

**Village of Walden
Board of Trustees Regular Meeting
September 21, 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
	Cheryl Baker
	Lynn E. Thompson
	Patricia Maher

Absent:

John Elliott
John Revella, Village Manager
Marisa Kraus, Village Clerk

Also Present:

Gina Somma, Deputy Village Clerk
Dave Donovan, Village Attorney
Elizabeth Skinner, Village Treasurer

Orange County Transit Update

Anthony Mirando: Update on the sewer and water connection status for the Orange County Transit Property. Good news we got the Department of Health sign off and approval. We also got the Planning Board approval on the site plan in August and we appeared before them last night to finalize the resolution of approval. Department of Transportation, we did make a submission to kick start the process with them further back on August 10. We followed up again and we got the acknowledgment of receipt. I think it was around August 20th or so. We still didn't get anything of substance. I will be following up again on the 13th. We're still pushing forward on other options with doing other site work. We spoke with the Planning Board last night about that and try to coordinate with them. If there are certain elements of the work we can do or not do, we will figure that out. But on the sewer and water connection, we're kind of stopped with the DOT.

Mayor Ramos: Who are you talking to at the DOT?

Anthony Mirando: Well, we're not really talking to anybody. I apologize, I don't have the names in front of me. But there was the email that we submitted, we copied the Village on, so that the contacts are all on there.

Trustee Thompson: If this goes on several more months into the winter, then what happens with the project? Will the winter weather have a significant impact?

Anthony Mirando: It will. If you remember when we were here a few months back, we're talking about the extension that gave us until August and then we came back and got extended to next August. That was part of what I was saying. Unfortunately, it has kind of come true, despite how hard we push, because the months just go by and then once you get to winter, you have to get blacktop. There are a number of those things, constructability issues that we're going to be confronted with.

Trustee Thompson: What is the last possible date? When is it really too late for you progress

quickly over the winter?

Anthony Mirando: I don't know the answer to that.

Trustee Thompson: I mean, if you were, let's say October. I'm assuming a positive response. I'm assuming before the bad weather started, you would get quite a bit of work done.

Anthony Mirando: I think the hope would be. But I think there's also an issue that you don't want to be left with an open site and not finished. That's why I'm afraid to say when that date would be. I can tell you that we can have this conversation frequently and stay in touch and make sure that we're doing what we can and move forward. I think there is going to be steps with the DOT. I don't think they're going to get a response and it's finished. I'm actually probably not the best person to be updating the DOT because I don't really deal with them personally. It's usually through the project engineers or the contractors. I think the idea is what we really need to get back is a response that the site plan is fine. And then here's more information that they need. So, it's a step process. But we need dialog to happen and that's the issue.

Trustee Thompson: I appreciate the frequent updates.

Approval of September 7, 2021 Minutes

Trustee Baker made a motion to approve the September 7, 2021 minutes. Seconded by Trustee Sebring. 5 ayes. 1 abstention(Deputy Mayor Carley). Motion carried.

Public Comment on Business of the Board

Mary Ellen Matise: I brought this matter up a couple of times with the manager, who's not here tonight, so I hope that maybe what they're covering at NYCOM maybe helps with this. I looked at the agenda for tonight. The public agenda has 3 items on it. Intro to Local Law 4 of 2021 review. Well, what's the law? There's nothing here telling me what the law is so that I can sit home and go into the computer, look up some stuff and come here with an intelligent question or a comment. B. Bid Award - Oak St. Bid on what? And then C. Local Law Update - Towing. What about towing? Is this about the cars that are being towed? Is it about people who are doing the towing? Then we come here and we get the packet. But this is not available to you at home. So, you don't know what you're going to talk about if you want to come prepared. I talked to Manager Revella about this numerous times and registered this observation. So, number 4 of 2021 is about the zoning. It should say that here. It could say here that it's about amended zoning. Then I'm looking in here and the next thing I come to is equipment requirements. Well, then we figure out that the bid is out place. The bid is back here somewhere for Oak Street. It's about paving, curbing on Oak Street. Why can't that say this here? Then is this under CDBG money or is this capital improvement? What is it? How does the public know? It's the public's money. The towing, 277-3, where does this come from? Is this part of the village code? Is this part of the police procedures? Where does this come from? If I want to look this up at home what am I looking for? If you want to have an informed public and I'm probably as informed as anybody, it would help just to have a little more on the agenda.

Action Items

Intro Local Law 4 of 2021 – Review

Attorney Donovan: This is the local law that you had in front of you a few times. It was in front of you last meeting as well. This comes out of a comprehensive plan. There was a discussion last meeting about adding back in temporary service quarters, which is a special exception use in the OL-I zone. Also adding back circus training facilities as a permitted use of the OL-I zone. If the board is satisfied with it, the next procedure would be to send it to the Planning Board for their review and also the OC Dept of Planning for their review and report. When you have those items back, next course of business is to schedule a public hearing.

Trustee Thompson: I sent my reply to the Village Manager, Wednesday or Thursday. The circus was the only thing that I had any questions or comments about.

Trustee Maher: All the amendments look great.

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

Bid Award – Oak St

Deputy Mayor Carley made a motion to award Consorti Brothers bid in the amount of \$353,110.27 for the Oak St Sidewalk project. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Thompson: John's not here. I don't know if he shared this with you. I find it just amazing that the difference in those bills is astronomical. That's always a little concerning to me. I know the company that awarded the lowest bid, Consorti Brothers, has done a lot of work in the village that's been satisfactory. Do you have any explanation why such a dramatic difference in those bids?

Mayor Ramos: I can only surmise that because Boyce Excavating is on the other side of Ulster County and Consorti Brothers are right down the street. Equipment transfer, equipment, would be the biggest obstacle that you would have on a project like this. So, if you were closer to your area, you don't have to expend gas, you don't have to expend other materials that are needed for the project. That's my only assumption. I've been on a few contracts myself and that's the only reason why probably the bid was substantially lower.

Deputy Mayor Carley: I would say staffing, too.

Trustee Thompson: I understand all of that. I still think that's quite a difference, but as I said, Consorti Brothers has a very good reputation. The Village has worked with them before and pleased with their work. I don't have a problem with bid being awarded to them. I'm just questioning such a big difference.

Local Law Update - Towing

Attorney Donovan: I received an email a couple weeks back from the PD. Sgt Werner was going through the code and made some suggestions to update some relative to towing. What he has suggested, see a lot of paragraphs. This comes out of section 277 Village Code. He suggested be eliminated, some of them aren't applicable anymore and they don't relate to vehicles and service or current requirements. His suggestion is paragraph A, that we make them comply with the requirements CFR Title 49. CFR is actually a code of federal regulations. He tells me that's the most up to date requirements for this type of equipment and that's what he suggested the village do. There's also recommended 2 other changes. Impound within 15 mile radius and also they apparently do inspections once a year, not twice a year. So, he has asked for that change. I put it on in this format and got it from Roy in this format. If the board is interested in moving forward. I just ask for authorization to prepare an Intro to Local Law for next meeting and if you thought it was still a good idea, schedule a public hearing. This was just step 1 of the process. You're not required to do anything tonight.

Trustee Thompson: Does this have to do with the accreditation process they're going through? Because it's my understanding that you're given the recommendations and then you tweak everything to fit your municipality. I'm just curious, reading through this, if this is because of what's going on with the accreditation. That not all of these things would apply necessarily to the Village of Walden. So we're tailoring this to fit our needs. Is that perhaps where this is coming from?

Attorney Donovan: I don't know if it has anything to do with the accreditation. That wasn't discussed with me. All that Roy said to me via email was this was more consistent with the current requirements and some of the provisions of our code, might not be applicable or might not be appropriate given the updates with federal regulations.

Deputy Mayor Carley: We have to be sure that it's applicable. 1 of the issues I have with this is the fee schedule. We should see that here, too.

Attorney Donovan: I think the fee schedule is separate. It's not in this provision. It makes a reference to a fee schedule that you adopted at the reorg meeting.

Trustee Maher: Good idea having the recommendations from Sergeant, just maybe having him here would be great.

Mayor Ramos: It would be a good idea for him to just generate a document, especially when it comes to indicating code regulations. There are also NYS DOT regulations. We could have more in depth than what we have is 6 paragraphs. I don't know if this is an accreditation portion. I can only assume that it is. My memory recollects the accreditation process, a division of criminal justice services. Let's expand this.

Attorney Donovan: The purpose was Roy got in touch with me. I asked John, put it on for tonight for your consideration.

Mayor Ramos: There's a need for this. I don't know the date from the last time this has been done. I also want to have a date that this is going to be transformed into the new local law.

Deputy Mayor Carley: 1 of the things I had a discussion with the mayor is to look at all the local laws and make sure that we are up to date.

Attorney Donovan: Do you want me to ask Sgt Werner to be here or just provide some information written information?

Mayor Ramos: Written information.

Public Comment

Becky Pearson: 167 Walnut St. Talking about Walden Management Form of Government. I just want to make some statements and maybe someone can clarify for me. I don't know you all read the information that Mary Ellen gave you. She emailed people about the laws and the information that we gathered in 2005 when I was the mayor, about what form of government we were working under, and nothing has changed as far as I know unless 1 of you can tell me that it has. As far as I'm concerned, we are working under Article 15A and in those laws, we talked about what the board and the mayor can do on their own and not on their own. I don't know if you guys have talked about it. Have you discussed it? Are you going to talk about it your government and how it's going to run whether you're under article 15A or 4-400? I think we should know that. I think we should find out what we're working under as far as I'm concerned, we're under article 15A because we have not had a vote since 2005. Since 1962, actually. Has 1 in 1972, but they voted to keep the form of government that we have now and that's the last time that there was a referendum that will go to the public and they voted to keep it. That's why we're assuming they're still under article 15A with the notes that we've gotten from the attorney general's office and some lawyers of the state at the time. Any comments on that? Do you have any concerns, any thoughts? Are we working under Article 15 or 4-400?

Attorney Donovan: We talked about this a little bit in attorney client privilege last meeting. The answer is obviously, we are under Article 15A. What has been referred to as the old law. This issue seems to have arisen over, as I understand it, both the appointment to fill the vacancy of treasurer's position and the establishment of the salary of the treasurer's position.

Becky Pearson: They should know anyway the laws they working under, because sometimes the mayor, me, I had some concerns when I was mayor and I was told I couldn't do that. So just knowing what you can and can't do is important when you sit here.

Attorney Donovan: The issue relates to the manager power. The manager retains the power that he has in Article 15A unless the Village Board by local law supersedes that power. Now, in terms of the treasurer and the salary, Article 15A doesn't have anything to do with that because the manager never had the authority to appoint the treasurer either for a full term or for vacancy, nor did he ever have the power to establish salary for the treasurer. *referred to a case from the Village of Monticello that has same manager form of government* Section 3-312 of the current village law says "vacancies in office caused other than by expiration of the terms shall be filled by the mayor" Vacancy in office, manager doesn't have anything to do with the appointment. The mayor makes the appointment. Now, the terms of the establishment of the salary, the law is clear that the Board of Trustees establishes the salary. When there is a vacancy in the office, this is an opinion from the NYS Comptroller, "the salary of the successor appointed to fill a vacancy is that of his or her predecessor". The reason for that is that you adopt a budget. You do not establish a salary for a person, you establish a salary for a position. So, when that vacancy is filled, that person takes over with the salary of the predecessor. Unless there is a difference as determined by the Board of Trustees. The Board of Trustees could vote mostly to decrease their salary. Or you could take action to decrease that salary.

Becky Pearson: So, what you're saying is the treasurer that is hired or can be hired, if there was no board vote, they're coming in with the salary at what Kelly Kelly left at? Is that what you're telling me?

Attorney Donovan: I don't think that's what I'm telling you. Mr. Mayor, I'll defer to you on this issue.

Becky Pearson: That's what I just heard.

Mayor Ramos: That wasn't the process at the time. It's obviously when we're talking about a new employee issue and salary.

Becky Pearson: We're talking about a position. We're talking about what the board should have done or didn't do. So, what you're telling me, Mr. Attorney, is that the board did not have to have a discussion on the salary that they wanted to give that position.

Attorney Donovan: I don't want this to come out the wrong way. I'm not telling you anything because I'm not your attorney. I want to say to you, what the board did was legal. Because the treasurer's position was filled, as I understand, at a salary less than the budget.

Becky Pearson: And it was filled by the mayor and it was filled under for 4-400.

Attorney Donovan: Actually 3-312 subdivision 3 in the New York State Village Law. .

Becky Pearson: I'll have to look at it. Thank you very much. So, we are working under Article

15A, yes? Thank you.

Mary Ellen Matise: 54 Gladstone Ave. I would like it noted in the minutes that correspondence that I sent to the board members was 1 copy of the old village law that we received from the Department of State, information about the 1962 referendum vote and also information about the 1972 referendum vote retaining the manager form of government. There's associated documents on all of these and newspaper articles too. Thank you.

Payment of Audited Bills

Deputy Mayor Carley made motion to approve the payment of audited bills. Seconded by Trustee Sebring. All ayes. Motion carried.

Correspondence

Trustee Thompson: I received some e-mails from Mary Ellen Matise.

Trustee Maher: I also received 2 emails from Mary Ellen Matise regarding the old law and the 1972 referendum among some other articles, and then we also received the e-mail from Anthony Mirando and his update.

Trustee Baker: Same emails.

Mayor Ramos: I, too, received Ms Matise's correspondence. I also received Orange County Transit memo Anthony Mirando. I also received an email from Mrs. O'Connell from 15 Rifton Pl on a water meter issue that was transferred to the Village Manager. Also had correspondence with Mr. Derrik Wynkoop who has spun up a special service for November 14th, 4 p.m. for the playground at Wooster Grove to commemorate the 20th year of the hard working volunteers that made that park possible.

Miscellaneous Comments from the Board of Trustees

Trustee Thompson: I would like to remind everyone that our Harvest Fest is this Saturday. There's always a need for volunteers. So, if anyone's around, please come. Maybe I should have asked about this during the Village Manager's report. I want to ask our treasurer, since she's here about her report. I was going to ask you if perhaps you could give us a little more detail in your report statement. They've been a little short. I'd like to know more of what you're actually doing. But then I saw that you had an addendum and there was a lengthy report. Thank you for that. I would just like to ask, your report says you've been meeting with the Department Heads, are you meeting with them a few at a time? You've met with all of them? Because I noticed a few things were missing.

Treasurer Skinner: I've been meeting with them individually.

Trustee Thompson: So, the ones that aren't listed are still on your radar.

Treasurer Skinner: Correct.

Trustee Thompson: Question, your report said that you met with a really previous treasurer.

Mayor Ramos: Trustee Thompson, those items pertinent. Confidential.

Trustee Thompson: I'm just trying to inquire about the training process, so I see that you're actively engaging in your training. I'm glad you are. It was my understanding, though, that there was someone available to help with the transition period. I'm just curious as to why that was never taken advantage of.

Deputy Mayor Carley: I'll speak to it. First, we wanted to discuss the report, because it was a very hostile environment. People were concerned about the mayor and the way things were done, that's why it was supposed to be confidential. Make sure everything's ironed out. So, we presented in public, there were being disparaging remarks. In the second part, to answer your question, the individual was not available. Would not make themself available. Therefore, we had to reach out to another avenue. Who has experience with Edmunds and the process and understanding of the Village.

Trustee Thompson: I wasn't aware that said person was not available.

Deputy Mayor Carley: Well, that's what was said.

Trustee Thompson: I'm trying to ask about the training. Do you prefer that I don't ask that?

Deputy Mayor Carley: I'm not to speak for the mayor. Not to avoid open conversation but because the context of everything, it was marked confidential.

Trustee Thompson: Mr. Donovan, is that correct? I can't discuss the report?

Attorney Donovan: I have not seen the report so I don't know what's in the report. I don't have an answer for that.

Mayor Ramos: It was listed as confidential.

Trustee Thompson: But that doesn't necessarily always mean that it's confidential. The reports from other Department Heads we discuss. We discuss what the Building Department has to say. That paper is also stamped confidential. The report that I question that I ask that it be a little more complete, that is also stamped confidential. My question to Mr. Donovan is, are we allowed to publicly discuss anything that has a stamp on it?

Deputy Mayor Carley: Before Mr. Donovan answers, if it's marked confidential, it was meant confidential. We typically discuss the ins and outs of things in private.

Trustee Thompson: Mr. Donovan, could you please?

Attorney Donovan: I can't answer. I don't know what's in them.

Trustee Thompson: I'm asking generally anything in this packet that is marked confidential, we have discussed in a public forum. We discussed the Building Department report, the Police Department report, every single one of those papers is marked confidential. I guess my confusion is the first bunch of questions I was asking about the treasurer's report being so vague. That's marked confidential. I'm not allowed to discuss that and I'm not allowed to discuss the other piece of the report?

Attorney Donovan: I haven't seen the report. I don't know.

Trustee Thompson: Forget the report. I'm asking, are the papers in the packets that are marked confidential, papers that we are never allowed to discuss in a public forum?

Attorney Donovan: I can't say that until I review them.

Trustee Thompson: You've never seen or packets previously?

Attorney Donovan: I never have received Department Head reports.

Trustee Thompson: Then I would like clarification on that if we're allowed to discuss them, because we discuss them in public many times before.

Mayor Ramos: I wouldn't do that because Mr. Revella is not present. He usually derives certain things that are in these reports. That is for publics ears. At this point in time, we received the treasurer's report on Monday. Not everybody had an opportunity to review that treasurer's report. Did everybody review?

Trustee Thompson: Is it not our responsibility to review anything that's pertinent to our board meeting? Then everyone should have reviewed.

Attorney Donovan: Agreed.

Trustee Thompson: But I feel like my questions not being answered. If you refer to the minutes from a previous meeting, I very clearly have asked questions about reports from the Building Department. No one's ever had a problem with that.

Deputy Mayor Carley: I guess I don't have a problem with questions. This is an issue I do have a problem with because of the climate and everything that centered around the appointment of the treasurer. We don't want to cause any more hostility. The Village Manager typically has all the information or more detailed information, because we're not full time. So when things are brought up, something that may not have been written in the report, he has knowledge of it. Therefore, he can clarify or if there is something and then there's a reason behind that, he can give the clarification. It's not us. We don't sit in those offices day after day, after hour and have general information concerning what are the ins and outs and all I'm saying is it was marked confidential. Not to hide anything, I believe in open government. If something is working, work. If something's not working, we need to address it. But the point is that the Village Manager is not here and clearly he's the manager and he can probably answer a lot more questions than we can answer. And to put the treasurer on the spot, I think is inappropriate. Yes, you can say anything you want. This is the United States of America. But it was marked confidential. If something is happening in our in our Village and is confidential, that tells me do not put it on public record. Do not start discussing it in private until we say it's okay to discuss it in private. Yes, we do have things that are said confidential, but the Village Manager addresses all the details and make sure that we are correct because we are not full time.

Trustee Thompson: I guess my question is, why is this never been a problem before? Perhaps, Mr. Donovan, you can find out for me, for us, by the next meeting what we're allowed and not allowed to discuss that's marked confidential in this packet. It's been done before.

Deputy Mayor Carley: I'm going to interject again and the reason why is because when something says confidential and we find out that it's confidential, we have never done it concerning the progress report. We have not said that's confidential and then we continue to talk about it. If the Village Manager or someone says confidential and then we'll discuss it later, typically it's cut off and then we discuss it later. Things have been brought up in this form. However, when it said it was confidential, it was cut off. We moved on. It appears that now, because you said confidential, you don't want to move on. Let John be here so he can make sure everything is appropriate.

Trustee Thompson: That's fine. I don't have a problem with that. I feel like not understanding my

question.

Deputy Mayor Carley: I understand your question clearly.

Trustee Thompson: I guess I don't understand the explanation, but that's fine. I will not ask any further questions.

Mayor Ramos: We will wait for the attorney for clarification. Anything else?

Trustee Thompson: First, I will say I would like to ask our Village residents to be very, very careful about these telephone scams that are going on. I had a very unpleasant experience today with that situation. I am here to tell you it is very real. It seems very real. It's very scary. And if any of our residents do have that experience, I encourage them to call the Police Department right away and not engage with these people, because this ended up for my family to be very false today. It certainly seemed very, very real. Those people on the telephone are very, very clever. Please, everyone out there do not fall prey to that. I don't want to keep going on and on about anything concerning the treasurer, the appointment, the salary, but I feel that I do have to make a comment. I am totally, totally fine with the fact that that was a mayoral appointment. I have no issue with that. I am good with that. My issue is still the way the salary was awarded. I understand that it was legal, but previously we have had a motion, a discussion, a vote, and the board voted on that salary. The way this transpired, there is nothing on the record. Nothing to say that there was discussion, a vote, of nothing there. Apparently that is not illegal, but that is not the way we have done things in the past. Our last appointment of a clerk is a prime example and it was not done the way that this was done. I would just like to see that if there's a situation such as this in the future, that perhaps our board can handle things in a little bit different fashion. Mr. Donovan, if you can, just in our village code, I was reading code for something else totally in the Village about chickens actually, and I stumbled upon a 56-3. It's different or a little different from what you just read to us. Does the code and our code supersede what you read from the state?

Attorney Donovan: What's in the code is exactly what was in Article 15A prior to the comprehensive changes of village law of 1972.

Trustee Thompson: So, this refers to the appointment of officers and employees and it very clearly says "the Village Clerk, the Village Attorney and the Village Treasurer shall be appointed". Doesn't say really in the middle of the term. I'm wondering if that's the difference. But it says "their salary or compensation shall be fixed by the Board of Trustees". I guess that's where I'm having a problem.

Attorney Donovan: As indicated, that's done when the budget is adopted. It's for a position not a person. When a vacancy is filled, that person comes in at the same salary as was established in the budget, unless the Board of Trustees votes to change that.

Trustee Thompson: Correct. And the last appointment that we had that did not take place, the person did not come in at the salary. It was lower and that was voted on by the Board of Trustees. I guess that's where my confusion is.

Trustee Maher: I just wanted to give my final report for the Ride for Kids. The event was phenomenal. Beautiful day. I just wanted to give a special thank you to Trustee Baker and Trustee Sebring for being there and for volunteering. I know that Margarita and Saul Negron were extremely grateful for all of Walden's support. Their original goal was \$40,000 and raised over \$50,000. Next year, we are definitely going to continue our involvement and expand on it and also get them to ride down the street in Walden. I just wanted to thank you for the 9/11 Remembrance

Ceremony. It wasn't here, but I heard incredible things. I think it was a beautiful thing that we did.

Trustee Baker: I want to also bring up the wonderful Walden Harvest Fest, that's going to be this Saturday, the 25th. We do have a new event, the first year doing a dog parade. Pet contest, the best costume contest. There is a form online. Lots of businesses have really been wonderful, stepping up with donations of gift certificates. There will be a prize wheel. The forms are online. You can email it to me or if you're unable to find it, contact me through my village email and I'm happy to email one back to you. I wanted to mention, we have a dispatcher downstairs named Stephanie Cockburn. She lost her husband, Sgt Chris Cockburn, and then just wanted to express our sincerest sympathies and condolences and our thoughts and prayers are with her and her family during this time.

Mayor Ramos: I would like to thank the volunteers for the Ride for Kids. The Negron family was beyond words. Attended the Empanada Nirvana Car Show. He had donated several trays of food to Read community events into minutes

Adjourn

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

**Village of Walden Board of Trustees
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September 21, 2021
Motions & Resolutions**

Approval of September 7, 2021 Minutes

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