

**Village of Walden
Board of Trustees Regular Meeting
May 19, 2015**

Mayor Rumbold 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	Sue Rumbold
Deputy Mayor	Sean Hoffman
Trustees	Brenda Adams
	Bernard Bowen
	Willie Carley
	Brian Sebring

Absent:

Edmond Leonard

Also Present:

John Revella, Village Manager
Tara Bliss, Village Clerk
Dave Donovan, Village Attorney

Hearing – 45 Sunset Drive

Dean Stickles, Building Inspector, explained that the pool at 45 Sunset Drive does not have a pump, or a cover, and the water is stagnant causing a health hazard. Last year the owner walked away from the property. Curasi Realty had it for sale which has since expired and the property is no longer on the market. The people living at 5 Selena Ct asked if there was something to be done so they don't have to put up with the mosquitos and stench. He would like approval to drain the pool or drain the pool and take it down. The owner contacted us yesterday afternoon about this violation and says that he is 6 and ½ hours away and said he needs 5-7 days to take care of it. He would like to ask the Board if he does not do this within 7 days that he would have permission to remedy the situation.

Mayor Rumbold commented that if we just drain the pool it will still become a hazard if the wind blows and knocks it down and if it rains it may fill it. Would he prefer to just take it down?

Dean replied he was not sure if we can remove the pool or not.

Attorney Donovan replied that the code states that the Board may order the condition abated after a hearing which is a general term. He would feel more comfortable if we can certify with imminent threat to public health and safety it would be draining the pool and putting bleach in it.

Dean does agree with Mayor Rumbold that if we do have a rainy summer the problem could return if the pool fills up and the stench will begin again.

Trustee Bowen asked if it is possible to just cover it instead of taking it down.

Dean replied that the owner said he is going to take care of the water but he can call him tomorrow to advise him that he has to take it down.

Mayor Rumbold stated that you would think if he owns the property he would want to be certain no one would get into the pool and drown.

Dean replied that it does have proper fencing around it but as you know people can jump fences and do whatever they do. He initially asked him to drain the pool to abate the problem that is there now.

Attorney Donovan stated that the code doesn't say one way or another. His is concerned that we do something less intrusive than taking the pool down so the person doesn't come back at us stating he paid x amount of dollars and we just took it down.

Dean asked if he could notify the owner that if he doesn't take it down that we will do that without having another hearing.

Attorney Donovan stated that we have to do this in a series of steps. Either covering or draining the water. Won't it collapse without the water in it?

Dean replied it will remain standing but the liner will shrink.

Mayor Rumbold added that it will continue to collect water, liner will shrink and not be usable, and animals will get into it and die. Whatever bleach you put in there will dissipate from the sun and from being diluted from more water coming in. It will be a constant problem if it's not dismantled or the lining isn't taken out.

Trustee Bowen asked if we could speak to owner to have him drain it and cover it.

Dean replied that it is not on the market any longer. He doesn't want this to go all summer long he'd like to give him a time frame and if he doesn't remedy the violation we have permission to go in and take care of it ourselves and charge the property owner.

Attorney Donovan replied that we have a public nuisance situation not an imminent threat situation. He would recommend we get a pool company to come and cover the pool if the owner doesn't do it by the next Board meeting.

Trustee Sebring stated that covering it won't end the mosquito issue.

Dean said that since it's not an imminent threat to public safety, if he speaks to the owner tomorrow to tell him he has to abate the issue by June 2nd if he doesn't do that then what happens.

Attorney Donovan replied that at the next meeting the Board can choose to do the least restrictive thing to abate the problem, either draining the pool and putting bleach in it or covering the pool. He would recommend we call "Abc" Pool Company to get them to cover it instead of having a parks guy or a DPW guy do that.

Mayor Rumbold asked what happens if we cover it and no one takes care of it. We will have standing water and the same issues again. What do we do then?

Attorney Donovan replied that we have to take it a step at a time. We can't say that this may happen so that's why we have to take it down. Don't want an owner to come and say they spent x amount of money and you took it down when they planned on coming.

Trustee Sebring made a motion to give the owner of 45 Sunset Drive until Tuesday, June 2, 2015 at 6:30pm to abate the pool violation at the property. Seconded by Trustee Adams. All ayes. Motion carried.

Village Manager's Report –

- We had an office staff meeting with Trustee Bowen tomorrow to talk about office flow and concerns. Will have slightly skewed hours beginning June 1st; Monday-Thursday 7:30am-4:30pm and Friday 8am-12pm.
- Met with the Recreation Coordinator and Working Leader at Olley Park to go over some minor projects and areas for parking equipment. If you see stone piles down there that is what it is for.
- Finalized the PBA agreement with Special Counsel. There were some glitches with the red lined versions so he couldn't get it out to everyone until yesterday but our Special Counsel will be here tonight to meet with the Board in Executive Session.
- Met with the Village Engineer and talked about the Ulster Ave project with the DOT. We are still going to do this project in this fiscal year per DOT. We are just going through our final hoops.
- Good meeting with State about getting signaling for the railroad crossing at Coldenham Road, we know that Middletown-NJ is planning on doing that. Milling and repaving of roads in Orange County starting with Route 302 and Route 207 next year. The route 211 bridge by the Orange County airport will be closed completely beginning in June for 3 months. Also talked about the signal in the Village and patching and brush cutting. He suggested they restripe that area on Route 52 by the Mobil Station more towards that side of the road to make easier movement of traffic and get arrows at the lights for turning up Bank Street and Main Street.
- Highland Ave project remediating work was being done today and then will move onto the next phase.
- IDA meeting in support of the Village and giving a PILOT to the Walden Preservation LP, the Cedars, which was denied. They gave a bond but denied the tax credits. We are happy with the result.
- Attended a great community breakfast at Fox Hill. Good networking and comments were moving as well, very positive.
- Have had a few water breaks and sewer issues. Water main breaks on Walker Street, Hiddenview Drive, and North Montgomery Street. We had some water issues at Walden Apartments which was a private issue but we had to assist with the valve problem there. Cliff Street happened to have a sewer overflow at the same time so it was pretty busy and chaotic.
- Had a PBA grievance hearing on Friday.

Trustee Adams asked if the Landlord registry forms are ready to go.

Manager Revella replied yes. He will do them in sections and ready to go in June.

Mayor Rumbold asked why we were waiting for June.

Manager Revella replied it's the new fiscal year.

Dean asked what the cutoff date to have them back should be. It was supposed to go out in January and be back by April 1st. Did you want the same 4 month window?

Manager Revella replied yes that would be sufficient.

Mayor Rumbold asked if Dean was all set and able to handle them all coming back at once.

Dean replied yes and that he would send them all out at once. This is just the fees and the registration not the actual inspections. Has already been doing some inspections and only had one issue he can't give details on but it is being taken care of and most people are very accommodating. He thinks the article from Newburgh has prompted a lot of landlords to look at the homes.

Mayor Rumbold stated she was glad he is getting compliance. She would say, the beginning of the fiscal year go ahead and send them out.

Clerk Bliss stated that the forms have been on our website since they were finished in January.

Trustee Adams asked if he could give an update about 73-77 West Main Street that we got a memo about.

Manager Revella replied that Dean has been corresponding with the landlord for some time now about some issue there. There have been some compliance of violations and some she has not done.

Dean added he would like to request a hearing at the next Board meeting and have the landlord come to the Board to explain why she can't take care of her property.

Mayor Rumbold asked if the tenant complaint from February if those issues have been corrected.

Dean explained that under the property maintenance code in New York State 2 different things happen the tenant is responsible for that area and not always the landlord's problem. Landlord is responsible for the dwelling and the functions of the dwelling. He will provide a copy of this for everyone. He's not speaking specifically about this property, just in general. Sometimes tenants destroy properties and blame the landlord and that is not always the fact.

Trustee Adams thanked Manager Revella for the nice letter to Ed Devitt of the Town of Montgomery IDA. Is there a chance that the Board could get a copy from the accounting system of the balance sheet each month at the end of the month? There has to be a report or program to give balance sheet. After reading the most recent letter about the fund balance it is changing again and it has changed several times since April 1st.

Peter Sullivan, Treasurer, stated that is a projection, not actual.

Trustee Adams stated she knows that but that even a projection shouldn't be on such a roller coaster. She hopes these figures are good as they are positive.

Peter stated the balance sheet is just a point in time but yes, he can provide that.

Trustee Adams hopes it will give us a better feel where fund balance is flowing to. She is happy if this figure is accurate but the fact that it's been up and down so much since April 1st if we can add the balance sheet when we close the books at the end of the month we would have a better feel. Should not be detailed and it should be in the program already.

Trustee Bowen stated he is concerned about everyone trying to translate so many numbers that everyone won't get it.

Peter stated there are reports we can review.

Trustee Bowen stated she wants to see where we ended, what we spent and where we are at, like a bulleted list. He added that one of the things that came out of our meeting was that Peter was doing most of the number work himself and we talked about having 2 sets of eyes on the numbers not just Peter. That way it gets reviewed prior to going to John or the Board. That may have had a lot to do with the spiking of numbers with only having one set of eyes on it.

Trustee Adams commented that the Treasurer is the main man.

Trustee Bowen agreed. He is the last line of defense before it goes to us but most of it has been him trying to get it all in, in his opinion another set of eyes can look at it and then he can review it again before it goes to John.

Mayor Rumbold asked about the brush cutting by the Tin Brook Bridge.

Manager Revella replied it is Knot weed and it is against the law to do certain things with it. We can do what we are allowed to do. Met with DOT about that today. They are allowed to spray and we are going to ask them to. Knot weed is an evasive species so you can only do certain things with it. It grows 2 and ½ feet a day it seems.

Approval of the May 5, 2015 Minutes

Clerk Bliss stated there should be a correction on page 2, paragraph 8, the last sentence of John Queenan should read: To get the funding we have a better chance to do it this way as he doesn't see us getting awarded funding having just come off of a 3 year program. Page 14 3 paragraph I asked if there were any village residents on the IDA committee.

Mayor Rumbold added that on page 14, paragraph 2, the last sentence of Mayor Rumbold should read: She asked if there were any Village of Walden residents that serve on the IDA Board.

Trustee Bowen made a motion to approve the May 5, 2015 minutes with said changes. Seconded by Trustee Sebring. 5 ayes, 0 nays, 1 abstention (Trustee Carley). Minutes approved.

Trustee's Committee Reports

DPW Liaison– Trustee Leonard

Trustee Leonard was absent.

Village Offices Liaison – Trustee Bowen

Trustee Bowen reported the office staff met and we spoke about that during John's report. Already started the cross training and getting ready for the summer and summer hours. Looking into recalculating the stress figures.

Planning and Zoning Boards as well as the Building Department Liaison – Trustee Hoffman

Trustee Hoffman reported that he met with Dean and majority of the items Dean already advised you on including 73-77 West Main and the hearing about the pool. Also we have on the agenda tonight is the Outdoor café application.

Town of Montgomery & Library Board liaison – Trustee Carley

Trustee Carley reported he had nothing new to discuss at this time.

Police Department Liaison – Trustee Sebring

Trustee Sebring reported he spoke with Chief today and he wanted him to thank the Baptist Church for the food they brought to the Police Department for Police Appreciation Day. They brought a lot of food and it was very nice. We had National Night Out meeting and things are going well so far another one is set for June 1st at 6:30pm.

Recreation & Parks Department and Valley Central School Board Liaison – Trustee Adams

Trustee Adams reported she met with Mike Bliss and in addition to the recreation report, Hunter Insurance has donated \$500 for the Music In the Grove concerts for paper supplies. That is a very nice touch. He also gave her a list of 36 Village properties maintained by the Parks department as well as all the properties that are foreclosed or abandoned which is a lot. Today was voting day for the School Board 1.73% levy increase which is under the tax cap. Taxes will go up from \$59-\$177 for residents in Town of Montgomery according to their flyer.

Mayor Rumbold read the community events into the minutes.

Public Comment on Business of the Board

None

Action Items

Outdoor Café Application – 74 Oak Street (Franco's)

Dean Stickles, Building Inspector, stated that everyone got layouts, insurance, and plan. They are looking for approval to build a 520 sq. ft. patio for the 25 seats. This will be through to January 1st and he will come back at that time to get it renewed in January.

Attorney Donovan clarified that the Planning Board id their SEQRA review so this is all covered under the negative declaration done by them.

Dean replied yes.

Mayor Rumbold asked if it would be covered.

Dean replied it would have umbrellas.

Trustee Brenda asked if eventually there will be no more parking in the front.

Dean replied yes.

Trustee Carley asked if someone gets approved do we prorate or is this a standard flat rate.

Dean replied it is one fee, no prorating. Franco has been busy building a restaurant in Middletown.

Mayor Rumbold asked if it would be used for parties, could someone rent it for an event.

Dean replied yes, up to 25 people.

Deputy Mayor Hoffman made a motion to approve the Outdoor Café Application for 74 Oak Street (Franco's). Seconded by Trustee Bowen. All ayes. Motion carried.

Award Bid – Surplus Truck 1

Trustee Sebring made a motion to award the bid for the surplus vehicle, the 2000 International dump truck, to the highest bidder from Auctions International in the amount of \$11,500. Seconded by Trustee Bowen. All ayes. Motion carried.

2015 DEC Action Plan

Manager Revella reminded everyone about what John Queenan, Village Engineer, presented the 3 year 2015 DEC Action Plan that was in your packets. It will be submitted to DEC by Friday. As long as there are no questions comments or concerns he will submit it for us. It conforms with our capital plan which was discussed at the last meeting.

Mayor Rumbold asked if once accepted they can still come back and change it during the time period.

Attorney Donovan stated that we have to recall that this is in response to our meeting with DEC. So if approved, it will be embodied in a new consent order that will give us a length of time to come into compliance with the consent order. It is likely they will want modifications from what we initially submit, ultimately it will be put into a consent order and then if we don't comply there will be penalties. How quickly the process will go we don't know. That's why the time frames are in months not calendar dates.

Manager Revella added that if their approvals take months we will adjust our schedule accordingly.

Deputy Mayor Hoffman thought the schedules were pretty ambitious which is fine but he wanted to make sure he looked at in terms of financing. Does the cash flow work with our current budget and fiscal status?

Manager Revella replied that with the estimates and contingencies yes it does.

Deputy Mayor Hoffman commented in terms of the plant and head works it looks like we are making improvements to increase capacity. Are we going to look at downstream capacity to handle that additional capacity?

Manager Revella replied that right now we have the capacity for double the flow but don't have permits for it. We are just trying to make sure we don't have overflow at the head works. Not that we couldn't take it there were just things blocking the path.

Deputy Mayor Hoffman continued that every head works has a certain capacity which is usually not all the same. Usually less than the design/permitted capacity so he just wanted to make sure that he took that into consideration when he does look into that.

Mayor Rumbold asked how long the DEC takes to evaluate something when we submit it.

Attorney Donovan replied that it could be a month, it could be 6 months. He would guess it will be a few months.

Deputy Mayor Hoffman asked Manager Revella as he receives any information or feedback to advise us.

Appointment of Village Planner

Manager Revella stated that at the request from the Board he solicited information from planners. Got back from one a lot of information another got a number to do a CFA application for a community center and that amount was \$5,000. Not sure what the other planner would charge but he hasn't submitted it yet. Told them both the deadline is July 31st for the CFA grant and don't want to delay.

Mayor Rumbold asked if the next meeting would be ok with time.

Manager Revella replied he is not sure how long to do it, but 2 months should be ok. He is wondering what the Board wanted not sure if it will be reasonable. If you wanted a presentation he could do that.

Mayor Rumbold asked each Planner to come and do a brief presentation at the next meeting. A short presentation with "here's what I do, here's who I worked for and examples".

Deputy Mayor Hoffman asked Manager Revella to distribute what he has received to date to the Board as he hasn't seen anything yet.

Discussion Items

Town of Montgomery IDA

Mayor Rumbold thanked the Manager, Trustee Adams, Becky Pearson, Dave Donovan and Trustees who came out and supported the Village in the process. It was good to see how well the Village was represented. John made many factual statements. Brenda read a wonderful letter she wrote explaining why we were against them getting a PILOT. Felt it was a great group effort that helped them deliberate and make the right decision for the Village. She just wanted to acknowledge their hard work.

Manager Revella stated that the project was slated to be renovations at 55 Main Street and the other was the Cedars Apartments off of Cliff Street. Those renovations will likely happen regardless. We received correspondence since the meeting on Monday from the state stating they were granting the funding and relief they needed for their hardship so we will likely get the benefit of the renovations and not have the penalty of the PILOT on our backs. It was a win win for us.

Mayor Rumbold stated let's make no mistakes, we were in favor of the renovations and the bond.

Manager Revella added that they did get the bond also.

Trustee Sebring asked if anyone saw the article in the paper about New Paltz about the IDA that was sued by the Village because they didn't want the developer to get IDA money because they weren't making many jobs. They went to court and they didn't get any money which was good for them. The Planning Board did their due diligence and doing what they had to do for that.

Dr. Kimball Tribute

Mayor Rumbold explained we put this back on the agenda because we had originally spoken about the roadway name in front of Masci and Hale to change as a tribute but we have now found out it is not feasible. Sent letters to residents on Woodruff to see if they would favor a name change, and they are vehemently against it. We talked about doing something on the rail trail as a tribute, possibly a bench in his honor as a tribute. Are there any other ideas? We could go ahead and rename the street because there are 2 Woodruff Streets but not sure if we want to do that. Is it a real 911 issue?

Manager Revella replied it's not an issue for our Fire Department, maybe some outside agencies.

Deputy Mayor Hoffman asked if we could find out the cost for a bench installation.

Manager Revella replied it is around \$1,000 and we would need to coordinate with the Town of Montgomery as they maintain the rail trail.

Trustee Adams asked if it was more extravagant for Dr. Kimball than what we did for Mr. Lustig or Mr. Millspaugh. Would they look at it as equal or more or less?

The street naming is nice but when you have the residents tell you about the hardship it will cause to change over documents it's hard. She thinks that Dr. Kimball would have liked having a bench honoring him on the rail trail. The rail trail is so beautiful so she believes he would have thought it was nice to honor him in that way. He really saw a vision which is why he donated that land and he would probably enjoy that.

Trustee Sebring asked if we can name the property he donated as Kimball Way.

Manager Revella replied the Town would have to do that as it's not in the Village.

Trustee Adams and Trustee Sebring both like the idea of a bench.

Mayor Rumbold asked John to get a quote for the next meeting.

Street Sweeper

Manager Revella explained that we wanted to make sure we were able to use the company we were suggesting. We do have a contract with Suffolk County for such an item and Dave reviewed and said we can go that way if we want to. Or do we want to spec out a sweeper more in tuned to our Village and move forward.

Trustee Sebring asked what's so different between them.

Manager Revella replied he is not sure the specifics. Have a general bid and then they do spec off of that.

Deputy Mayor Hoffman stated that the trade off is we go out to bid and save time and money for that.

Manager Revella stated they were willing to take the trade in and waive the first year of payment as well.

Deputy Mayor Hoffman stated he wanted to piggy back and get an equivalent model to what they originally wanted. He feels it's important that he understand what's in the technical aspects of that bid. You want to make sure you get the performance characteristics you are looking for. Not sure if he had a chance to look and do a comparison.

Manager Revella replied it is similar to the model we demoed. Quieter, less maintenance cost, less brooms, and smaller.

Deputy Mayor Hoffman asked if maybe they can give you a detailed breakdown of what the difference is so there are no surprises in the end.

Mayor Rumbold asked to get information for next meeting.

Deputy Mayor Hoffman stated he's not sure he would be ready to act on it yet. In terms of the specifics he would be looking to John and the DPW for specifics. He needs to be happy with it before we tell him to purchase something.

Attorney Donovan clarified that the issue last time was we weren't sure there was one on state bid. So now we are talking about whether or not we wanted to go out to bid for a non-state bid sweeper. This came up, he reviewed it, and we are good in that fashion.

Deputy Mayor Hoffman asked if it would expire.

Attorney Donovan replied yes that is likely, everything usually expires at a certain point.

Public Comment

Anita Vandermark, 76 Highland Avenue, commented on the Highland Avenue brush issue stating it is nice to protect the foliage but the public is more important.

Manager Revella replied that he agrees, but it's the law. It's so evasive and we are at the point where we don't have a choice.

Anita stated that several times she has looked and almost gotten hit, its mind boggling. Is there a time limit on the Highland Avenue project, seems like it has been going on forever.

Manager Revella replied that due to the length of winter and getting the top soil in, then it was too wet to spread it.

Anita asked about the big dirt pile near Jessup.

Manager Revella replied that Jessup Street is done. That is the pile they are using to move down the street.

Anita asked what a Planner does, and do we need one.

Manager Revella stated we have one every year for grant opportunities. That way we have someone to go to instead of soliciting every time we want to apply for something as opposed to project to project.

Anita asked if she heard them say a senior center when they were talking about that. Memorial Day Ceremony on Monday, she hopes to see a lot of people out. Town of Montgomery has theirs the day before. With the number of people that live here there should be more coming out for our veterans.

Becky McNally, 52 Oakland Avenue, asked about the welcome signs at the entrances of the Village. Over a year ago they were installed and we planted mums last fall and there are still dead mums everywhere. Anyone that comes into the Village seeing that sign gives the first impression of what Walden is all about. Rather than looking like a community of progressive people we look like a community of deadheads because of that. Just wondering where we are on that project. We met with John about that and the posts on the top of the signs. The Beautification Committee can help work together on that.

Manager Revella replied that as far as he knew we are working together on that based on that meeting.

Becky stated the meeting was 2 months ago and she hasn't heard a thing about it.

Manager Revella replied that 2 months ago it was still snowing. He thought that Mike Bliss was going to correspond with Jean on that.

Becky stated that with his permission she will pull out the dead plants.

Manager Revella stated go right ahead.

Payment of the Audited Bills

Trustee Adams made a motion to pay the audited bills. Seconded by Deputy Mayor Hoffman. All ayes. Motion carried.

Correspondence

Trustee Adams stated she was not able to attend the Eagle Scout invitation for Friday.

Manager Revella stated we would be sending certificates of congratulations and everyone is invited. May 22nd at 7pm. Troop 31.

Miscellaneous Comments from the Board of Trustees

Trustee Carley stated that he has been fortunate to be on the Board for several years and appreciates everything over the years. It's been fun. He has to put in his 30 day notice and will be resigning due to an increased work schedule and extracurricular activities increase. He doesn't feel he is doing his due diligence so he doesn't feel it fair to the public to stay here. He believes to do this job well he has to be able to be here and he tried but he feels it isn't fair. He appreciates the time and the people that he's met while on the Board. Wanted to say thanks and let the public know that his last meeting will be the last one in June (June 16th).

Mayor Rumbold stated that she appreciates him taking the job seriously. Enjoyed working with you even if we didn't always agree. Had a good working relationship and certainly appreciate you efforts on behalf of the Village residents.

Trustee Adams meant to bring invitations to Flag Day but Clerk Bliss has some and will distribute them to you. Trustee Carley will be the opening prayer.

Mayor Rumbold asked about the flags at businesses that she is noticing more and more. They are whipping in the wind in front of like the Mobil station and a few that said "sushi". Are they part of the code?

Manager Revella replied yes, they are temporary signs that he talks to owners about and are permitted to be up for 30 days or less.

Mayor Rumbold asked if we time them. She asked if they have to ask to put them up and if we have the correct permissions for them. She feels they are unsightly.

Manager Revella replied to he isn't sure if we have them all but can check with Dean. Just let Dean know and he will take care of it.

Executive Session

Deputy Mayor Hoffman moved to go into executive session to discuss personnel history of a particular person and PBA Negotiations. Seconded by Trustee Bowen. All Ayes. Motion carried.

Reconvene

Deputy Mayor Hoffman moved to reconvene the regular meeting. Seconded by Trustee Adams. All ayes. Motion carried.

Adjournment

Trustee Sebring moved to adjourn. Seconded by Trustee Carley. All ayes. Meeting adjourned.

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Motions & Resolutions**

Hearing – 45 Sunset Drive

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Approval of the May 5, 2015 Minutes

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Adjournment

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