

**Village of Walden
Board of Trustees Regular Meeting
July 20, 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
Trustees	Brian Sebring
	Lynn E. Thompson
	Patricia Maher

Absent:

John Elliott
Cheryl Baker

Also Present:

John Revella, Village Manager
Marisa Kraus, Village Clerk
Dave Donovan, Village Attorney

Presentation – Ride for Kids

Don Burger asked to be able to have this event. Granted. Always say, knock down that wall. Going to each Village. Mr and Mrs Negron explained the program. They will bike in and around of community, then lunch for children. Hopefully have this event every year after.

Presentation – Orange County Transit

Anthony Morando: I submitted a letter last week to the Board documenting the progress we've made. With the Planning Board, we were able to complete SEQR. We received the negative declaration on June 21st. The Board also scheduled a public hearing which was held last night. We did a presentation, received a couple of comments. The Board decided to close the hearing and we're now responding to 1 or 2 comments as soon as possible. We plan to be on the August meeting. After we got the SEQR and neg dec, we reached out to the County DOH and submitted a standard County form to certify that SEQR was complete, along with other referrals. The project engineers for Orange County Transit submitted that to the County. They acknowledged the receipt of that. We haven't received any other comments from the County DH on that. The DPW was out on the property recently for a site visit, looking at waterlines and taking a look at the site. The DOT, we've still not received a response. We did follow up again, but we're going to pursue it again after last night's hearing and after this meeting. The engineers probably plan on reaching out in the next week or so to push on them. I know the Planning Board was interested to see if we can get anything as well. It's been since December, so we'll keep pushing. That's the agency updates at this point. In addition to the update, I did submit that request for an additional extension of time pursuant to the existing land use and annexation agreement. It's what we discussed last month. I'm open to discussing that tonight and seeing how the Board falls on that. We asked for 12 months. Previously, it was a 6 month grant that expires in August. So, we'd be asking from August 18th this year to next year. I know it seems like a long time, but as you can see, we've been incredibly aggressive with pursuing our application. It just takes time. We hope to get the Planning Board process done in the next couple of months. Again, we still have to hear from the DOT with respect to the highway work permit. We still have to finalize things with the other agencies and then there's the winter time. Plus, there's a construction process that needs to get implemented. I was also talking to the engineers yesterday about just material availability, contractor availability, all that stuff. Once we get the approvals in place, we have to line up that to have a plan to bid out and get that done. There's a

number of things that need to happen. I'm happy to continue to come here and giving you updates on what we're doing and if there's any issues that come up. I'm a face to talk to or have Orange County Transit come.

Mayor Ramos: What I do need is your specific last DOT correspondence date.

Anthony Morando: It was approximately the 13th.

Mayor Ramos: I don't want approximately. What date you had communication with DOT.

Anthony Morando: No problem. We plan on following up again. I can follow up and send John an email with a date.

Trustee Thompson: You're mostly pursuing with the DOT? What's going on with the other agencies?

Anthony Morando: We're pursuing all of them. The Department of Health, we received the comment memo back in April. We responded to that a few weeks later. They had nothing at the time to give us. We got through SEQR. And as soon as we got through SEQR June 21st, we then submitted a form that they asked for to confirm SEQR is complete. The engineer submitted that to the Department of Health. We addressed the comments, so we haven't gotten like a sign off or a permit or anything. But I would say that's an active engagement with the DOH. They've been generally responsive.

Trustee Thompson: Your biggest issue is the DOT?

Anthony Morando: The delay or unknown would be the best term to use. If we get a response and everything's okay and there's nothing major, then maybe it's no big deal, but we just don't know.

Trustee Thompson: Do you think you're going to need the full extension or what is your targeted completion?

Anthony Morando: I think if everything goes well, we'll need the full extension. Even if Planning Board approval is done in the next couple of months, you're going to have conditions which are closing out these permits with these agencies, which just by virtue of process, takes time. Weeks, months to get done. Then you're in the middle of the wintertime. So, you're not constructing that. Then let's say we start in the spring and there's no problems. Just keep in mind, it's a school bus company. So, with school schedules and everything, there's going to be a coordination process. If everything went absolutely perfect, I think, after talking to the engineers this week, that 12 months is reasonable. But there's so many variables that I would not say that it's a guarantee that we'd be done. Our target date is sooner than that. It won't be 6 months.

Trustee Maher: I got your letter from last week so I thought was great communication on updating us and all the agencies and committees and where everything stood. I would be in favor of the extension as long as adding on the sidebar that the monthly communication updates continue.

Trustee Sebring: I received your communications also and I'm in favor of 12 months, as long as you keep coming back every month and send in your reports. As you have been doing to keep us up to date.

Anthony Morando: I like coming here because in case something does come up I can tell you right away.

Deputy Mayor Carley: I appreciate that the updates that you're giving and the correspondence of going back and forth. I do appreciate if you send those emails back and forth to the agencies, just cc John Revella the Village Manager or John Ramos, the Mayor. That would solidify any questions if you did it or not. I am in favor also.

Mayor Ramos: I have to reiterate everything that everybody has said. You have done more than what was asked of you. You've kept us in the loop, which we wanted the 1st time around. I realized communications between 2 owners is kind of a little hard. I greatly appreciate your perseverance in this. Like everybody said, we do request you come to us. I'm also in favor of your 12 month extension. You have done more than what you were required to do. We can't figure out what DOT is going to do. We call them every week for something and they put us on the back burners. I greatly appreciate it.

Trustee Sebring made a motion to extend the time for completion of the water and sewer connections pursuant to the Land Use Agreement to August 18, 2022. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Manager's Report

Manager Revella: We've been working on the PBA retro with Village Treasurer. Talked to Chief about some special details. Went over some Climate Smart items with Trustee Thompson. Went through summer camp protocols with Rec Coordinator and the camp director. Went over DPW projects with the Superintendent. Went over IDA matters with the Mayor and the Montgomery IDA regarding a project in the Village. They have a public hearing scheduled for next month. Went over the Community Center, the roads and other bids that are coming up for this year with the Village Engineer. Went over County and State projects that OCTC, including the repaving of Rte. 52 and 208 in the Village of Walden. Got authorized and funded for federal fiscal year 2022. Went over some rehab loans with the Building Inspector and the Treasurer and the Attorney. Make sure we were on board to get those lined up with the mortgages. Went over some zoning issues with the Building Inspector and the Mayor. Went over and met with the Big Apple Circus regarding their future plans in the Village of Walden. Went over with the Mayor, Trustee Thompson and some of the office staff regarding the office layout. The summer camp and flag football are going well. We are waiting for DEC approval still for the waterfront park. Harvest Fest is being planned now. Building Department has been working on COs, permits, lawn maintenance and rehab loans. Clerk's been updating Facebook, website, FOILs, Minutes. Treasurer's been working on audits, reconciliation's, vouchers, helping out with the Climate Smart energy audit, reviewing the ban bids and receivables. Public Work's been working on vehicles, equipment, flushing and jetting sewers, catch basins. Police Department has been working on their accreditation with Lexipol, special details including commercial traffic, has been going well. Justice Court is on a regular schedule. Library is back to a regular schedule. The Attorney has been working on some code revisions and rehab things for us. I just want to say I appreciate everything that the Treasurer has done for me and the Village. Hopefully, we get some good candidates. It's going to be really hard to fill her shoes going forward.

Mayor Ramos read community events into minutes.

Approval of July 6, 2021 Minutes

Deputy Mayor Carley made a motion to approve the July 6, 2021 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Public Comment on Business of the Board

Becky Pearson: 167 Walnut St. The discussion for Orange County Transit, was that what you just

voted on?

Manager Revella: Yes.

Becky Pearson: So, there was really no discussion on that. Everybody was happy?

Mayor Ramos: Yes.

Becky Pearson: I didn't hear any other discussion. I wondered why there was no discussion on that. Also, 150 East Main St, was kind of discussed after the last meeting and I don't know why it's not in the minutes of what you were discussing, so that's another problem for me. Community Center Bid/Bond, many people have concerns. People come to me and I tell them they have got to come to the Board because I'm just 1 person they never even listen to. They're concerned about spending X amount of dollars on a building that we have other buildings that need major repairs. This one. You have a sewer plant that needs work. You have the scout cabin that's being worked on. You have many things in this Village. That's not just me saying this. Many people in this Village have the same sentiment. I don't know where you're going to go with this. I just also read in the minutes that there was a \$300,000 bond voted on for the Community Center at the end of the last meeting as well. If you're going to go for the \$970,000, you have \$300,000, how much was the grant for? \$300. So that leaves \$600. Where is the other \$370,000 coming from? I asked that at last meeting and I haven't gotten an answer from anybody.

Manager Revella: The grant is \$370. We already have a bond for \$300,000. It was approved during the budget.

Becky Pearson: You have a bond for \$300,000, you're going to re-bond another bond for \$300,000. So, 600,000 in bonds.

Manager Revella: That's proposed.

Becky Pearson: I get everybody wants it and I know people dedicated it already. I get it. I get that this building needs work. There are major issues in this Village that need help and we're spending money on something that do we really need? When I was Mayor, we found the firehouse for the seniors. They are very happy there. They were going there for years until Covid. I don't know what they're doing now, but the fire department was very gracious and let them use that. I don't know if we paid very much funding for that senior project, but it was free at the beginning. I don't know what you paid at the end, but I think that there's ways around what we need to look at. Cell phone policy. How do you regulate the cell phones? I like the policy. How are you going to regulate personal use versus Village use? Who does that and how is that going to get done?

Manager Revella: Just for the public, there is an E which is SEQR for the Consolidated Funding Application for the sewer treatment plant.

Mary Ellen Matise: 54 Gladstone. 150 East Main Street. This became an issue at the last Zoning Board meeting. I guess the toss up is, do we talk about changing the zoning to match the business commercial zone across the street? That might include the doctor's office also, but the doctor's office has a variance to exist as an office. If we change the zoning, then it opens it up to many, many uses that I think the residents there are objecting to. I think even though there's a limited amount of parking on the parcel itself. I think the parking or the cars coming in and out is the objection that the close by residents have to that building. If it's an office, even sometimes you see the doctor's office has 10 cars lined up outside, but that's only for a certain period of time. People have appointments and then the next day is closed. So, if it's an office use, then the coming and

going is a lot less. Traffic is a lot less. I know I inquired of the Village and of Dean about part of the traffic issue is the people coming out of the Walden Estates. Tin Brook apartments don't have a direct access to 52 right across from their road. They either have to go east or west. Once they go to the west, then they're impacting this site at 150. Any cars that are parked there become an issue for all of that traffic. The answer I got was that when they put in the Tin Brook apartments, they had inquired of DOT about having a direct access to 52 straight across and they were denied. Would they be denied again if we asked? If we change the zoning, then there are many, many types of uses that create traffic. If we just go with a variance, then we can restrict it and we can also put conditions. We've got both balls up in the air and we'll see what you discuss tonight. I think the Zoning Board has first felt one way and maybe now we're back to feeling the original way. We'll have to go with whatever you do. This is interesting that the 2 bids are so far apart. It just seems pretty strange. \$970,000 as opposed to 2.7 million. Doesn't make any sense. Were they both looking at the same plan? Are we settling for less? Are we in fact maybe paying for more than we need?

Action Items

Discussion – 150 East Main

Manager Revella: As was discussed briefly after the last meeting, there was an issue that's in front of the Zoning Board currently that they're debating. A current application for a use at 150 East Main that is not permitted. It was a use that was there that lost its use because it was abandoned more than a year. Now they're trying to get the use again for what's currently proposed there. We talked about potential uses that could be incorporated into the current zone. That would not be a high impact to the area and would conform to those buildings in that zone throughout the Village. Not sure what the best route is and the Zoning Board still debating it. David talked about potential uses and how that would impact the zone if we were to make those changes.

Attorney Donovan: Basically the options are, there's a use variance, which is the criteria in New York. It's a difficult burden to sustain to get a use variance. The other alternatives are some type of zoning amendment. You could have a map change with this particular property incorporated into another zone, which would allow the proposed use. Have to take a close look at the map and make sure it's compatible with the adjoining uses and you're not doing what is called spot zoning. The other alternative is to change the permitted uses in the zone to include the use that's proposed by this particular property. But when you do that, you then have to evaluate what impact it would have zone wide by allowing this use in that particular zoning district. The alternative is to try to address the situation.

Trustee Thompson: I understand that once a building is vacant, it reverts back to a different use. This building, as I remember, was for years and years, a business. All of the comments about traffic and things, how was that dealt with when this was a business? Obviously, when it was a business, the flow of traffic was different than what it is now with the building having no one in it. So, why was it not an issue back then with traffic? Because of the zone back then?

Manager Revella: Because it was built as a business. There was never a debate about it because it always was a business.

Trustee Thompson: So, there always was traffic there with residences very nearby. That was never a problem then?

Manager Revella: I don't recall any complaints about it previously. Not for the type of business that was there. Prior to this was a dry cleaner. Prior to that was a plant nursery.

Trustee Thompson: That just makes me wonder about the complaints about all the traffic. I think a lot of the traffic is from the businesses on the other side of the road.

Trustee Maher: From my understanding, this would be an appointment only type of business. I'm not sure if that was their initial or if that's how they're going to be going forward. That would definitely decrease the amount of traffic as well. I'd be in favor of an amendment to the permitted use of the zone.

Trustee Sebring: I've watched that place there for many, many years and with all the businesses that have been in there, I have not seen where they had a lot of traffic going in and out of those side streets there. Even with the 1 that wants to be there now, I don't foresee a huge volume of cars going there. I know in the beginning when a store is new, there is a lot of people looking to see what they have in there. I get that. As far as problems with the traffic going up and down that side street, I don't see it. In fact, even with Tin Brook, you don't see a lot of traffic. It's only at different times of the day people come and go. I would be in favor of a permitted use for that place. It's not going to effect too much. It's a building that is there and the people that own it are deserving of an income from that building.

Deputy Mayor Carley: I just need some clarification on the difference between a variance and permitted use. I understand what a variance is.

Attorney Donovan: It's 2 different things. If you made it a permitted use, you would define whatever the retail, I don't know if it's appointment only, you would define that use and you would add it to the list of permitted uses in that zone. A use variance has 4 criteria that are set out by State law. The first 1 is perhaps the most difficult one, this is for the owner to have to prove, that they can't realize a reasonable economic return for any other permitted use in that zone except for the use for which they're asking for variance. They also have to prove that it's not a self-created hardship. Which as an area variance is just 1 fact to be considered. As a use variance, if the owner bought the property knowing or should have known that it was not a permitted use, they're out of luck. That's another strike against them. Then there are 2 other factors. But those are the 2 things that could really hang you up. With a use variance you have to prove all 4. Whereas an area variance is just a balancing test for 5 different factors. Use variance is a difficult standard. If you overcome that standard, you become a permitted use. That follows the property, not the owner. It follows the property as a permitted use after that. But it's a difficult standard. Which is why oftentimes the Zoning Board may have said go to the Village Board and the Village Board could consider a zone change. There are ramifications to a zone change. But it's a discretionary approval by the Village Board. It's an easier get to get a zoning map amendment than it is to get a use variance.

Deputy Mayor Carley: The traffic, is it just based on the neighbors right next door to it? Or were there some issues or some problems over the years?

Manager Revella: There was a concern because the prior requested use was a convenience store. Which had come and go traffic and a lot more volume. That's what the concern was last time. I didn't hear a complaint about traffic for this request. It was for the last request for the same property.

Becky Pearson: The land owner has not proven her hardship and she bought it knowing what it was in a residential neighborhood. It reverted back to residence. She really knew what it was and the last time she came before she brought no financials or anything. You have to show us real money. A budget of what they've spent, why they spent it. It's a very hard thing to get to change. We know that it's not probably going to be single family, but we looked at the doctor's office, the dentist who went to a single family home. So, it is possible. His zone is single family. Dean found for me when it changed in the other doctor's office, right next door and that was under a little different circumstances. It's different than what it is now, even again. The people who are wanting

to rent it, we can't even do anything for them. It's the homeowner that we have to do for, and she doesn't want to come in and do what's necessary to make that change. A variance like that may be better than doing a zone change just because once you change the zone, it's in every residential R4 neighborhood. If you live in R4, you're going to get maybe something next to you. Somebody buys a house and they're going to have something and want to put this business that you're going to allow next to your house. It's not just for this 1 little piece. It's a very difficult decision. It's a lot of conversation. It's a lot of lawyer talk that needs to happen. It's hard because we can't necessarily grant unless she comes before the next meeting, which supposedly is sending someone. Maybe we'll have something at the next meeting. I don't know. But it's very difficult because once you change that zone and whatever zone that it's in, it can go right next to somebody else's house in that same zone. Unless what you were talking about is just singling this 1 piece of unit out, I don't know if you want to call it spot zoning. We don't have to say that. It may not be because the building next door is an office. If you can maybe link part of that to the office building next door and across the street, which is all business and commercial, you might be able to get something. A light office might be good. antique store might be good if you're going to change. Something that's low grade, not a lot of traffic, not a lot of noise, certain hours.

Deputy Mayor Carley: Is this something that somebody should sit with the Zoning Board and just kind of get a full view of everything?

Trustee Thompson: I go to all the Zoning Board meetings. I have to agree with what Becky said. This is a little complex. I've been to several of the meetings where the property owner does not comply with the request that the Zoning Board puts before her. Brian knows if you do go to Zoning Board, it's really tough to meet the criteria. It's very, very difficult. I usually feel for the Zoning Board because you can tell lots of times, they want to make a different choice than what the law forces them to make. It really does get complicated. Sometimes it's heartbreaking. But you have to follow the law. As she says, once you start trying to change the zones, it gets very, very complicated. This particular project is really difficult because we want to encourage businesses to come to our community, but you have to take this all into consideration, too. What if this particular business doesn't work out there and they leave. What comes next?

Becky Pearson: The owner is responsible for everything. We were upset because the renters painted it, beautiful work on the inside and the owner of the building basically knew from February, was told the same thing. She knew what she needed to bring to us. It is stressful but it is the law.

Mayor Ramos: It's still on the Zoning Board table. Obviously, you've heard our feelings about it and whatever we can do to facilitate assisting you. The Deputy wants some more information on this. It is difficult. I'm pretty sure the Zoning Board will do their due diligence and examining the law and what they have to do. I greatly appreciate your time and consideration on this.

Trustee Thompson: I've asked many, many times if a few times a year the 3 boards can convene together. This is 1 of the reasons why. So we can all understand what's going on in our community. Understand what the law is for the other boards. They all have certain criteria they have to follow just like we do. I think it might be beneficial that on occasion all 3 boards convene, so we can discuss how the decision that 1 board makes can impact a lot of things that go on in our Village. Then we would have a better understanding, too, of how the other boards work. We did it, I think, once last year or the year before. Mayor Rumbold got everybody together and we did have pretty good attendance of everyone from all 3 boards. I found it to be helpful.

Mayor Ramos: I'll take it personally upon myself to reach out to the Chair of the Planning Board and the Zoning Board and see if we can come up with a good date in the very near future.

Attorney Donovan: I think it's a great idea. But you just want to be careful that you don't interfere in the deliberations of another Board. You want to know what's going on so you have appreciation of what's going on in your community. But understand the Planning Board, Zoning Board and Village Board have different jobs. You want to know what's going so you're better versed, especially if you get an application for a zone change. You may decide to do a zone change because you can do it on your own, too.

Deputy Mayor Carley: Not to influence somebody to make a change, but to understand the gravity of what's going on in that particular project.

Community Center Bid/Bond

Manager Revella: We've reviewed the bids with the engineer and the attorney. They are okay with the Board awarding the bid to the lowest bidder, LP Builders for parts 2, 3, 4 and 5 of the bid.

Attorney Donovan: Based on a conversation I had with the Engineer Queenan. Item number 1 is site work, which the feeling is that could be done in-house. That would reduce the bid by \$65,000. Should you choose to act, you're not required to. You can reject all bids and bid again. You could reject all bids and go home and do nothing or the bid to be awarded, if you choose to do that, would be for \$905,000.

Trustee Thompson: I'm told that the cost of materials is beginning to decrease slightly. Would that have any impact on the bid?

Attorney Donovan: There are certain things you can do once a bid comes in and certain things that you can't do. We are very comfortable. We can switch the site work to in-house. Other items, I don't know if we would be as comfortable with doing. It is a legitimate issue, though, if you want to reject all bids and see if prices may come down. I hear different, I have private builder clients, some say it's coming down, some say it's going up.

Trustee Maher: In our last discussion, we talked about possibly going back to Bid A and asking for a little renegotiation. Was there any discussion with that other than the \$65,000?

Manager Revella: The only thing that I'm the only thing I can say is that we did discuss the bid with the engineer and the recommendation is what we just discussed from the attorney.

Trustee Sebring: The price may go down, but I don't think you're going to see a drastic change in the price right off the bat. He's locked into a price for probably 3 or 4 months. And who's to say that in 3-4 months that the price doesn't go up? Natural disasters and incidents that we're having in the United States that shows the light on the price of everything. I don't think we should not accept the bid, I think we should go along with it. I don't foresee the prices really going down. We should just bear the brunt of it and do what we have to do for what we've been trying to do for the last 4 or 5 years. Build it and get it done. Maybe as construction goes, they may see some spots where they can chop a little bit money here and there. If you have a smart person who is in charge of the job, he can see where sometimes the architect that drew the plans up made a mistake. Any cost that you can get from building it, is it a plus to us and them. My view is to award the bid and start building it.

Deputy Mayor Carley: I understand where everybody is coming from. The pros and the cons for doing it and I don't see the prices are coming down. I know that I'm in the middle of doing some work for some of the areas. Everyone says the same thing that literally it may even go up. It's not coming down from what they say. The \$65,000 in-house work, I think it's good to help move it along. I say we still run with the same bid. Let's get it done. Even though we know that's still a high number compared to 2019. This Covid thing and the materials and I just learned about the rental car

agency, how they're astronomical. So we're caught in a quagmire where everything is going up because of Covid and companies are trying to get their profit back. The businesses are trying to get their profit back so I don't foresee anything coming down drastically. I say we run with what we have and continue to march forward. I agree, it's high and we did not expect it to go that high. Yes, it is crazy how there's a difference between the 2.

Mayor Ramos: Can we define site work that we're going to be doing?

Manager Revella: It's defined in the contract.

Mayor Ramos: I'm going to have to agree with everyone. We know that the prices are going to either stabilize, increase somewhat or decrease. What we do now have is a project. We received 2 bids on it. We're going to get a \$65,000 rebate because we're going to be doing the site work in-house. I think we should forge through and start this project.

Trustee Thompson: I have not heard a lot of people in the community not in favor of this. I've heard more people desperately wanting this facility to be built. This won't just be used for seniors. This is going to be used for multiple activities. People can rent it or children can use it. We can have meetings in it. The concerns of some of the residents that we don't really need this, that there are other places in the Village we can utilize. I thought we had exhausted many, many possibilities. Things were even more expensive than this or if there was property that was within our reach, the renovations on the property, it was over the top expense and we couldn't afford it.

Manager Revella: Correct.

Trustee Thompson: I don't know if I've been misinformed, the firehouse is really not renting out their space anymore like they used to.

Manager Revella: Right now it is. It has been the last 2 years.

Trustee Thompson: We can't really count on that as a place where we can have regular meetings or when it's inclement weather at the park that the children can go there. That's pretty much off the table.

Manager Revella: Correct. For that purpose.

Trustee Thompson: I just wanted to verify that there is really no other place in the Village that we can utilize the way we would like to utilize this facility.

Manager Revella: I can even go as far to say that the Board had looked at the former Methodist church as a possible location. But there is high renovation costs. Also there are a couple other buildings, including the Grant Street facility, before it was purchased as an alternate location for things and the costs to renovate were too much.

Deputy Mayor Carley: If the prices do go down, that means our costs would come down. We're not locked in.

Manager Revella: No. You're in the contract for the contract amount. There could be change orders for different things.

Attorney Donovan: It cuts both ways. So, if the prices go up, they're locked in at the note. If the prices go down, we're locked in at the note.

Mayor Ramos: The center affords us a shelter in place for summer camp. The viability of the center being used for weddings for a myriad of parties instead of holding parties at a gymnasium. I feel that the center would be used in its optimal condition right there for many events. It gives us an area where we can conduct meetings. I would love for Orange County Association Towns and Villages to host an event for meetings for everyone in the County to come to. I know we envisioned this years ago and it's the perfect slot of land for it. It's the perfect place and I think we can use it to its full capacity.

Trustee Maher made a motion to accept the bid from LP Builders at \$905,000. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Village Cell Phone Policy

Manager Revella: From time to time we review policies for different reasons. This came up as a little bit outdated based upon our contract with Verizon. Had some language changes that were necessary due to how the phones are used and utilized and the manner in which we're billed. Gives us a little more flexibility and control over what the Village owns.

Trustee Thompson: I'm not opposed to the new policy. I'm just wondering how we're going to enforce this. How often are we going to monitor things? With something with computers, also fall under the phone policy or do we have a separate computer policy?

Manager Revella: Separate computer policy. We looked at that one, I believe more recently than this.

Trustee Thompson: I remember looking at it and I remember questioning about how we could monitor or enforce social media issues. I'm wondering how we're going to enforce this. How are we going to monitor it?

Manager Revella: Every month we get a bill with usage for each phone that's owned by the Village. You can monitor it that way.

Trustee Thompson: This would be something you wouldn't necessarily check periodically? You would check this frequently or only if issues begin?

Manager Revella: We get a bill every month. We look at those every month minimum. If there are questions about some particular use, we would do it more frequently if necessary. But it allows us to take possession, if necessary to review the actual phone if we need to.

Trustee Maher: It looked pretty standard with some other policies that I've seen before. I'm in favor of the updates.

Trustee Sebring: I'm in favor of the new updates for the cell phone usage and you can look at each bill each month and keep an eye on things and question a little bit more now. Maybe we'll come down if you find somebody that's abusing it. I'm in favor of the policy change.

Deputy Mayor Carley: I have some issues with some language. 1. Constitute theft of time. I thought that was a little extreme personally. Its things like that on the first page. The other side was the personal use of the Village owned cellular telephones. The issue about emergency calls, if they do an emergency call and then you're going to get charged emergency call later. I think that's a little extreme too. Says employees must make a reasonable effort to obtain approval from a supervising department head or Village Manager prior to making emergency calls. To me, that's a little extreme.

If there's an emergency, I'm not going to call John to ask if I can make a call. They should be to make an emergency call.

Manager Revella: The next sentence says if you can't do it before, you can do it after.

Deputy Mayor Carley: And I'm saying language. They should be to make an emergency call. Then after that you can say that you had to make an emergency call. And 3, when it's necessary for an employee to use a Village issued cellular phone telephone in an emergency, the employee must reimburse the Village. I think that's a little extreme. It's an emergency, I have to now reimburse you the call.

Manager Revella: That's only for a personal emergency, not for a Village emergency.

Deputy Mayor Carley: If I'm having a heart attack and I dial 911, get an ambulance, you've got to pay for that, even though it's on the Village time. Now I've got to pay for cell phone call. I think that's a little extreme.

Trustee Sebring: I think you're going over and above on that.

Manager Revella: If you're using it, say you're in New Jersey for some reason personally and you use the phone for an emergency because you just happened to have it on you and you call and we get a cost.

Deputy Mayor Carley: My point is personal use for an emergency. Unless you're saying that the Village employee get to take the phone home, it should reference that. If you take the phone home and you use it for personal use, for whatever reason, you'll be charged and have to reimburse.

Trustee Thompson: I thought that's the whole reason we're doing this policy, though, because we have several employees now that use the Village phone that's issued to them for their own personal use.

Deputy Mayor Carley: I get it. I think it should state that if for personal use and they're taking it home, to me when I read the policy is referring to when you're here at work and you use it for personal use. But if you make an emergency call while you're at work, it's an emergency call. If you're at home, I still disagree with it, but and use the phone to make an emergency call, you should use your own phone.

Trustee Thompson: That's where the problem is. These people want to use the Village phone for their own personal use even at home.

Deputy Mayor Carley: Right. But I don't read anything that says at home. That's a clarification that we need if we're trying to make it at home or outside of Village hours or work hours, something to that effect.

Mayor Ramos: I think we need to digest this just a little bit more. I know this is our first discussion. How old is the last one?

Manager Revella: 2015 I believe.

Mayor Ramos: I'm going to continue doing my homework on this and let's bring it up on next agenda. I agree with Deputy Mayor and I agree with Brian and Trustee Thompson. Maybe the wording has to be tweaked a little bit. I see whether or not employee is at work. Let's define that a

little bit more.

Trustee Thompson: Have we always had Village phones that employees could use for their personal use as well?

Manager Revella: When I got here, 2010, people had Village issued phones that they used personally as well. I'm not sure what kind of deal they made at the time before I got here, but they've always been used. We started making the rule changes. There wasn't a policy book itself. They really went by union contract rules and there wasn't information about this particular issue. We started to add them in piecemeal until we got a full book. It just needs updating time to time.

Trustee Thompson: I was just curious if at one point Village employees were issued Village cell phones only while they were at work in the Village and then they had to use their personal cell phones on their downtime or when they went home.

Manager Revella: There was a time because we had different billing when I first got here as well, because when I first got here, you were billed per call. It was a lot stricter. We don't have bill for call anymore, it's unlimited. It's not as easy to monitor bill wise until you look at usage. There were some phones that had the unlimited and some phones that were per call. That's what we try to keep track of.

Mayor Ramos: some of these recipients of our cell phone, are they union employees also?

Manager Revella: Yes.

Mayor Ramos: That's another issue. There's no verbiage in here relating to the union.

Manager Revella: The union has to approve policy changes because they approved the book itself. Any policy change, once the board approves, will go for a union review and approval as well.

SEQR – CFA

Manager Revella: The Village is applying for Consolidated Funding for the sewer plant upgrades. In order to do that, we need to review SEQR and potentially issue neg dec.

Attorney Donovan: We need money because we need to make upgrades. This is the most economically advantageous way to do it. But in order to make the consolidated physical application, you have to indicate that the improvements that you wish to make would not have an adverse impact on the environment. You have to adopt this neg dec prepared by Lanc & Tully in order to submit for the CFA.

Trustee Thompson made a motion to accept and approve the SEQRA for the CFA. Seconded by Trustee Sebring. All ayes. Motion carried

Public Comment

Becky Pearson: I hope that the Community Center doesn't take as long to build as the Millspaugh Park. It's been 5 years. There was a grant from Larkin. Hopefully since you voted on it, it's not going to take another 5 years to get that done. Any news on the Millspaugh Park?

Manager Revella: We're waiting for the DEC approval. We've have everything else ready.

Becky Pearson: Can you lay out where the \$970,000 is coming from? \$300, you're bonding.

Mayor Ramos: \$370, for the grant.

Becky Pearson: And you have another \$300 you're bonding.

Mayor Ramos: That's correct.

Becky Pearson: How many applications did we get for the Treasurer position that was due in today?

Mayor Ramos: 3.

Becky Pearson: I want to say thank you to Kelly for her service, because I think she did a lot for this Village and it's sad to see her go. I know that I was watching the IDA meeting the other day. I think if you haven't watched it, I think you should watch it. It's pretty interesting for what's happening. I hope the Village is taking some extra steps to maybe get ahead of it. I know years ago and you might want to talk to Brenda because she basically single handedly stopped the last pilot that was over this Village. She basically put all her numbers together and went before the Board and again, if they want to do the financials, that's fine. Do you all know what's happening?

Manager Revella: Falcon's Rest applied for an IDA relief for a pilot, sales tax and mortgage relief. The Mayor and I opposed. The Mayor went to the last meeting and they're set for a public hearing in August, which we will also attend.

Becky Pearson: We all granted more density. Did all that for somebody who may not even own the property. I don't know if anybody ever found that information out. I asked a few people and now he sold it as of February. It's new owners going for the approved property that's here. Now they're going to want a pilot, which means us, Village residents, will have to foot some of the bills for what they don't want to pay.

Manager Revella: We don't foot the bill, they just pay less taxes.

Becky Pearson: Yes, I get it. We're still responsible for what we have to pay. Hopefully, you'll be able to put some numbers together because it's going to take numbers to do that and financials. That services they won't be paying, how much other people pay, how many we do. It's a lot of work. I'll be watching. Tell me about the Big Apple Circus. What's going on? They want to come back into the Village in the same spot that they were?

Mayor Ramos: A part of the Big Apple Circus would like to set their practice area in the Big Apple Circus arena, where their footprint was historically.

Manager Revella: It would be rented. They wouldn't own the property.

Becky Pearson: Interesting enough, though, because they got a lot of free stuff from the Village to come there, so hopefully we don't give stuff away again to whoever is going to be there.

Manager Revella: No request was made for anything.

Mayor Ramos: They're just looking for a practice site.

Becky Pearson: If they want to give them money for their financials, let them. But why should they have to have a pilot for 10 years and not be paying taxes?

Brenda Adams: John Revella, did you say that they're going to do Route 208 and 52?

Manager Revella: Correct. They have to say Route 52 and 208 because the Main Street section is both roads. I'm not sure how much of 208 they're going to get to, but they are doing 52, the majority of it. I'm trying to get them to clarify on 208 because we were told that they were going to pave 208 north, Ulster Avenue and that's why we were coordinating the sidewalk project when we did. I haven't gotten clarification on Rte. 208, yet. My next meeting is the second Tuesday of August. The funding is approved for 2022.

Brenda Adams: I want to also say that I'm sorry that Kelly is leaving the Village. I agree. You have very big shoes to fill for her and she's been an asset to the Village. I'm sorry to see her go. One other thing I took a webinar the other day for Zoning Board. It was about homeless and how housing could use stimulus funds that communities are getting. I can't wait to see who approaches you or the Town of Montgomery to get stimulus funds to help build homes here. Regarding the IDA. They made a pretty good argument and they used a lot of the Village quotes in it for what we need and want. I think it's a terribly ugly building, but regardless, we went into this for the tax purposes. So, not getting the taxes could be a little disappointing, to say the least. I believe that with the right numbers, if Kelly was still going to be here, she could give you numbers. I also hear the Trustee Maher is very proficient at finances and business. I also agree with Becky that you would be giving out services to people. You are going to lose money because you're going to have to budget for police or whatever you need to give services to these 68 apartments. It's going to cost the Village money. And if you're only going to get a little bit of pilot money, then we are going to pick up the bill, because you're going to have to pay this. You're going to have to pay your employees. You're going to have to pay for supplies. You're going to have to pay for everything that you need to do to support these 68 units and however many people live in them. So there will be a cost to the Village. I'm hoping the IDA just nixes this themselves. But if not, I really think that we need to put together finances. We should have that information and be able to break it down to a certain point where you can say what it costs you per unit in this Village, what it costs you per person for a certain amount of what the budget is, and then be able to translate that into approximate cost to the Village for servicing these people who are going to be moving in and for the company who's going to get \$1700 a month rent. I personally don't think that it's going to be a lot of Walden people that's going to be moving there, because if you're fortunate enough, like I am to own my home \$1700, I can pay the taxes and I can maintain my home. If you're a person who has a mortgage still or a reverse mortgage and you sell your home, your net coming out of it, that's \$1700 a month if you've sold and then move on to an apartment, that's going to disappear pretty fast. My guess is that it's going to be more people that are moving here and then they bring their parents or somebody in that's a senior that's used to paying those higher numbers. Now that we've passed the hurdle of this Community Center, I'm hoping that you can find some money to take care of the properties that we already own. I know I said here when the library was begging you to help them out for some money for projects that make this building a lot better. This is one of our finest buildings. We should really put it in tip top shape and invest in it so that it doesn't deteriorate any more. I can't tell you all the things that are wrong, but I hear things all the time what's wrong in this building. I think we should fix them. It's important. This is a good building. It should be kept and maintained. Can you tell me what happened last Saturday night when they closed down part of Route 52 on the West Side?

Manager Revella: There was a press release on Facebook. They had an incident. They had to respond to the incident and they were just taking precautions.

Brenda Adams: I saw the incident and then I saw that the incident was gone. I was wondering because I had to go over to Veterans Park to pick up the sign for the bricks and police are flying past me and I saw that the road was closed. There was no accident and there was no fire. So, I was curious as to what kind of an incident.

Manager Revella: We can't really discuss the incident because it came in as a mental health call. There were precautions made. We can say that there was no threat to the public at all. They weren't sure at first.

Brenda Adams: Just for the record, when the argument for Related Management to not get a pilot, they were not adding any employees. They were not adding any homes. All they were doing was renovating. Fighting the pilot was a little easier than a brand new construction where they are hitting some of the targets. The Zoning Board always says credible financial information. I think that's what they're going to need if they decide to go further to actually beat this.

Mary Ellen Matise: Who went to the June 8th meeting when they first discussed it?

Manager Revella: We did via Zoom.

Mary Ellen Matise: I did see your comments on the July meeting that you were going to the meeting. The Town assessor was very cooperative with me. Let's pretend that this building exists. 69 apartments. Now they're saying it's \$4,780,000 to construct. A 30 year debt service is going to wind up then bringing the tab up to 12 million. They're going to have \$900,000 annual debt service on this. That's why they won't make any money for the first 8 years. That's why they need the IDA to help them out. So, what would be today, current assessed value on that building if it existed today? 2.5 million. According to the Village tax rate for this year, that's \$46,824 that we would not get in taxes if they grant a pilot. If they grant an aggressive pilot where they don't pay anything for the first 5 years, then, we're going to be missing \$47,000 and then probably incrementally more each year as a tax rate, if the tax rate increases. I just feel that the Village needs to stick up for the existing taxpayers by making sure we get the tax money out of this project. Does anybody know if they've heard from the AG yet or from the comptroller?

Manager Revella: Not that I'm aware of.

Mayor Ramos: They were anticipating contacting the comptroller's office as of the last meeting. They have not gotten a response yet.

Mary Ellen Matise: I'm encouraging people to listen to the June 8th meeting. Senator Skoufis sent a letter cautioning them. Evidently, when that was done, Brenda, there was a definition and provision in the IDA law for residential. But that no longer exists as part of the IDA mission, is what I understand. We want you to go to bat for us. Question from Mickey. He wants to know regarding this proposed project, how are the sewer water charges going to be made to the project? Is there going to be a bill for the whole project or individual bills for each unit? Do we know this yet? Would there be one meter for the whole project? Probably make a huge difference in payments to the Village.

Manager Revella: I believe they will have individual meters.

Mary Ellen Matise: Cell phone policy. I didn't read the proposed changes. But this has gone on over and over again ever since 2005 to 2009. We instituted a cell phone policy because people had Village cell phones and they were just using them willy nilly. There was 1 person in particular who was using his cell phone to run his own private business. Of course, when somebody does that, it's easy because you see where all the calls are, you see the frequency of calls. The good old fashioned way is to just call some of the numbers and find out what's going on. I agree with what Dave said, about 150 E Main Street. The Zoning board, we have to deal with it first and then if we have to scream for help, we will.

Becky Pearson: Can the Board write a letter to the IDA about where the Village is concerned about the pilots?

Mayor Ramos: Before the meeting on August 18th we will be submitting a comment letter reiterating what Senator Skoufis said.

Manager Revella: We're signing up to speak.

Tom Lynch: 39 Pleasant Avenue. With respect to the paving project, the Rte. 52, has any consideration been given to the existing infrastructure sub-surface? Is there any water or sewer or gas that needs to be upgraded in there before the paving is done?

Manager Revella: Yes. The DOT doesn't usually coordinate with us at all, though. Since the State DOT runs those roads, we try as much as we can. We did apply for and hopefully will be granted a sewer grant for that section because we're going to do smoke testing. Hopefully, we get those things done before they start the paving project.

Payment of Audited Bills

Trustee Sebring made a motion to approve Payment of Audited Bills. Seconded by Trustee Maher. All ayes. Motion carried.

Correspondence

Deputy Mayor Carley: I received something from the Town Supervisor regarding the Ambulance Corp. They want to schedule a meeting, I believe, in August.

Miscellaneous Comments from the Board of Trustees

Trustee Thompson: I participated in a webinar that Brenda Adams participated in. It was very interesting, there were some really creative suggestions on what other communities are doing for the homeless population. I was hoping they would focus more on affordable housing and they did. The only thing that was discouraging, a lot of the programs were in cities. And, of course, they get completely different funding and things than smaller municipalities do. I was a little disappointed that they didn't really address that, but it was pretty informative. I learned a few new things. Talking about the buildings. I would very much like to see a maintenance schedule put in place because I feel like if we had a schedule of what we're going to do this year, what we need to do the next year, I just feel like we could plan better and make priorities of the things that we need to maintain in the Village. I agree, the train station needs work, the scout cabin needs work, and this building needs work. It gets to a place where we don't stay on top of things and then we have really big projects to do. I would really like to see us try and implement some type of a maintenance schedule so we could perhaps better budget our money. I would also like to say thank you to Kelly Kelly for her years of service. She definitely has been a tremendous asset to the Village. She got us out of our fiscally stressed period of time in a relatively short period of time, which that was pretty amazing. I'm sorry to see her leave. Hopefully her replacement will be able to fill those shoes. With all the things we're hearing about the opioid crisis seeming to be exacerbated again. Are we seeing an impact yet in our Village? Are there are things about the same or are we seeing an increase in issues?

Manager Revella: We have not seen an increase as of late. Thankfully.

Trustee Maher: I wanted to echo Lynn's comments regarding Kelly Kelly. She will definitely be missed by all. Actually you brought it up, on July 15th, I was present at the opioid task force for the Town of Montgomery. I'm a member as a representative for Hope, Not Handcuffs. I think that it

was quite eye opening. We were given a short presentation from the assistant district attorney, Matt Healy, on the crisis in Orange County and how numbers are skyrocketing. I don't have a Village and Town breakdown, but that's something I can get. Overall, our emphasis was on education and just creating as much awareness as possible. I think that having that open dialog and that discussion is so critical. We're looking for ways and we'll be asking the Board for ways and how we can keep that conversation going. We were given great accolades for having the awareness memorial here in Walden as a huge step. I know Jody Nicoli is getting locks received from out of state. People are reaching out and saying thank you to Walden for having that. On August 31st, it is National Overdose Memorial Day. We're having a candlelight vigil at the memorial for anyone who would like to attend. I don't have a time, that's still TBD, but I'll get that to you as we get it.

Trustee Sebring: I'd like to say thank you to Kelly Kelly for her excellent job performance that she has done here for our Village. Keeping us in shape. It's been a hard process for her to do, but once she got into it, she did it very well and she is going to be missed. It's going to be tough to find somebody to fill her shoes.

Deputy Mayor Carley: I echo everyone's thoughts about Kelly Kelly. I appreciate everything that she's done for the short time I've known her and yes, it will be hard, but we do move on. I told her personally already, thank you for everything that she's done and I appreciate it.

Mayor Ramos: I have to reiterate everybody's sentiments on our Treasurer departing us. She did a phenomenal job getting us out of a fiscally stressed area. She will be missed. Empanada Nirvana is going to have their ribbon cutting ceremony on Saturday from 5:30-8:00. He's going to have a myriad of things. Kids will have hot dogs and hamburgers for free. He's got some beautiful artwork around the area for us to view. Nelson is doing a phenomenal job and our community has embraced him beyond his thoughts. Matter of fact, this is his headquarters here. He's given his 2 places in Newburgh to another venue. He'll have a big sign thanking Village of Walden thanking them for their patronage and their support. Sunday the 25th, there is a candlelight vigil in a Village of Maybrook for a young man, Danny Meyer, who was brutally murdered in 1996. If anybody can come out and show the support to the family after their devastating loss.

Executive Session – Personal History of a Particular Employee

Trustee Maher made a motion to enter into executive session to discuss personal history of a particular person. Seconded by Trustee Sebring. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
July 20, 2021
Motions & Resolutions**

Approval of July 6, 2021 Minutes

Deputy Mayor Carley made a motion to approve the July 6, 2021 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Orange County Transit

Trustee Sebring made a motion to extend the time for completion of the water and sewer connections pursuant to the Land Use Agreement to August 18, 2022. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

Community Center Bid/Bond

Trustee Maher made a motion to accept the bid from LP Builders at 905,000. Seconded by Deputy Mayor Carley. All ayes. Motion carried.

SEQR – CFA

Trustee Thompson made a motion to accept and approve the SEQRA for the CFA. Seconded by Trustee Sebring. All ayes. Motion carried

Payment of Audited Bills

Trustee Sebring made a motion to approve Payment of Audited Bills. Seconded by Trustee Maher. All ayes. Motion carried.

Executive Session – Personal History of a Particular Employee

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Reconvene

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