

**Village of Walden
Board of Trustees Regular Meeting
August 16, 2022**

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	
	Trustees	Lynn Thompson
		Becky Pearson
		Brian Sebring
		John Elliott (late)

Absent:	Willie Carley
	Patricia Maher

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

Public Hearing – Local Law 4 of 2022 – Landlord Registry

Reopen

Trustee Sebring made a motion to reopen public hearing Local Law 2 of 2022 - Landlord Registry. Seconded by Trustee Pearson. All ayes. Motion carried.

Michele Bray: I'm a little confused about the way the law is written. In the first section, it states clearly that if there's any change in ownership or in the lease agreements that the owners are to notify the Town or the Village. So why is it that every two years you are A. charging us and then making us submit the same information over and over again? It's required. You get penalized if you don't do it. I don't understand the process of why it's A. needed every two years. B. you're saying that there's fees involved and what's the process with the Building Inspector, with how he handles the documents? Do you have a master spreadsheet that you just update? I had put a FOIL request in for this information and was basically told that it wasn't filed by SBL number, which is required on your sheets. And I have not got information. It's been months now. The way it's been handled has been completely ridiculous. I have a multi-family in Walden. It is owner occupied. That's another issue I have. The whole purpose of this registry is to have contacts of the ownerships. Then why are the owner occupied units subject to this law? I live there.

Mayor Ramos: We'll definitely get back on your issue on your FOIL request.

Michele Bray: I don't understand the process of why you're putting the burden on the landlord to provide you with information if it changes, but then charging us the fee every two years for the same information that you have.

Mary Ellen Matise: I just hope that you find a more cost effective way to do it. People's reluctance to reply hinges on the notarization. I don't know why it's not that hard to get something notarized, but that seems to be part of the non-response issue. The initial non-response issue. Then having to get it notarized makes it very difficult for you to do it either electronically or in a much simpler manner. I don't know where it leaves us, except maybe look at other examples.

Trustee Sebring made a motion to close public hearing Local Law 4 of 2022 - Landlord Registry. Seconded by Trustee Thompson. All ayes. Motion carried.

Village Manager's Report

Manager Revella: I'm not sure if the board members have been down to Olley Park lately to see or tour the building. If you haven't, get a hold of me or Mike and we'll be happy to walk you through. The inside is complete. We were supposed to start working outside today, but some of the parts that came in that took four weeks to get shipped were the wrong parts. We had to get them re-ordered from the same company, to get the right size, to get the exterior completed. But we're moving forward with outfitting and getting the rest of the building ready for occupancy. Went through the canvas list for Police Officers with Chief. The letters are coming back and they're due back soon. And we'll start interviews for the full time position that's open. Went through capital projects with the engineer as well, including getting the waterfront project started. The company is ready to move forward after the board made those approvals last meeting. Went through bank recs with the Treasurer. Been going through a lot of paperwork with the Treasurer's office to make sure we're up to speed and getting ready for the audits. The DPW Superintendent and I interviewed some candidates for Laborer and we made some picks. I'm hoping to have all new hires here for the September 6th meeting for introduction to the board. DPW Super and I met with DOT reps at the intersections and Main Street to go over the repaving project and issues with parking to see if we can help make some improvements there with turn radius and with the lining and striping after the paving as well. DPW has been going through and updating the manholes and valves. DOT is also going to do some updates on some catch basins to make sure we're up to speed so we don't have to dig up the new road any time soon. Went over the SRO with Chief and some of the board members with the school district. The draft agreement that's on the agenda for later. Went over union grievances with special counsel and went over the NYSEG bills with finance office. There have been some discrepancies that we have the attorney assisting with one of the bills. The Rec Department has been working on the outfitting for the building getting pricing and materials ready to see what we need for outfitting and things that we already have in place that we can move over there. Summer camp is ending this week, end of the year party is on Friday, flag football ended as well, the program went well. Music in the Grove is going well. Teen Center is open and going well. The Building Inspector issued 4 permits, 9 Certificates of Compliance, 3 CO's and 3 property violations. He also sent a report to the board for a problem property at 35-37 North Montgomery Street. The Code Enforcement Officer was on vacation when I did the report, so I don't have his information on this yet. The Clerk has been working on updates, social media, worker's comp matters for 207c, the minutes, responding to residents with issues in the office and assisting with training the new office staff. Treasurer has been doing the same. Helping with training the new office staff. Working on updating capital projects lists, bank recs, moving the accounts to the new bank, updating the abandoned property invoicing and correcting water, sewer and garbage revenues for the year end for the audit. Public Works obviously working hard on upgrading the valves and basins for the DOT project coming up. Sewer Plant's are pressing sludge down there still. The Water Department replaced 2 meters, 11 mark outs, 2 closings and swap 1 endpoint. Working on water readings for the new bill that's coming up in September and vehicle updates and flushing and jetting project. Police Department, obviously working with me on the canvas list. Did do some saturation details and special details. 15 tickets issued, 2 parking summonses, 2 mvas and 9 arrests. Responded 345 blotters. There also be information regarding the report from South Montgomery Street. They did traffic study there. It seemed that almost 60% of the cars were going at least 6 miles over the limit that went through the area. We're going to be working that more diligently in the coming days. I'm thinking about getting some other traffic counters up there and speed monitoring devices so we can alert people of their speed when they're going through.

Trustee Pearson: Can you tell me what's going on with the Waterfront project?

Manager Revella: We just need them to come sign contracts with us. They agreed to the terms, those 5 points the board agreed to. They're ready to move forward. They just have to come sign it, hopefully this week and get started.

Trustee Pearson: What parking improvements are we talking about?

Manager Revella: There's some turn radius issues on Main Street and the lanes are shifted. I think it was in the early nineties, maybe when they shifted the lanes, when they redid the curb by where Wallkill Valley Federal is and they made a turn lane. It didn't last maybe a year, but when they took it away, they didn't really shift the lanes back to where they were because there used to be parking in front of Sohn's. There's still legal parking in front of Roosa's and John the Taylor, on that side. But if you do park all the way to the curb, your tires are still over the white line. So, we want to get the lane shifted back because right now there's about three feet of shoulder in front of Sunoco. That isn't really necessary. So we can cut some of that shoulder back, give more shoulder to the other side, so people are going to be parked within the white line then instead of illegally parked.

Trustee Pearson: From Roosa's up. Not from the corner.

Manager Revella: From the corner all the way back it's going to be moved.

Trustee Pearson: You're going to be allowed to park in front of Sohn's?

Manager Revella: I don't know if would be enough room, but we need the lines moved out because right now when trucks take the turn, they're hitting the pole. So if we move it out a little bit and move those other lanes over that are sitting, we should be able to make the turn a little bit better. And this project includes removing the loops. If people don't know what the loops are. Those are the things in the ground, the sensors, when your car pulls up to change the lights, they're removing that and going to a camera system so it'll see the cars coming and change the cycle of the lights instead of the weight. So we can then move those over without an issue.

Trustee Pearson: Who sets those? The state sets those? If there's an issue with too long and too short. They can be reset?

Manager Revella: Yes. Absolutely. And if we have issues, we can let them know and they'll come and reevaluate as well.

Trustee Pearson: Review draft agreements and discuss concerns with town projects. What projects were you talking about with the attorney?

Manager Revella: The Hill Street Bridge.

Trustee Pearson: Summer camp is finalized this Friday. I happened to be watching the Village of Montgomery meeting. It was really interesting that the program people came and gave a spiel to the board and everyone about how the program went, how many students they had, how many they had to turn away, what events that they did. They had K-9, vac helicopter, yoga, slide and water. It would be nice to have something like that come before the Village. So we know when our budget time comes up, whether we need to change something. I know we talked about more lifeguards. We didn't get lifeguards. People were complaining that it wasn't open on the weekend. I'm just thinking that it would be nice to have that type of report and what it cost to run the program versus how much revenue we made. I'd like to get those numbers and maybe have a report from the Parks Department. Would be nice to review. If you can get that from the Parks Department and give us a

report.

Manager Revella: We do the report annually.

Trustee Pearson: No, I'd like to have it after the program's over. Like each program that they have. It'd be nice to see what's happening with the program. How many kids we had. Just a report. I don't know if I'm the only board member or if anybody wants to make a motion to have that happen. I would like to see that. I just think it's important for the future where we're headed and funding and budget time. It was just nice to hear that. It was just great. And they're going to do a final report with moneys of how much it costs to run the program and the revenue they made versus the output that they had to do. I would like to see that in paper form here. I'd like to make a motion that we have that happen. As things happen in the Rec Department to really get a report on the financials and the program itself, how it ran. So, when we come into budget time in February or March, we can kind of really see that. Why wait until then? It'd be nice to have that report.

Trustee Thompson: Do you want that after each activity that they run?

Trustee Pearson: You have summer activities, you have spring activities, you have fall activities. It could be per season. I mean how many baseball games did we play at Bradley Park? And we bought a machine for it. Did we have lots of baseball people playing? Was it successful enough that maybe we do need to buy another machine? I'd like to have those answers. Those are things that we should get reports on as a board.

Trustee Pearson made a motion to have a report from the Rec Department regarding Summer Camp final budget. Seconded by Trustee Thompson. 3 ayes. 1 nay (Mayor Ramos). Motion failed.

Mayor Ramos: I think the Rec Department is doing a phenomenal job. I don't think we need to micromanage every program that he has. He comes before us during budget time and he carefully describes what programs are needed, what programs are not needed. He provides us with the numbers that we asked for. I don't think that we need to micromanage the Parks and Rec. The Village of Montgomery. I think their numbers were 200, 220. We had over 325 here at our Parks and Rec. I did not hear a complaint from any of the families. I believe when it comes down to budget time, Parks and Rec has their opportunity to provide their synopsis on what occurred throughout all the programs.

Trustee Pearson: I'm not saying that they're not doing a good job. Don't say that's what I'm implying. That's not what I'm implying. I'm implying that if we have a program, it's not micromanaging either. We're supposed to be knowing money's funding, where things are coming from, going to. That's part of your budget. I'm just saying it's it was really interesting and nice to hear. I'm not saying bad or good. I'm just saying it was really nice to hear that as a final push that this is what we did and this is how it ran. I just thought it was very nice. If John wants to give us that report, I'm fine with that. Don't put words in my mouth that I am saying that the Rec Department isn't doing a good job. That's not what I'm saying. I'm saying they're doing a good job. I would like to see further what the funding is like. That's all I'm saying for budget time frame. If you want to do it now, I'm happy to do it now. You can do it per season. As I said, fall, winter, spring and summer. Put that together. It's our job as a taxpayer and a board member to make sure things are being funded properly, period. I wish you wouldn't put words in my mouth.

Mayor Ramos: I didn't put words in your mouth. Those are those were my words. My words only. I did not infer or suggest that they're doing a horrible job. I'm just saying that Mr. Bliss comes to us every year and throughout the year. If there's a need for special programs. He comes to us, he comes to the manager, and then he comes to the village board.

Trustee Pearson: Treasurer's report, borrowing for the capital projects vehicles. Is that's something we have to make a motion on or do something about?

Manager Revella: There's a resolution on the agenda tonight.

Trustee Pearson: I see there are still issues happening, so I hope they get cleared up and I thank Kelly for doing a good job with that. I would just like to make a comment that I met with the manager and the Chief this week. I want to thank them for meeting with me because they cleared up a lot of issues that I had with the SROs. I thank them for that. I still have some questions but that I'll talk about when we go to the thing. I thank you very much. It was very helpful.

Trustee Thompson: I spoke to people in the Building Department. Apparently, we have so many new people in the Village that we have a lot of residents that are unaware of some of our code issues. So there was some discussion when there are deed changes, if the Building Department can send out some type of a letter, so new residents in the Village will know, like where to go to get information or certain rules that continue to be a problem, like the trash can. Then there's always conversation about violations. It's my understanding and John, correct me if I'm wrong, the Building Department likes to give the residents the benefit of the doubt, so they have some verbal discussion about some property things that need attention. There's a time frame and if the people are not compliant, they get an official citation. Then if they are still not compliant, then they come to court.

Manager Revella: That's correct.

Trustee Thompson: Do you think it would be appropriate for something like a letter of notice goes out?

Manager Revella: They can do that. They used to do that with snow and grass, but I'm not sure if they still do that.

Trustee Thompson: I bring it up every meeting about things in the Village that I think we can do better on. I read the report. They obviously are very busy, but I do like the idea that perhaps we can put something in with when the deed changes get mailed out to let residents know. Some of the residents don't even know we have a Facebook page or a municipal page. New people in the Village don't know. A lady just approached me the other day. She had no idea we had Story Hour. We had a summer rec program. New people truly do not know. I think we should try and figure out a solution how we can get our information out there.

Manager Revella: I have on our agenda updating the welcome packet. We have a Welcome to Walden Welcome Packet that we worked on. We tried to send it to new owners as often as we can and post it, but we have to do an update. I think it was almost a year and a half. You want to help look through it to see any things that maybe we're missing, that'd be great. Anybody on the board, obviously.

Trustee Thompson: I was going to ask about the tri-board meeting schedule, but I read the report that we're making progress. We just have to stay on top of people to set a date. And that brings up the comp plan review that we've talked about. Have we gotten anywhere with that?

Manager Revella: I was told last meeting that the board would let me know.

Mayor Ramos: Let's set up a meeting.

Trustee Thompson: How often are we thinking we'd like to review that? Annually? Bi-annually?

Manager Revella: I wouldn't call it the comp plan review because that's a five year review usually. I would just call it a comp plan follow ups. And those should happen throughout the year.

Trustee Thompson: How do we get those scheduled? The Mayor does that or the Clerk does that?

Mayor Ramos: We can do it. When it is good for you?

Trustee Thompson: I'll make it work.

Mayor Ramos: Let's sit down.

Manager Revella: We'll figure it out.

Mayor Ramos: The group and we'll figure out a good month.

Trustee Thompson: Okay.

Trustee Sebring: I'd like to commend the DPW on doing all the extra work at the last minute, on replacing all the manhole covers that we have on Main Street, 208 and 52. That only occurred after one that I was going past the manhole by the post office and it wore out and dropped down in. With that happening and the state paving 52 and 208, decided to replace them all at a big cost. But in the long run I think it had to be done. They've been doing a good job on replacing them and trying to keep up with their own work.

Mayor Ramos: Just to comment on what Trustee Thompson mentioned, both comp plans from the Town and ours were established in May. Would we suggest like a November meeting? There are a number of committee persons who were on the Comp Plan Committee and Board of Trustees that have changed. We should sit down and try to figure out what the audience would be and the committee members. John, can we move to make November and then obviously May of 2023, we can do another review because we do have some bucket list items that we need to take care of. Then May of next year, we spin up and do a yearly from there.

Trustee Thompson: Okay.

Approval of August 16, 2022, Minutes

Trustee Pearson made a motion to approve the August 2, 2022 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Public Comment

Brenda Adams: I've been trying to avoid the conversation about fences because I'm the one as Chair of the Zoning Board that wrote the letter to the board regarding the height of fences. But seeing as it's still on the agenda, I feel like it's an omen that I have to speak about it. In the letter, the one person was absent the night we took the vote. Three people voted to have it brought before the board. I was a no vote then, and I would still be a no vote for raising the height of the fences. Mary Ellen had done some research and she's a good researcher, so I believe that she did her best to find out why there is non-conformity as far as it goes. Personally, I think it's about density. The R5 has houses closer together and the other ones are a little more spread out. And this was a perfect argument for having detailed minutes, because then maybe we could have found out why, if there was a reason for doing it. And I thank Marisa for always making such detailed minutes that we can follow the work and the conversation. Most people are going for six foot ugly stockade fences for

privacy or those full paneled vinyl fences. How I feel about it is that it reduces the community interaction. You don't speak over the back fence anymore to your neighbor. Sometimes if you just go in and out of your driveway, you don't even know who your neighbor is. And we're always pushing in this Village for community and being together and trying to keep up a nice, neat little community like we always was here. Not a bedroom place where you just come sleep and leave. So I feel that these six foot fences would reduce the community and the neighborhood togetherness. Basically, when I see a stockade fence all the way around a house, I see, "stay out, don't come in". I do understand why people want certain privacy, so I'm not going against that. Also, it makes it so whatever you do in your yard, the Code Enforcement Officer can't see. So unless somebody actually signs a complaint, they can't do anything about it. Human nature is to whatever you get, you want more. Speed limit, right? Do 33. You said, you said what? 60% speed on the road. 84 is 65. People want to do 70. It's normal. When I was out west, you could do 75 and people were going past me at 80 and 90. So that's human nature. When you go for an area variance, there's one criteria that you're supposed to give consideration to, and that is how substantial the request is. So when someone comes before you from a four foot fence to a six foot fence, it's a 50% increase. If you go to a six foot fence and they come before us for an eight foot fence, which I might add, when the deer is in my yard, I wouldn't mind, that's only a 33% increase. That changes the substantial of the criteria that you'd have to consider. That's just my opinion. I want to add that on the record tonight, and I hope that since this fence law thing has come up and you've all been spending time on it, that maybe you looked more at fences because I guess I never paid attention to fences before, but I've been more paying attention to the different fences. Those that are maintained, they look nice. They just are cold, but they look nice. There's so many of them in this Village that are not maintained. They're just slapped together. Thank you.

Michele Bray: My neighbor put a fence up, a six foot fence. I believe you had to file a variance for that which I never got notification about that. But that being said, it's behind my garage and it blocks the light that I would normally have gotten if it was a four foot fence. I wouldn't agree with the six foot fence because it could actually impede adjacent property owners of sunlight in general. In addition, they don't take care of their fence. So, it's an eyesore to look at. And your comment about the parks. I agree. Being a parent, I had actually sent my daughter to the Village of Montgomery Park, because they offered more things that they could do during the day based on what the Village was doing. And the Village does a great job when it comes to Parks and Recreation. He's wonderful, but they definitely had a lot more opportunities to keep the kids busy with different activities and special events. I think that if you looked at the budget and see if you can add more that would attract more families.

Mary Ellen Matise: Here's my issue with the six foot fence, because I'm allowed to have a six foot fence right now in an R5. I have a six foot fence and have had a six foot fence on this property. My mother had it since 1983. Partly the reason why you have a six foot fence in R5 district is because of the setbacks. The houses were built before setbacks. My one side is not even ten feet off the property line. And without a privacy fence, somebody can see right in my bathroom, right in my bedrooms. To me, that's the issue. It's not what I'm doing in my backyard. It's not talking over the fence to my neighbor because I can walk around to the front of the house where there's no fence and talk to my neighbor and go knock on her door. Good fences make good neighbors. And that's an old proverb going way back when. I have issues on Clinton Street where I don't have a fence and my neighbor likes to cut his grass and trim his trees and throw all this crap in my yard. If I had a fence there, could he do it? No. You're trying to then say no six foot fences at all in the Village anywhere, and then people will be grandfathered in. There's no such thing as grandfathering. People become non-conforming. And then if I have to go to replace my fence, I have to go for a variance. So everybody who has a six foot fence now that's allowed when that fence and you want an ugly fence fixed, you want to make it look nice, then they have to come and get a permit. Then Dean or Mike, whoever is going to be there at the time is going to say, no, you're going to have to go for a variance

because it's not allowed here anymore. So you're creating more work, more money for the residents, and you're just creating an issue that could be solved very easily by allowing the extra two feet. Not everybody's going to ask for it, but just allowing it. SRO agreement, I just hope it's not going to cost Village taxpayers more money. Double dipping, double paying, paying school taxes, paying town taxes and the village paying for equipment, for personnel. I don't know what the water fund issue. Is that the thing you were talking about last week? Is that the insurance?

Trustee Pearson: No, that's something different.

John Thompson: I'm not here to complain or anything. I'm actually here to say thank you. I know you don't get that too often. Usually, anybody that comes up here is telling you how much more they know than you and complain. But last month's meeting, I came and talked about the garbage. Just want to say thank you. I know I sent you a picture about the garbage cans on the Walden side of the Rail Trail. I was out there the next morning by 9, 930 and there was a brand new shiny can with a nice liner in it. Nice top. It's being used. I just want to say thank you for handling that. Thank you, John. The other thing is I want to say thank you to the Building Department. Dean was already ahead of me. I also complained about the garbage cans downtown here at the old Tick's building. He explained to me he was on that. So, landlord, whoever is doing the work inside. There's been a dispute there with the landlord and the person doing the work. She won't let him use the driveway to put the garbage cans back there. That's their problem that they have to work out. But Dean was on it. I just want to say thank you.

Brenda Adams: I just want to clarify. You're not talking about making the whole Village or changing the R5. That's already six foot. This new law that you're proposing or considering is only to change the four foot fences to six foot fences. If that doesn't go through, the people in the R5 still get to keep their six foot fences without a problem. That's why I thought it, but then I just needed to clarify.

Local Law 3 of 2022 – Fences

Attorney Donovan: In terms of a local law and there's no timeframes. As the manager said, you can take action. You cannot take action. It's up to the pleasure of the board.

Trustee Thompson: I think we should leave the law as it is. When I got the letter from the Chairwoman of the Zoning Board, I stood corrected because the Zoning Board meetings that I attended, it felt like every single meeting, someone was there for a fence variance. But the Building Inspector and Mrs. Adams showed me the data. There's only been like three or four in four years, coming to the Zoning Board asking for a variance. I just feel like we have a Village of how many thousand people? And over five years, three people have come about a fence. I think we should just leave the law as it is.

Trustee Pearson: Yes. I drove around the Village looking at fences just to see what I could see. I believe that the law should pretty much stay, but I do have some concerns about a couple of things that I want to ask a question on. I think that in an R5 where the homes are closer together, it's acceptable if you want that six. Like Brenda said, that's six foot already. The only place you're changing it is in the R3, R2, and R4 sites and the homes are further apart. So it would look a little more like stockades. You can put any fence up that you want. I sat on the Zoning Board and really the issues that come before the Zoning Board for fence are usually swimming pool issues. If somebody has a swimming pool and they'd like the privacy for their people who live in the home. There was another one about a dog, but again, it was a four foot fence and he had issues because he had wanted to put it on his front yard, so it had to be see through. I think the law is pretty well written. My only concern is, is that why wouldn't the front lot line in R2 and R3 be able to have a fence? There's no there's no height variance or no height for that at all. So why wouldn't we be

looking at that? I'm fine with the rest of the law, but there are other issues. Then you have OL-I that has no fence heights or anything either. If we're going to change something, we're going to look at the whole thing. As Willie would say. I'm fine the way it is, unless we want to look at the other issues that there's no front line for R2, 3 and 4 and there's no OL-I for any of it. Except for not in any minimum required yard is eight feet. So does that mean that could be all eight feet around in OL-I?

Attorney Donovan: Don't have recall of that. I'm sorry. I can certainly find out.

Trustee Pearson: I'm fine with the way the law is unless the board wants to move and look at the whole thing as a whole and question why there are no heights for those. That's the point of doing the law is looking at the whole thing if we're going to do it. If not, I'm fine the way it is right now. There was a letter written from a resident as well.

Manager Revella: Susan Rohl from 17 Walker Street.

Trustee Pearson: She has a six foot fence now. She's on Walker Street, which I believe is R5. But if we changed the law to four feet, she would be seeing everybody's mess in their backyard. So she is happy to have a six foot. She doesn't want us to change it to four foot throughout the Village. That's the gist of her letter. I'd like that applied in the minutes as well. Thank you very much.

Mayor Ramos: Been in the village since 2006. We've fostered almost 90 dogs in our career. During the prerequisites to foster a dog is and I don't know if it's anybody's situation now within the Village confines, but we're required to have a six foot fence. Granted, my six foot fence is on the Sunset side and the residuals are four foot. I know my dog can jump six feet in a heartbeat, once he sees something on the other side of the fence. I understand the plight of Mrs. Rohl from 17 Walker Street. I have to agree with her that in certain situations where there is privacy that's in need, then we should benefit the person who needs privacy. I'm not looking at a penitentiary look. I believe the Building Inspector will inspect certain fences if it's six foot and apply the rules of the Building Inspector to make it look nice. Stockade fences are nice, sometimes, but it doesn't match the complexion of the neighborhood, then obviously we're going to leave it at Mr. Stickles is the discretion on what can be put on there. I'm in favor of raising the four foot to six foot. We can continue discussing this any further and wait until the board that can be here and have their input.

Trustee Sebring: I'd like to hear what the rest of the board has to say. We've got time.

Manager Revella: Pleasure of the board to table?

Mayor Ramos: Yes. Next meeting?

Manager Revella: Yes.

Local Law 4 of 2022 – Landlord Registry

Trustee Thompson made a motion to issue Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

Trustee Pearson: In this law, I don't see what had been discussed before. Let me address the person in the audience. Lots of times, people don't send back, even though people don't send back with, and I know what we're talking about in this law was that Dean had wanted to take out the section 221-4 the line that says if there's no changes required to be made to the landlord registry form, the statement of no change shall be submitted. That was supposed to be coming out of that law. I don't see it in here, but I don't know if that has happened.

Attorney Donovan: That's correct. Because the way it reads is that's in section 221-4. Which is being repealed entirely and being substituted by what the local law has as 221-4.

Trustee Pearson: Because it's not in here, that means it's taken out.

Attorney Donovan: Correct.

Trustee Pearson: Okay. I'm fine with that because a lot of people don't send their things back as what the Building Department said. They're just not sending the information back. There may be wonderful landlords that do, but there are many, many landlords that do not. So they're just trying to keep track of people in the Village. And when they are selling their home, then they have to re-apply again. The fee was for two family, three family, a yearly fee of \$25 per building. We don't even have fees yet. We'd have to do that tonight as well if we go to move forward.

Attorney Donovan: You'd have to adopt, you'd have to amend your fee schedule to put whatever fees. That would be by motion or you could do it, I don't think you're sending any notices out to anybody within the next three weeks, so you could do it at the next meeting.

Trustee Pearson: That was just a concern I had. I knew it was supposed to come out, but I didn't know if this was just a little piece of the law or whether this was exactly how it was going to be worded and that's all there is to it.

Attorney Donovan: On that issue, just a very technical issue, if you look at this, the form required by the New York State Department of State. You look at the very top of the form. This is a form that is filed. It says text of law should be given as amended, do not include matter being eliminated and do not use italics or underlining to indicate new matter. In times past, I have not used the form because admittedly it's sometimes confusing. I do it, sometimes I say what's coming out, what's going in, so it's easier to read or to keep track of. I was a little bit of a slave to the state form in that instance. But that's why it doesn't show it's been eliminated.

Trustee Pearson: This would also be for the single family homes that are rented out with owners.

Attorney Donovan: They're already covered now.

Trustee Pearson: That's covered and single family rentals are covered that people don't live in. Everything is included in this?

Attorney Donovan: That is correct.

Trustee Pearson: Everything. Because I didn't see that word.

Attorney Donovan: Really only changed the fact that every two years you pay \$25.

Trustee Pearson: That's for all rentals in the Village of Walden.

Attorney Donovan: There's other fees that are associated, that's the only thing that's being changed. Right now, there was the statement of no change, no fee. This changes it to statement, no change. You're still paying \$25 every two years.

Manager Revella: It was every year. Now, every two years.

Trustee Pearson: And that's single family rental, all the way up.

Attorney Donovan: That's the way it's been since it was adopted.

Trustee Pearson: Just to single family was not.

Manager Revella: It was included.

Trustee Pearson: But there was no fee then at that time.

Attorney Donovan: The initial filing. Yes, the statement. No change. No. This would include single families.

Trustee Pearson: Single family rentals.

Manager Revella: Initially and when you do the initial determination, the owner occupied unit doesn't get charged. The building does. Any other units do if it's a multi.

Trustee Pearson: For my discussion I would prefer the whole board to be part of this discussion and finalize this. I know we've been dragging it out for a long time, but I think that I would be happy with the whole board being here.

Trustee Thompson: I'm prepared to vote this evening.

Trustee Sebring: I'm prepared to vote tonight too.

Mayor Ramos: This is a team effort and I have to agree with Trustee Pearson. I'd like to see the rest of the board present. I'm not inclined of charging the landlords any more funds or fees that we are currently not charging them. We took a serious hit in the past two and a half years with COVID. Landlords have taken serious hits on their rents. They forgave a number of tenants. I think by adding just another fee, I think we should be doing a little bit better and calculating what the processes are. Just as the Deputy Mayor had indicated that we should be reviewing our outdated codes and rules for pertinence and relevancy for this date. Not the 1970s and 1980s. I guess it's 2-2 that we'd like to have the board present.

Trustee Pearson: If I was going to vote tonight, I'd probably vote yes. It's still going to be tabled because you need more people anyway.

Mayor Ramos: Okay, we can table this for the next meeting.

SRO Agreement

Manager Revella: After last meeting, the attorney was diligent in making sure that your comments were met regarding the coverage. We asked the other question about payment as well. I don't know if you got that response. They're not inclined to pay ahead of service that hasn't been rendered yet. That's why they were doing month by month and the agreement.

Mayor Ramos: Everyone's reviewed the agreement with the Valley Central School District.

Trustee Pearson: Can you go over the agreement so the public knows what we're talking about?

Manager Revella: The main points of it is for the Village of Walden to provide an officer to the Walden Elementary School for 7 hours per day when schools in session from September 1st to June

30th. They will reimburse the Village. \$54,280.80 for the services. The SRO that's designated for the school would be determined by the Village. That person would also be required to abide by our code of conduct, all of our rules and regs, and to make sure they're aware of and compliant with the school rules. Either party can cancel the agreement without cause upon 30 days notice. Just so everyone is aware of that too. If it doesn't work out. Your maximum amount of burden is 30 days.

Attorney Donovan: It's a one year contract. Just so the board, the public is aware, I reviewed the contract, the contract was reviewed with Chief Herlihy. Chief Herlihy in terms of chain of command and incident control. Chief was fine with what's in the agreement was also sent to the Village's insurance agent because there's some insurance language in here. I did have a conversation with Mr. Hunter on that and he is fine with the language. That was the one change about coverage. So if we couldn't send someone, we would go to the Town of Montgomery. That language has been in here. Also has some communications back and forth with the school district attorney just to kind of put out there that there was a fair amount of back and forth on this analysis over the past three weeks or so.

Mayor Ramos: Thank you for working on this project.

Trustee Pearson: I'd like to ask a question on number 22. Did we finalize what will happen if our SRO officer is absent, did we say that we're going to fill in with another part timer of our own? Or is the Town of Montgomery going to fill in with an SRO officer?

Attorney Donovan: Yes. The language provides the Village will provide a substitute SRO if the SRO was absent for any reason or is off site attending a training event. If the Village is unable to find a substitute SRO, it should contact the Town of Montgomery to see if the Town has a Police Officer available. If the Town does not provide a substitute and there's no one there, there's going to be a proration for a deduction.

Trustee Pearson: Number 24, would you please go over that with me? Indemnity for the Village.

Attorney Donovan: Basically, the district is indemnifying the Village, if there's any liability that we incur as a result of their negligence and vice versa. We did go over this language specifically with our insurance company. Indemnification agreements are important and you try to limit or make them as fair as possible. We spent time with Orange Bank and Trust actually modifying theirs. This is a language that I'm happy with and our insurance company was happy with.

Trustee Pearson: Give it to me in simple terms.

Attorney Donovan: If Party A commits a negligent act or an intentional misdeed, as a result, Party B is injured. Party A has to make Party B whole. If the Village suffers a loss as a result of the school district's negligence. The school district covers us.

Trustee Pearson: Vice versa.

Manager Revella: It's mutual.

Trustee Pearson: Making sure. Number 25. Do we have to pay more for insurance now?

Manager Revella: That's lower than the coverage you already have. So, we're covered. And we have more than that.

Mayor Ramos: Chief, are we ready to execute this? Manpower, everything.

Chief Herlihy: Yes. I will have a total of 5 officers prepared. There will be some that are predominantly part time. I do have two full timers, possibly a third one that will be sending to a school in the future on standby. I'll have at least 5 ready.

Mayor Ramos: Thank you for facilitating this endeavor and look to make the elementary school safe for our kids. Thank you, again.

Trustee Sebring made a motion to approve the Village Manager signing the School Resource Officer Agreement for one year. Seconded by Trustee Thompson. All ayes. Motion carried.

Trustee Pearson: We really should keep an eye on the Town of Montgomery. Their vote hasn't happened yet and they don't know what fund their money is coming out of either the A fund or the B fund. Again, we don't want to be charged or taxed through the Town because we're paying our own service. I think they have a meeting Thursday night. We don't want another land master lawsuit because they took it out of the wrong funds. I really want to be diligent on that and hopefully we'll have people at the next meeting when they talk about that, because I think what could happen is, is that they're going to take it out of an A fund which we already are paying into. And if we're already paying into that, then we're paying double. We're paying for an officer that's not supplied to our school or we're paying an officer that is going through our own service here. I'm concerned about that. I voted for because I think it'll go forward, but I hope the Town will be putting their SROs into the B fund as opposed to the A fund. If not, this Village Board will need to do something about that, because I don't think it's fair to the village residents that if it's coming out of the A fund that we have to pay. I called the Town. Nobody could answer me. I called the financial person. They didn't even know what funds the first one was in. In the beginning he had to look it up and then we weren't sure. I spoke to the Supervisor, first of all, he said it's going to go in the B fund. Now he thinks it's going in the A fund. There's a really major concern for me on what funds things are being taken out of at the Town level.

Manager Revella: There's a presentation at that meeting and regarding the Police Department in general as well.

Trustee Pearson: I also talked to the Superintendent of Schools and he didn't understand A fund and B fund to begin with. We're not really paying because I know the school is paying us, but it's still tax dollars that we pay into the Town that could be used for something that we're not benefiting from.

Chief Herlihy: I know in the original proposal when Supervisor Maher and Chief Hank presented it, they originally asked for a certain amount of money because they said that \$70,000 that they already had in their budget budgeted for their middle school and their high school already, they weren't asking for that money. But then I think now it's all included or I don't know if the middle school and high school is still being funded by the Town itself, that I don't know.

Manager Revella: That was traditionally A fund.

Trustee Pearson: That was A fund because it was the high school. But now those other schools would be something different, I would believe.

Chief Herlihy: But even still, the school is reimbursing us for that. So, it wouldn't come out of any funds.

Trustee Pearson: Brian is using his officers as police officers that he hired 11 of. He's not using 11

of them for SRO officers.

Chief Herlihy: But that would have to come out of the B fund.

Trustee Pearson: Exactly. It should come out of the B fund and that conversation we need to hear what they're saying about that. That's the hard part that we don't know where they're pulling money from. And I also know that I spoke to the supervisor at him last night as well, and he said that now he's asking for 80 more thousand dollars from the school because something isn't covered. I don't know what's happening at the Town. That's why I think the Village is moving forward. This I'm comfortable with that, but I still want to really keep a big eye on that.

Manager Revella: Their idea was to not only have the reimbursement for the part time officers that they currently have, but also for the additional. Right now our A fund is paying for SROs at the schools, that would be reimbursed. Our tax burden should be lower based on that for next year in A fund regardless. But I understand and I agree with you on that.

Trustee Pearson: Hopefully we'll have an answer this week on what fund that's coming from.

Resolution 9-22-23 – Water Fund

Trustee Pearson made a motion to adopt Resolution 10-22-23 - Water Fund. Seconded by Trustee Thompson. All ayes. Motion carried.

Public Comment

Brenda Adams: Just one little thought is that if I've been following this correctly, Trustees on the board here have been encouraging the Code Enforcement Officer to do more Code Enforcing and clean up different things in the Village. I'd like to see the Village set an example. Understanding that the DPW is really busy right now getting ready for the repaving of the two roads, but nobody's seen the street sweeper in a long time and the garbage is piling up. I parked in front of the post office the other day. It was disgusting. There are different streets that I see garbage all over and what I'm concerned about is eventually it's going to rain and the ground is so hard, the water is going to hit hard, especially if we have a heavy rain. All of that is going to wash to the storm sewers and it's either going to go down into the brook and the river or it's going to clog them so that there's flooding in people's houses all over. I would like the Village to set an example and clean up the streets again. I understand they're very busy right now, but at some point to clean up the streets and show that you really care about, not only should the residents be doing things right, but the Village should be doing it right. We do have that MS4 obligation to keep the storm sewers clean and not fill the brooks with garbage. I know that's about to come. Thank you.

Mary Ellen Matise: Again, lids left open and I sent John a picture of garbage cans left in the street. I get it. It's the garbage company. But can't they do a better job than such a trashy job?

David Sperry: The new sidewalk by Orchard Street was put in a month and a half, two months ago. We're waiting for a railing before school starts?

Manager Revella: That's the DOT project. Not sure which contractor it was. We never got notified. But I told the DOT rep when he was here with me, if they could please follow up with them because the railings aren't there.

David Sperry: You talked about sending notices out to new people who came in with the deeds. There used to be a calendar that went out every month and it had activities in the Village and I don't know if they discontinued that because of the price of the calendar being sent out to everybody. But I know years ago there was a calendar to send out and they had activities during that month and

then notices on the back. I don't know if that was too much money, cost efficient or what but that was stopped a few years ago. Maybe you can look at that instead of putting notices in everybody's mailbox. I don't know what R I am in the Village as far as the fences go. I'm going to have to look that up. Fences do make good neighbors. Everybody should be allowed to have a fence. I know the deer are destroying everything where I live on Overlook Terrace. The four foot fence didn't work. The neighbor had one, the deer tried to get out and destroyed his fence, trying to jump back over the fence. So, he went with a six foot fence. The fences, I believe, should stand.

Payment of Audited Bills

Trustee Elliott made a motion to approve payment of audited bills. Seconded by Trustee Sebring. All ayes. Motion carried.

Correspondence

Trustee Thompson: Nothing other than the letter from Miss Rohl that was in our mailbox.

Trustee Pearson: Just the email from the woman that you printed out tonight for the fences and also from the person who hopefully will be coming to do a presentation.

Mayor Ramos: I also received correspondence from the resident 17 Walker Street. I have nothing more.

Miscellaneous Comments from the Board of Trustees

Trustee Pearson: In our packet, Tribal Origins LLC, Honey Dews, talking about a ghost restaurant from the Building Department. Do we need to do anything with that?

Manager Revella: Just a notice. Some people have been asking what's going in there. That's as much information as we have so far. Cafe.

Trustee Pearson: Acquisitions Marketing, we didn't talk about that last meeting.

Manager Revella: I have a second quote to go over with you guys. I have to give it to you in your packets for next meeting.

Trustee Pearson: Maybe the next meeting, we can talk about some things. The whole issue that I brought up at the last meeting with the water and sewer lines for the residents that residents now own from your home to the main in the street. Most people do not understand that or know that. They don't have coverage for it. If something breaks, it's thousands and thousands of dollars that they're responsible for. I have this gentleman from National League of Cities who is supposed to be coming at the next meeting to discuss his program. I know that there was some discussion with our insurance carrier who was talking to the attorney and me about the limited liability. So limited liability, why is it any different than the school district? I don't know what.

Attorney Donovan: That would be the indemnification, right?

Trustee Pearson: I don't know. Is that what I mean? What's different about that?

Attorney Donovan: It's exactly what I explained before. Indemnification generally or indemnification in that agreement? It's a bit of a broader issue. Let me say, first of all, I can't find any statute, case law or anything that would make that illegal. That was the first question the board had for me. There are some things that may mitigate against that. One of which is indemnification agreement. Because why should the Village be indemnifying another party when there are multiple parties that could provide the same service? I'm sure if you talk to Mr. Hunter, the difference

between warranty and insurance and being regulated by the state of New York or warranty company is not as insurance company are. His 5 insurance companies that he places business with all offer that coverage. So the issue was why would the Village or the Village should think about having their seal utilized by another company when there are multiple other companies that provide the same service? Does it carry the inference that you are preferring one company over another company when other companies, be the warranty companies or insurance companies, provide the same service? The manager also reached out to NYCOM. NYCOM offered the same opinion that generally municipalities don't prefer one private entity over another. Those are just kind of the things to think about. And also, if I may just kind of take it a step back and say, what exactly are you trying to accomplish? Because what you're trying to accomplish, you may be able to do it a different way than saying company A can use the Village seal to solicit business in the Village.

Trustee Pearson: I'm fine if the Village can find another way to let the homeowners know that there are companies out there that will give them that service. My only issue is that I know some people had to change their insurance companies in order to get the rider because you cannot just go to insurance company and buy the rider for what happens. If your company that you have now does not offer that rider, you have to change your some insurance company. I feel bad for people because sometimes they have really good rates. Maybe they really love their insurance company, maybe they've had them for 20 years and you just can't get a rider. I'm fine with listening to the presentation if he wants to come. But I'm also fine with if the Village of Walden can figure out a way if we want to send a letter out to homeowners that can say the law has changed, you are now responsible from your home to the street, because most people don't know that. And if you would like information, follow up with your insurance company to get some type of coverage. I think all the information we can get, then we can make a better decision. I'm open to whatever as long as we can let the homeowners know that because many do not know it. Mr. Hunter has said that many of the claims that are being put in are over \$10,000 to fix that pipe. You're responsible for the road, everything about it. It becomes very costly to the resident. My other thing is, is that he had also emailed me about the limited liability that is listed in there as well. He said to have the attorney, please let him know how he would like that changed because that may be able to be changed. The seal is something that is mandatory, but the limited liability can be changed. I don't know if the board wants to have Dave talk to this person about it before or if we want to hear the presentation first. That's up to the board.

Attorney Donovan: My 2 cents on the issue is you should decide if you want to move forward with this company before I discuss the terms of the contract.

Trustee Pearson: Okay.

Trustee Thompson: I would like to hear the presentation and depending on what is presented to us, we can go further down the road.

Trustee Sebring: I'm fine having a presentation, even though I talked to Mr. Hunter about his companies. There are other companies around the area that do sell homeowners insurance that maybe we're not aware of that do it. The rest of the board feels as though they want to hear the presentation. I'll go along with at least listening to the presentation and then going from there.

Mayor Ramos: I agree. He's worth a listen. He's scheduled for September 6th.

Trustee Pearson: Are we going to do something about Hill Street Bridge?

Attorney Donovan: When we got to number 13, I was going to suggest that in addition to having an executive session to discuss the employment of a particular person, that we also adjourn to

attorney client session to get legal advice regarding litigation related to the Hill Street Bridge.

Trustee Pearson: Great. Ambulance. Has anybody heard anything more on the ambulance? Nothing. Emergency plan. Can I get a copy of the Village's Emergency Plan?

Manager Revella: You can come look at it in my office. It's big. It's in the process of being updated.

Trustee Thompson: I've had 2 or 3 Village residents approach me asking me, what do I know about the refrigerator at Empanada Nirvana? I had to tell them I didn't know anything about the refrigerator. I did a little research and I see that this is an up and coming idea that people are doing this all across the country. I think the concept is spot on to help your neighbors make sure they're fed. I just wonder about the execution of this. I hope it's something that Mr. Revella is looking into. People have a little bit of concern about the execution of operating the refrigerator.

Manager Revella: Mr. Stickles has been assisting with the owner as well. Food for the needy. For example, if you need food, there's food there. Just go to the fridge and get it. You can share.

Trustee Sebring: I've heard the same thing about the refrigerator at the Empanada Nirvana. Make sure, like John just said, him and the Building Inspector are on that subject.

Mayor Ramos: Mr. Stickles has provided some guidance. So have I and the Village Manager to see if we can do it efficiently and more secure in that area. Mr. Pantoja has been diligently seeking a separate area for the refrigerator with a childproof lock. He's doing his best to try to facilitate the correct way of doing that.

Trustee Sebring: I believe that's a good program for people that don't have a lot of food to eat. Just go down there and whatever's left at the end of the day from him or other places that donate to him it's a good thing for the people.

Trustee Pearson: I haven't been down there, haven't seen it. Are there limits of expirations? How does that work?

Mayor Ramos: The food is cooked daily. The Health Department goes I believe every quarter to inspect his area. He can put it out there at 8:00 and by 9 it's gone.

Trustee Pearson: But he's also getting food from other restaurants as well?

Mayor Ramos: No, he's getting dry goods from other sources, but no cooked food. Everything is cooked there and dispersed at 8:00.

Executive Session – Personal History of a Particular Employee

Trustee Sebring made a motion to enter executive session for Attorney Client Privilege session to discuss litigation regarding potential litigation regarding Hill Street Bridge and the employment history of a particular person. Seconded by Trustee Elliott. All ayes. Motion carried.

Reconvene

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

**Village of Walden Board of Trustees
Regular Meeting
August 16, 2022
Motions & Resolutions**

Public Hearing – Local Law 4 of 2022 – Landlord Registry

Reopen

Trustee Sebring made a motion to reopen public hearing Local Law 2 of 2022 - Landlord Registry. Seconded by Trustee Pearson. All ayes. Motion carried.

Trustee Sebring made a motion to close public hearing Local Law 4 of 2022 - Landlord Registry. Seconded by Trustee Thompson. All ayes. Motion carried.

Approval of August 16, 2022, Minutes

Trustee Pearson made a motion to approve the August 2, 2022 minutes. Seconded by Trustee Sebring. All ayes. Motion carried.

Local Law 4 of 2022 – Landlord Registry

Trustee Thompson made a motion to issue Negative Declaration. Seconded by Trustee Sebring. All ayes. Motion carried.

SRO Agreement

Trustee Sebring made a motion to approve the Village Manager signing the School Resource Officer Agreement for one year. Seconded by Trustee Thompson. All ayes. Motion carried.

Resolution 9-22-23 – Water Fund

Trustee Pearson made a motion to adopt Resolution 10-22-23 - Water Fund. Seconded by Trustee Thompson. All ayes. Motion carried.

Payment of Audited Bills

Trustee Elliott made a motion to approve payment of audited bills. Seconded by Trustee Sebring. All ayes. Motion carried.

Executive Session – Personal History of a Particular Employee

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Reconvene

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