

**Village of Walden
Board of Trustees Regular Meeting
April 3, 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:

Present:	Mayor	Sue Rumbold
	Deputy Mayor	Faith Moore
	Trustees	Larry Kraus
		John Ramos
		Brian B. Sebring
		Dan Svarczkopf
		Lynn E. Thompson

Absent: Trustees

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

Public Hearing – Local Law 1 of 2018 – Abandonment of Use

Attorney Donovan reminded everyone that this local law has been kicked around for a little while now and the idea is to address a situation that involves 2 family or multi-family homes that were built as 2 family or multi-family homes prior to when zoning was established in 1958 in the Village of Walden. It addresses those homes whose use may have been deemed abandoned or ceased for a period of time after that and this local law seeks to allow that use to continue if they were originally constructed prior to zoning and occupied as 2 family or multi-family prior to 1958. Notwithstanding the fact that the use may have been discontinued for a period of time subsequent to that. The law establishes a set of specific criteria that these homes must meet in order to continue their use and not be deemed abandoned.

Deputy Mayor Moore made the motion to open the public hearing for Local Law 1 of 2018 – Abandonment of Use. Seconded by Trustee Sebring. All ayes. Motion carried.

Becky Pearson said it doesn't say residential in there. She has a concern for it being residential because if you have something in a business district or MX business zone and it was left abandoned for a year they would have to put a store front or a business on the 1st floor. Is that something you want to do or do you want to keep it in the residential zones, up to you? Lustig's apartment building for example if left empty for a year it would have to have business on the 1st floor, just a thought. The other thought was that Dan when he was on the Zoning Board had a concern about homes built after 1958. That is when zoning took place; in 1958. Instead of it being all types of buildings in all zones you might want to add the word residential in there.

Mayor Rumbold asked if it does have the kind of impact that chairwoman Pearson is
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stating.

Attorney Donovan replied he couldn't answer that. The problem as he understood it is that these homes that had been constructed prior to 1958 with a specific purpose of a multi-family or a 2 family that were then abandoned at all and the Board wanted to say that it doesn't matter and they could maintain that use that they had prior to 1958 with additional criteria listed here. He can't speak to whether or not those types of buildings exist in non-residential zones so it up to the Board if you want to protect that certain discreet number of homes. You can certainly limit it to residential, it is up to the Board.

Manager Revella said it would make a difference and would add another 6 buildings but he doesn't think that the issue is as egregious as suggested because if those building would come back they would have to meet those criteria under the new law and he doesn't think they would meet it under the current circumstances, they would have to be extremely renovated. He doesn't know if would have as big of an impact as suggested. Some of them are on the periphery of the downtown zone. There are 3 on West Main, 1 on Church Street, and 2 others he can think of. Right now the law as the Building Inspector suggested would affect 15 buildings throughout the Village currently, we will see if that changes. He doesn't know if you wanted to change that just to be residential or if there is issues with buildings in certain zones not being what they are supposed to be or non-conforming we could try to address the actual zone instead of addressing it in this law that way.

Trustee Svarczkopf said he cleared up a lot of stuff prior to the meeting and he feels this is well written and the way it should be after looking at it a little closer.

Trustee Kraus does not have an opinion at the moment.

Trustee Thompson said she is not sure; she understands what her concern is but also doesn't feel it would make a dramatic impact. She needs to think or read about it a little more maybe.

Deputy Mayor Moore commented that taking into consideration Becky's concern she still feels the law as written with the provisions that would need to be met even if it is in a non-residential area, to John's point, she believes they would have a hard time meeting the criteria set forth as it is. She is happy with it the way that it is.

Trustee Ramos agrees, we have spent a lot of time on this and the statue itself is clear and we can't do any more than that.

Trustee Sebring agrees and feels the law as written covers it all.

Mary Ellen Matise feels that in number 1 on page 2 under C it would help to clarify that these 2 family units are on a single SBL would clarify the confusion. The duplexes that were built are 2 units but it is one SBL and that would go a long way to clarify what is a 2 family unit in the long run and stop us from having problems at the Zoning Board.

Deputy Mayor Moore asked her to clarify, if she could, what problem they might have at the Zoning Board. Remember that the interpretation will be made by the Building Inspector who would make sure they met the criteria, he is going to see this and make a

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determination.

Mary Ellen feels it clarifies what the criteria are that it is not to separate lots, it is not 1 building with 2 owners. She is not sure if it happens in the Village that there are 2 units with separate owners.

Attorney Donovan stated that if each dwelling is on a separate tax parcel than it is not a 2 family dwelling.

Mary Ellen said those would be like the row houses on South Montgomery Street. She understands we are using 1958 as a benchmark as it makes it easy, but if a house was built after that and has been conforming what about them.

Manager Revella said it just won't fall under this law but it could still go to the Zoning Board.

Mary Ellen said this is all to deal with the abandonment issue so if a house was built in 1960 but it has always been conforming as a multi-family or 2 family then it could still become a problem so she doesn't see why it can't be considered.

Manager Revella clarified that we used that because anything that was built after 1958 should have been conforming.

Mary Ellen agrees but through abandonment it could still become an issue.

Becky asked to clarify if an apartment house in a business district is left empty for a year then our law states it has to have business on the 1st floor. That is what she was saying, so you are comfortable putting in a business on the 1st floor in an apartment building, that is her question and making sure she was understanding it correctly.

Trustee Ramos made the motion to close the public hearing for Local Law 1 of 2018 – Abandonment of Use. Seconded by Trustee Sebring. All ayes. Motion carried.

Attorney Donovan stated for the record that the referral to the Orange County Planning for a 239 review came back for local determination and the Village Planning Board referral came back in favor of the law and you have heard from the Village Zoning Board on this as well. The Board is in a position to act on this law first with a Negative Declaration and then subsequent adoption if you feel so inclined.

Trustee Svarczkopf made the motion for Negative Declaration under SEQRA for Local Law 1 of 2018 – Abandonment of Use. Seconded by Trustee Sebring. All ayes. Motion carried.

Deputy Mayor Moore made the motion to adopt Local Law 1 of 2018 – Abandonment of Use. Seconded by Trustee Svarczkopf. All ayes. Motion carried.

Village Manager's Report

- He had several meetings with department heads and the Treasurer about the budget which everyone has the draft copy of.

- He had several meeting with department heads and our Attorneys regarding the CSEA & PBA contracts as well as some litigation matters that the Board is aware of regarding a home at 36 Winding Brook which has resolved itself today.
- Went over the hiring list for Full Time Police Officers as well as the list for the DPW Superintendent position.
- Been working with the Engineer and grants and capital projects.
- Working with the Insurance company on our renewals and has presentations on different health insurance options as well.
- He was on vacation for a week and 2 days.

Approval of March 6, 2018 Minutes

Deputy Mayor Moore made a motion to approve the March 6, 2018 Minutes. Seconded by Trustee Ramos. 6 ayes, 0 nays, 1 abstention (Trustee Sebring). Motion carried.

Approval of March 26, 2018 Special Meeting Minutes

Trustee Ramos made a motion to approve the March 26, 2018 Special Meeting Minutes. Seconded by Trustee Sebring. 6 ayes, 0 nays, 1 abstention (Deputy Mayor Moore). Motion carried.

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he met with Fred yesterday and discussed that the water department replaced 21 meters, guys have been out filing pot holes, they were busy with snow and salting numerous times in the month, and they were working on catch basins and sewer jetting. They repaired a catch basin on Scofield Street, had a water main break, replaced light bulbs on Veterans Bridge, the mechanic was busy changing oil on the PD cars and repairing lights on plow trucks during the snow, and he changed the oil in a few of the Parks riding mowers.

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

Trustee Ramos reported that he spoke with Mr. Bliss and the Easter egg hunt was successful, apologized for not attending as he had sick kids at home. He heard it was well attended and our Parks and Recreation personnel did a wonderful job. He will have coffee with the Superintendent of Schools on Friday and he knows they hope to have the school budget done soon and are working on it feverishly.

Police Department and Justice Department Liaison – Deputy Mayor Moore

Deputy Mayor Moore reported for the final time with regard to her position as the Planning and Zoning Boards as well as the Building Department Liaison that she spoke with Dean who was on vacation last week but they completed 10 building permits, 5 certificates of compliance, 8 CO reports for sales. They spoke about the landlord registry and fire & safety fees and Local Law 1 for Abandonment of use which he is comfortable with as written. We discussed Landlord registry compliance violations that have gone out as well as creating standard operating procedures for the Building Department.

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

Trustee Thompson reported for the final time with regard to her position as the Town of Montgomery & Library Board liaison that she spoke with Ginny who is disappointed with April 3, 2018

the bids received as they were all over budget. She thinks it looks like she has to rebid the project. They will be holding a presentation with Dr Paul Connett on April 10th at 6:30pm in the Library about fluoride for any residents that would like to come. She is hoping to speak to someone at Valley Central to see if they would like to come. She is excited about the 12th presentation where they will have someone from the parks service about Ellis Island. Spoke to Mr. Winchell who is so busy. They both went through the rail trail but have cut back trees and brush and still have some leaf clean up to do. Where the FEMA project took place looks very nice. They both noticed if you look down into the brook there is a lot of garbage thrown in there so he will see who can do some clean up in there as they were both not sure.

Manager Revella stated that the Town Conservation group usually arranged that in the past. If things get really out of hand especially with the river there the Army Corp of Engineers can help, rare but they can with enough advanced notice.

Trustee Thompson continued that when she walked down the trail the homes on Wileman Avenue have a lot of garbage and litter on their properties which is unsightly especially if we want to promote that as a recreational experience. Maybe Jay can cite it. He knows there are some drainage issues that he is working with Mr. Woznick about. He thanked our DPW for helping them clean out a clogged drain they have at the recycling center. No updated information about the Hill Street Bridge. Looking for a crane to be brought in to schedule those repairs.

Town of Montgomery & Library Board liaison – Trustee Kraus

Trustee Kraus just took over this position as a newly elected official and will report out at the next meeting.

Village Offices Liaison – Trustee Svarczkopf

Trustee Svarczkopf just took over this position as a newly elected official and will report out at the next meeting.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

None

Action Items

Set Public Hearing – 2018-2019 Village Budget

Trustee Ramos made a motion to set the Public Hearing for the 2018-2019 Village Budget for Tuesday, April 17, 2018 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Deputy Mayor Moore. All ayes. Motion approved.

Resolution 40-17-18: Budget Amendments

Manager Revella explained this brings some accounts into parity for the end of the year.

Trustee Ramos made a motion to adopt Resolution 40-17-18: Budget Amendments. Seconded by Deputy Mayor Moore. All ayes. Motion approved.

Dr. Connet – Fluoride Presentation Date Conflict 4.10.18

Trustee Thompson explained that this is the only date and time that he was available to come and give a public presentation to the community and the Board and she would like to have a good turn out and have the Board presence to hear what he has to say. Would like to see if we could reschedule the budget session so the Board could attend his 1 hour presentation.

Mayor Rumbold stated she spoke with the Manager about the suggestion and unfortunately we have 5 department heads going that night and we posted the notice in the paper and we don't have time to post another meeting.

Deputy Mayor Moore said she would be open to taking a break from our budget session to be able to attend. She thinks it is important information and that would keep our budget session as scheduled instead of rescheduling. It would extend out night by one hour but she does think it is important information.

Trustee Svarczkopf commented that he would like that to happen or a recording at the very least.

Mayor Rumbold suggested that 2 Board members attend Dr. Connet and they could leave and then review later what happened at the budget session.

Manager Revella reminded to be mindful if there is any question and answer period at all we would have to post his presentation if 4 or more Board members attend.

Clerk Bliss stated there is not enough time to notice it as a meeting.

Trustee Thompson asked if the 2 new Board members would like to attend as they should be well versed on the topic.

Mayor Rumbold replied they also need to be well versed on the budget.

Unfortunately no other Board members were willing to leave the budget session to attend the fluoride presentation. It was decided that Trustee Thompson will attend the presentation on behalf the Board and leave the budget session the way it is.

Draft Local Law - Abandoned Properties

Attorney Donovan explained that for an extended amount of time the Board has been grappling with the issue of how to address abandoned or vacant properties in the Village. We were confronted or attempted to work through the Zombie law adopted by the state over a year ago which provides some mechanism but it applies to mortgage holders who are foreclosing and preempts the field so we can't regulate those. This local law which is hot off the press in a rough form as he was away last week as well seeks to attempt to provide certain safeguards and mechanisms to address owner occupied vacant or abandoned properties that would create a registry and a fee to register and provide a host of requirements for those people in an attempt to maintain the quality of life in the Village. The Board has not seen this yet as he really just finished a rough draft of it yesterday and he and the Manager just reviewed it today. He will have a more complete copy for the board at the next meeting.

Manager Revella stated that the biggest concern is the cost of the services and fees to charge.

Attorney Donovan added that one of the other local laws that he found with another municipality has some fairly substantial registration fees. There needs to be some connection to the amount of the fee and the work related to the municipality not just arbitrarily set fees. He reached out to their counsel to find out how they substantiate that as he is not comfortable with the amount of the fees. Hopefully he will have an answer for the next meeting.

Draft Local Law – Tax Cap Override

Manager Revella explained that the requested stage was over 12% tax increase. After his cuts and moving around we got it down to 4.4% to 4.5%. There are some suggestions for the Board to consider to get it down further but should something drastic happen and the Board not be able to do any other changes before the required date that it is adopted and the draft goes through you must have the override in place.

Mayor Rumbold stated we have done this before and if we don't need it we don't have to do anything with it.

Attorney Donovan added that the mechanism to put this in place is through a local law and so a public hearing is needed for that local law.

Manager Revella stated that we would know the percentage by that date and would know if we need to override or not.

Deputy Mayor Moore made a motion to set the Public Hearing for Local Law 3 of 2018 – Tax Cap Override for Tuesday, April 17, 2018 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Ramos. All ayes. Motion approved.

2019 CDBG Application

Manager Revella explained we have been applying for these funds back and forth for sewer lining and sidewalk repairs and he would like to stay along that path. We need to have a public hearing to discuss our options to try and get them together. We do have sewer lining near Sherman and Elm streets and some sidewalk areas to consider and have ready for you.

Deputy Mayor Moore made a motion to set the Public Hearing for the 2019 CDBG Application for Tuesday, April 17, 2018 at 6:30pm or as soon thereafter as the matter could be heard. Seconded by Trustee Thompson. All ayes. Motion approved.

Public Comment

Mary Ellen Matise explained that local history day and Col Bradley day are cancelled. She passed out a proclamation from January 23, 2007 setting April 6th as Col Bradley Day in honor of his birthday for their information. The committee that does Local History day cancelled it. She had planned to combine them this year and do an indoor thing as this time of year is very wet at the cemetery and last year they had down trees so she cancelled it last year. She hopes to do a program later in the fall for local history day. Maybe what we could do in the future is something with the Board at the Reorg meeting every year in his honor and then when the weather is better she can put the wreaths out

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on the graves. We had the same thing last year and it was a disaster. Please talk about that for next year. She recently got involved again with the Town and they started working on the comprehensive plan and the whole thing about the well head protection came to light again. So she went back and found in the minutes this whole phantom well head protection plan and we did, we paid Lanc and Tully to do this plan it didn't come from the County. It was us going to the Town. From the April 7, 2010 minutes, 8 years ago, Mr. O'Rourke said they developed a well protection zone around the wells and submitted them to the Town and they reviewed them. They were in acceptance of their request but because they were going through rezoning they indicated that the next round of zoning they would incorporate that. The Town was going to do a two phase zoning analysis. They were going to redo the zoning to address the lawsuit issue which was Land Master against the Town's Comprehensive Plan. When they did that other issues came up that they wanted to address but didn't want to tie it to the same rezoning. So as a result the Town just 86'd our plan. They said they don't know where it even is. They never did the rezoning and got rid of our plan. If we don't have a copy Lanc and Tully should have one. In 2009 was when it was discussed to have Lanc and Tully do that and so far we have had no action on it. We did have some issues with Maple Leaf Farm since then.

Mayor Rumbold asked John if we could send it to Mr. Winchell.

Mary Ellen continued about the warehouse proposal for 747 and 17K with a proposed 500 foot elevation that will just be leveled. She asked where they were going to put all the dirt. They replied that the DEC has to give approval of course but they plan to put all the dirt on the side. She told them they were going to impact the Tin Brook because the 2 feeders for the Tin Brook go right through those parcels go under 17K behind John Brown's farm and up to 52 and eventually our wells. There is so much wetland which is all part of the recharge area for the aquifer which was in the comprehensive plan that they have not acted on which was aquifer protection. We have a new team in Town and someone might be interested in helping that and taking it on.

Manager Revella said he would get it together for Supervisor Winchell.

Mary Ellen said they haven't done an EIS yet as they are just at the preliminary stages.

Mayor Rumbold thinks that maybe the Village can write a letter to the Town saying we are not in support of that.

Mary Ellen suggested we request interested party status for any updates/changes to the project.

Becky Pearson commented that when you are talking about fluoride and you all have this thing that you want to change the law and you are not going to take the time to listen to this person. She thinks it would behoove you to go for the hour and make your budget session a little longer. She feels it's important and you should hear something that will inform you to make the right decisions. It would behoove you to go.

Payment of the Audited Bills

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

Correspondence

Everyone got correspondence from Bernadette Gambetti of 36 Winding Brook Road.

Miscellaneous Comments from the Board of Trustees

Deputy Mayor Moore welcomed the new Board members, it will be fun so thanks for joining us! OCMPF set the dates for their spring training sessions; April 20th for all day and May 8th for the evening session. Bulk pick up is April 22nd and what is acceptable and what is not is on our website.

Trustee Svarczkopf asked if we could video record the fluoride meeting or at the very least audio record it.

Trustee Thompson said he was fine with video recording it she just has to see if Ginny has the equipment to do that.

Mayor Rumbold commended our DPW for their work with snow removal. We do have bulk pick up on April 22nd and we always have people complaining about others coming into the Village and dropping stuff off on their property that is not theirs. She knows there is no way to police that but what can people do.

Manager Revella replied they need to report it to the police.

Mayor Rumbold asked about the trails at Olley Park since hiking season is almost here and last fall there were still deep tire marks on the trail.

Manager Revella replied that we have a lot of water still so it's not ready and we don't really want people back there yet. It has to dry some first before we can send our guys back there.

Executive Session

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

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
April 3, 2018
Motions & Resolutions**

Public Hearing – Local Law 1 of 2018 – Abandonment of Use

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