

Village of Walden
Board of Trustees Regular Meeting
May 18, 2021

Mayor Ramos 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:	John Ramos
Deputy Mayor	Willie Carley (late)
Trustees	Brian Sebring
	Cheryl Baker
	Lynn E. Thompson
	Patricia Maher
	John Elliott

Absent:

Also Present:

John Revella, Village Manager
Marisa Kraus, Village Clerk
Kelly A. Kelly, Village Treasurer
Dave Donovan, Village Attorney

Manager's Report

Manager Revella: Had several conferences with the Village Treasurer, Village Attorney, State Representatives, Municipal Representatives and Officials regarding tax relevies and some concerns that came through the utility moratorium on water billing. We're not allowed to relevel the water. After we finished doing all of the relevies and sending it to the County, the next day we were told from the State that we can't do that. All the Villages had to redo their relevies. That was a lot of time and attention from the Treasurer on those matters. Unexpected. Had a conference with special counsel regarding litigation issues. Had union negotiations. Mayor Ramos, Trustee Baker Trustee Thompson attended and we did complete those and are hopeful to pass the Memorandum Agreement this evening. Had an OCTC meeting, went over projects in the County. There are a couple of new ones that are coming up for trails and improvements around the County. Once those get on their agenda, I'll bring them back to the Board and discuss those in public. Had a meeting with the Building Inspector and the Montgomery IDA Rep, Connor to discuss potential uses for facilities and the soon to be made facilities in the Village to repurpose. Went over CFA projects, which is a consolidated funding application with the State and CDBG with the Village Engineer and Planner for Board review and is on the agenda for this evening. Working on the summer camp rehires. The Rec Department, tennis program is going well. Hosted the Arbor Day celebration with assistance from Public Works. The registrations are still ongoing for flag football and summer camp as well. Building Department is working on permits and reports, etc. as usual and inspections. Code Enforcement Officer passed his Level C certification. He is going for his Level D certification now. Clerk was away for a little bit for a short vacation, but did update Facebook and website, FOILs and responding to issues with Workers Comp. Finance office spent too much time doing the relevely for the State and County to get that done because of the new law that was passed. Working on bank reqs and issues for the audit that's going on. Worked on some rehab loans with Dean. Helped with the insurance renewal for the Village. Public Works still going through projects, maintenance, work orders for the year end, window repairs, flushing and jetting. Went through the sewer plant and verified repairs for some funding allocation from the State. There's a Tiger Grant coming up, plus EFC. Police have been working through staffing issues and on some detail, including commercial truck, which has been pretty successful. Court is still ongoing, having hearings, working through a

limited number of people due to court rules, not due to Village rules. The Library Capital project for the 2nd floor is on hold due to the costs. But they're still trying to move forward and we're trying to work on pricing for different parts so we can reduce costs. We received the contract for the Town funding for the Library.

Trustee Thompson: We're back to court now with the Building Department? Did we just recently go back?

Manager Revella: Yes, a month.

Trustee Thompson: You mentioned some of the things the Police Department is doing. Could you please ask Chief Herlihy, does he have a schedule in place for monitoring speeding on the streets? Or is that something residents have to notify him and he looks into it?

Manager Revella: Are you asking if there's an issue with speeding on a certain street?

Trustee Thompson: I know they were targeting certain streets and they were doing the speed surveys. Do we have to approach him or is he going around the Village or when you see a problem, do we go to him, do we come to you with that?

Manager Revella: Usually, I let him know where to focus. It's usually based on populations or complaints. They'll go out first and do a traffic study to see when the best time to sit out there is. They will sit out there during those times on random dates. But at the times that are peak.

Trustee Thompson: Could you kindly speak to him about Walnut St, please? Probably starts to get bad right past the curve, maybe just before 99.

Manager Revella: Just past Millard.

Trustee Thompson: Yes. It's just a little concerning. A lot of people walk on the street, there's several small children on that street. They have time to start speeding along.

Manager Revella: We'll check a couple spots.

Trustee Thompson: Is there any update for us on Community Center?

Manager Revella: Yes, the bids are out and are due back next month.

Trustee Thompson: I don't recall seeing anything finalized. Are we going to see everything again? I remember it was sort of tentative and we made suggestions.

Manager Revella: They took those suggestions and made the bid.

Trustee Thompson: Are we going to see anything else presented like what the final product was going to look like?

Manager Revella: It's in that bid packet that I can show you.

Trustee Thompson: Maybe. I'm curious to see what everybody's comments yielded. I just don't recall any if we saw anything else after the sketches that we commented on. Are we having more people apply for the rehabs loans or are we pretty much at the same pace, same number we've been?

Manager Revella: We have more. They're coming in pretty steady.

Trustee Thompson: I don't have a problem with that. We did some advertising about it to make residents more aware of it and I was just curious if that was effective.

Manager Revella: Since the last time we gave you a number, we received 3 more.

Mayor Ramos: The surplus items, did they go out?

Manager Revella: They are with Auctions International. They should be posted now. We usually take pictures and submit them to Auctions International and they put them up.

Approval of May 4, 2021 Minutes

Trustee Sebring made a motion to approve May 4, 2021 Minutes. Seconded by Trustee Elliott. All ayes. Motion carried.

Public Comment on Business of the Board

Brenda Adams: 31 Valley Ave. I had planned to talk to you about this MS4 project and then it was so convenient that you put it on the agenda tonight. I know it's due by June 1st, your report. I wanted to talk to you about the permit and the obligations that go with it. During the last meeting, I did my periodic pitch for more efficient street cleaning. Later in the meeting, Trustee Thompson commented that she, too, had concerns with the process used. While she was speaking a voice from the back of the room. I believe it was, Mr. Perna, said something to the effect that "scheduling is not easy." No one said it was easy, and Mr. Perna's statement just bothered me because it's not a criticism of the DPW. Those guys work really hard. The coldest of cold days, the hottest of hot days. I've always spoke to you about the waste for the Village, the labor, the fuel, the brushes on the sweeper. But there's a bigger issue. In addition to making the Village cleaner under the MSF permit, there's an obligation to protect the waterways. On the DEC website, it says storm water management program is intended to reduce pollutants to the maximum extent practicable using best management practices. They acknowledge that it's not a perfect plan that they're looking for, but they want you to do your best. Street gutters and the storm sewers are the last stop before the dirt, the garbage and everything else flows into the Tin Brook and the Wallkill River. Sweeping one side of the street and working around the parked vehicles does a halfway job of keeping pollutants out of the waterways. That means half the Village dirt, use cups, wrappers, cigarette butts, even masks that fall out of people's cars now goes into the water. Unless somebody in the neighborhood picks it up. Stupid me, I pick up and I sweep my street all the time and so do some of my neighbors. But not everybody does that in the Village. So when you walk around, you see that garbage every place and it's going down into the sewers. I asked, should the Village be ignoring a challenge because it's not easy or accepting the challenge because it's the right thing to do? As a former Trustee who voted to purchase the current sweeper for the cleanliness of the Village and to meet the obligations to DEC, as a taxpayer, advocate for better street sweeping practices before, during and after being a Trustee, I believe it's time to accept the challenge and be responsible. Please think about this and maybe going into the New Year we can do better. We can shoot for the maximum positive effect instead of taking the easiest route for cleaning. And if you do that, I won't have to sound like a broken record anymore.

Becky Pearson: 167 Walnut Street. You have on here your Introductory Law, it looks like it's 2 parts. The first part is R3 to R5. And then section 4 is the mixed use in industrial usage. I do have a couple comments or I know I won't get an answer, maybe I'll hear it in the discussion that you will be having. When you go into the mixed use, you're changing some things. I was just curious to know what the commercial public recreation use is not otherwise permitted has been revised to indoor and outdoor commercial recreation uses not otherwise permitted. What that would be? Is

there going to be something listed of what they would be? Or is it just going to be stated that that's what we're doing? Because you can state it all you want, but there's nothing to tell you what they would be. Down at the bottom, there's a truck station, has been modified to truck filling station. Again, what is the definition of the truck filling station? Maybe we need some definitions also. Then we go into solar panels as an accessory use has been added. I do not believe we have a solar panel law in the Village of Walden. I get that we want to put this in here, but maybe we need to work on the solar panel law. Is it going to be taking an empty lot and putting solar panels on it or is it on building? I have some questions on that and some concerns of what you're planning on and how you're going to make this work without having definitions and rules and what people are going to follow? In your discussion tonight, also for your CDBG application, it shows a smoke test and it's on 208 and 52 and just the major highways. It's not the Village streets. Is it on Village streets or is it on the main streets? Then what will happen to Village streets? Are we doing Village streets as well, or how far does that smoke test go? Does it go up side streets or how does it work? Maybe you can explain that to me in your discussion. The water bill situation that John was talking about. Basically, if I don't pay my water bill. You don't get paid. That's basically what happens. How are we rectifying that? That's what it sounded like. I don't know if that's really what's happening. You used to put it on the taxes if you didn't pay your water bill. Now you can't collect it because the County or State won't let you collect it. What are you doing to rectify that to be able to get your money out of people who don't want to pay? I can't wait to hear your discussions.

Mary Ellen Matise: 54 Gladstone Ave. D. Discussion - Notifications, property maintenance, like to say something about it, but what is it? There's nothing in the packet about it.

Manager Revella: That's correct. There will be a discussion about it. There's nothing in writing.

Mary Ellen Matise: This water thing, is that Covid related? That's what I'm getting on Google. He said you can't do any shutoffs.

Manager Revella: There will be a notification in all and also posted on our website. I can discuss it later if the Board wants.

Attorney Donovan: Mr. Morando is here; he is not on the agenda. Do you want to hear from him?

Mayor Ramos: He's here, he can talk.

Anthony Morando: We submitted a written update. The only thing I will update in addition to that report is we did appear before the Planning Board last night continuing to trudge along and push through towards completing SEQR so that other agencies can take action in furtherance of connecting the property to sewer and water facilities.

Trustee Thompson: I was at the Planning Board meeting. That's where my questions coming from. I was a little confused with the noise study. You guys already done your noise study. You gave the report to the Planning Board. It was my understanding that the Village would either comment on that or the Planning Board was going to have an independent noise study. I was very confused about that.

Anthony Morando: Earlier this year in January, we conducted noise testing out on the site and then performed a prepared noise study. We had a professional engineer as an expert in sound submit a report in early February. It was received and there was a discussion as to whether the Planning Board existing Engineer or sub engineer would assist in reviewing that. They were coordinating that for a number of months. Last night at the meeting, we received a few comments from the Planning Board Engineer that we're going to respond to. In fact, there was a call last night after the meeting

to get it done and already had a call today to move forward with getting a response to the questions that we got from the Planning Board.

Trustee Thompson: It seems like things are moving forward and now that seems to be a stumbling block, pulling things back.

Anthony Morando: We're working collaboratively as a group. There were some inefficiencies, I think, but I think all consultants are working hard and we're trying to get there.

Trustee Thompson: It seemed like there was a little disconnect with the communication. I was confused.

Anthony Morando: We received a handful of comments last night, which were the first comments since our February 10th report. We will respond by the June meeting with answers to those questions.

Mayor Ramos: Thank you for complying with our request, the latest date that you had for DOT was May 13th, obviously, you're making your due diligence and talking to them and DOT is being DOT. This is the month of May. June, we expect another visit from you. Obviously, we're going to talk about the issue that Trustee Thompson brought up with the noise evaluation.

Anthony Morando: Just so you know, that's already, I think, being done. It's just a question of answering some questions and making sure that we've answered what they've asked and we can address it fully.

Action Items

Introductory Local Law – Zoning Amendment – Districts & Boundaries

Attorney Donovan: The Village adopted the Comprehensive Plan some time ago, and then the decision is made to move forward to implement some of the changes recommended by the Comprehensive Plan. If you recall the Village Planner was here a couple months ago and the discussion was to move forward on 2 aspects of the Comprehensive Plan. 1 is rezoning certain parcels from R3 to R5. In the purpose and intents section of the local law that actually comes out of section 9.2.2 of the updated version of Comprehensive Plan page 76. In terms of the new business mixed-use industrial districts table of use regulations. That comes out of Comprehensive Plan section 9.2.1, page 76. Also pulled out were the extent of change. I thought they should be identified. The local law should call out what's being amended in the table of use regulations. Question was asked about whether there's definitions for all of these things. There are not. Certain things are defined and certain things are not. I believe the discussion the direction was to take the table out of the Comprehensive Plan and adopt it a table to authorize these uses and move forward. That's what's in this local law. The process that the manager asked me to explain would be this needs to be referred to your Planning Board and to the Orange County Department of Planning for review and report. You have to wait a minimum period of time to hear from the Planning Board and Orange County Department of Planning. It's at least 30 days. If you want to move forward you can schedule a public hearing but would need to be beyond 30 days from today so, can you get those reports back. Alternatively, you could wait until you got those reports back and then schedule a public hearing. Or you can direct that modifications to the local law be made first. I believe this was the direction that I understood that you wanted to take when you authorized preparation of the local law at the last meeting.

Manager Revella: Are they allowed to do SEQR first or they have to wait?

Attorney Donovan: SEQR, long form EAF for type one. We are the only viable agency so we don't

need to declare notice of intent because we're the only permitting agency for a zoning amendment. The process is long form EAF is done. You would wait to get those reports, have the public hearing and make an environmental determination.

Trustee Thompson: Can you please explain to some of the new board members what SEQR is?

Attorney Donovan: SEQR is an acronym for the State Environmental Quality Review act. It is regulations that are authorized within NYS Environment Conservation law. SEQR regulations are written by the DEC. Every action requires an environmental analysis. There are type one actions. Actions which are more likely to cause a significant environmental impact. There are type two actions which are not required to be reviewed under SEQR. There are unlisted actions, which is everything else. A zoning method of this magnitude is a type one action. One of the oddities of the regulations, a positive declaration means a negative environmental impact, requiring an impact statement. A negative declaration means no environmental impact and so no environment impact statement. You're right the stage now we just have the long form environmental assessment form. You're at the stage now where you're beginning that process. So, moving the local law, you've had Kristen O'Donnell prepare the long EAF, you've had a draft local law, it would get reviewed by the Planning Board, Orange County Planning Board and there'll be a public hearing. You can change it before you start that or you can change it before you adopt.

Manager Revella: Is there any negative impact to setting a public hearing within 30 days in anticipation of the response would be back by then and if they're not, just delay the next meeting?

Attorney Donovan: If you do not have a report back, you may not have to.

Manager Revella: I'm just anticipating the County getting back to us in time, I'm not sure. June 15 is a little bit less than 30 days, but that's our last in June.

Attorney Donovan: I was thinking in July. But that's up to the Board.

Mayor Ramos: We can send it to the Planning Board and Orange County Department of Planning and not set up a public hearing. Wait for those responses to come back. Gives us time to discuss R3, R5 benefits. When we get those responses from those 2 agencies, we can go ahead and schedule a public hearing.

Trustee Thompson: I'm fine with that. Just a few things that I think are a little confusing. On the third page, where you talk about how you're going to define certain things. Is that the right word?

Attorney Donovan: We frequently have this conversation. This is not my local law.

Trustee Thompson: I understand. Do you call them, definitions? What do I call these things on page 3?

Attorney Donovan: I was hoping to be more clear than less clear. This comes out of the Comp Plan. I do our discussion to say you've adopted the Comp Plan and these are the uses. I thought rather than just attaching the table, that it would be helpful to call out what's changed.

Trustee Thompson: It just seems a little confusing to me because, for example, the second one, the removal of D2 animal hospitals/boarding, but then elsewhere in here under business uses number 29 veterinarian. How would you have a veterinarian without keeping animals overnight? There are just some things to me that are a little contradictory.

Attorney Donovan: I made the assumption that when you adopted the Comp Plan, that this is what you wanted. I didn't write this; I took it right out of the Comp Plan.

Trustee Thompson: I was on the Comp Plan Committee and some of these things, I truly don't recall all of them. I would have to refer back to our Comp Plan, but there are a few things that I questioned. For example, the solar panels. I thought we already had language in place that we're not allowed to have freestanding solar panels in our Village.

Manager Revella: Correct. But just to help you on the 1 part, veterinarian could have uses that have to do with having boarding, but not solely boarding.

Trustee Thompson: I understand. I was just a little confused about some of that. Thank you.

Trustee Elliott: I'm fine with it.

Trustee Maher: I agree. We should wait for the responses.

Trustee Baker: I agree.

Trustee Sebring: I'm agreeable to waiting for the responses.

Deputy Mayor Carley: I agree, we should wait for the responses. Is there any urgency, any time frames or anything like that we should be aware?

Manager Revella: No, I don't think so. I just wasn't sure how the meeting dates were working out. July 6th is more than 30 days. We have 2 meetings before then, we could have stuff back, but we can always readdress it at the June 1st or June 15th meeting. There's no urgency that I am aware of.

Deputy Mayor Carley: I'm okay with waiting for responses.

Mayor Ramos: That's what we're doing.

Deputy Mayor Carley made a motion to refer to the Planning Board and Orange County Department of Planning. Seconded by Trustee Thompson. All ayes. Motion carried.

Flag Day Ceremony

Trustee Maher made a motion to approve Flag Day Ceremony at Veterans Memorial Park on Sunday, June 13th, 2021. Seconded by Trustee Baker. All Ayes. Motion carried.

Resolution 24-20-21 – Budget Transfer

Trustee Sebring made a motion to adopt Resolution 24-20-21 – Budget Transfers. Seconded by Trustee Thompson. All ayes. Motion carried.

Discussion – Notifications – Property Maintenance

Manager Revella: Dave actually looked through a couple sections in our code and there was some contradictory language that we wanted to make sure that we cleaned up to insure we're doing what the code says. We have to do some updates.

Attorney Donovan: We're talking specifically about the snow and ice removal. Have a well-established and well-oiled machine relative to that snow and ice has to be cleaned up 24 hours after snow storm. Building Department goes out, notices what's not, notes the property address, takes a picture, gets it to the Rec Department, the Rec Department goes and cleans it up. The code doesn't

really say that though. Most problematic part of the code is it talks about a certified mailing 24 hours after the event. Not quite sure what the purpose of the certified mailing is. Certainly, if you're going to send it certified mail with your green card to come back, the snow is going to melt before someone is going to out there to remediate the situation. Communication with the Mayor, with Building Department, Rec Coordinator of changing the process of what the Village actually does as opposed to this certified mailing request at \$6.75. That doesn't really do anything. The idea is to continue to do what the Building Department is doing. They go out and identify the property, take a picture, give the Rec Department the address. And after 24 hours it's cleaned. Then there's a bill submitted and then the property owner has the right to challenge that bill and it's reviewed by the management. That's the process I think that's worked. I go back to years ago, there were a lot of complaints. Deputy Mayor Carley and Manager Revella kind of came up with the process, if I recall correctly, a lot of what we do now is the changes that we're done years ago. This seems to be a holdover, which I think needs to be rectified. Purpose of this discussion tonight is to see if the Board wants to act on that, then it's the same process before. You ask me to prepare a local law, bring it back to you, you have to decide whether or not you were satisfied with it. This local law is not a zoning amendment though, so when you're ready and you think it's appropriate for me to have a public hearing. Doesn't have to go to the Planning Board.

Trustee Thompson: I think if we've already been practicing this, we should legitimize it and Mr. Donovan should do what he has to do so we can continue doing things as we have been doing.

Trustee Elliott: I agree.

Trustee Maher: I agree as well.

Trustee Baker: I agree.

Trustee Sebring: I agree.

Deputy Mayor Carley: I agree. Have there been complaints on this?

Manager Revella: Yes. There was a question about notification. We looked into notification in the code and it was contradictory. It doesn't say that you have to wait until we get the green card back on the certification before we do the shoveling, but there is a notification in there to do the certified mailing, which is a concern.

Discussion – Motorized Scooter

Manager Revella: There was a concern from some citizens and from the Board Members about how there's a lot more motorized vehicles out there, I would say bicycles, scooters, skateboards, all kinds of different modes of transportation that are electronic. Kids even go around on sidewalks, curbs and in the roadway. We just want to make sure that we're covering ourselves because there's not much discussion on it. There wasn't a big use for it until recently. There is some material in the uniform traffic law about motorized vehicles of a certain speed limit. I think it's over 20 miles an hour then they are subject to certain regulations.

Attorney Donovan: These are actually called bicycles with electric assist. In the vehicle traffic law, section 42, anyone under the age of 16 is prohibited from riding them and Police actually can issue a ticket to their parent or guardian. They're also regulated to the extent that when you put the brakes on, it's supposed to stop. That's what the State law does. Chief Herlihy was involved in this discussion. So, if you're under 16 you're not supposed to ride them. You can ticket the parent or guardian. However, the law also says that the governing body of any City, Town or Village may, by local law ordinance, further regulate time, place and manner of the operation of the bicycles with

electric assist, including limit up to a maximum speed, required use of protective head gear, wearing readily visible reflective clothing and may limit for use in specified areas. There's a little option to do more, if that's what you want to do.

Manager Revella: I would think that it makes sense for that for sidewalks, etc., obviously excluding electric wheelchairs and things of that nature. I'm not sure what the Board thinks about that. I'm not sure if anyone else has anything to add to that.

Trustee Baker: With fining the parents, would they confiscate the bikes? Would the parents have to come pay the fine and the bikes released back to the parent?

Attorney Donovan: I think it's just the fine. I have to review it. I don't think they get to confiscate it.

Mayor Ramos: It's either a second or third offense. The first offense would not result in confiscation. If it's a child, would have to contact the parent and release the property because it is their property and give the uniform traffic ticket to the parent. If it's the pleasure of the Board, we can make it a little bit stricter.

Attorney Donovan: Right now, a State law says that no person shall park a bicycle that interferes with the free passage on a sidewalk.

Trustee Thompson: How do you clarify that? Because you don't want them on the sidewalk, but you don't want them in the roadway either. How does the language for that work?

Attorney Donovan: So, what if my electric assist is not engaged?

Trustee Baker: You have 3 different classes, because class 1 & 2 is electric assist and the third class is fully motorized bicycle. You have 3 different class bikes depending on what speed they go to. We don't want them on the sidewalk. I know that I have seen personally in the Municipal Square, they are not going with the traffic pattern, riding on the sidewalks, no helmets. From what I saw, there were fully motorized bicycles. Is it possible that we only allowed them to be on roads with the white lines so they ride on the curb and not the sidewalk and not on the road?

Attorney Donovan: Perhaps. Maybe I should undertake a little research and let me be in a better position to answer questions.

Mayor Ramos: I agree.

Trustee Thompson: I agree, a little more research.

Trustee Elliott: Definitely more research.

Trustee Maher: I agree, more research and I think that we can do our due diligence to make sure that everyone in Town is educated especially the parents that they may not even know that anyone under 16 is prohibited from riding them.

Trustee Baker: Yes, to more research.

Deputy Mayor Carley: Yes, Mr. Donovan, more research.

Attorney Donovan: I'm more than happy to do that.

Mayor Ramos: Make sure, because the VTO has a number of definitions, let's define this. I mean like without a doubt, because this is an issue and we're dealing with kids. Make sure that every word is defined in the proper manner so it's not ambiguous.

Deputy Mayor Carley: When you confiscate a bicycle, it's one thing to do that but they're not arrested.

Attorney Donovan: No. It's a \$50 fine. This is not a small town in 1960 where the Chief will take the bike and call your parents. There are all sorts of rules about what can be confiscated and can't be confiscated and a lot of times I don't think the PD wants to confiscate anything. They would have to find a place to put them.

Mayor Ramos: Talk about confiscation, obviously, it has to be involved in a criminal act for it to be rendered as evidence. Just to take a bike off the street from someone that's driving without a license is not beneficial to the Village. We'll have to research that in depth to make a decision.

PBA Contract

Manager Revella: We do have a memorandum agreement between the PBA and the Village. We've agreed on terms. I'm not sure what I can say in public until it's adopted, correct?

Attorney Donovan: I think you can do it before the Board is ready to vote.

Manager Revella: From last contract to this contract there were some language changes which were mostly minor in nature. There were some terms that were changed that both parties negotiated over. I am able to say that both parties have agreed to extend the contract through 2024, which makes it a 7-year agreement. The terms of each year for those 7 years of wage were, 2%, 2%, 2%, 2%, 3%, 2%, 2%. Both parties have agreed. There was a slight change in how longevity is calculated. It was strange how years fell in and we just made it clear because the steps for the Police Department are over 5 years. The first 5 years is a step. For insurance opt-out incentive, was changed for family coverage, it was a \$4,000 buy-out and for single it was a \$2,000 buy-out. There are some equipment modifications which are agreed to by both parties. The memorandums of agreement that have taken place between the time the last contract was signed and now were incorporated as well into the contract. The committee that moved this was Mayor Ramos, Trustee Thompson, Trustee Baker and myself, and members of PBA had come to these terms. We can discuss this further in exec on the other terms, that are not really clear yet and if that's sufficient, we can vote after that.

Mayor Ramos: Are we good with that?

All: Yes.

Manager Revella: One more thing, there was a give back on retro for the first year of the contract.

MS-4

Manager Revella: We are required to advise the public that we have completed our report. It is available for public view on our website.

Trustee Thompson: Can you explain what MS4 is for some of our new members?

Manager Revella: It's to regulate ground water, run off, storm water and make sure that we're good stewards of the water in our community. All of our catch basins, they are cleaned at least once every

2 years, every single one, there are over 700. We are supposed to sweep the streets and maintain that. Any time there's construction, they have to have a certain kind of fencing and hay to make sure there's no runoff. Usually get a permit for that kind of work. They're instructed and that's enforced by the Building Inspector. He's the enforcer for MS4 in our community. It also includes the retention ponds. You see around different neighborhoods, especially newer neighborhoods, that there's a retention area. That's so that kind of dirt and silt from storm water runoff is filtered out in those retention areas before it gets to our waterways. That's really the goal, is to keep it clean as much as possible.

CDBG Application & Resolution

Manager Revella: There is a section where Mrs. Pearson was discussing, there's a map that shows the sections that we're focusing on for our cameraing. They were sections that we have concerns about, mostly downtown. That's why you see the Route 52 and 208 highlighted. Those highlighted in red are the sections that we really want to focus on to see if there's any infiltration. Smoke test those areas. If there's any concerns, they will mine those areas. The reason for this section being highlighted on the second page, that is the HUD Block Group that falls under the funding eligibility.

Mayor Ramos: Do you have a timeline?

Manager Revella: If the board is so inclined, we can apply now for CDBG funding for this project and hopefully get awarded late fall. Then we do it in 2022.

Trustee Baker made a motion to apply for the CDBG funding for sewer smoke testing and cameraing/lining for the year 2022. Seconded by Trustee Thompson. All ayes. Motion carried.

Resolution 25-20-21 – Tax Warrant/Relevy

Manager Revella: Treasurer painfully went through this process several times due to the governors late signing of the bill to exclude certain things. Everything else that outstanding to the Village, including the new tax rate.

Trustee Elliott made a motion to approve Resolution 25-20-21 Tax Warrant/Relevy. Seconded by Trustee Sebring. All ayes. Motion carried.

Manager Revella: Just for the public's information, there was a legislation passed by Governor Cuomo and signed the day after relevies were submitted, which is a huge concern for all Villages, whereby they were not allowed to relevy any water bills. Water bills were to be maintained in their own course. Anyone who has a financial hardship from Covid, would be able to request that the water not be shut off. There is no relevy at all for anyone. There's still a question about penalties on those. The bills are not waived. They're still owed.

Attorney Donovan: It says that if you enter into a deferred payment agreement, you cannot charge interest and penalties. It doesn't say in terms of releying, if there was not a deferred payment, whether you could assess the late charges and penalties. So, that's not clear. The Senate passed this legislation. This legislation, right after pandemic was that you couldn't shut the water off, among other things. This legislation that came out at the end of March said the State extending that and then also added certain things for utilities, you couldn't shut off the utilities and then it put in this relevy. But it the relevy of water, didn't say the relevy of sewer. Which was odd because most communities that have water and sewer facilities, send out a combined water and sewer bill, because the law provides that your sewer bill is a function of your water use. So, it didn't make any sense. Then NYCOM sent out a bulletin that said, maybe you shouldn't relevy because we think the Governor is going to sign. Then days went and weeks went by and NYCOM said, well, we don't

know what's going to happen, talk to your municipal attorney. I say, why are you going to leave your residence all the way back for a couple of thousand dollars? Because the law right says to relevy. So, go ahead and calculate the relevy so we can do it. After everyone had submitted their relevy to the County, the Governor then signs the bill that says that we can't relevy. Now, the timing of the relevy is such that this prohibition against shutoffs and all these other things and the relevy is good until 180 days after the State of Emergency for the pandemic ends or December 31, 2021, whichever occurs earlier. Which would seem infer that you could relevy next year. But it's unknown. It's a really unfortunate thing because, there are a number of people who just don't pay the bill and they wait for it to be put it on their tax bill.

Public Comment

Brenda Adams: Thank you for approving Flag Day and we will keep you in the loop and we hope that all the Trustees will be able to attend. Look forward to seeing you and Mayor while we're here, can I plan on you making a short speech?

Mayor Ramos: Absolutely.

Brenda Adams: John, I did send an e-mail to Mike and copied 10 chairs, no tables, no food this time and the sound system and someone to help us. Also, I've been receiving a lot of emails over the last few days, which as much as it sounds like the State has messed up a lot of things, they are going forward with in New York Main Street Grants. Has anybody thought about working on any of those?

Manager Revella: We are discussing those with Grant Writers.

Brenda Adams: Okay. Last comment is a very touchy subject, one that I feel bad about and it's leftover from the last meeting. But at the very end of the last meeting, Larry Kraus made comments that just floored me over the phenomenal raise for 1 position. Now, I know the 2 Trustees had voted against and then as I sat here, I heard the letter from the staff that they felt the need to write a letter to the Board. And Mr. Kraus stated a mentor program was needed for that position. I think we all know what a mentor is and what it suggests. I hope with every fiber in me that Mr. Kraus was incorrect or misinformed. While it's not customary to discuss an individual and how you arrive at your wages, in this case, it might be to everyone's advantage to explain. I don't mean a documentary, but something in detail with real facts, why you felt that that large raise was necessary at 1 time. Job duties, not titles, something that's really of a real comparison to other municipalities. I think it would preserve your credibility for being fair and impartial to staff. I think it would stop the embarrassment to the employee because people are talking. I don't know if you know it, but people are talking about this. And to avoid alienating the rest of the staff for the appearance that you're playing favorites. On the other hand, considering the 2 no votes and the staff willingly doing a public letter to engage you, gives weight to what Mr. Kraus said. And all I can say is if he was correct, I got nothing to say except, what were you thinking? Because this set up a bad situation for all employees. And I do feel bad for them. Thank you.

Becky Pearson: Couple of things, I didn't see a solar law, maybe somebody can send it to me. I did find that you had a moratorium in a meeting for the Board of Trustees in Law 5 of 2016, had a moratorium law that stopped your solar panels for 6 months. That's the only thing I can find in your code. I don't know, maybe somebody can share it with me.

Manager Revella: If it's not in the code, it's not allowed.

Becky Pearson: So, what is in the code for solar? I couldn't find any code on solar is what I'm saying. All I find is this law for the moratorium on solar panels in the ground. Unless maybe 1 of

you can find it and share it. I sit here and I know the attorney keeps telling you, thank God you have Dave because he does all the work that you people should be doing. Your job as a Trustee is to research different community laws, figure out what you want to put in the law, how you want to word it, what you want to this Village to be. It's not Dave's responsibility. He keeps telling you that it's not his law. Your job, what you get paid to sit here to do is to figure out what you want to put in a law. It takes a lot of research. You can research other communities. You research other Towns and Villages. What they do for the law. You can reach out NYCOM. That's your job. That's what you do. I get very frustrated because I sit here and I look at Dave and I go, so now what you're going to do is, just now on the snow and ice law, there's been no discussion on what you want in the law. Dave is going to write you a law, then you're going to have the discussion afterwards. Where why don't you discuss it first, what you want, pay him once to write the law and then you would have what you want in the law, instead of him writing it to what he thinks should be in the law. It's your law is what you're here for. I'm not trying to say anybody is better than anybody else, but that's what you get paid to do, is to do that research. I keep hearing research. Yes, we want to hear more research. Why is Dave doing your research? You talk also about the vehicle and traffic, about the bikes and you should be researching other communities that have laws on their books and how you want it to be. You don't want children to be affected. You don't want you don't want people on the sidewalks. What do you want? Why is that Dave's job to figure out what you all want? It's your job. That's what you get paid to do. It's very frustrating sitting out here and Dave is doing all the talking for what you should be talking. Those discussions should be happening here. You should be opening up a discussion, let's make a motion and again when you make a motion. There's no discussion in the motion. Let's make the motion to blah, blah, blah, make a vote, make a second, and you vote. After you make the second motion there should be discussion. There is no discussion after a second motion here, you just vote. For me, for open government it sounds like it's all done behind the scenes because there's no discussion in this public forum. Your job is to do that research. You get paid X amount of dollars a year from us taxpayers to do that. It's frustrating, I'm sorry. I just had to vent because it's been weeks on end that this has been happening. Your job is to do that research, talk about it between yourselves in an open forum just like this. What do you want? No, I don't want bikes. I want bikes. We need electric. We want the little kids cars. That's a start. But you have to put it all together and tell Dave this is what we want to put in our law. I hope you take heed. I know no one listens to me anyway, but thank you for listening. I appreciate your time.

Payment of Audited Bills

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

Correspondence

Trustee Thompson: Just an email from Brenda Adams about Flag Day and an e-mail from Bill Kiernan about Memorial Day.

Mayor Ramos: Received the correspondence from Kiernan, Memorial Day and Flag Day.

Miscellaneous Comments from the Board of Trustees

Trustee Thompson: I would like to make a comment. I thought we just agreed that we were all going to do a little research about the motorized bicycle, scooters, skateboards. Mr. Donovan was also going to do some research and once we all have our research completed, we will have a more in-depth discussion. It's a little hard to have a discussion when you're just finding out about a new issue and you really haven't had time to give it your due diligence, which I'm assuming we're all going to do. I would just like to share with everyone, we had our CAC event. It was the Town of Montgomery. Walden hosted the event at Wooster's Grove. I thought it was pretty well advertised. The turnout was okay. The people that came seemed very happy with the event. They learned a few things about gardening. They would like to expand upon their gardening experiences. If the

container gardening works out well and we'd like to do it again in the near future. I encourage everybody to come on down. It was a lot of fun. Just so people know what I've been doing, I attended 2 days of webinars on affordable housing. Which was very, very interesting. I know it's a hot topic in our County, in the Town of Montgomery and in our Village. I encourage all of you on the Board to do a little research because there's a lot of information out there and it really is a big issue in our community. There was a presentation at the Planning Board last night about some single-family dwellings that fall under this affordable housing program. It was very interesting. Today was a webinar on Climate Smart. That was also very interesting, very informative. The Town Supervisor is meeting with John Revella and myself on Thursday because we've been trying to collaborate with the Town Montgomery and work as a task force to each be able to move forward with our Climate Smart Initiatives. When we have more information about what direction we're going in, I'm very happy to share that with the rest of the Board and the community. We're trying to involve a Library. Ginny is very interested in perhaps our Library in participating and encouraging the educational component of the Climate Smart to community. Marisa, thank you for agreeing to keep us up to date with the event calendar. What everybody needs to understand is she needs to hear from us and from people in the community so she can prepare the event list properly. I had a request from the Building Department, which Mr. Carley also spoke on a few meetings prior. They've asked again if they can have a different window that people come up to and where they talk to the community and accept the payments. Especially now that the restrictions are being lifted. You really aren't going to know who's been vaccinated, who hasn't been vaccinated, who's had Covid. The secretary has some, I think, legitimate concerns because she constantly has to open that window. She would like a window very similar to what the third-floor office has. She has asked and I know Willie has brought it up at a previous meeting, but nothing has come of that. I don't know if everyone knows, but I had seen an article online about I think it was the Poughkeepsie Police Department rescued some ducks out of the storm drain. Well, our DPW rescued 7 little ducks out of the storm drain here about 2 weeks ago. So, we have our own animal heroes in our Village and they found 10 altogether. Happy ending to that story.

Trustee Maher: This is not a Village event, but I did initiate a walk to raise awareness for lupus. That'll be happening this Friday. A group of family and friends and anyone that would like to join us, we'll be meeting at Wooster's Grove starting at 5:30 and we'll be walking the Rail Trail. Since our last meeting, I also join the Town of Montgomery Opioid Task Force. Our first meeting on that will be June 5th. Looking to make some connections there. I also joined the Pathways and Placemaking Committees for Orange County. I'm trying to learn as much as I can in those aspects as well.

Trustee Sebring: I went to the Town of Montgomery meeting. It's been about a month on the water and sewer work session. They're trying to leverage an existing intermunicipal agreement of the west area of 17K and Hamptonburg Road. The Town Park area because it has an aging system. East side of the Town Park towards the Town of Newburgh, Coldenham and Amazon aqueduct area. There was about 2600 linear feet of sewer lines that have to be replaced. They have 1 well at Lakeview Park. It's a 60-year-old treatment plant there. It has a 35-year-old fire hydrant system and they want to replace roughly 5700 linear feet of water line for that. The consolidated connecting Lakeview Park and Hindman Heights, the sewer district, was established in 1976. Sewer district 1 was conveyed to Maybrook originally. The sewer district 2, which is in Morrison Heights, Berea School area and Bracken Rd, again, another aging system with tanks connected to sewer 1. There are 4 pump stations operated by the Town. 1 at the truck stops and that line has 3600 feet that goes to the wastewater treatment plant on 416. The wastewater treatment plant by Neelytown Rd has a capacity of 147,000 gallons per day. They want to update 17K and Fordorko Ln to a gravity. They want to update Bracken Rd, Fodorko Ln and Lakeview Dr. Upgrade Neelytown Rd to accommodate future growth of construction, a new pump station, large sewer lines. Estimated costs is roughly \$14.2 million. To replace the maximum existing system sent to Maybrook sewer, they are working with

an agreement to have them take some of the sewer from truck stops in that area to send to Maybrook because they've upgraded their system to handle a lot more of roughly 60,000 gallons per day. There's a lot of work that's going to happen for the Town of Montgomery with the water and sewer. They don't really need that water from that development that was proposed 10 or 15 years ago, because they have enough water now between the Bruderhof and what the Town has. They're thinking about working different angles.

Deputy Mayor Carley: Just a couple of things based on the comments. I believe we should have that conversation about the raise so that everyone's really clear on decisions weren't made based off of friendships or maybe it was. We do discuss and I believe that to say it's fair, we have to figure out what we're going to discuss before we research so that when we come back with submitted information. I would like to personally say, John, thank you for being open with everything we have to communicate about. We can go forward with the best we can. I just want to make that very clear that we're not just sitting up here yessing John to death. I do acknowledge that both of the comments I just want to make that very clear. I do hear you and I believe my team here on the Board, before and now, demonstrates that I don't just say yes, but we do have those conversations.

Mayor Ramos: First, I have to applaud this current Board right now. There isn't a given day that we're not dialoging any issues here in the Village. This is probably, and I can be biased if I want to, this is probably the hardest working Board that I've been on in the year 2020-2021. We've gone through Covid. Really difficult time frame. We're constantly talking to each other by e-mails or some ideas that we're running through to make this Village better. We're constantly talking all John Revella, who at 1 in the morning has always answered the call. Our main focus right now is to get businesses in the Village. We currently have 3 projects going on at this moment, and one of them is our caretaker here for our livestream. Billy Ibberson, thank you for the confidence that you have in this Village and opening a business here. We have Empanada Nirvana coming up. I believe we're going to have another Tattoo Parlor in front of the Post Office. People are seeing this Village as an optimal place to come to and do business. We erected a baseball here. It's a Rotary initiative. Thank you, Trustee Thompson, Trustee Baker and Village Manager for attending an international peace effort which got us on the map. This is beyond what we can imagine here in the Village of Walden. The kids enjoyed it. The staff enjoyed it. It is time for us to get our heart beat back on track. Our parade is coming on the 31st. Flag Day. We need to get back to the swing things. I want to thank everyone on the Board for their diligence and thank our attorneys for their constant counsel. We are working.

Executive Session - PBA Negotiations, Personal History of a Particular Employee

Trustee Sebring made a motion to enter into Executive Session to discuss PBA Negotiations, as well as the employment history of the person, attorney client for litigation. Seconded by Trustee Elliott. All ayes. Motion carried.

Reconvene

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

Subordination Agreement

Trustee Sebring made a motion to approve the subordination of the Village Rehab Loan for 103 Maple Street and authorize the Village Manager to sign related documentation. Seconded by Trustee Elliot. All Ayes. Motion carried.

**Village of Walden Board of Trustees
Regular Meeting
May 18, 2021
Motions & Resolutions**

Approval of May 4, 2021 Minutes

Trustee Sebring made a motion to approve May 4, 2021 Minutes. Seconded by Trustee Elliott. All ayes. Motion carried.

Introductory Local Law – Zoning Amendment – Districts & Boundaries

Deputy Mayor Carley made a motion to refer to the Planning Board and Orange County Department of Planning. Seconded by Trustee Thompson. All ayes. Motion carried.

Flag Day Ceremony

Trustee Maher made a motion to approve Flag Day Ceremony at Veterans Memorial Park on Sunday, June 13th, 2021. Seconded by Trustee Baker. All Ayes. Motion carried.

Resolution 24-20-21 – Budget Transfer

Trustee Sebring made a motion to adopt Resolution 24-20-21 – Budget Transfers. Seconded by Trustee Thompson. All ayes. Motion carried.

CDBG Application & Resolution

Trustee Baker made a motion to apply for the smoke testing, cameraing and lining of sewer mains through CDBG for the year 2022. Seconded by Trustee Thompson. All ayes. Motion carried.

Resolution 25-20-21 – Tax Warrant/Relevy

Trustee Elliott made a motion to approve Resolution 25-20-21 Tax Warrant/Relevy. Seconded by Trustee Sebring. All ayes. Motion carried.

Payment of Audited Bills

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

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