Seconded by Trustee Sebring. 5 ayes, 2 nays (Deputy Mayor Hoffman and Trustee Adams) and 0 abstentions. Motion carried.

Resolution 34-17-18: CDBG Funding \$75,000 Sewer Lining Project

Manager Revella explained that this is to accept the funding award and to authorize him to sign the agreement with the County for the sewer lining project we would like to do in the Valley Avenue area.

Trustee Thompson made a motion to adopt Resolution 34-17-18 accepting CDBG Funding in the amount of \$75,000 for the Valley Avenue Sewer Lining Project. Seconded by Trustee Moore. All ayes. Motion carried.

Potential Zoning Code Changes

Manager Revella explained that we have had various discussions with the Attorney and Building Inspector regarding potential changes that would affect buildings that had been originally built as 2 families and also multi-family structures that had been that way for numerous years so that they can continue that use in a more modified way. Trustee Moore will expand upon that.

Trustee Moore thanked the Attorney and Manager for answering the many questions. There is actually nothing included in the packets to read so she was instructed to read aloud how we have the memo about abandoned use and then if everyone agrees we can instruct the attorney to draft a local law. Leaving aside all of the introductory language at this stage, I suggest that we add a new provision to the Zoning Code, under Section 305-47 which is entitled "Abandonment of Use." This would be a new subdivision "C" which would read as follows:

C. Notwithstanding anything to the contrary contained in the sections above, or anywhere else in this code, in the case of a structure that was built prior to 1958 or have been being used as and was specifically constructed as a two-family or multi-family residential dwelling, the use of such as a two-family or as a multi-family may be continued, or resumed as the case may be, and shall not be deemed abandoned, subject to compliance with the following criteria:

1. In order for a two-family structure to be entitled to the protection provided pursuant to this Section, the following criteria must be satisfied: (a) The structure must have been built prior to 1958; (b) the structure must have been built as a two-family dwelling; (c) each apartment must have a minimum usable floor space of 900 square feet or more; (d) there must be compliance with the off-street parking requirements for each apartment as set forth in Village Code section 305-26; (e) the structure must satisfy all applicable requirements of the New York State Uniform Fire Prevention and Building Code.

2. In order for a multi-family dwelling to be entitled to the protection provided pursuant to this Section, the following criteria must be satisfied: (a) The structure must have been built prior to 1958; (b) the structure must have been being used as a multi-family dwelling prior to 1958; (c) only the number of apartments that were in existence at the time of construction shall be afforded protection under this provision or less; (d) each apartment must have a minimum usable floor space of 1,000 square feet or more; (e) there must be compliance with the off-street parking requirements for each apartment as set forth in Village Code section 305-26; (f) the structure must satisfy all applicable requirements of the New York State Uniform Fire Prevention and Building Code.

Attorney Donovan explained that if the Board is happy with this suggestion he will draft an introductory local law for distribution prior to the next meeting for your review. At the next meeting if the Board was satisfied with it you would set a public hearing and if you were not satisfied with it you would instruct him accordingly.

Deputy Mayor Hoffman asked is says this is for two-family and multi-family dwellings constructed prior to 1958 so they don't lose their use if the use is abandoned for more than

one year. So this is actually is to prevent these properties from essentially being in limbo. Currently, after a year you have all these properties that are not occupied for a year at which time it loses its protection and would fall into a state of “what are we going to do with it”. So this would allow the use to be continued.

Trustee Moore said that is correct.

Trustee Thompson asked if the Zoning Board was aware of this.

Trustee Moore replied yes, the Zoning Board Chairwoman is actually on the committee that came up with this. She couldn't be here tonight but if we draft this she would still be able to comment on it.

Deputy Mayor Hoffman asked what the process is to approve this, is it a determination by the Building Inspector or the Zoning Board.

Trustee Moore replied it would be a determination made by the Building Inspector so long as the property met the criteria set forth. The applicant would need to be able to prove all this to the Building Inspector so that he can grant the use. Otherwise would need to follow normal procedure and apply to the Zoning Board for the appropriate variance request.

Attorney Donovan added that there were discussions early on as to whether this should go to the Planning Board for a special exception use application or should it go to the Zoning Board to have some sort of permit. There was an earlier version of a law that was found to have this go to the Planning Board and it was felt that perhaps this might be too cumbersome for the applicant. If you have a house that was built as a 3 family and that is what it is for, instead of going to the Zoning Board for a use variance it seemed to be a straighter line would be to go to the Building Inspector if the property met the criteria to determine that the use has not been abandoned and can continue. That is the thought behind it. This is however your local law so if you don't feel that way his feelings do not get hurt if you don't like this we can do whatever you prefer. If you don't like a phrase or you don't think it captures your intent lets work on it to get it correct, whatever is good for the Village and the homeowners is the best thing to do.

Deputy Mayor Hoffman clarified that the reason he asks is because he agrees with that approach. Right now we have a provision in our zoning code that allows the Building Inspector to have an exception to a site plan if he makes a determination based on a certain of criteria. He thinks that works well. The Building Inspector makes does a great job of noticing the Board so that everyone knows what is going on and he would like to see a continuation of that with this. He is happy to hear that.

Trustee Adams asked if this included a piece of property that was built as a single family home prior to 1958 and then went into a multi-family and is now abandoned, is that included.

Trustee Moore replied yes it does. If it was used as a multi-family prior to 1958 it would include that. That is the most recent change we made just prior to tonight's meeting. She attempted to read it as advised when she read tonight but the wording will be appropriate when drafted as that is the intent.

Trustee Moore made a motion to authorize the Village Attorney to draft a local law for the proposed zoning code changes for abandonment of use. Seconded by Trustee Sebring. All ayes. Motion carried.

Public Comment

Mary Ellen Matise commented about zoning and planning board members being included on this draft local law change for comments as they may like to read this. It would be nice to keep them in the loop.

Attorney Donovan replied that there is a mandatory referral to the Village Planning Board before this Board can take action but there is no reason that it can't also be sent to the Zoning Board as well. There will need to be a referral to the County too.

Mary Ellen asked if the difference in the square footage is for a multi-family.

Trustee Moore explained the difference is if it is a two-family dwelling it is 900 square feet or a multi-family dwelling is 1,000 square foot minimum.

Mary Ellen stated that is what she thought. Everything else is pretty much the same. Her only other thought is that there may need to be a definition of what a two-family is and we are thinking about the houses that are duplexes saying they can have 2 units put together. She added that everyone is invited to the Walden Women's Club dinner on Monday night, please show up.

Tom Quoma, 39 East Avenue, explained that since August he has repeatedly asked the Village Code Enforcement and the Police Department to deal with issues and they have gone unanswered. His property is for sale so that should make everyone happy. He has lived here for 15 years without issues. When his property went up for sale his neighbor across the street has 20-30lbs of dog feces in a wheel barrel on his front lawn. From August until now and before it is still there. He has called code enforcement and our Mayor and it has gone unanswered. He is not asking to be treated any differently or any better than anyone else in the Village, just the same. The fact that he had to come here after making numerous phone calls and emails to bring this to the town's attention is wasting time mine and yours.

Mayor Rumbold thought that complaint was referred to him from an email she received.

Manager Revella stated that he got an email today from this property.

Tom clarified this is from before something different from today.

Manager Revella replied that the wheel barrel complaint he had forwarded to Jay.

Tom commented that he has photos that it is still here.

Mayor Rumbold wanted him to know that it was referred. She asked the Manager if there was any citation or visit to the property and what was done.

Manager Revella stated he knows there was a visit to the property.

Tom said that nothing was done, it is physically still there. Today's issue is that there is an adjacent property that belongs to the people behind him and is supposed to be used as a driveway. They use the back service road on Grandview and that property always drains into the street and they plow it and it ends up in front of his driveway. For many years he

has taken care of it and salted. Today was just enough. It was 6 feet wide today and he sent a letter to the Village and they came out and cut a 4 foot thing so he could get his car out and left the other 6-8 feet of a big skating pond there. If you go across the street from his property there is 2 inch gap where there is snow still. Again he wants to be treated like everyone else. Can you please clean in front of his driveway? Because he has a large driveway it is not a place for you people to dump snow when it is removed from the street. Cause that is what they do. They angle the plow to put it in front of his driveway even though he just cleaned it. These are petty things but today he walked out on his property and he slipped and fell in the middle of the street and it happens over and over again. He is trying to understand this, the sewers and the storm drains are on his side in front of his house. Then it goes across the street and then it comes back to his side then again; how is that possible? Why was that done?

Deputy Mayor Hoffman explained that there are a number of reasons that utilities are jumped across the road. It could be subsurface conditions like rock or other utilities that were located in the right of way that form an interference.

Tom replied it is basically in this guy's driveway. Listen to me, I don't care why or how it was done but he has a huge swimming pool and a huge ice skating rink in front of his property every year.

Manager Revella confirmed that there is no curb on his side of the street.

Tom replied no there isn't. There is no reason why the plow can't get near it. For him as a Village resident after 15 years to have to come to a meeting and complain to you in person there is a break down on your end. You are not responsive to our needs. And that is what he is here to tell you tonight. Today is his daughter's 32nd birthday and he had to call her and tell her that he couldn't go out to her birthday party because he had to come here instead. Is that appropriate? Do I have to waste my time doing this with you? No. Again he is not trying to be confrontational here but it has been over and over and over and months and months and months that it's not being responded to. He has a paper trail. If you would like him to come back with photos and all the emails he is happy to do that.

Mayor Rumbold asked him to forward them to her.

Tom said again, he is not looking for better or different treatment, just the same as everyone else.

Ray Lustig wanted to discuss zoning law that you brought up tonight. He has to question the sincerity of the law as it sounds great to grandfather this building that had a lapse of its use. But by saying a multi-family has to be 1,000 square feet he questions whether there would be any property that would meet those requirements. Sounds nice and you are doing us a big favor but doesn't think there would be one building that has 4 or more apartments in it that would meet your criteria. You can make all the laws you want but he doesn't think there is one example out there that it will meet the criteria. You did a wonderful job drafting the law and the protection is really appreciated. Could anyone ever really qualify outside of the two-family situation? Based on square footage requirements there are houses that don't even meet that criteria. He thinks you wasted a lot of time.

Susan Taylor commented that the houses in Colden Park for instance they aren't meeting that square footage requirement. So going by that they are 1 bedroom affordable apartments and she thinks if you want to look at that type of law maybe you should see if
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an apartment is a nice apartment maybe it could qualify too if it was less square footage. She doesn't know where the square footage comes in if you have two nice apartments in a 1,200 square foot house and people can live nicely as a single person divorced with 1 bedroom; why would you need 900 square feet? That is a downfall of that law. She is here because we got a letter from Dean and she realizes they were put out in error which is fine but it did bring to their attention that the fee was changed to \$65 per unit which is way too high. Landlords came here 5-6 meetings in a row and we had a meeting about this and they were told that nothing would happen unless we were notified. We were assured that nothing would take place without us knowing. You may have put a notice in the paper sure, but that was really misleading because we were told when we put all that effort into coming here for a number of meetings and were told we would be notified before anything was done, and we weren't. The fee and the inspections of the units discourages landlords. It takes away from them as it may only be \$65 but if you have 8 units that could be your whole snow plow money for the year. Many landlords don't start off being a landlord. Sometimes you just have an American dream to own a two-family and in the end of the day you don't have a whole lot left over for yourself. She has been in this business for 30 years and she can tell you that she has gone over in the middle of the night to fix problems because she didn't have the money to have someone else fix it. She thinks if you want to protect the safety of the residents of the Village then maybe you should spread that fee over the whole tax base instead of just us. That would make it more fair. NYS wants that you inspect multi-family buildings once every 3 years and that is the law since 1985 but this Village has not done that since 1985. They have it done it recently and you are allowed to do it more frequently if you want to but in no way after that section, they don't want you to go into apartments to inspect them. This is something the Village Board has decided to do for whatever reason; for the safety of the Village over and above what NYS says then maybe you should spread the cost over everyone not just us. We provide housing for the Village which is important. She would like to know that a lot of landlords had talked about this together and we would like to have a discussion and have a meeting to go over the fees. They were just arbitrarily set as we need a new inspector and we have 900 units so we're going to divide it by this and do it once every 2 years and you guys are going to pay for it. Well when she wants to do something to her place she has to notify everyone by returned certified receipt request so that anything affecting her neighbors you have to let them know. Well we are a group and you know who we are so you could have said we were having a meeting on the fees and law especially since we had such good faith coming here and being told by Brian the Mayor and Sue was a Trustee in 2014. It was good faith that nothing would happen without our knowledge. She thinks you need to revisit it and schedule something and notify us. Rather than just saying we are going to just do this. She understands you are throwing away the bills that were just sent which is fine. But we don't want to be charged at all. We would like you to spread the cost for the safety of the Village to the whole Village, not just us.

Payment of the Audited Bills

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

Correspondence

Trustee Moore said she got a letter from a resident who would like a justified answer she is working on with the Attorney.

Everyone got a letter from the Office of the State Comptroller.

Miscellaneous Comments from the Board of Trustees

Trustee Ramos commended the Valley Central School District today for how they handled a bus accident at Scotts Corners today, the intersection of Route 208 and 17K where the bus was struck by a vehicle. The school district so that the children weren't traumatized by the EMTs they sent out the school nurses from the High School and Middle School to triage the students. There were 8 students on the bus. There were no injuries just one minor bruise. But the level of commitment that the District has especially in that time frame when you need it. It was a slow moving rear end crash and the kids were safely moved to another bus and returned to where they needed to be. He wanted to commend Mr. Xanthis and the School nurses who went there and took care of the kids.

Deputy Mayor Hoffman stated that he was sorry Mr. Lustig has already left. With regard to the local law, he understands the process and doesn't think that it is wasted effort as he indicated and the reason is that we are pretty much at the beginning of the process. We have done a lot of work and homework on it but the process allows for us to take public comment and may adjust the law based on that comment. He appreciates the efforts that have gone on so far.

Trustee Moore wanted to add that on March 4th there is a fundraiser called love for Little Luke, Luke Henry, at the Newburgh Brewery. We are trying to raise funds to hopefully get a wheelchair for Luke.

Mayor Rumbold added that the DPW and Water/Sewer Departments have not stopped since the cold winter weather came. One of the days they had water 3 breaks in one day and it was 7 degrees below zero with the wind chill factor. She thanked them for their hard work and diligence in really extreme conditions. She is very proud of all of them. She thanked Bill Fioravanti, Maureen Hallahan, and friend of the Village Ken McKay for all their hard work in coming together with a proposal that went to the Orange County Partnership to bring more airlines to Stewart Airport. It was a fabulous presentation in a conference call where Mr. McKay did hours and hours of work for this and research into airlines and numbers and statistics and attractions that it would bring many tourists to the area, including Walden. She really hopes it comes to fruition and she wants to thank them for all their hard work. She asked the Building Inspector for the paperwork he has about the fire and safety inspections law we are talking about. She wants to refresh her memory on where we came up with the fees for the fire and safety inspections. Building Inspector Stickles replied he can drop it off in the morning.

Manager Revella added for the record that he believes what Sue was referring to was the landlord registry, he was going to talk to her about it, but she left.

Mayor Rumbold agreed that it is two different subject matters that they are talking about.

Executive Session

Trustee Ramos made a motion to enter into executive session to discuss litigation surrounding the Shermer vs Village of Walden case and the personnel history of a particular person. 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 Ramos. All ayes. Motion carried

**Village of Walden Board of Trustees
Regular Meeting
February 6, 2018
Motions & Resolutions**

Approval of January 2, 2018 Minutes

Trustee Adams made a motion to approve the January 2, 2018 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Approval of January 22, 2018 Special Meeting Minutes

Trustee Ramos made a motion to approve the January 22, 2018 special meeting minutes. Seconded by Trustee Moore. 5 ayes, 0 nays, 2 abstentions (Deputy Mayor Hoffman and Trustee Sebring). Motion carried.

Flag Day Request – June 10, 2018 at 1pm at Veterans Park

Trustee Ramos made a motion to approve the Flag Day Request for June 10, 2018 at 1pm at Veterans Memorial Park. Seconded by Trustee Moore. All ayes. Motion carried.

Knights of Columbus Car Show Request – Saturday, July 14, 2018 9a-3p

Trustee Moore made a motion to approve the Knights of Columbus Car Show Request for Saturday, July 14, 2018 with a rain date of Saturday, July 21, 2018 from 9a-3p in the Municipal Square with set up beginning at 7am. Seconded by Trustee Sebring. 6 ayes, 0 nays, 1 abstention (Trustee Ramos). Motion carried.

Resolution 30-17-18: Election Inspectors

Trustee Adams made a motion to adopt Resolution 30-17-18: Election Inspectors. Seconded by Trustee Moore. All ayes. Motion carried.

Resolution 31-17-18: Urban County Cooperation Agreement

Trustee Sebring made a motion to adopt Resolution 31-17-18: Urban County Cooperation Agreement. Seconded by Trustee Ramos. All ayes. Motion carried.

Resolution 32-17-18: 2015 and 2016 Audit Report for the Justice Court

Trustee Ramos made a motion to adopt Resolution 32-17-18: 2015 and 2016 Audit Report for the Justice Court. Seconded by Trustee Sebring. All ayes. Motion carried.

Resolution 33-17-18: Discontinuance of Fluoridation of the Public Drinking Water

Trustee Thompson made a motion to adopt Resolution 33-17-18: Discontinuance of Fluoridation of the Public Drinking Water. Seconded by Trustee Sebring. 5 ayes, 2 nays (Deputy Mayor Hoffman and Trustee Adams) and 0 abstentions. Motion carried.

Resolution 34-17-18: CDBG Funding \$75,000 Sewer Lining Project

Trustee Thompson made a motion to adopt Resolution 34-17-18 accepting CDBG Funding in the amount of \$75,000 for the Valley Avenue Sewer Lining Project. Seconded by Trustee Moore. All ayes. Motion carried.

Potential Zoning Code Changes

Trustee Moore made a motion to authorize the Village Attorney to draft a local law for the proposed zoning code changes for abandonment of use. Seconded by Trustee Sebring. All ayes. Motion carried

Payment of the Audited Bills

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

Executive Session

Trustee Ramos made a motion to enter into executive session to discuss litigation surrounding the Shermer vs Village of Walden case and the personnel history of a particular person. 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 Ramos. All ayes. Motion carried