

**Village of Walden  
Board of Trustees Regular Meeting  
July 6, 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:	Mayor:	John Ramos
Present:	Deputy Mayor	Willie Carley
	Trustees	Brian Sebring
		Cheryl Baker
		Lynn E. Thompson
		Patricia Maher
		John Elliott

Absent:

Also Present:	John Revella, Village Manager
	Marisa Kraus, Village Clerk
	Dave Donovan, Village Attorney

**Manager's Report**

**Manager Revella:** We did receive a good bit of Village tax revenue. Went to the bank a few times. Also, water/sewer bills are in. Worked on the PBA retro with the Treasurer. Some rehab funds and some payoffs. Also received several notes and mortgages from the Village Attorney to work on some new rehab loans for people. Clerk has been working on 207c issues with a few different Police Officers and some retirement paperwork for people that are putting in paperwork for retirement. Went through some FOILs. DPW is working on maintenance, jetting, flushing, putting new piece of equipment and checking on catch basins, working on MS4. Did get to sweep a little bit, but not much. They've been taking turns on a rotating vacation as well, so it's been a few guys out every day. They did redo the stages that we had. Building Department has been working on COs and permits, also responding to some complaints as a property maintenance issues. Grass is growing. They're getting on them pretty quickly. Police are working on the accreditation. The flag football program is going on right now. Summer camp starts tomorrow. Everything's all set up. They're going over all the equipment down there to make sure everything's ready to go. Music in the Grove should happen tomorrow. I got the messages in from the State regarding our funds available from the stimulus. Hopefully we get that in soon.

**Approval of June 15, 2021 Minutes**

**Mayor Ramos:** 1<sup>st</sup> page, Becky Pearson said awarded.

Deputy Mayor Carley made a motion to approve the June 15, 2021 Minutes with corrections. Seconded by Trustee Sebring. All ayes. Motion carried.

**Public Comment on Business of the Board**

**Brenda Adams:** 31 Valley Ave. I'm guessing the article in the newspaper was a little shaky about the Community Center and I just want to hope that when you discuss it tonight, you can clarify a few things. Knowing how buds work, they should have been on the exact same work, even though it's 1 price is 1/3 of the other. Does that include just the building or is did the bid go out for the pipes and the drainage and the electrical hookups and the outside lighting? All the things that was in the list from the engineer back in 2015. At which time the total projected cost was \$805,000 When

you discuss it tonight, if you could say what is included in the bid and if that includes the parking and the water, the sewer and all of the other things that are listed there. The other thing is the newspaper said 365 square feet and holds 365 people. That was obviously wrong. The estimate in 2015 was 5,000 square feet. So if you could confirm what is the size of the building and at that time it would hold 250 people in the meeting room. Does that mean that it's going to go where the shed is now? Will that be moved and will it be more at ground level, so that it's easy to access for the elderly people who can't make it up the hill? I know we lost a grant along the way. We're down on funds if the newspaper article is truthful. I'm just hoping that we really feel that this is important and we're not going for it just because Montgomery and Maybrook have one. Because remember, they got theirs for just about free, both of them. Otherwise, I know it's going to be used nicely for the for the summer program. If you go forward, when you do, please hire somebody to clean it and clean it well. We're not capable to do the cleaning from Village Employees. I haven't been to Wooster inside since before Covid, but that could always use a deep cleaning. I hope that maybe while we were closed during Covid, they cleaned it a lot better. I'm not talking about the quick sweeping. I'm talking about the nooks and crannies and under the crevices. It was dirty. I hope that we're going to keep this nice and clean and shiny.

**Becky Pearson:** 167 Walnut St. The marijuana opt out, I hope you are possibly considering keeping it here because I think we can use some revenue. I think businesses, as long as it's done right and you have the right laws in place. You'd have to be able to revamp your codes and how you want it to be, what parts you want it in the Village. I think revenue is always a plus. Maybe you can state, how many you could have within the Village, because we only have 2 square miles. Motorized bikes and scooters, you all know how I feel about that. Just go with the laws that are already in place and you're good to go. I just saw scooter going up my street the other day and he was on the road. No helmets. But again, unless you're going to actually have people police it and are able to enforce the laws, then just like the skateboard law, when they put that in years ago. No skateboards on the sidewalk and how many kids had skateboards on the sidewalk? So, unless you're willing to enforce it and keep it going, then just leave it as the laws that are already in place. The Community Center, what a big difference between the bids. \$2.7 and \$970,000. I concur with Brenda about questioning, is it the same bid for both people? Because it is amazingly different to me. We do have a firehouse that maybe that the Village can do shared services with instead of building a building that we may not be able to afford. I understand people want it. I understand maybe why because other communities have 1 as well. Do we need it? That's a really good question. At this time, maybe it's not necessary. Maybe it is. Those are your decisions to make because that's your job. There are other ways. Also, the Village of Montgomery did a lot of in-house services. You might want to talk to Mayor Brescia. They saved a lot of money by doing things differently than going out to bid. Maybe our Village will be able to do that as well. There are ways around certain things and maybe we can find a cheaper way if you decide to move forward. I know that for that was happening when I was Mayor and I asked him and he went in to try to explain it to me, but he didn't really get into detail. Of course, he got a lot of money from the county as well for his project. If you're going to look into things, that might be something to look into, shared services with the fire department to use the room when we need to use it instead of building a whole new building. It's flat. I agree with Brenda. It's hard for seniors to go uphill sometimes. I don't know how you're going to manage that. I talked to Fred, didn't think we're going to use the bluestones out there. I said you can make a patio. Doesn't have to be the sidewalk or the walkway. It can be a patio out back or something, which would be really nice.

### **Action Items**

#### **Discussion – Marijuana Opt Out**

**Manager Revella:** This is just for the Board to discuss whether they are going to consider allowing the dispensaries in the Village limits or not. If you are, where? It's really what the parameters are right now, until you answer those questions, there's not much more the attorney can do until that

takes place.

**Attorney Donovan:** The only thing that I want to emphasize is if you decide to opt out, you need to opt out by the end of the year, December 31st. There's a local law subject to a permissive referendum. Public hearing for local law. If that's something that you're interested in doing, you kind of want to gear that up relatively quickly. I would say end of the summer, beginning of fall. You want to get public comment, be able to have time to deliberate, decide what you want to do. It's also subject to permissive referendum. What that means is if the Village decides to opt out or not, someone could submit a petition, enough signatures that could go on the ballot for what you want to do. A brief discussion on the dollars, as I understand it. It's a 4% tax everywhere in Orange County that's collected, it goes up to the state. The state then distributes it to the county. The county puts 25% in their pocket and then they distribute the 75% in proportion to what was raised in the dispensaries in the community. And if there's one in the Village of Walden, that money may very well have to be shared with the Town of Montgomery. You have to have an agreement with Town of Montgomery. Otherwise, it gets split 50/50 if there's no agreement with Montgomery. \*Read information from NYCOM into the minutes\*

**Trustee Thompson:** If the Town opts out, no share.

**Attorney Donovan:** Correct.

**Trustee Thompson:** I've been to some of the NYCOM seminars where they did talk about this. I am not sure if I'm in favor of it in our Village. I do understand the benefit of it as far as the revenue. But I have questions about monitoring and enforcing whatever it is we decide. I also think we should give it serious consideration because if we opt out, other municipalities around us are going to opt in. And our residents that want to partake in the marijuana, they're going to leave and go somewhere else and buy it anyway. If that's the case, I'm inclined to consider that we opt in for that reason, for the reason of the taxes. It's my understanding that wherever we would decide to locate this in the Village, it has to be fairly discreet. Obviously, people will know that it's a dispensary. Is that correct?

**Manager Revella:** There are some restrictions on it.

**Trustee Thompson:** Is it correct that once you opt out, you cannot then down the road opt in?

**Attorney Donovan:** I'll find that out for you.

**Trustee Maher:** If we are going to opt out and choose not to sell in the Village of Walden, then we have to make that decision by December 31st. And if you want to opt in down the road, you can. But if we say yes, we can't down the road change your mind and say we changed your mind.

**Trustee Thompson:** What if it doesn't work for your municipality, you're stuck?

**Deputy Mayor Carley:** If you go in saying yes and then you say we don't like this because of whatever, then you're stuck. If you opt out and then you can reassess, you can always come back later and opt in. My reasoning for that is, once you start a business and you've got revenue coming in, then you tell somebody you can't do it.

**Attorney Donovan:** I would say, this is all new. It's not even very effective yet. If you opt in, if you don't do anything, you will allow the use. It's just like every other use. If you don't like the person at the bar, you can't outlaw the bar. You have to regulate. You have the opt out deadline and it seems to me, although I will investigate it further, if you don't meet that deadline, you're in.

**Trustee Thompson:** I just have a major concern that if it turns out to be a complete disaster and there's no recourse, that's troubling to me.

**Manager Revella:** Dave, do you recall who's going to be regulating this?

**Attorney Donovan:** They talk about the state comptroller. I think there's a licensing board. You're going to have to apply for a license. I don't know who does it now, because I'm the attorney for the Town of Hamptonburgh. We have a manufacturing facility. They have a state license. I don't recall the agency.

**Manager Revella:** It was a huge cost. Over a million dollars for that permit.

**Attorney Donovan:** I don't recall what state agency issued that. I'm reading something from NYCOM that talks about the Cannabis Control Board. Perhaps that's a new entity.

**Manager Revella:** Just like the ABC, it would have to be something similar.

**Trustee Maher:** From what I read, they're forming a new licensing agency.

**Trustee Thompson:** Do we know if any other states, how everything has gone for them? Has anyone else decided that this was a bad plan for them? I don't really know with other states. I did read something that said petty larceny and things went down, but vehicular issues went up. I would just like to know other places where they adopted this, did anyone have any regrets and decided it was a really bad decision?

**Manager Revella:** The biggest one near us is in Massachusetts. I know they made a lot of money. I don't know what the downside was in their town.

**Trustee Thompson:** That's what I'm saying. People can go elsewhere to get marijuana. They're going to if a lot of communities around here decide they don't want to do this.

**Deputy Mayor Carley:** I think it all depends on who you talk to also, because some people say you make a lot of money, it's good. I know from California and there are different views on it because the federal side still was able to go in and raid. I'm not sure if that's even on the table anymore.

**Attorney Donovan:** It's a very odd thing because, the facility in Hamptonburgh gets licensed by the state but is contrary to federal law.

**Deputy Mayor Carley:** There were some issues with that, too. A lot of them were getting shut down because it was under federal investigations and seizing and things of that nature. It's a lot of different things. So it depends on who you talk to from my perspective, because I hear good about it. But then you consider your source literally. And then you hear bad about it and then consider that source. I didn't grow up in a Village. I grew up in a City. So, it was different. Now looking at it from a Village perspective, I have a view on it.

**Trustee Thompson:** I personally am feeling like I need to do a lot more homework on this. I understand what you're saying, we have some time constraints here. Is it a major, big deal if we do some homework and revisit in the next meeting?

**Attorney Donovan:** Absolutely. I would just say take enough time, but not too much time.

**Manager Revella:** We have until the end of December. That's why we put it on now, so we have enough time to research.

**Attorney Donovan:** If you decide to opt out, it's a local law that requires a public hearing. You might want just give yourself enough time, even if it was October, November, just to see what the public had to say, because that may influence how you ultimately decide to vote.

**Trustee Thompson:** I personally would like the opportunity to really inform myself a little bit more. I don't feel like at this point I'm ready to make a good decision.

**Trustee Elliott:** I agree. I know that they would have to get a permit from the state. Are we then allowed to have them apply for a Village permit if we came up with something like that?

**Attorney Donovan:** So, as I understand it, the idea is they have to comply with local zoning regulations and we can impose a reasonable time, place and manner restrictions. They're not supposed to have big flashy signs. They're not supposed to be with a certain place of school, a certain place of a church. But we can't put them in an area of the Village that no one would go. We can't allow the use and zoning them out so no one would go in the area. There are reasonable restrictions we can place, but we can't regulate it to the extent that they can't operate. If we decide to allow.

**Trustee Elliott:** I have some concerns, obviously, but I think we need more answers before we can move forward.

**Trustee Maher:** I was a hardcore opt out. I have to say, I've done a lot of research and I see both sides and it's a hard decision. Especially as a mom and raising kids here, it's a small Village. It's not like it's a big City where maybe it won't be so in your face. And even with regulations of not having them advertise a certain way, it's still very readily here, invisible. I think we'd have to look into other states that have regulated this. What does that 4% look like for a Village the size of Walden? Would it be a tax break that we could really benefit from? If we do decide to opt in, which is sort of how I'm leaning now, definitely would need to regulate how many of these licenses we'd be willing to give out, because I think there's too many is not okay. Let's say we allow for 1 dispensary and then the gas stations also want to go in on it. If we say no, we're opting out. Are people now going to bypass our gas stations, go to another Town and potentially our small businesses will lose revenue from that as well. There are a lot of angles to look at. It's a big decision. We'll do some more research and hopefully find out some more on the financial aspect.

**Trustee Thompson:** Is this something that can go in an existing business or it has to be a separate business?

**Attorney Donovan:** I don't know the answer to that. I will say if the Cannabis Board is similar to the Alcohol Beverage Board, Whoever is going to have to make an application. There are rules and regulations at that point going to promulgate. They're going to have to meet those rules and regulations as well as our local zoning.

**Trustee Thompson:** Where did you get that from? That this can operate within an existing business? I was not aware that I was even an option.

**Trustee Maher:** You can be a dispensary of it or you can have a retail license to sell it in your existing location. There's just so much of this is not even finalized for New York State yet. It's still being discussed and figure it out but in other states, that is the case. You can go into a gas station and get it.

**Attorney Donovan:** And I don't think we can limit the number of licenses. I believe that the State is going to decide who gets licensing.

**Manager Revella:** Say they allow them only in this certain zone and there are only 10 buildings in that zone, then their maximum exposure is 10, right? It's going to be in the business zone I would imagine.

**Attorney Donovan:** We can all convince ourselves of that. But if someone wants to make the argument that you've allowed cannabis dispensary, but now you've made it so difficult to have one that you're depriving them right to make a living.

**Manager Revella:** We only allow gas stations in a couple of zones, not all our business zones.

**Trustee Thompson:** I definitely don't want 10 or 20 dispensaries in the Village.

**Trustee Baker:** There's already areas around us like Middletown, Newburgh already have dispensaries. We have people in the community that frequent those businesses and I haven't seen an increase of problems here with people utilizing those services. I'm more in favor of having it here, so we have the revenue here and it's a convenience to our residents. The concern I do have as far as location is because it has to be far away enough from certain businesses, daycares, churches, schools. I think one of our biggest challenges is where this can be located, especially if there are several people that are interested in having a dispensary. I agree. I think more research needs to be done for it. I think it could be very well, very good, and positive for our community, especially on the financial impact for us.

**Trustee Sebring:** At this point in time, I'd like to find out more information about it. There's a lot more questions that each one of the Trustees have brought up that needs more discussion from all of us. I'd like to have as much information as we could get from the state and maybe from other municipalities or outside of the state. Give us an idea of what they're going through. I could see it could be a problem, but that's the Police Department. I would like to have more information about it.

**Deputy Mayor Carley:** My position is opt out and then give us time to reassess and if we choose as a Board to opt in, we have that option. If we opt in, as we stated before, your door is closed. You have to keep going down that rabbit hole. I look at this from history perspective, the prohibition and the things they went through. My mindset is still old school, marijuana is bad. That's my frame. But I'm not limited to that. The medicinal use of marijuana, I look at that. The use of THC within the marijuana that they're using now versus before. I think that's a change also that it can be over a certain amount. What I'm getting at is this, yes, we all need to look at it closer and I would say, because I look at it through the lens of a City that had it before and pros and cons with the federal and state, was going back and forth and the federal was coming in and closing places in California. Then I look at Colorado, they have their own issues, too. Looking at it from a Village perspective, we're small and I think things will be more prominent. It could be just like Trustee Baker said, they're sitting at home, they smoke their stuff and relax and stay out of trouble. I think  $1 + 1 = 2$  and I could be 100% wrong. When you start bringing bars and no disrespect to the different shops, but when you start adding different shops and different things come together, you can start painting a picture. When you start adding all these different entities together and especially becomes a strip, then it brings a certain crowd and then it can cause more headaches than it's worth, in my opinion. Especially in a Village, because we're tight and you can see things when it starts evolving and we don't want it to evolve. You don't want it to evolve into something that we can't control later on.

**Mayor Ramos:** To answer Trustee Baker's question, we will not receive any revenue if we choose to opt out from any of the cannabis sales tax. I'm in a gray area right now. I've been in law enforcement all my life. Where it was illegal at one time. Now it's legal. Public consumption of cannabis has a specific area as it goes from A to R. Now they're talking about employer concerns with the MRTA, which is the marijuana law that they passed, that these employers can't discriminate against people who are using, who possess or use marijuana while they're working. But then they have an ending to that because it amends the labor law that it all depends upon the degree of impairment. New York State alcohol is .08. We don't know what the detection levels of marijuana is going to be because it's going to be a difficult task with analyzing one's blood, one's urine, whatever tools that they're going to use to analyze the amount of THC. I think we're in a really black hole with this right now. I would love to see some medical information. Some direct knowledge from other states and other areas where this has been prevalent. This type of activity obviously exudes criminal activity. Certain areas where they're going to purchase it, all they have to do is walk outside and start consuming it. I don't know if they amended the public use of marijuana smoking in public places.

**Trustee Thompson:** I just read something on that. You are allowed to smoke marijuana publicly anywhere where you're allowed to smoke cigarettes. You can't smoke it in our parks because we're nonsmoking. But you could go outside on your lunch break and smoke marijuana.

**Mayor Ramos:** But there's a whole list of places of employment, bars, food service establishments, enclosed areas open to the public containing a swimming pool, public means of mass transportation. Our little bus stop here, you can't smoke marijuana there. Any youth detention centers, any facility that takes care of children. Daycare centers, group homes for children, public institutions for children. Our school right down the street. I know it says 100 feet from any of these establishments. But as a Village, I think we can determine a distance from these types of facilities. Can we be stricter than what the law provides?

**Attorney Donovan:** I will have to check that out. I'm not sure when they talk about that we can't do that. We don't give the licenses. That's issued by New York State. Whether we can be more stringent and override a regulation. I don't have an answer to that.

**Manager Revella:** They're talking about how you can't do it within 100 feet of these establishments. For example, can we make it 200 feet?

**Mayor Ramos:** Are they using that as a minimum and can we exert as a legislative body, can we push that back to 200 feet?

**Attorney Donovan:** What I've read, there is preemption. My instincts are that we couldn't do that, but I don't have a definitive answer.

**Trustee Thompson:** How would we even enforce that? I see cigar rete butts in our parks all the time. Obviously, people are smoking where we ask them not to smoke.

**Trustee Baker:** Our Police Department has to do that. It's a really gray area that we have to cultivate our minds in the arena of marijuana growth and what it does to one's body. I think this is going to take us a while. I'm glad we're starting it now and we have some time, 5 months before deadline. We're going to continue discussion on this matter once more information starts filtering in. Please, all of us, if we have any contacts in different states that have been doing this, Massachusetts, Colorado, I'm on the fence with it.

**Trustee Baker:** I just want to follow up on Trustee Carley's comment regarding his concerns of

what kind of characters that having a dispensary could bring. I think marijuana has a bad rap, more so than what it really deserves. This is not a hardcore heavy like meth, heroin and the other higher class drugs. History shows we outlawed alcohol. That brought more of a criminal element than it did when we just legalized and let people do their thing. Looking in areas that do have dispensaries like Middletown, I haven't seen an increase of undesirables. I don't think marijuana, in my opinion, is going to bring an avalanche or the wrong kind of characters. I think actually doing the exact opposite, banning them is what encourages the bad activity as opposed to just legalizing it. A lot of people use it for pain management with the concern with the workplaces. Do they monitor when people take their Neurontin or other pain management? Drugs that can actually have more of an impact on a person's coherence in the way they act than marijuana. If you're not having problems at the workforce with people using their other pain management and some of them are heavy hitters, worse like OxyContin and those classic opioids, marijuana is not. I think that, in my opinion, it's not quite the calamity or massive concern

**Deputy Mayor Carley:** First of all, my point that I was making, not the point of bring individuals, I said they will create an atmosphere. An example, you have a tattoo, you have a bar, you have a marijuana, you have this, you have that and those things, when you start adding you up, especially in a small Village, it can create an atmosphere. That's all I said. Not an undesirable. Anybody who was engaging in whatever it's not a color thing, it's not a social status thing. People do it all over. The reason why there are regulations in workforces about prescription medication, specifically because there's abuse to it. We know that anything can be abused. If the atmosphere and Becky put it in my ear years ago, I was discussing the horn and she said, we like to keep our Village looking a certain way or have a certain tradition to it or a certain atmosphere. When I said we start adding things, we're going to evolve into something. But you have to be careful what you say yes to today, because it's going to play out tomorrow. That's why I say opt out now. Really think about it, because once you say yes, it's just like a weapon, once that round is discharged, you can't say I'm sorry, let me take it back. It's there. The Board will change. The next Board may say, forget about that, let's all do it and go for it. You can, but there's going to be some things and it may not we don't know. Based off of history and based on what I see and the prohibition is a prime example. Yes, you have the mob doing all their stuff, but you also had the use of alcohol today. You have DWI's. You have all kind of issues with violence and things that are going on and this legal. We can find that we have people who sell it here and sell it all over. There are a lot of alcohol problems. We can't say, marijuana is not going to bring that. We can argue gateway drug or not, but I know a lot of people start with that personally and they end with other things. We have documentation research wise, the states the same thing. It's not so much that it's harmless. Define harmless. They grow to something else and that's all I'm saying. When we make a decision, it's a decision.

**Trustee Baker:** I understand what you're saying. But those individuals, if it's a gateway drug or they move on to other things, they're going to do that regardless of whether it's legal or not. But I do understand your point.

**Deputy Mayor Carley:** It was just brought up today in public comment, let's not do it just because of money. Let's not do it because another Village is doing it. We have to make a decision within the Village of Walden and we make our decisions off of that. I don't buy the revenue side. I don't think millions and millions of dollars are going to pour in. The Village is going to come with no problems. I don't think so. So, that 4%, I personally think it's going to be a drop in the bucket and say it's not a drop. Say it's actually quarter fill that a bucket. These Villages are doing a lot. Then guess what? Congratulations. Have a good time with it. Then we decide to opt in later on and we will benefit from that also.

**Trustee Thompson:** It is very clearly documented that marijuana is a gateway drug. That's not disputed. You mentioned other drugs. People take other drugs. Yes, they do, but if they have



performance issues in the workplace, there is a way to test for those other drugs. You can have urine and blood tests and they can tell what your levels are of those other medications. If you're impaired and your employer sees or senses that you're impaired, you can have a drug screen done and they'll be able to tell what the heck's going on. There's no reliable test for marijuana. It stays in your system. No one's going to know if you smoked it before work that morning or if you smoked it 2 weeks ago. That's a problem. I don't have an issue with medicinal marijuana. My concern is with recreational marijuana. I'm not against marijuana for certain purposes. But I have some legitimate concerns with recreational marijuana. Which is why I would like to do my homework.

#### **Discussion – Motorized Bikes/Scooters**

**Manager Revella:** I'm not sure if any of the other Board members obtained any more information on this. Our Attorney needed some more time to get information for the Board. I'm not sure if the Board wants to table to next meeting or if they have something to bring up.

**Trustee Thompson:** I took the liberty of doing some research on this with several police officers, not just in our municipality, but other municipalities. I originally had said I thought we should ban the scooters, but after rereading all of these papers, honestly, communities that are following the state law, every single officer reported to me, they haven't written summonses. They haven't had an increase in accidents. The opinion was, don't reinvent the wheel, follow the state law.

**Trustee Elliott:** I'm also in favor of just following the state law. Not make our own.

**Trustee Maher:** Same here. I feel like if it becomes an issue in our Village, then we'll address it, but I don't really see that there is an issue with it now.

**Trustee Baker:** I personally think they most definitely need to be banned off the sidewalks. It has been a problem for a few of our residents that have almost been run over by the kids on the bikes.

**Trustee Maher:** They are banned on the sidewalks, right?

**Trustee Baker:** For a certain age. 12 and under are allowed.

**Trustee Thompson:** The motorized scooters, I thought they were banned in New York State on sidewalks.

**Attorney Donovan:** That was my recollection. I made a full confession to the Mayor and the Manager tonight. Since I was on vacation last week, I did not think about this topic. My thought is that they're already banned on sidewalks. I haven't revisited any of this though.

**Manager Revella:** It says on the DMV website, you cannot operate these devices on a sidewalk, unless they're authorized by local law, which we don't have it authorized. No sidewalks for electric scooters and bicycles.

**Trustee Baker:** But the problem is they are riding them on the sidewalks.

**Mayor Ramos:** Enforcement issue.

**Trustee Baker:** My feeling is that they should be banned for anyone under the age of 16. I've seen a few older individuals using them as mobility devices. But my feeling is, at least what I've seen with a lot of the kids, there's just a lack of maturity and responsibility with operating the bikes. There were 2 individuals and one was completely knocked off his bike because of a kid on an electric scooter that passed last night and not driving off the roadway because he was jumping on

and off the curb. My feeling is those kind of devices require a certain maturity level. I'm not saying that 16 or 17 or 18 year olds can't be immature either, but they're more likely than someone that's 9 or 10.

**Trustee Thompson:** I have to disagree with that. I know a lot of younger children that are incredibly responsible and a lot of teenagers are absolute idiots.

**Trustee Baker:** I just said that being 16, 18, doesn't mean you're not a yahoo.

**Trustee Thompson:** But that makes it difficult to put an age restriction? It means enforcement. The police have to enforce that nobody rides it on the sidewalk. That's an enforcement issue. I don't think age fits into that equation at all, just my opinion.

**Trustee Sebring:** Right now, we only have, that I've seen here in a Village, maybe 1 or 2, and the ones that I've seen, they've been pretty responsible. You're always going to have somebody riding them on the sidewalk no matter what. You can harp on that, but they're going to do what they want to do. That's an enforcement issue with the Police Department. I would say that since we have no big problems with them, is just go along with the law. Once you say no, then everybody's going to want one. Let the law ride and that's it.

**Deputy Mayor Carley:** I'm in favor of staying with the law. Whatever the law says, make sure that we enforce it. This past 4th of July weekend, sitting at the house, going back and forth, I saw electric scooters, just tearing up the streets. People are going to have fun with it. Yes, I think it's going to be a very hard thing if somebody says you look like you're too young to ride that. I've seen too many people look really young, but they're actually over 16. We're going to have that problem. I say we should keep it and we do it and make sure it obeys the laws.

**Mayor Ramos:** I'm in agreement, let's not reinvent something. Vehicle and traffic law is pretty specific. They wouldn't write the little fine print things in the book for no reason at all and try to put a million words inside of a book that thick. It is an enforcement issue. It's a parental issue also. Sunday we had an incident at on Valley Avenue where a youngster, 7 years old, darted out on a bike in between cars onto the road and was struck. Minor injuries. But that's parental supervision 101. I've seen a number of kids riding the scooters within the Village limits. Yes, it's wrong to ride them on the sidewalk and that's a job for the Police Department. They have to contact parents, and advise them that it is not legal to ride on the sidewalks. I think we go with the fact that we should stay with the current legislation that's in place. I did discuss it with the Village of Warwick, who pretty much has the same footprint that we have. I discussed it with Mayor Newhard and he's anxious to see what we are doing. I've asked him if he had any serious incidents. He said absolutely not. Especially during the summertime where they have thousands of people visiting the Village at any given time during the weekend. There hasn't been any incidents regarding those types of scooters or electric bikes being involved in any type of accident or any mishap.

**Trustee Thompson:** Is it mandatory for everyone to wear a helmet or just certain age to wear a helmet? I know on regular bicycles, it's not mandatory for adults.

**Manager Revella:** It would have to do with which type. If it was over a certain speed, they were mandatory.

**Trustee Thompson:** Can we follow the state law and put into our law that it's mandatory that anyone riding on these has to wear a helmet?

**Trustee Maher:** From what I remember, it was 18 and under, had to wear a helmet. But if we can

change that, I don't know.

**Trustee Thompson:** If you ride a motorcycle in New York State, you have to wear a helmet. Obviously, it goes a little faster, but you can get seriously injured, falling off of something that's going 15 to 30 miles an hour. I'm just wondering if that would be something we should consider.

**Deputy Mayor Carley:** It says passengers on bicycles under 1 year of age prohibited. Passengers and operators under 14 years of age to wear protective headgear.

**Manager Revella:** For bicycles, scooters and inline skates. It didn't say electronic, but I wasn't sure where that was.

**Deputy Mayor Carley:** I was reading it as if it's for a bike then it makes sense for the scooters and anything with a higher rate of speed.

**Trustee Sebring:** My personal opinion is that you should stay with the state laws only because if the family allows one of their children to ride one and they have an accident, their insurance, that would be the first question that someone's going to ask. Was he wearing a helmet? If he wasn't? Then now we have problems. Now it's a question of whether or not the insurance company is going to take care of the claim. The parents have the most important role of it all. Watch out for their kid's safety.

**Trustee Thompson:** I'm talking about older kids, young adults or even adults.

**Trustee Sebring:** Somebody still has to insure them.

**Deputy Mayor Carley:** Well, we don't know if the state says yes or no to the helmet. We have to see what the state says.

**Attorney Donovan:** It's 14. I don't see anything. Section 1242 is entitled "Additional Provisions Applicable to Bicycle's with Electric Assist. I'm reading through this quickly now. I don't see any additional reference to it. Which would mean it's at 14. It does allow additional restrictions regarding to the use of protective head gear, which I suppose means you could increase the age if you wanted to. But again, it becomes an enforcement issue.

**Mayor Ramos:** I spoke to the Orange County Association, Towns and Villages and some of the Villages and Towns are looking for legislation on this. I agreed with Mayor Newhard that we shouldn't reinvent the wheel. That's the issue when it comes up, then obviously we react with a more stringent type ordinance or law that we can write in the locals. Just the police have to actively, investigate these issues and make contact with the parents.

**Attorney Donovan:** There is provision if there's a violation and the person's under 16, the ticket does go to the parents.

**Mayor Ramos:** That's an incentive of maintaining some parental supervision on children.

**Trustee Thompson:** I think we should follow the current New York State law and if at any point we're seeing we have serious problems, we can always ask Mr. Donovan just to make an amendment.

**Trustee Elliott:** I agree. Keep the current law.

**Trustee Maher:** I agree as well.

**Trustee Baker:** I would say that, I disagree. I don't see it as reinventing the wheel. I see it as adding to it. It's better to be proactive as opposed to reactive. I strongly believe that they should be banned, especially the class 3 for the kids.

**Trustee Sebring:** We should follow the New York State laws and then if there is a problem later, we can always readdress it.

**Deputy Mayor Carley:** I agree to follow the laws and address as needed.

**Mayor Ramos:** I concur. Let's follow the law and if it comes to the point, we'll be readdressing this. I think we've expended enough time.

### **Community Center Bid**

**Manager Revella:** To clarify some points that were brought up. There were only 2 bids received. Other contractors did pick up. They were all concerned about the price of materials in order to give an accurate bid and were concerned about that when they were doing the bidding. We did have 2 bidders. One was L.P. Builders for \$970,000. Another one was Profex, Inc for \$2.7 million. They did bid on the same exact bid items. We're not moving the shed. The grade will be a little bit better, so it won't be as hard and it did include everything. Mechanical, parking, all that was included in the bid. The only thing that is a little different from the 2015 estimate is the square footage is more than at that time. It's larger than that estimate. That's the only thing that changed really that I'm aware of. We have the design finalized.

**Deputy Mayor Carley:** What's the difference between square footage then and now?

**Manager Revella:** I don't really remember the exact square footage, but it's increased to the capacities to include the whole camp, 365 instead of 250. It's only the 1 room now that's being enlarged, the rest of the building would stay the same. Just so the public's aware, the Board is looking at their options regarding the bids and how they're going to move forward.

**Trustee Thompson:** Do you have any information about the questions Mrs. Pearson asked about how the other municipalities were able to build their centers for so much less money?

**Manager Revella:** I do. 1 of them was a lot smaller. Then in the year that the 1 was built, they were able to get CDBG funds for. It's not eligible for that anymore. Another 1 had an earmark from Senator Larkin as well.

**Trustee Elliott:** Do we know one that's supposed to start?

**Manager Revella:** We have not awarded a bid yet. They can't until we award a bid and we're not prepared to do that yet.

**Trustee Sebring:** What is the timeline for when the bids come in and open and until you award it? Is there a date factor?

**Manager Revella:** There is. I was talking about that with our Attorney as well.

### **Public Comment**

**Brenda Adams:** You don't know how big the building's going to be?

**Manager Revella:** I don't remember the exact square footage. It's in my office.

**Brenda Adams:** It seems like it would have to be an awful lot to go from 250 to 365 kids.

**Manager Revella:** Not a lot at all. I'll check in the office.

**Brenda Adams:** If you're not moving the shed, where are you putting this building, behind it?

**Manager Revella:** To the left of it.

**Brenda Adams:** It's going to be flat enough for people to be able to get in?

**Manager Revella:** It's lower to the left of the shed than where the shed is.

**Brenda Adams:** The original plan was to have handicapped parking close by.

**Manager Revella:** 4 or 5 spots.

**Brenda Adams:** The other parking goes downhill, so the people who don't get those 4 or 5 handicapped spots, they have to walk up the parking lot, up the hill, cross the road and into to the building.

**Manager Revella:** That's correct.

**Brenda Adams:** Do we feel that everything has been covered? So, that there's not going to be a lot of change orders or major surprises?

**Manager Revella:** I don't think so. Not for change orders. We were pretty consistent on the materials that are going to be used and the type. Maybe just color. The outside colors already picked. Maybe interior color, I don't know if we discussed, but it wouldn't change the price.

**Brenda Adams:** I want to restate the cleaning. Keeping it clean. It's going to have a kitchen. It has to be clean. It can't be allowed to be dingy.

**Manager Revella:** The Board discussed that during a budget session as well. Absolutely.

**Becky Pearson:** How much money do we have for this building now and how much do we have to find and where are we finding it? We lost a grant.

**Manager Revella:** We didn't lose a grant. \$300,000 from Senator Larkin. His office didn't send the paperwork up to Albany in order to get the award.

**Becky Pearson:** Wasn't there money allocated from the walkway over that was going to possibly go to it?

**Manager Revella:** That went to the Ulster Avenue Project. We have another earmark from Senator Skoufis for \$370,000.

**Becky Pearson:** How much of the Village funds are we spending on this building?

**Manager Revella:** We haven't decided that yet. If any.

**Becky Pearson:** When is that discussion going to take place?

**Manager Revella:** Next board meeting.

**Becky Pearson:** I read on the Village Web site that there's no beach this year.

**Manager Revella:** No public beach. The beach is open for camp only.

**Becky Pearson:** Why is there no public beach?

**Manager Revella:** Because it's too difficult with the Department of Health Regulations to have an open beach and a beach for camp.

**Becky Pearson:** The fee schedule for the park, it says \$75 a week. Is that for the whole program for 6 weeks?

**Manager Revella:** For half day, \$75 total.

**Becky Pearson:** Tree City acknowledged this year. Thank you. I know you're on vacation. I believe the Chief was on vacation at the same time. But when 2 major players in the Village, on vacation at the same time, what is the chain of command? Who is in charge next? Should you both be on vacation at the same time?

**Manager Revella:** We don't have to change chain of command. Doesn't change anymore because now we have video phones and everything else that we might need at our fingertips.

**Becky Pearson:** The Chief and you are both out of Town and there's a major emergency here. What happens?

**Manager Revella:** What happens depends on what the emergency is.

**Becky Pearson:** Example, there's a bomb scare in the Village, in the school.

**Mayor Ramos:** The Police Department can handle it.

**Becky Pearson:** It doesn't matter that there's no one really in charge when 2 people are on vacation. The Board doesn't feel that that's necessary.

**Manager Revella:** There's always somebody here in charge.

**Becky Pearson:** I'm just saying maybe they need to be a schedule where they're not on vacation at the same time. Summer yoga. Could we maybe do a summer yoga program at the park for evenings? They used to have it. It was wonderful. Dispensaries, I get it, all the discussion you're having and I appreciate that. Thank you so much. I just have a comment that New York State made it legal and I do agree with Cheryl that things are legal now. It's not like it used to be, like you have to hide things and a lot of people are using it for medical benefits as well. It's not for me, but it is something that's already happening. You have people buying and selling on the streets still. Why not make it legal and make money off of it? It's a hard decision. I appreciate your conversations. I did hear that Kelly Kelly has resigned her seat as our Financial Adviser. I'm sad to see that happen. I can kind of guess probably why it happened, probably because she felt unnecessary and unworthy and people wouldn't give in to other things that people wanted. It's sad to see that happen. I did hear that she did reach out to the Mayor to have a conversation with him and never heard anything back.

Which even upsets me a little bit more, because she is a part of the Board. Your Board members are the ones who pick these people. She works for you. And if we cannot communicate with the people that work for us, that's a sad situation. Maybe she could have stayed. Maybe there were issues, maybe other things we could have done. But to hear that those conversations didn't happen with the Board and the Mayor, upsets me a little bit more. She got us out of some financial trouble with the Manager. I think that that was a blessing that she was here. I appreciate that. Thank you, John and thank you, Kelly, for getting us where we needed to be. It's sad to see that it had to happen and come to that. I kind of had my piece and say, when you guys are all voting on certain things and things would come back to bite you and I think this is one of the things that came back to bite you. It's sad to see that. I know she really loved working here and was happy to be here, but I think you really made some mistakes.

### **Payment of Audited Bills**

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

### **Correspondence**

**Trustee Thompson:** I received an email from a gentleman regarding the promotion within the Police Department. I received another one of those.

**Trustee Elliott:** I also received the same.

**Trustee Maher:** I also received the same correspondence. It's been of multiple. I just wanted to make sure that everyone knows that we don't have a say in those promotions. It is good to get the letters, but we can only control so much.

**Trustee Baker:** Just the same email.

**Trustee Sebring:** I received the same letter too.

**Deputy Mayor Carley:** Same thing.

**Mayor Ramos:** I, too, received the letter. We reiterate that it is the position of Village Manager and Chief of Police that made the promotion after an arduous selection process, interview. I did receive a letter of resignation from Treasurer Kelly Kelly, making it effective July 27, 2021. Reflect that in the record. I also received a correspondence letter from Principal Greg Heideman and Assistant Principal Bugleman. \*Read into the minutes\* Lastly, I received and everybody has a copy of this, I've been asked by 1 of the school teachers at Walden Elementary School by Mrs. Nancy Phelps. She has tasked us with the vision of creating murals on the pump street station here at Maple Street. Some of the drawings that you have right now or renditions of what the indigenous foliage that we have on the coastline. Also, there are some historical references for the Village of Walden from back in 1863. When this was brought up to me, I thought this would be an invaluable asset to that area, especially when we're going to facilitate the Mickey Millspaugh Park. It would be a nice addition. It would cost nothing from the Village. The work will be done by artists from the high school. I thought this would be an excellent addition to that area as we progress into the making of the park. She's been trying to do this for quite some time. I've asked the members of the Board, if they're on board with this, that we can proceed with this. Hopefully, it will be a summer program for the artists.

**All:** Yes.

**Mayor Ramos:** I will pass it along to Mrs. Phelps and that would be good to go.

**Deputy Mayor Carley:** Is it one drawing?

**Manager Revella:** its 4 sides of the building.

**Mayor Ramos:** You'll be able to see it on Pine Street, Maple Street from the water side. Once we get our park up and running, it'll be a nice addition to the area.

**Miscellaneous Comments from the Board of Trustees**

**Trustee Thompson:** I would like to add that in correspondence I also received the letter of resignation from Kelly Kelly as well. Talking about the bicycles and things. I know the Village of Montgomery Police Department used to hold a bike rodeo. I don't know if they still do that, but it was for the school age children and I don't know if it went up to middle school.

**Manager Revella:** We used to do that as well. We haven't done it in a while.

**Trustee Thompson:** With all the things we've been discussing about safety and the bicycles and the scooters, I'm wondering if that's something we could consider doing again. At least for the Walden Elementary School children and maybe any middle school children that would be involved.

**Mayor Ramos:** That would be a good tasking for our brand new Sergeant.

**Trustee Thompson:** I had several of our senior citizens ask me for the paperwork about the rehab loans. They were not able to get here to get the papers, so I delivered them myself. You might get some more applications for the rehab loans. If anyone's going down to Woosters Grove, you will notice an absolutely lovely sign in the back behind the outdoor basketball courts. It was donated to the Village by Mixture and it tells what we're doing in the park, to do the trial of the Wildflower Meadow with the Town of Montgomery CAC. The 1st site chosen was here in the Village of Walden. It's starting very small, 400 square feet. And if it's a successful program, we'll expand it at the Grove and the ultimate goal is to utilize this project in various locations through the Town and the Villages. Hopefully, we'll start seeding the site in the fall and next spring we'll have a really beautiful little garden patch to look at back there. Mike Bliss is helping with that and he's also going to put some type of a little walkway around it. That's exciting. I'm just wondering, can you tell us what the spraying schedule is for the sidewalks with the weeds?

**Manager Revella:** They sprayed once already. I don't know exactly what date they spray again.

**Trustee Thompson:** How long are you anticipating it will take to see some improvement?

**Manager Revella:** Should be this week. I know they're going to spray again the week coming.

**Trustee Thompson:** I hope you stay on that because it really doesn't look very nice.

**Manager Revella:** I'll ask them to make sure.

**Trustee Baker:** I just wanted to thank Officer Graham and his helper, Fred, in regards to doing the CPR training for myself and a few of the Trustees and if there was anybody that wasn't able to make it for that session that wanted to do it, let me know. He was very obliging in scheduling another class. July 18th at 10 am, there is a free Narcan class that Officer Graham is doing. He will also be handing out free Narcan. It's at 10 am at the Goshen firehouse.

**Deputy Mayor Carley:** I did have an opportunity to talk to Kelly before she left. Mayor wasn't



around and I said you can call him back or and see. Then she left on vacation I think the next day or so. We did have a discussion about the pros and cons. She made a decision. We stand by that. I personally believe that like she said, she liked the Village, but she had to make her decisions. As I stated to her, you always make a decision based on your family, what's good for you, what may make you happy. That was her decision. I just wanted to make that very clear that she was talked to. Did every Board member have to talk to her? Either way, she was addressed. I did go back after that and talk to the Mayor and let him know also that we had the discussion and what was said so that everything is transparent and clear and up front. It wasn't so much as she sends a letter and she's out the door. There was a discussion. I can't tell somebody to stay and I can't tell somebody to leave, but I can hear what they say and give my own opinion. Evidently, we see her end result.

**Manager Revella:** In her letter, she even advises that she has an opportunity at another local municipalities to act as their Treasurer. So, you'll probably still see her around at another municipality in the area.

**Mayor Ramos:** Thank you again, Deputy Mayor Carley for stepping in on my absence at that time. He did brief me in full and I have all the faith in the world on what Deputy Mayor Carley had given me. We've absorbed it. I wanted to add Nancy Phelps will be conducting a small little garden behind the Building Department. We removed the trailer from that area. They've been trying to get a little space because Walden Elementary School is very limited in their greenery around their facility. They suggested that little area there. There'll be a little garden forthcoming in that area. Fox Hill said they were going to help them out also.

#### **Executive Session – PBA Negotiations, Personal History of a Particular Employee**

Trustee Sebring made a motion to enter executive session to discuss personal history of a particular person and attorney-client session. Seconded by Trustee Thompson. All ayes. Motion carried.

Trustee Thompson made a motion to go out for bond for a BAN of \$300,000 for Community Center. Seconded by Trustee Sebring. All ayes. Motion carried.

#### **Reconvene**

Trustee Elliott 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 6, 2021  
Motions & Resolutions**

**Approval of June 15, 2021 Minutes**

Deputy Mayor Carley made a motion to approve the June 15, 2021 Minutes with corrections. Seconded by Trustee Sebring. All ayes. Motion carried.

**Payment of Audited Bills**

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

**Executive Session – PBA Negotiations, Personal History of a Particular Employee**

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