

**Village of Walden  
Board of Trustees Regular Meeting  
March 2, 2021**

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

|                                  |              |                  |
|----------------------------------|--------------|------------------|
| On roll call the following were: | Mayor:       | Susan Taylor     |
| Present:                         | Deputy Mayor | John Ramos       |
|                                  | Trustees     | Brian Sebring    |
|                                  |              | John Elliott     |
|                                  |              | Willie Carley    |
|                                  |              | Cheryl Baker     |
|                                  |              | Lynn E. Thompson |

Absent:

|               |                                   |
|---------------|-----------------------------------|
| Also Present: | John Revella, Village Manager     |
|               | Marisa Kraus, Village Clerk       |
|               | Kelly A. Kelly, Village Treasurer |
|               | Dave Donovan, Village Attorney    |

**Hill St Bridge**

Town of Montgomery presented with a slide show (attached)

**Deputy Mayor Ramos:** What would be the price if you did both span's in conjunction?

**Town Supervisor Maher:** We didn't price that out with the engineers yet because they did their presentation before we found out about the Bridge New York potential funding. I'll let them try to guesstimate that, if they will. They've been out there on site.

**Herb Litts:** A lot of the cost is in mobilization. If you do the one bridge, all he has to do is move 300 feet and put in the pile. Economic savings due to the scale. Mobilization of the panels to the project. A lot of those mobilization costs will be minimized when you do both bridges as opposed to one. It's priced out at \$470,000 to do one. I don't know two thirds of that cost to do the second one?

**John Simkulet:** You probably could say it's the same price. If it's essentially the same bridge.

**Herb Litts:** But your mobilization costs for the crane and those types of things.

**John Simkulet:** They just have to move it down 300 feet. So, it's already on site.

**Herb Litts:** It would be less than the 470.

**Fred Mastroianni:** \$750-800,000 probably seems realistic to do both bridges.

**John Simkulet:** They'd have to finish the one first before they can then start on the other. They would have to get access.

**Herb Litts:** Unless they can strike an agreement with the adjacent property owner, come through

his parking lot and have access because there is a driveway that comes down and comes out between the two bridges. I don't know if the contractor can strike an agreement with that gentleman then it saves a lot of time if he can work on both at the same time rather than one at a time.

**Fred Mastroianni:** What we would do is maybe during design process we would actually try to get that agreement on behalf of the Town and the Village so the contractor wouldn't have to worry about it.

**Herb Litts:** There are a couple other things we'd have to look at, too. I guess the lawyer owns the property on the opposite side. That looks like a perfect staging area for the contractor. When you have things like the amenities, like having a staging area right in the middle of a job that saves the contractor a lot of money. If you could do some upfront work and maybe get the two parties talking to each other and he rents that yard and he's right there on the job and not having to stage it from two or three miles away, which all cost money. Time is money.

**Town Supervisor Maher:** In our conversations, the consensus is, it makes sense to fix both bridges at the same time. You're going to save money, you're going to have the equipment there and you're going to save money because in 5, 6, 7, 10, years from now, it's going to cost more. That is the route that we're thinking of internally. Just wanted to see how the board feels about it. I'd love to go for the grant and pay for both and had 95% of the cost paid, but if you guys don't want to wait that extra 6 months to a year, we'll consider moving on a different fix.

**Trustee Carley:** When is the grant window?

**John Simkulet:** The Bridge New York just came out and a draft has to be submitted May 5th. We would recommend a draft be submitted because on the last go around, the only bridges that were selected were submitted with drafts. The ones that didn't have drafts submitted, none of them were selected. The final applications are due June 9th. Would probably take up to January of 2022 for them to make a decision.

**Trustee Carley:** I was just looking at the timeline; I'm not sure when they were planning to start this project without the grant side.

**Town Supervisor Maher:** Once we get feedback from you all and if you thought it would be all right for us to go for the grant, we would do that. If you said to just fix the one bridge, not worry about the second, let's fix both bridges, we would then huddle up and continue conversations we've had with our bond council, evaluate our reserves to see if there's something that's currently in the bank in terms of our reserve funds. If we have the money in reserve, which I don't know that would be able to do if it was both bridges, it would be quicker. If we had to bond out, we're talking a couple extra months and I think if we hit go tomorrow and say we want to do this. We'd probably be able to get this job done at some point early 2022.

**Herb Litts:** It all depends on when we get authorization to start the design.

**Town Supervisor Maher:** That would be given pretty quickly.

**Herb Litts:** I think Fred and John already mentioned, if you gave us the go ahead today, we can put out a project in 6 months.

**Fred Mastroianni:** I think, before the end of the year, it should be in place.

**Town Supervisor Maher:** If we waited on the grant announcement in January, then we're looking

at it not being built until the end of 2022. You really are talking about probably a 6-8 month difference.

**Trustee Thompson:** I just would like to point something out, those panels have not been around since 2015-2016. They arrived on the scene more like 2018-2019. I've been working trying with this Hill Street Bridge since I got on this board in 2017. There were two other grant funding opportunities that were never taken advantage of. So, I'm very happy to hear that the current administration would very much like to take advantage of some grant funding. We've waited nine years on this project and it sounds like there are some very, very well thought out, solid plans in place. I personally would like to see us apply for the grant and do both sections of the bridge. It's my understanding that the section that is not closed is not in terrific condition. I think Brian is absolutely right. It's just a matter of time before that has to be replaced as well and the price only keeps going up. I would like to see the Town apply for the grant funding. We've waited nine years, so to wait a few additional months to get the bridge complete with no cost to the taxpayers per say. I think that's what I would like to consider that we do.

**Trustee Baker:** Just to follow Trustee Thompson, I agree, I think it would be very foolhardy not to apply for the grant and get the both bridges at the same time. There's not much difference between 6-8 months of waiting more for applying to the grant rather than not. I think that would be a wise direction to go.

**Trustee Sebring:** The first bridge that was replaced is the bridge on Elm Street, which is precast concrete. The second bridge that was replaced is the Highland Avenue Bridge. Which is also a pre stressed concrete panels. So, if you're saying that you want to replace the one on Elm Street, which is pre stressed concrete panels, then you would have to replace the one on Highland Avenue. My suggestion is that you could probably order pre stressed concrete panels with a higher concrete per pound. Like a 5,000 pound panel. I don't see why you should be replacing the one on Elm Street. Maybe there is work to be done, but it was never brought up. For the other presentations that you brought in there, to me, they're way out of line. I'm not an engineer, but I did work in construction for 30 years. TZ bridge panels, yes, there is a lot of work to conform them to the length that is Hill Street. My other thought was, what is wrong with a galvanized steel bailey bridge? Which is just as useful and I have seen them on Merrit Parkway in Connecticut, where that was an open floor where there's no snow buildup at all. That's why I'm bringing up these 2 ideas as the cheapest way to go. You just take off the deck, set your concrete panels on, and you put up your steel guardrails and you're done. Probably the cost is under \$500,000 dollars or even \$400,000 dollars.

**Herb Litts:** You already own the deck panels off the Tappan Zee, you paid one dollar each for them. The panels off the Tappan Zee are galvanized steel with galvanized rebar with high strength concrete deck. I had worked for the Thruway Authority, I was the head of engineering services for the thruway when we did the two contracts to redact the Tappan Zee. I retired and I became the lead engineer for the acceptance of the new bridge. Those panels are a composite panel bridges. Very similar to pre stress concrete, except they have galvanized steel and you set them on as one unit just like you would the pre stressed concrete and they have high density hb concrete deck and concrete in the decks. They were made to stand up to 175,000 cars a day. I don't think we'll get that on Hill Street.

**Trustee Sebring:** Do you know what the pound concrete they make out of these pre stressed?

**Herb Litts:** Typically, it's 5,500 psi. That's pretty much what the high density concrete on the Tappan Zee deck panels were.

**Trustee Sebring:** If you wanted to go a little bit higher, you could go to micro silico, which is

10,000 pounds. Then you never have to worry about it breaking apart.

**Herb Litts:** Believe it or not, there are sections on the towers, on the new bridge where we experimented and it's the highest strength concrete in the world and it was 16,500 psi.

**Trustee Sebring:** My position as a Trustee is that you don't replace the first span on Elm Street. You get your pre stressed concrete panels and you make it for to 5,500 psi for the second bridge, which is farther up on Hill Street. That's my opinion. I don't go along with any of the other ideas of put in the TZ deck plates down because you got a lot of work. The pre stressed, you pick a manufacturer, you bring them in on a trailer, you pick them up, you put them down, you fill in your center hole and you put up your steel guide rails and that's it.

**Herb Litts:** That's exactly what you would do with the TZ panels. You would you would bring them in, set them down, ground them into the grade beam integral decks. They already have holes in them. You just put your guide rail post and scroll them down.

**Trustee Sebring:** But what about your construction joint there? You have to raise that bridge up in order to satisfy the hundred year flood which made being a resident here for my lifetime, I've seen two 50 year floods. The one that we've had previous was worse than the one I saw earlier in life. To me, what they did on Highland Avenue is pitched the bridge up in order to get that extra foot of water underneath the bridge.

**Herb Litts:** The hydrology study will yield whatever if we need to raise the elevation of the bridge.

**Fred Mastroianni:** Just remember what the new bridge, we are not going to increase the hydraulic opening. The abutments are going to be set further back on the existing. You are going to have a wider waterway opening with the new TZ panel.

**Trustee Sebring:** Why would you put new abutments in there when you can use the existing?

**John Simkulet:** I think the existing, they've had it. I don't believe they're salvageable. I think it'd be wise to put something behind the existing ones.

**Trustee Sebring:** The other two bridges were replaced. They were on original abutments. So, if you're going to do one, you might just as well do three because you're going to be coming back in another 10 years. Like you keep saying that you're going to have to replace that bridge.

**Town Supervisor Maher:** We did talk about Highland as well. That's been part of our conversations for sure.

**Trustee Sebring:** That was the second bridge done in that span of when there were problems going back and forth between the Village and the Town.

**Fred Mastroianni:** Couple of clarifications regarding the Bridge New York program. Like John mentioned, they're going to select the bridges probably around December, January of next year. Assuming one or both bridges get selected, we probably won't be able to start any real design work, I would say, until April of next year, because it just takes some time to get a contract in place between the Town and the State and so on. Whenever you use federal funding to replace a bridge, you have to bring the entire structure up to standards. Which means it has to be a two lane bridge and it has to have all the design standards of today. We have to apply to it. You're probably looking at a 2 year design. For the program and then you're looking at probably a year of construction. So, if you take all that into consideration, it'll be 2022 start design. 2024 to complete the design. 2025 for

construction. Why it takes 2 years to design is because with federal funding, there is quite a process to get the funding. To make sure you're not screwing up the bridge or anything else. It takes 2 years designing a bridge for federal funding. It's a long process, but at the end of the day, like Brian mentioned, you're looking at 5% cost for the entire thing. Financially speaking, it's definitely worth it. The question becomes, do you want to wait that long? Because it's going to take that long to be able to finally build a bridge. It does have to meet current standards.

**Town Supervisor Maher:** The second part of that is, does the Village want that to be a two lane bridge?

**Fred Mastroianni:** If you use the Bridge New York funding, it's required to be a 2 lane bridge.

**Town Supervisor Maher:** That's something for the Village to weigh on as well.

**Mayor Taylor:** When you apply for a grant, don't you have to put a cost attached to your application?

**Fred Mastroianni:** Yes, we put the whole package together.

**Mayor Taylor:** What we keep saying is that everything's going to get more expensive. So, if you're talking about a 2 year process, don't you run into an issue when you try to bid this, that whatever you calculated when you submitted your application and did your design, your costs may be more? How do you how do you get accurate with your estimate for construction if you're presenting something that's 2 years down the line?

**John Simkulet:** We apply contingency factors for escalation of costs.

**Fred Mastroianni:** We've done so many of these similar types of projects, we have a very good handle on the cost using federal funding.

**Mayor Taylor:** I'm a woman, I think about the money.

**Trustee Sebring:** If you were to go with this grant from the State and you have to go with a 2 lane bridge, does that require sidewalk on one side or the other?

**John Simkulet:** We would look at pedestrian generators in the area and if it met criteria for generating pedestrian traffic, then it would warrant a sidewalk.

**Trustee Sebring:** With that road, you have a narrow strip of land before you see fence, which would be property owner's property on both sides. Now with a double lane road with sidewalks on each side. You would probably end up having to get into a right away from each of those owners.

**John Simkulet:** That's all part of the process of the application. There's a whole right away component and a right away cost and how many properties may be affected.

**Trustee Sebring:** Then you're going to get in the possibility of tractor trailers going over the bridges to go into those 2 stores. They stay on a state road. That's why you stay as a single lane bridge.

**Fred Mastroianni:** One option would be to post a weight limit restriction on the road. That doesn't mean they're not going to travel on the bridge. But if they do, then they can get ticketed for that because they're not supposed to be on there if it's posted.

**Manager Revella:** I just know that typically with a bridge project, you're going for federal funding, its years. They're not wrong. Not sure if the Bridge New York works the same way. Hopefully we can get through that process, if that's what we're going to do, otherwise they can go on the STIP. Not sure if you talked about that option, but it's a pretty similar situation. It does take time. It's just going to be what they propose. Those are the options for an immediate fix, but otherwise you're looking at years for a grant to come through.

**Mayor Taylor:** We have a lot to digest. I'm sure that if there's any more questions that arise that the Town engineers wouldn't mind if board members read through the material again and come up with other issues that they find, is that okay?

**Town Supervisor Maher:** Not a problem at all.

**Mayor Taylor:** We'll probably be putting this on an agenda for a meeting in the not too distant future to kind of go over what we've heard and see where the board is. I think we're going to need a little bit of time to think about what the options are.

**Town Supervisor Maher:** No problem and if you have questions, shoot me an email, I'll forward it to the engineers and if any new information comes from our end, we'll pass that along to you as well.

### **Village Manager's Report**

**Manager Revella:** We had a lot of revisions going on in our budget process. We're making some progress on the budget, met with all the department heads to review. I did have to cut back some and will have to do it one more time to try and get to a reasonable spot for the board. Did go through with special counsel on some personnel matters. Also, updates on union negotiations, the CSEA was resolved last meeting. The PBA, we're likely going to be receiving documentation soon from the union to update you on that later. Had conferences with Public Works Supervisor and the engineer regarding some capital projects. Had a wonderful meeting with the CAC, Trustee Thompson, and the Rec Coordinator regarding meadows and the project that they're looking at doing in the near future. We may be a test site in the Village. Met with the Building Inspector to discuss property maintenance and the snow citations. We've had some people ask for appeal. Also brought that up with the Rec Coordinator in the Parks Department. Reviewed the Community Center plans. We should be getting some finalized plans next week. Went over the salt allocation with the DPW Super and the State DOT Maintenance. We had some comments last meeting about the potholes as well. We went over that with State DOT to try and get them motivated to get those filled quicker. Had a conference with the auditors and the Village Treasurer to talk about the audit process going forward. Rec Coordinator is working on future upgrades for the scout cabin. They have their tennis and flag football registrations open online now. Building Department's also been working on a few Planning Board matters, the big projects are going on right now, property violations and the Code Enforcement Officer has training scheduled this month. The Clerk's been working with me, special counsel and worker's comp for matters including 207c. The Clerk also finalized the election matters, the absentee ballots and sent petitions for the upcoming election on March 16th. The Treasurer is also working on entering data for the Village budget. Was helping the Building Inspector on escrows to get those ready for audit. Worked with me and Interstate Waste on the billing from IWS. Public Works also had another water break on Pine Street, they handled that quickly. They've been doing their regular maintenance, catching up on snowstorms and ice. Doing some testing, been busy as usual and obviously helping with the budget. Police Department had a commercial vehicle check again. They've been pretty successful in doing those. Working on Police Reform and staffing.

**Deputy Mayor Ramos:** Did we get insurance information from the tractor trailer that ran over our fencing?

**Manager Revella:** Yes. And we got the pricing and sent it over to them.

### **Approval of February 16, 2021 Minutes**

Deputy Mayor Ramos made a motion to approve the February 16, 2021 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

### **Action Items**

#### **Police Reform**

**Manager Revella:** We had a great Police Reform meeting last night. Most of the Board Members were in attendance, as well as a couple of members of the community. A couple clarification questions from one member of the community. Another member of the community said that they didn't have questions because they were happy with how things were going with our department. We did review all of the policies from our February 4th meeting and the March 1st meeting, so that we can have some feedback. There were some minor tweaks here and there on some of those policies that we'll have updated. Now we're at a point where Dave does have a draft for the board that was sent out to present to the public, so they can comment on it as well.

**Attorney Donovan:** We need to have the plan adopted by April 1st. We just certify to the State that we've adopted it. It needs to be available for public comment. I ask that you all take a look at it. My goal is to get it on the website next week. Which will allow public to comment and then adoption at the March 23rd meeting. It's a living document. It's not meant to put on the shelf and never looked at again. The purpose of this whole process is ongoing and in my view had a lot of public participation, the Board Members and the Chief of Police to review all the policies and try to put together a good reform plan. Look forward to the Board's comments and public comments before the Board adopts it.

**Mayor Taylor:** Everybody please look over that document that was generated by the Attorney. Do you want people to email you with questions?

**Attorney Donovan:** I had suggested they e-mail questions to the Manager and he could direct them either to me or the Chief as he deem appropriate.

**Mayor Taylor:** Hopefully, it'll be on the agenda for the 23rd.

**Manager Revella:** Does it need a Public Hearing?

**Attorney Donovan:** The Executive Order requires it to be available for public comment. I don't read that as being a requirement for a public hearing. My suggestion is to make it available for public comment and then you would on the 23rd.

### **Pandemic Policy**

**Manager Revella:** This was introduced to the Board, we sent it out to the unions for comment. We did get comments back to them. Not sure how much we want to integrate all comments or some, but we do have to have this adopted as well pretty soon.

**Attorney Donovan:** The Police Reform was actually required by Executive Order. Pandemic Plan is required by legislation and needs to be adopted by April 1st. It's the same thing, should be an ongoing review to make sure that its current and what it needs to be to adapt, to react if we have another pandemic. My suggestion, were required to circulate to the PBA and the CSEA. We've

done that. We got more from CSEA than the PBA. But I would adopt it so we can meet the April 1st deadline and then go back and forth with the unions, because I don't want to run up against the deadline and not have everything agreed or disagreed to. This is just my suggestion to the Board, we go ahead and adopt it. We met our deadline and then we can continue to communicate with the unions. There are things that we may agree to. There's things we may not agree to. We have a couple of weeks until the next meeting, if we can just approve this and adopt, we can put that to the accomplish pile in terms of adopting the policy, but we can still work on modifications going forward. Or the Board can defer until the 23rd. Just seems to me as one less thing to worry about.

**Mayor Taylor:** Is everyone prepared to adopt it this evening, so that we can meet that deadline or do you want to push it off to the 23rd?

**Deputy Mayor Ramos:** I'm in agreement to adopt it today. I agree with Dave on that after adoption we can still continue dialog with the unions and see if we can come up with some compromise.

**Trustee Carley:** I'm ready to adopt.

**Trustee Thompson:** I'm just wondering how many issues they've had. How much back and forth are we talking about here? A few little things or some major issues?

**Manager Revella:** From the PBA, not much at all. From the CSEA, there were a couple of small ones. I don't think they were major in my eyes, but I'm not sure if Dave has a different interpretation.

**Attorney Donovan:** I'd rather do the back and forth after adoption.

**Manager Revella:** Dave said that he's more inclined to be in favor of adopting now instead of back and forth over the next few weeks and having to make revisions to something that the Board has already seen in final form for adoption. Adoption doesn't preclude any changes thereafter. I don't think it's a detriment to us is what he was saying.

**Trustee Thompson:** Then I'm in favor of adopting it as long as we can still have dialog to get it just right.

**Trustee Elliott:** I'm in favor of adopting it.

**Trustee Baker:** In favor of adopting it.

**Trustee Sebring:** Yes, I'm in favor of adopting.

**Attorney Donovan:** All kudos to Trustee Carley who worked hard on that plan.

Deputy Mayor Ramos made a motion to approve Pandemic Policy. Seconded by Trustee Sebring. All ayes. Motion carried.

### **Walden East**

**Manager Revella:** Marissa Weis is counsel for the owner of the parcel. Brian Amthor representing the owner of the parcel. They were just asking for an extension on our land use agreement, for time for water and sewer connections. The owners were asked to make sure that the taxes of the Village were paid, which they were. And that the violations noted by the Building Inspector were being addressed. We've been given information that they are being addressed, not completed, but they're being addressed. Along with the request for sewer waiver at this time, since they cannot currently

connect to the sewer system. Those are some of the criteria laid out. There are some things we still have to discuss. But in that note, they are requesting an extension of time to connect to our water and sewer based on the progress made to date. In our conference, they asked for up to 18 months with this extension, but that's up to the Board how they want to handle it.

**Marissa Weis:** That's correct. It's my understanding that because of all the outside agency approvals that are needed at the Planning Board level, which include DOT, Orange County Department of Health, as well as DEC approval and Village DPW and Building Department in addition to Village Planning Board. We're anticipating that it's going to take anywhere from a year to 18 months.

**Attorney Donovan:** Is this a discussion that you're looking for legal advice from me relative to the terms of the land use agreement or which may be appropriate for attorney client session, or are you looking for something different? I just want to be sure I'm clear.

**Mayor Taylor:** The board needs to make a decision, do we want to grant an extension? If we want to grant the extension, what length of time for the extension do we want to grant?

**Manager Revella:** Yes and then if there's any terms, conditions associated with the granting of an extension, should you so grant?

**Mayor Taylor:** We need to get some ideas from the Board Members, what they think about the request that's on the table, which is an 18 month extension due to circumstances.

**Trustee Elliott:** What was the original time frame where it was supposed to be done in?

**Mayor Taylor:** 12 months.

**Trustee Elliott:** 12 months and now we're asking for an extension for a year and a half.

**Marissa Weis:** If you look at the actual terms of the land use agreement, there was always the understanding that this was probably going to take longer than a year, which is why it was negotiated that there was 2 extension periods that could be applied for. Of course, the Village Board has to receive that request and grant it, but those standards are different for each of those two extensions and both are written in as 12 month extension. We understand that we're asking for more. I would like to preface that by saying we are okay with only a year extension. We want the board to be on the same page that we're likely going to take longer than that. So, we don't want to have to come back and waste time. We want everything on the table from those two extensions that I was talking about that are in the land use agreement. The first one is an impracticability standard. Essentially, just that this was never going to happen within 12 months. It was built into that agreement. The Planning Board approval is going to take some time. They haven't even completed SEQR at this point. Once that Planning Board approval is even granted, there will also be outside agency approvals that are needed. Based upon the timeline that I've experienced as an attorney, it's going to take quite some time to do. But all of those agencies are also held up and most of them are working remotely at this point. The second extension is also a 12 month extension. And if and when that was needed, if a 12 month extension were granted by this Board from whatever date that may be, and we still needed additional time after that, it's a due diligence standard. So, we would have to be demonstrating that we're diligently moving forward with the water and sewer connection. Based upon the submissions that are before this board as well as before the Planning Board, I think that as of right now, that's been demonstrated.

**Trustee Elliott:** Still seems to me like you're asking for 12 months first and then you're going to

ask for some more after that, correct?

**Marissa Weis:** Understood. It is built into the agreement for a 12 month extension. We just want to be open with the Board. I think communication has kind of been a problem and I think everybody agrees with that. We want to move forward from that and get everybody on the same page.

**Trustee Thompson:** I have a few issues with what was just said, you're talking about diligently, this annexation took place in January of 2020 and it would seem to me that the process should have started shortly thereafter and somebody dropped the ball and I don't believe it was the Village of Walden. Our Board was still meeting, the Planning Board was still meeting, the Zoning Board was still meeting. This project was not coming up at a regular basis at these meetings. I don't want to cast blame, but I feel like the dragging of the feet or the slowing down the process did not come from the Village of Walden. I saw the list of violations. It is a long, long list. Some of those violations have been an issue since before the annexation, but some of them were done after the annexation process. Thank you for getting the taxes paid. That was a step in the right direction, but I'm just very unhappy that things have been stagnating on the end of the people participating in the annexation of the property. I'm going to have a little bit of issue with this 18 month extension.

**Deputy Mayor Ramos:** You open the door with the land use agreement, a few of us were on that panel when we when we generated it. A lot of discussion, a lot of work went through that. During that time, I did not hear anything about, is this impractical. You continued saying that this is going to be done, we can do this and we even instituted a penalty because if you don't get it done, then that's going to continue. You mentioned the words due diligence. I know DOT was working. I know the EPA is working. I know our Village DPW is working. I know all the Planning Boards are working. I firmly believe if you want to put the onus on anybody, it's the engineer. I remember during our committee that we asked that you give us updates. You don't sit there and be silent until we get to this point. Now where we're going to pass judgment on whether or not we can give you 12 month or 6 month. I'm going to be really hard pressed about agreeing to an 18 month extension just because of this. This is a business, if you conduct business like this, you're not going to be able to make money. You're not going to be able to complete the assigned tasks. I also am going to have a hard time with the eighteen months. We're going to have to come up with some other plan on whether to get you back into the table with some escalation of project.

**Trustee Baker:** The same sentiments that Deputy Mayor Ramos expressed and also Trustee Thompson. I feel that the injury that they're suffering right now is very self-inflicted. Paperwork should have started as soon as the annexation. It's not like they didn't know what they had to do, that the lag was on their end. I don't think it's reasonable to expect the board to keep granting, especially an 18 month time frame.

**Trustee Sebring:** The Planning Board is not going to give final approval until they get all the answers back through DOT, Health Department and everybody else. I would say I'm not inclined to give them an 18 month either. I would say a year. If the Planning Board is still in a process with good reasons why, you could need another 6 months, I would go with that. But right now, 12 months extension.

**Mayor Taylor:** Stipulations that the Board makes at this point, because we have an owner of property of record right now, and that is supposed to change in short order. So, any waivers, stipulations that are made as far as the annexation and any extensions, automatically transfer to the new owner? Or is that something that they with that understanding or is that something that then has to be negotiated with a new owner?

**Attorney Donovan:** The land use agreement pertains to the annexation. My ultimate answer is, I

would like the bus company, since they're going to be taking over in the near future to be a party to the agreement. The latest agreement applies to them, but at some point in time, Mr. Amthor is going to close on that property and I think it's in the Village's best interest to have the bus company also a party to this agreement. My thought in terms are for your consideration of the extension of time is that it would be appropriate to have either Mr. Amthor or the bus company, their engineer to provide a sequence. If there was something put in writing by the engineer for the project saying these are the agency approvals that we need and is setting forth some sort of timeline, when they anticipate submission or when they anticipated the answer. It gives us, the Board, a little something more concrete to evaluate and make sure they can demonstrate that they are following the timeline, that they are proceeding in a manner and we know about what's going to happen when. I think we ought to tie the bus company in to a timeline. We can monitor their progress. And if the progress goes by the wayside, we'll know in a timely fashion. In my view, a lot of the consternation that we're facing now is that the request has come when the request came. That last 6-8 months ago, there was a reason given why they were not going to make the deadline, that that may have, this is speculation on my part, but that may have kind of sat better with the Board than to get a request when we got the request. My recommendation is that the bus company sign on, if you're inclined to grant the extension.

**Mayor Taylor:** We now know that the tenant that is currently on this property now, I'm assuming again, understands what usage is allowed on that property. That also goes with the purchase of the property so that we know how many employees are there, how many vehicles are there, how many are allowed to be here. That's all very clear to the person as a tenant. Is it also made clear to that person as an owner?

**Marissa Weis:** Yes. I am not the real estate attorney, so I can't speak to the exact conversations that were had. It's my understanding that they are fully apprised of the fact that until they receive Planning Board approvals for any changes that are happening on the property, that they need to abide by what was on the property at the date of the annexation agreement. Which was, I believe, January 7th last year. It was then approved, signed by everybody, fully executed on February 18th.

**Mayor Taylor:** John Revella, do you have any suggestions for the board as far as a timeline?

**Manager Revella:** Without getting into some comments we received from our attorney, I would just say that the Board should consider benchmarks or some kind of condition, along with any extension they may grant to the applicant so that they are meeting those conditions in a timely manner so we don't fall behind again and maybe they can go ahead of schedule instead of asking again for more time in the future.

**Mayor Taylor:** Trustee Sebring mentioned a 12 month extension. If there are Board Members that disagree with that amount of time, what amount of time would you like to see granted if we make the decision to grant the extension?

**Trustee Thompson:** I think 12 months is reasonable.

**Deputy Mayor Ramos:** Do I agree with the 12 month? No, I don't. In theory, I would like to see a 6 month extension and revisit it at the 6 month mark and possibly file for an additional 6 month extension. I think 6 months is a good cutoff point where they should have at least half of their program already instituted. Then when that comes in 6 months, the property owner, the bus company is showing us that they let a year ago by and they're working diligently to make progress. Revisit it again after 6 months and reassess on the totality of what they have done and then grant them an additional 6 months if need be.

**Trustee Elliott:** How many permits are we talking about that are needed?

**Marissa Weis:** I can't say for sure that they're all permits, but there is a permit from DOT. There are approvals needed from DEC as well as Orange County Department of Health, it is a permit and then there are the Village approvals that are needed.

**Trustee Elliott:** I would be more in agreement with John with a 6 month extension, but you've got to come back in 6 months and prove to us that at least some of these things have been taken care of. If there's no progress at all, then we don't want to keep kicking the can.

**Manager Revella:** I don't know if you want to clarify it for the board, has there been an application to DOT so far?

**Marissa Weis:** I believe they started the process. I don't think they can fully apply until they have Planning Board approval, from my understanding.

**Manager Revella:** They can apply to the DOT without a Planning Board approval. Just want to make sure we get that on board first. Then Department of Health is your second. I think that's up to your comfort level. As you can hear from some of the board members so far, there's not a comfort level unless they have some understanding that that progress has taken place.

**Trustee Carley:** I'm with the 6 months. Make sure that everything is being carried out in a diligent manner. I think communication, based on what I've heard and read, is a problem. I appreciate that, our guests, you want to comment and rectify it, but communication was a problem. Secondly, I believe that in the beginning, when they did the application and they knew that there wasn't going to make the 12 month timeline, in my book, due diligence has been said we can't make the 12 month timeline. Then come back and then start trying to apply for an extension. Then ahead of time being proactive with the Village Manager and everyone else, to me, would help their case a lot more. The other problem I have with this whole thing is the multiple violations that are being acquired over time and personally, I couldn't run a business like that and I won't ask anybody else to run a business like that and if we're entrusting good neighbors and trying to be good neighbors, it's everybody's responsibility to take care of what they supposed to do. So, not adhering to the local policies and everything that the Village has, you know, doesn't sit well with me and in my opinion, shouldn't sit well with anyone. Now we have to hold hands a little bit more. I think the Village should keep Amthor closer to the vest. 6 months come back. 6 months come back and no disrespect to the young lady, I apologize, when John brought up the DOT and DOH, and asked if that was done, you didn't know and if we allow 18 months and then you come back with another you don't know, well maybe, then we're kicking the can really down the road. 6 months and then reapply and we'll see where everything is. I believe what John said and what our attorney said, a timeline written out and then we can track it to make sure everybody is doing what they're doing and we're playing well together in the sand box.

**Trustee Sebring:** I'll go along with 6 months, see how everything is progressing, how the permits are going and then if they need, another 6 months to make it a total of a year.

**Marissa Weis:** In terms of the violations that have been brought up a couple of times. There are 2 different sets of violations that we're talking about here. There are violations with Orange County Transit. Those violations are ones that are being considered by the ZBA. The ZBA has been adjourned in contemplation of those issues, being some of them already moot because the issue has been removed. But most of those other issues, even if they are moot, have been issues that are being discussed by the Planning Board. The Planning Board is moving forward with those issues, which is why the ZBA has adjourned. The other violations that we're talking about are with regard to a walk

through that was completed, I believe, the first week of January. I was there as well as Mr. Amthor and Mr. Stickles. We went through every building on the property. Most of the violations that came up were a relatively lengthy list because there are so many different buildings on the property. They were missing fire extinguishers, that sort of stuff. All of those issues have been remedied, to my knowledge. With the exception of one, which is the fact that there are some basically immobile cars on the property right now with one of the other tenants, not the bus company. We are trying to figure out a timetable and it has been submitted to Mr. Stickles as of right now. We haven't heard back from them if that timetable is okay with him. We've proposed a certain amount of time that those cars will be removed. That's really the only outstanding issue at this point. With regard to the fact that the Board seems inclined to require some benchmarks for any future extension, whatever that length of time may be, we're not opposed to that. I believe in my original request, we did state that we would be okay with something like that. The only thing that we request is that there be set benchmarks. Part of the problem is that this land use agreement was kind of open ended. We're trying to argue things that are kind of amorphous. It would be helpful for everybody involved I think if we have set things that need to happen.

**Mayor Taylor:** I think what it comes down to for me is good faith. In good faith, we decided as a Board to annex this property into the Village, signing an agreement 12 month time period. I'm sure there's plenty of blame to go around, but that's not getting what needs to be done and that's this project to move forward. I would agree to, as the rest of the Board, a 6 month extension. I think between John Revella, Dean Stickles and Dave Donovan, we can come up with a benchmark listing of what we expect is going to happen. I would think that the lines of communication would be more open and flowing between the parties involved so that everyone's on the same page and we know what's been applied for, the time frame we think that's going to happen, if it's not going to happen, we're not getting a response, whatever the case may be, that's brought to everyone's attention. When you say good faith, you have to have faith in the people that you're dealing with and I've kind of lost faith a little bit with the new owner of the property. Kind of left a bad taste in my mouth that there was a lot of circumventing of the Village and I just feel like things were done, I'm not quite sure it was in the dark of the night, but if you understand what I mean. Things were one way, one day, and the next day they had changed without any kind of notification. I think it really is something that we have to insist upon, I think we have Board consensus that we need to have this list of benchmarks and communication remains open and if not, I think to 6 months gives the Board the ability to reassess what's been discussed and the agreement that's been come to.

**Attorney Donovan:** A 6 month extension running to the end of September or September 15th. A 6 month extension subject to a final agreement to being negotiated between the parties. I should ask Marissa, Mr. Amthor, the bus company going to buy the whole property or just the portion of the property?

**Brian Amthor:** Mr. Donovan, there are 5 total SBL numbers and the bus company is buying all 5 of them.

**Attorney Donovan:** I would want the bus company to sign on because I want them to be responsible. Mr. Amthor is going to close on that property and is not going to come to our meetings anymore. I think it's appropriate that we cover that base.

**Marissa Weis:** I don't think I have any objection to doing so.

**Mayor Taylor:** This would could be prepared by the 23rd?

**Attorney Donovan:** I would assume before then.

**Trustee Thompson:** We've talked about a lot of these things. What's happening with a penalty phase?

**Manager Revella:** There's a penalty in the agreement.

**Mayor Taylor:** We passed the agreed 12 month period earlier this month. Were there any penalties imposed on the owner of the property because of that?

**Attorney Donovan:** The agreement itself says to ask for an extension. It doesn't say that they have to pay for the extension, but it does say that there's a penalty. So, I'm going to assume that they are asking for an extension without a penalty.

**Marissa Weis:** That's correct.

**Mayor Taylor:** If I'm understanding Trustee Thompson's question, because the agreement ran out on a certain date in February, which was when this request first came in, were there any fines?

**Trustee Thompson:** And then moving forward, how are we handling that part of the agreement?

**Mayor Taylor:** If we grant an extension, then they have an extension and they're no longer in violation of the agreement.

**Manager Revella:** We can discuss the terms of that and terms of extension with Dave in attorney client. I don't know if you want to discuss that here in open meeting.

**Attorney Donovan:** That's up to the board.

**Mayor Taylor:** Does the board want to direct the attorney to come up with this agreement and have it ready for the next meeting on the 23rd?

**Trustee Carley:** We need to have a discussion about this penalty phase or not. Then write everything so that it can either be included or excluded.

**Trustee Elliott:** There was a gap between when it expired and asking for the extension now.

**Attorney Donovan:** It's my view the agreement is effective February 18th, the day the Village signed it, so the request did come in prior to that.

**Trustee Carley:** And there's no issue about penalty then?

**Manager Revella:** We can discuss that and how you want to handle that in attorney client.

**Mayor Taylor:** I believe we have a consensus of the board for Mr. Donovan to draw up that agreement.

**Manager Revella:** Correct.

### **Payment of Audited Bills**

Deputy Mayor Ramos made a motion to approve Payment of Audited Bills. Seconded by Trustee Elliott. All ayes. Motion carried.

### **Correspondence**

**Trustee Carley:** I went to the Building Department earlier this week, one of the things I did notice was that the clerk there, she had to open the window in order to receive the paperwork. I think there should be some type of cut out in there. I told her I'd bring it up because I thought you shouldn't have to open the window all the way.

**Deputy Mayor Ramos:** I received a few emails from residents in reference to sewer waiver.

**Trustee Sebring:** I got the email about the sewer waiver.

**Trustee Thompson:** I also got the two emails inquiring about the sewer waiver and I was forwarded some grant information that I passed on to John Revella today.

**Mayor Taylor:** I'm sure everyone is aware of the loss of Dominic Winum. A Police Officer who was killed in the line of duty. Walden boy. He will be returning home, I believe on Friday. But before we proceed, I'd like to ask for a moment of silence.

#### **Miscellaneous Comments from the Board of Trustees**

**Mayor Taylor:** My heart aches for the Winum family. There's such wonderful people, wonderful members of our community. Always been so supportive of the Village of Walden. Just heartbreaking.

**Manager Revella:** I know that they are bringing him back to New York on Friday. There will be a motorcade escorting him back to Millspaugh Funeral Home sometime in the evening. We'll try and keep everybody posted. There is a logistical meeting tomorrow on that. We'll try and update on that as well. We'll do what we can to make sure that he comes home to a heartfelt greeting.

#### **Executive Session – Attorney Client, Personal History of a Particular Person, PBA**

##### **Negotiations**

Deputy Mayor Ramos made a motion to enter into executive session for attorney client, personal history of particular person & PBA negotiations. Seconded by Trustee Thompson. All ayes. Motion carried.

##### **Reconvene**

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

**Village of Walden Board of Trustees  
Regular Meeting  
March 2, 2021  
Motions & Resolutions**

**Approval of February 16, 2021 Minutes**

Deputy Mayor Ramos made a motion to approve the February 16, 2021 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

**Pandemic Policy**

Deputy Mayor Ramos made a motion to approve Pandemic Policy. Seconded by Trustee Sebring. All ayes. Motion carried.

**Payment of Audited Bills**

Deputy Mayor Ramos made a motion to approve Payment of Audited Bills. Seconded by Trustee Elliott. All ayes. Motion carried.

**Executive Session – Attorney Client, Personal History of a Particular Person, PBA**

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