

**Village of Walden
Board of Trustees Regular Meeting
May 1, 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	Brian B. Sebring
		Larry Kraus
		John Ramos
		Dan Svarczkopf
		Lynn E. Thompson

Absent:

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

Public Hearing – Local Law 3 of 2018 – Abandoned Properties

Deputy Mayor Moore made the motion to open the public hearing for Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Ramos. All ayes. Motion carried.

Mary Ellen Matise stated that this local law is not the Attorney's law it was the law of the City of Port Jervis. Their law is from 2014 and there are omissions which you might want to ask why certain definitions were omitted if you are seriously considering this law. The word foreclosure, mortgagee, and notice of default are all omitted and yet are cited in sections of the law. So you have no definitions yet you have citations. Section 213-2B 2 and 3 cite mortgagee over and over but have no definition. Also there were sections left out about snow removal and maintaining yards and lawns. She had a question about number 12 that section about when the abandonment commences; what does that mean? How do you determine that? The whole section about insurance is left out; why wouldn't you want to have insurance required in there especially if it is abandoned and vagrants and nuisance animals could be getting in there, anything can happen to an abandoned or vacant building. She sent everyone an email from NYCOM on the 2016 NYS Zombie Property law update. The Port Jervis law was adopted May 27, 2014 which predates the state law so they are given the ability to keep their law but since the state law is enacted she thinks that the Attorney brought this up last year during the discussion when this was brought up about the efficacy of us being able to enact a law. The sections in the email was a savings clause that the Village is allowed to deal with owners but the state has taken the right to deal with mortgagees, lenders, and servicers. They have collected 1 fine in the whole fine in the entire period for \$119,000 and was in the newspapers upstate but they are also maintaining a registry and we should be feeding into their registry and getting information from that registry as its state wide. The lenders could be nationwide, we don't even know where half the lenders come from and then if things are sold or resold in terms

of the mortgage or financing. Now they haven't staff it but how would we staff a registry too. Who are we going to pay to do that on our level? In terms of dealing with the owners we certainly have plenty of codes we can use already on the books. We also have a Landlord Registry that we have been struggling with but if that gets brought up to snuff that would serve us very well. Then we will have mechanisms in place to stay on top of what is happening. This law; she would think you would have to consult your Attorney, maybe the Attorney has to consult the state's Attorney, but she doesn't know if this is something we can adopt at this point because the state law is in effect. She encouraged the Board to call NYCOM, talk to Wade, he has been talking about this issue for quite some time and he wrote the update. Seriously consider instead of worrying about a new law that you might not be able to enforce or enact why not review our current codes and see what we can tighten up or review to serve us better.

Trustee Thompson commented that she read that too she has been reading so much stuff she is kind of overloaded with it. Saw that the state wants to be the enforcer or the taker of the fines. What does that mean? How does that impact us?

Attorney Donovan replied that we have had multiple conversations on this issue over an extended period of time. He has advised the Board both written and verbally that as far as enforcement against mortgagees the state zombie legislation preempts the Village. That is clearly the law and that was his advice a year and half ago when the Manager brought this to the Boards attention and trying to find some way to address the abandoned properties in the Village; what can we do? We can have a discussion at a different time on whether or not that is effect or not but it does clearly clearly preempts us.

Trustee Thompson stated that she remembers him questioning how Port Jervis was managing to do some of the things that they were doing.

Manager Revella replied that their law super cedes part of their law.

Attorney Donovan added that it is no secret that this law is modeled after the Port Jervis law and everything that Mary Ellen just said is true. The modifications he suggested took out things because clearly we can regulate owners so if someone owns a property in the Village we can compel her to do certain things. It is also not a secret that there are other tools in the tool box and there is no question that this overlaps some of the other legislation that we have but this is targeted towards owners of vacant properties. He did have a conversation with corporation counsel in the City of Port Jervis because he had issues with a number of provisions in that law which is why he removed them from what he provided to the Board.

Manager Revella added that we also discussed this with NYCOM when we first started talking about the topic which was taken into consideration when this law was drafted.

Trustee Sebring made the motion to close the public hearing for Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Ramos. All ayes. Motion carried.

Attorney Donovan stated that if the Board wishes to act you would need to adopt a negative declaration. Be aware that there are no time constraints, you do not need to act.

Deputy Mayor Moore would like to table it for tonight to do other research and look at the concerns and questions that were raised here tonight. She doesn't feel she has enough

on it to vote on it tonight. She has not read the NYCOM report on it yet. She read our stuff
Trustee Svarczkopf agreed.

Deputy Mayor Moore made a motion to table Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Svarczkopf. All ayes. Motion carried.

Trustee Svarczkopf asked about section 213-4 #10 we were up in the air about this when he asked earlier about all combustibles that must be removed from interior and exterior of the property. John said it includes the oil in the tank. Should we specifically say what that includes?

Attorney Donovan defers to the Building Inspector on that but it wouldn't occur to him that oil in a heating oil tank would be a combustible.

Trustee Svarczkopf commented that if it's an abandoned property and it were leaking we don't know about it.

Attorney Donovan thought that situation would be an adverse environmental situation which is different.

Building Inspector Stickles stated that he feels that oil in an oil tank would be more of a hazardous condition rather than a combustible condition because you would need something to ignite. A combustible would be gas, propane, LP, those kinds of things.

Trustee Svarczkopf confirmed that if it is a combustible it should be removed and if it is an oil tank it should be drained.

Building Inspector Stickles replied he doesn't think is a combustible issue unless it was leaking or had the potential to leak but that would be more of an environmental issue or hazard, not a combustible.

Attorney Donovan stated that the way something like this would work is that Dean would call the Attorney and ask if it is required to be removed. He would likely say no unless it was some situation occurring that was causing imminent danger like leaking. Not viewed as a combustible that would need to be removed.

Building Inspector Stickles added that he would consider if you have a house that is serviced by natural gas that it be terminated or shut off so it couldn't enter the building but fuel oil is not a hazard as far as combustible.

Trustee Svarczkopf stated that at the end that combustible material must be removed he would very much write gas needs to be turned off in that section as it can't be removed per say from the property. Also in section 213-2A it says that registration should be submitted on forms provided by the Building Inspector. From what he can tell those forms have not been created. Before he votes on it he would like to have them created to go along with the law.

Manager Revella replied we would need the final law to do that.

Trustee Svarczkopf said he understood but what needs to be in that form is listed in that section so the form could be drafted.

Manager Revella replied that as long as you are not anticipating changes to that section

we can do that.

Trustee Svarczkopf said that we can always adjust the form as well but at least a rough form.

Manager Revella added that we don't have to start it the day that it is adopted. We have time for implementation.

Attorney Donovan stated that it is not uncommon to say forms to be developed. On the other hand if you feel you want to see draft forms, absolutely you do.

Trustee Svarczkopf feels it would be worth having along with the law. In section 213-5 inspections; it says that the inspectors need to have the ability to go inside the house from what he can tell. Let's say the house is unoccupied and secured but has building code violations they should still have the ability to get inside the house. He is trying to figure that part out. He understands the owners contact information is on the form.

Attorney Donovan replied that if there is an exigent circumstance like someone smells gas the suggestion is that they have the ability to get in. If there is some other reason and we went through this on 14 Riverview you have to go through a process to get inside.

Trustee Svarczkopf clarified that if someone signs up for this registry they don't automatically give us permission to get into the house within a certain amount of time.

Attorney Donovan stated that is correct. If you want to define who has that authority. If they are allowed in if they call up the owner from the registry and they say fine or if they say under no circumstances are you permitted in the property. Unless there is some imminent peril to the public health and safety, some sort of warrant, police or administrative warrant from the Building Inspector would be required.

Trustee Svarczkopf asked why we would think that someone who doesn't care about their property and doesn't maintain it properly would allow them on their properties to issue citations.

Manager Revella commented that you can inspect the exterior without question, interior is in question.

Trustee Svarczkopf stated that section confuses him.

Manager Revella stated we can't grant ourselves rights to enter a property.

Trustee Svarczkopf commented that by signing up for this registry is that something that they can sign.

Manager Revella stated it is not a voluntary sign up. They may not sign up but other people can register them.

Trustee Svarczkopf didn't know that. So we are saying that we have the ability to inspect the property for compliance all over this law.

Attorney Donovan replied that we are saying that those people have the ability to do inspections but then we don't have the authority.

Trustee Svarczkopf said yes, those 3-4 people, but then we are very much admitting that

we don't have the authority to do that.

Attorney Donovan replied that there are certain administrative procedures to get those people into the property but they have the ability subject to the issuance by whatever process that might be required to get them inside.

Trustee Svarczkopf stated that in section 213-4 it says all bushes must be trimmed so there is an unobstructed view of the front of the house. It was told to me earlier today that there is a statute already on the law that dictates the height of that.

Attorney Donovan replied that without question chapter 214 of the property maintenance code there is no question that there is overlap.

Trustee Svarczkopf asked if we could just point to that section.

Manager Revella clarified that it also has to do with the ability to see in the property the other (chapter 214) is about seeing around the property.

Trustee Svarczkopf asked if there was a way to clarify it. So say I have a vacant property that is well maintained but I have a beautiful bush that obstructs the front of the house.

Manager Revella stated that would be a violation if it is registered. If you look at letter E all vacant properties have to follow those things. If not vacant you don't follow this, follow different code.

Trustee Svarczkopf said he understood. So if it is vacant and he is still maintaining his property and he trims this bush just not to your specifications it would be cause to call it subject to a violation.

Manager Revella replied yes.

Attorney Donovan commented unless you don't like it. If you don't like it you can define it better or take out altogether you get to do that.

Manager Revella stated that one of the problems of abandoned properties is that people of a less than higher standard caliber tend to congregate there so it is important for officials to see the property and if there are the bushes hiding what is going there might be that element of congregating there. That is the intent.

Trustee Svarczkopf said he saw it as it needed to be trimmed so that the sign could be visible but number 9 says they must be trimmed for an unobstructed view. They are two different clauses. He doesn't like number 9 at all. He agrees that all bushes should be trimmed just not the unobstructed view.

Deputy Mayor Moore stated that in light of Trustee Thompson's report out, she has an issue following through on a law like this when we have a landlord registry that has been a part of our code for a while and we still don't have people complying with it. She feels we should be able to enforce what we already have. She is not saying she doesn't like this, she does like this she is just not ready to act on it tonight. She feels it is important that we get people to comply with our existing landlord registry and we are violating them accordingly.

Trustee Svarczkopf asked about those 14 landlords that are non-compliant are they being

fined daily.

Attorney Donovan stated there is a process. The Village can't impose fines they have to go to court and a judge has to do it and assess a fine.

Trustee Svarczkopf said that in order to get fined daily they have to go out daily to reassess as a separate violation.

Attorney Donovan replied yes.

Trustee Svarczkopf asked if we were doing that because if that is not happening now then she is right we need to be able to follow through with that portion of it. There are 6 properties, correct.

Manager Revella stated yes about 6 that would fall under this that he can call.

Trustee Svarczkopf asked to be able to enforce that are we writing them daily.

Manager Revella stated there are 15 out of about 250, which is not an exorbitant amount, but we have to follow up with those. This is a different kind of tool in the tool shed for a different purpose and we should be using all tools in the tool shed that we can.

Trustee Svarczkopf said he disagrees with the statement before that this would be the same as the landlord registry. He agrees that this serves another purpose just not sure that for 6 properties it's totally worth it.

Manager Revella stated that if he lived next to it he wouldn't want it for one property.

Trustee Thompson stated it is 6 properties now but it could be 60 in year.

Attorney Donovan stated that just because it is written in this draft doesn't mean you have to do this. You need to do what you feel is right for the Village.

Village Manager's Report

- Met with our Engineer and had some discussions with the Town Supervisor regarding well head protection today along with their head of water department and a consultant from the Department of Health.
- Had meetings with Special Counsel, Chief Holmes, Deputy Mayor Moore, and Trustee Ramos regarding PBA negotiations. We began those and are progressing. Met with the Treasurer after that to go over some numbers for the next round.
- Had a good shared services meeting at Orange County to go over potential cost savings and sharing measures County wide and also locally between ourselves and our local Town.
- Met with the Clerk, the Attorney, and the DPW Supervisor regarding the Ulster Avenue project as the state has tried to throw more road blocks in the way of progress regarding takings and other issues that we are trying to resolve. He reached out to Senator Larkin's office to get their assistance in getting through the red tape.
- Had a visitor from Travelers and did get a report from them and they had no recommendations for the Village which is great; we are doing something right.

- Had a conference with Patterns for Progress and he believes that Deputy Mayor Moore and the DPW Superintendent attended a seminar on LED lighting for street lights and possible conversion to save money energy and possibly the environment.
- Attended with Chief Holmes and the local temple people a Buddhist event in New York City with His Holiness and Richard Gere and his wife.
- Attended the Fire Department's Installation Dinner with the Mayor and DPW Super where we gave certificates to members achieving 25 and 50 years of service.
- Had a good meeting with the Building Inspector to go over some personnel matters and some forms SOPs and potential transitions in the department in the coming year. We have another follow up hopefully tomorrow.
- The Village Engineer provided the sewer siphon report which is part of our DEC Consent order.
- Attended the Orange County Association of Towns, Villages, and Cities meeting with the Librarian and DPW Super where the guest speaker was the DPW head for the County to talk about projects and the County bid and how they can help us with procurement.
- Went over the hiring schedule and some park uses with the Recreation Coordinator. We will be doing the summer hiring within the next 2 weeks.

Trustee Ramos asked if the Manager could share his notes from the shared services meeting to show where the County is looking at going.

Manager Revella replied that they are moving along slowly. He can share the last page that he go from them with everyone. There is no determination on that yet but the main focus is about the radios we talked about already and that it is not happening until at least 2019. There is a list of potentials he can share with the Board as well.

Approval of April 17, 2018 Minutes

Trustee Ramos made a motion to approve the April 17, 2018 Minutes. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

Trustee's Committee Reports

DPW Liaison– Trustee Sebring

Trustee Sebring reported that he spoke with Fred yesterday and the guys have been busy flushing sewer lines, filling pot holes including the one at the traffic light for the state, working around the garage for the next phase of work for the building, flushing hydrants, patching holes made from water breaks and on Village roadways, and 8 new water meters were installed.

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

Trustee Ramos reported that he spoke with Mr. Bliss a few times. Summer camp staff interviews are May 15th and 16th. They have a lot of returning staff which is indicative of what the program is about. Kids are planning on coming back and flourishing in this kind of environment. School Board obviously the budget vote is May 15th. Please get out and vote.

Police Department and Justice Department Liaison – Deputy Mayor Moore

Deputy Mayor Moore reported that she spoke with Chief Holmes several times. They discussed shifts schedules, the Police Awards will be June 14th at 7pm which is a change

from the original date as a few of our officers wanted to attend Police Memorial Week in DC. They also discussed the STOP DWI dates, the Walden Elementary School Class trip, and Chief has some scheduled time off coming up that he previously had approved by the Village Manager.

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

Trustee Thompson reported that she met with the Building Inspector and he shared all the forms that are now in place for streamlining the Standard Operating Procedures. His inspection check sheet is very thorough. It is a lot to get through but the biggest challenge he has is how to divide the Village up appropriately so he can space them out as they are every 2 years. Sounded easy but it's hard as there are 66 in one, 86 in another, and 90 in the last one. For the Landlord Registry he still has 14 that are non-compliant and 1 new owner landlord that is non-compliant. He is in the process of sending out letters again. Fire and safety inspection letters from the Village Manager are going out tomorrow.

Town of Montgomery & Library Board liaison – Trustee Kraus

Trustee Kraus reported that he had nothing to report. He didn't get to meeting with Ginny.

Village Offices Liaison – Trustee Svarczkopf

Trustee Svarczkopf reported that the office has obviously been busy with the budget lately and they are doing a great job. Mrs. Bliss has been working on the website and specifically the Frequently Asked Questions page which since he has moved into the Village the website has come a long way. He urges everyone to take a look at it. Frankly he has been looking at some other Village's websites and our website is very informative and is as good if not better than most and that is what he does for a living.

Mayor Rumbold spoke with Supervisor Winchell and he was meeting with the Manager about shared services with the Town. She attended the task force for opioid use last Thursday. He also planned to do a check of the A and B funds to make sure the charges in each belong there.

Manager Revella stated he shared our correspondence with our Counsel on that which was sent back in 2009.

Mayor Rumbold continued that we did get the well head information to him to look over so hopefully there should be some movement on that soon. She read the community events listing into the minutes.

Public Comment on Business of the Board

Brenda Adams commented that she sees that the potential garbage increase is on the agenda tonight and she had hoped that you weren't considering that. She understands totally why you are doing; staying in the tax cap and gaining revenue, she would have considered it too if she was in the position but she still wishes you would look at items that are not profitable and not supported by fees instead of something that is already on the plus side and is not short, a service that is sustaining itself plus and not something that isn't sustaining itself.

Mary Ellen Matise echoed Brenda's comments. She has an issue; and maybe it's just the new math and she doesn't understand. She has 2 different garbage amounts because one for a senior and one for a regular rate. The senior rate is \$242.40 per year and the

regular rate is \$303.00 per year. The garbage contract says and she is assuming as it is not spelled out in the contract that the base price is \$16.35; what? Is it per unit? Per month? What is it, it doesn't say, it just says base price to be paid on a quarterly basis. If she extends \$16.35 times 12 that does not equal out; she gets \$196.20. She doesn't understand the fee. She went back and found budgets from when garbage started and all the garbage fees that were taken in matched the contract amount that was paid out. Now what she has heard is a rumor that if the current budget has \$660,000 as contract fee but the revenue says \$900,000 what is all that extra money?

Manager Revella clarified that she is including commercial and residential service.

Mary Ellen said ok but it is not apparent from what you see.

Manager Revella stated that every commercial account is different as they each have different charges for different services they are using.

Mary Ellen said it should be coming out pretty much as a wash, it should be a pass through. When we first did the garbage we built in an administrative fee which she is assuming is the difference between the \$196.20 and the \$303.00. That fee was based on billing quarterly and now we are only billing once a year so there is still a discrepancy there. Does that mean that a fee increase is warranted; she really thinks not.

Becky Pearson asked if there were any other budget talks after the last meeting when it was voted down. Have you had a meeting? If not, how come?

Mayor Rumbold replied no, there was no need for a meeting. If individual Trustee had questions they asked the Treasurer and/or Manager individually.

Becky asked if why they wouldn't think it was wise to get the group together to discuss what was happening and why it was voted down.

Mayor Rumbold replied that we also have discussion tonight before we pass the budget.

Becky stated there were some major issues. It was \$40,000 you were trying to do and get things accounted for and issues on fees can you raise fees and can you not raise fees. She agrees with Brenda whole heartedly. The garbage price does more than cover the contract it is you putting a fee on the homeowners. If you are going to put a fee on the homeowners why are you not doing that for the parks department and other places that are not generating fees to cover the programs they have. She doesn't understand that. She hopes that discussion happens tonight. You are not being fiscally responsible to the Village residents on that account as far as she is concerned. You are in a fiscally distressed situation with the Comptroller and you are giving everyone raises and buying new things. How does that happen when you are distressed? 2% raises and more raises than that, there are communities that don't give raises because they don't feel they have the money to do that. She has to work within her budget she can't spend more than she is going to make. How does that happen here? She does not understand. She is putting that out there that you are going to raise the fees for garbage to help with your budget and she doesn't feel that is fair. She hopes there is discussion on the \$38,000 and that all those questions get answered before you vote on the budget. That is what you are here for. It is not the Manager's budget, he prepares it for you but you are the people responsible for the budget for the tax payers. She hopes that is what you do for the tax payers.

Action Items

2018-2019 Village Budget

Trustee Svarczkopf explained that last time he said we were looking for \$38,000 total which is more like \$33,000 with a health care buyout lowering it down. He still can't vote on a budget that is a maybe. Also the comments about the garbage being brought up the way it was tonight leaves him with more questions about that, mostly is what we heard true. He spent a good amount of time today going line by line in the budget trying to find places we could cut. He found a decent amount of money in the water/sewer budget but we are not talking about that. So he went through the general fund and feels there are things we need to cut before we start betting on things like that. The printed calendars for one which is one of his favorite things we do but it costs \$4,500 per year which is more than 10% of what we need. The other is the Walden Quarterly which is more than that. The 2 of those combined make up 1/3 of the healthcare cap. Miscellaneous legal fees are a bit too high in his opinion but he understands we have 2 contract negotiations up for renewal. If we took a good \$5,000 out of that and then just between those 3 things we are up to \$17,000. He feels we need to just look other places because he can't vote on a budget that has hoping in it.

Trustee Thompson said she is still stuck on the conjecture about everything going well with union negotiations. She just has been in a place with union negotiations where you think it will go well and everyone is cautiously optimistic but it doesn't go well.

Mayor Rumbold asked how much she suggested adding into the budget in case that happens.

Trustee Thompson replied she doesn't know if she wants to add she feels there are other places we can move things around to make it happen.

Mayor Rumbold asked how much she felt we needed to deduct from the budget to make it work.

Trustee Thompson said her math came out to the \$38,000 but she is not a great math person so if the math wizard says it is \$33,000, his number is more accurate. It is not an enormous amount of money but she is not happy with the garbage thing either. Feels like we are putting that on our tax payers to come up with a way to solve this problem.

Mayor Rumbold clarified that the increase for the garbage, according to Manager Revella because he was asked the question, is even though the contract amount is not going up Orange County can change their tipping fees at any moment and our contract stipulates that if they do that we have to pay the increase in those fees. They haven't raised them in 3 years so we are anticipating that there is a possibility that they might raise them this year. That is where the increase is coming from with the garbage.

Trustee Thompson said she didn't believe that was explained to us last time. Did she miss something?

Trustee Svarczkopf added that he was completely with you until he heard \$196.20 figure and that is the number he wanted to verify. How much is it per resident?

Manager Revella stated he would need the contract in order to verify that and he doesn't have it with him.

Trustee Svarczkopf feels if it is that far off then he feels it warrants a second look.

Trustee Kraus agreed.

Trustee Svarczkopf said that if we are charging \$303 and the contract legitimately says \$196 then that is supposed to be just paying for garbage and not being a tax it warrants at least a look. He had no clue it was that far off and if that is true he would like to know beforehand. Also it came up before, as we go into 2 union negotiations we are just flat doing 2% raises to people right now. Again, he can't find the money but he found \$17,000 but cutting non-union raises would be cutting approximately \$10,000, not a hard number, and that's \$27,000 which is almost the \$33,000 and feels that needs to be considered as well. He hates saying that by the way.

Deputy Mayor Moore stated that as was explained from the Village Manager at the last Board meeting and he even verified that from the minutes of that meeting, going into negotiations and to Becky's point in public comment we are looking to do 0% raises but we budgeted for 2%. We are looking to switch the insurance carriers and do the insurance buyout cap at \$4,000. So looking at the budget that is the least of them which is why she was comfortable for looking at it like that. If it is 1% then we are saving money there but at least we are budgeting for the 2%. After Brenda's comment at the last meeting pertaining to it appearing to the garbage fees as we are hiding the fees, she spent some time with the Treasurer on the phone and we did some math together that if we were to increase the tax \$60,000 vs some of these things we are talking about making the changes, it would increase the tax rate \$16.45 per 1,000 and up to \$16.66 per 1,000 which on a house assessed at \$123,000 really was only a difference of \$46 per year vs the \$7 increase in garbage. However a house assessed at \$150,000 or more the fee goes from \$59.43 to \$90.58. How she wasn't very comfortable with a not hidden, we are being boisterous about raising garbage fees by \$7 per family per year, it is still saving our tax payers money. That is her thought process and why she was ok with both of those things.

Trustee Svarczkopf asked how we go to the unions and say 0% raises.

Manager Revella interjected saying we need to be careful of how much we talk about that in this open forum. Be careful about negotiating tactics. Yes the point is taken and what Deputy Mayor Moore was trying to say was that although we budget a certain percentage doesn't mean we are getting a certain percentage. Those matter don't come to us before June 1st if they come before us at all and that is still to be determined. We are obviously actively in negotiations with both unions on numerous matters. There are 3 that Deputy Mayor Moore pointed out and we can discuss in public but others we can't share at the moment. When we get to that point in the negotiations where we can share those we obviously will share them. You had mentioned legal miscellaneous and we talked about it earlier and he wasn't following him because the code number changed this year. In 2017 we have \$39,912 spent, in 2016 we spent \$28,650, and in 2015 it was \$54,000 so it is well above what we budgeted this year and at least 2 other years.

Trustee Svarczkopf clarified that this year we spent \$15,000 out of \$40,000 that was budgeted as of March 19, 2018.

Manager Revella confirmed.

Trustee Svarczkopf asked if we have a more up to date number.

Manager Revella replied that he can get it but we are still actively negotiating right now. He was trying to be conservative with \$38,000 but if we go to arbitration on even 1 of them we will definitely go that much.

Trustee Svarczkopf understands that number is a gamble as well as anything else. Which is why he found this hard. He thinks they did a good job with the budget, he is not saying you didn't. He is hard pressed to vote when we are hoping for negotiations going well.

Manager Revella stated for the record that we cut over \$400,000 from the original budget. We are down to this point now but we made progress.

Deputy Mayor Moore reiterated that there were noticeable changes between this year's budget vs last year's budget with new codes that allows us to track things a little bit more diligently. Thanks to the Treasurer again for that.

Mayor Rumbold stated that any revenue line in a budget is conjecture. Any one, pick one. Sales tax revenue for example; if everyone stops shopping then that line changes. If you want a guarantee you will not get it in any line regardless if it has to do with negotiations or just happenstance. So there are no guarantees with revenue lines. If that is the deal breaker then there will be no budget with guaranteed lines, it just will never happen. She has never seen one during her tenure on the Board.

Trustee Ramos made a motion to approve the 2018-2019 Village Budget. Seconded by Trustee Sebring.

Roll Call:

- Trustee Sebring: Aye
- Trustee Ramos: Aye
- Mayor Rumbold: Aye
- Deputy Mayor Moore: Aye
- Trustee Thompson: Nay
- Trustee Kraus: Nay
- Trustee Svarczkopf: Nay

Motion carried.

Mayor Rumbold thanked the Treasurer and the Manager and the Department heads for their work on the budget. No one will ever be happy with the budget. We do the best we can to be fiscally responsible to the tax payers.

Potential Increase to garbage fees

Manager Revella explained that we discussed earlier the potential increase and we are not sure it has been several years since there was an increase in tipping fees, we have been lucky. He doesn't think the County will hold off much longer as they are fighting for revenue sources as well. They are having a hard time maintaining the collection areas that they have. They are likely to increase and our contract does require us to foot the bill if that does happen. He doesn't know how much it will be but the last time it was \$5 per ton. It could be \$10, he doesn't know but to try and help defray whatever cost may come it may seem logical. We have several different factors there is commercial garbage in there, there is expenses. We have some ability to adjust those fees on the fee schedule but the residential we cannot adjust without doing this. If we do see that fee schedule change from the County we would need to address the commercial fees as well at that time to make sure that we are covered.

Mayor Rumbold asked when they would change those fees.

Manager Revella replied just like we can they can change fees anytime during a calendar year. The only one we can't change at any time is the residential as it is collected during tax time so if you are going to change it, it would have to be done in time for the tax bill.

Mayor Rumbold stated that if they did change the tipping fee the only way we would be able to increase it would be to wait until next the new fiscal year when it goes on the tax bill.

Manager Revella confirmed.

Trustee Svarczkopf asked how many tons they take from us a year.

Manager Revella replied that he doesn't know the exact tonnage. He does know that in bulk pick up alone its 200 tons but regular trash and recycling it is different rates for each one.

Trustee Svarczkopf stated that just in bulk pick up it is \$20,000 if they increase it \$5 per ton, more if it is \$10 per ton.

Manager Revella stated he is hoping they don't increase it and we all will plead with them to not do it.

Trustee Svarczkopf asked if this was a non-issue because we just adopted this in the budget.

Attorney Donovan stated that a motion to amend the fee schedule is a separate vote.

Deputy Mayor Moore made a motion to increase the residential garbage fees from the current annual fee of \$303.00 per residence to \$310.00 per residence and from \$242.50 per senior residence to \$248.00 per senior residence for the 2018-2019 year. Seconded by Trustee Ramos. 6 ayes, 0 nays, 1 abstention (Trustee Svarczkopf). Motion approved.

Appointing Auditors

Trustee Thompson and Trustee Svarczkopf recused themselves from this topic due to potential conflicts.

Manager Revella stated that Nugent & Haeussler and RBT both submitted bids which were both \$19,000 one year contracts with the options for the same amount for 2 other years.

Trustee Ramos made a motion to appoint RBT, CPAs as the auditors for the 2017-2018 fiscal year in the amount of \$19,000.00. Seconded by Deputy Mayor Moore. 5 ayes, 0 nays, 0 abstentions, and 2 recusals (Trustee Thompson & Trustee Svarczkopf). Motion approved.

Outdoor Café Permit – Franco's Pizza

Trustee Ramos made a motion to approve the Outdoor Café Permit for Franco's Pizza. Seconded by Trustee Sebring. All ayes. Motion approved.

Public Comment

Mary Ellen Matise stated that at the last meeting the Village Manager indicated that something would be done about 31 Clinton Street and she has not noticed anything has

been done. Today is May 1st and they got a permit for roof work and remodeling and that was on February 1st. Vacant property test our abilities here. Have plenty of codes that are being enforced on this at this point.

Manager Revella asked if there was a tree question as well.

Mary Ellen said no that was 21 Clinton Street. This is 31 Clinton Street which is a vacant property. Let's test our tools for vacant properties for this. We have plenty of laws that can take care of this at this point.

Becky Pearson thanked the Board for Arbor Day, it went very nicely at the Elementary School.

Manager Revella added that we are planting 4 trees, 2 blue spruces at Olley Park and 2 other types in another area. We may do the other 2 at the top of the hill in the volunteer area also at Olley Park as one tree there is on its last legs. We have done 3 already in that area.

Mayor Rumbold asked if we have a plan for trees.

Manager Revella replied that we talked to Jim Presutti our Arborist about locations, species, trimming schedules and he helps us plant them to survive. We have planted trees at Wooster which is lovely and at Bradley as well.

Trustee Thompson mentioned that there is a \$2 million reforestation grant.

Manager Revella replied yes he has the flyer in his office.

Trustee Thompson said that if the Mayor would like to see a multitude of trees all over the Village then let's apply for a grant and plant some.

Becky asked if we got the Tree city this year.

Clerk Bliss stated that we applied in December 2017 but they have not announced yet.

Mayor Rumbold asked about the little trees that they usually plant at Olley Park don't they always die.

Becky replied we didn't do that this year. They do tend to get run over as they are so little. Usually when we get to the park we plant the 2 large trees and then have the kids plant the little trees but we didn't do that this year as the school had a new person in charge and didn't get the tree request in time. Maybe next year. It was a good little program. Jim Presutti had more things this year, he had a drone and showed how he looks at the trees. It was nice. Just to get the bus to take the kids to Olley Park is \$500 so we did it at the school this time.

Mayor Rumbold says she just feels bad they don't make it.

Manager Revella asked if they had a donation to pay for the bus they would go back to the park again.

Deputy Mayor Moore said she might be able to help with the trees also.

Payment of the Audited Bills

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

Correspondence

Trustee Thompson got a thank you note from TOMSIP and Dr. Connett.

Mayor Rumbold thanked Trustee Thompson for hosting Dr. Connett and his wife in your home, it was very nice of you.

Deputy Mayor Moore received numerous correspondence from Mary Ellen Matise one was about the NYCOM conference that everyone received and the others discussed her outline for the housing task force she has been talking about.

Mayor Rumbold explained we all got a letter from Mr. Kirnan regarding Memorial Day Parade on May 28th, please let the clerk know if you can participate. Lineup is at Cross Street and S. Montgomery Street at 9:30am. If it rains a ceremony will be held in the Bradley Assembly Room at 10am. We also got the invitation for the Flag Day Ceremony.

Miscellaneous Comments from the Board of Trustees

Trustee Ramos said he will be off campus Thursday and Friday as he will be chaperoning the 5th grade class trip. Wish him luck!

Deputy Mayor Moore attended the LED lighting street presentation and would like to schedule time to work on that. There is a way that could work into our County & shared services to be in compliance with that. Reminder that the OCMPF evening class is on May 8th also about lighting. She toured the DPW building this week which was interesting.

Trustee Thompson thanked Mary Ellen for giving her information about attending the land and water conference given by Pace University. It is a 3 day seminar at the Arboretum in Goshen and it is amazing. We have discussed the Comprehensive Plan, Land Use, Abandoned properties, Zombie Properties, and the Walkkill River Water Shed Alliance. She brought up our Riverfront Park and they are eager to discuss that and hear what is going on with that and offer us any kind of assistance we might need on that. She got a few people who asked her about replacing flags on the bridge.

Manager Revella stated we ordered them already.

Trustee Thompson said she knows some people have been seeing the Facebook dialogue about replacing the trees on Main Street, is this the time to talk about that.

Mayor Rumbold stated the next Walden Community Council meeting on Wednesday at George's Fuel. They were talking about planters, the half barrel things with little trees at one point. They did the bicycles last year. Did they make a decision about that?

Manager Revella stated that he and Mike talked about if we had the opportunity to get some planters we would put them out and we talked about where strategically with the committee jointly but last year the planters didn't work out and the bikes worked out better. We gave them the authorization to put them out again this year.

Mayor Rumbold said that at one point they asked the businesses on Main Street to help with watering. When they were baskets up high it was horrible because the dirt came out of the pot it would splatter all over the sidewalk and on the windows.

Brenda Adams will ask for a status about it at the Walden Community Council Meeting.

Trustee Svarczkopf said that May 15th we are getting rid of fluoride from our water and wondered if could have a ceremony for that. It is also his birthday. Also he wanted to reiterate everyone should go check out our website it is really well done.

Trustee Kraus thanked Lynn she has done a good job with everything and Kelly with the budget and Dan with some numbers.

Executive Session

Deputy Mayor Moore made a motion to enter into executive session to discuss the personnel history of a particular person and Village Manager 105F. 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
May 1, 2018
Motions & Resolutions**

Public Hearing – Local Law 3 of 2018 – Abandoned Properties

Deputy Mayor Moore made the motion to open the public hearing for Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Ramos. All ayes. Motion carried.

Trustee Sebring made the motion to close the public hearing for Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Ramos. All ayes. Motion carried.

Deputy Mayor Moore made a motion to table Local Law 3 of 2018 – Abandoned Properties. Seconded by Trustee Svarczkopf. All ayes. Motion carried.

Approval of April 17, 2018 Minutes

Trustee Ramos made a motion to approve the April 17, 2018 minutes. Seconded by Deputy Mayor Moore. All ayes. Motion carried.

2018-2019 Village Budget

Trustee Ramos made a motion to approve the 2018-2019 Village Budget. Seconded by Trustee Sebring.

Roll Call:

Trustee Sebring: Aye
Trustee Ramos: Aye
Mayor Rumbold: Aye
Deputy Mayor Moore: Aye
Trustee Thompson: Nay
Trustee Kraus: Nay
Trustee Svarczkopf: Nay

Motion carried.

Potential Increase to garbage fees

Deputy Mayor Moore made a motion to increase the residential garbage fees from the current annual fee of \$303.00 per residence to \$310.00 per residence and from \$242.50 per senior residence to \$248.00 per senior residence for the 2018-2019 year. Seconded by Trustee Ramos. 6 ayes, 0 nays, 1 abstention (Trustee Svarczkopf). Motion approved.

Appointing Auditors

Trustee Ramos made a motion to appoint RBT, CPAs as the auditors for the 2017-2018 fiscal year in the amount of \$19,000.00. Seconded by Deputy Mayor Moore. 5 ayes, 0 nays, 0 abstentions, and 2 recusals (Trustee Thompson & Trustee Svarczkopf). Motion approved.

Outdoor Café Permit – Franco’s Pizza

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Payment of the Audited Bills

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Executive Session

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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