

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Wednesday, **October 16, 2013** at 7:30 pm.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek; Trustee Hembury, Trustee Lindner; Village Clerk Thompson; Dpty. Village Clerk Rivera-Stanley; Atty. Dowd; Police Chief DiMilia; Alden and Carol Link; Patricia Imbriani; James Zock and Boy Scout Josuha Zock; Wallkill Valley Times Reporter.

Mayor Brescia opened the meeting with the Pledge of Allegiance to the Flag.

RE: MINUTES

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board approved the minutes of October 1, 2013. Motion carried 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH BOARD

Alden Link property located Rt. 211 across from Chandler Lane SBL (211-1-29.22)

Alden link stated to date the cost of owning his property 34 acres in the Village has been over a quarter of a million dollars in engineering, research and taxes. The taxes are not inconsiderable. The only income the property has brought in recently is a signed contract for logging rights for three thousand dollars, which consists of taking out some of the heavy timber and it is said that it can be done again in thirty years. Previously there were two companies interested in the property and their decision was to go elsewhere. In comparison to Neelytown Road being zoned the same and having easy access to Rt. 84, there is no real reason why anybody would want to put in industry or warehousing on this property for probably about the same price. I have another buyer for senior housing who is expecting to pay \$600 to \$700 a year per unit in taxes, that's \$120,000 with no impact on the schools. The senior housing units would be for one family, at 600 – 700 square foot units similar to Montgomery Manor and Patchette Crossing. But on 34 acres, that is much less dense than Montgomery Manor. It sounds like a lot but 86 and 200 is a little bit more than twice as much on six times the acreage.

Mayor Brescia stated the property has water and sewage compared to Neelytown Road. The concern from the community is the number of units. The main concern was not so much senior housing as it was workforce house. Jonah Mandelbaum had proposed 155 units, it's just too much. In comparison, Montgomery Manor has 86 units on 4 acres. You remember the provisions we said, we would consider for senior housing. The number one criterion, we wanted commercial development there. Jonah had proposed commercial development which would have preceded the senior housing unit. He agreed to have a shovel ready commercial site there in conjunction with the senior housing, that is the only reason we even considered senior housing.

Alden Link stated this buyer probably would consider that kind of additional commercial unit in there. It would have to be in conjunction with senior housing. I don't think he

would be prepared to do it in advance. In order to have the viable commercial property there, you have to have customers. With the number proposed, there would be more of an interest in renting and customers. The existing apartment complex on 17K with store fronts has a demand due to accessibility. Going out of town to shop or office space, it is not likely. There might be some but a demand is needed for a customer base also. I am sure you would not object to doing that, but we would have to have 200 units. The previous proposal was 155 units. The people who would provide the capital for this job would probably want to have the housing first then the commercial development; it is not cheap to build that stuff. You want 10 to 20 thousand feet of commercial at \$100 a foot is a lot of money. You have to have some bases for it. Smaller number of units is not going to work. The village was prepared to give a 4,000 foot factory with and 400 people working there on two shifts. You would have 1,600 cars a day plus you would have trucks coming and going with materials. That would be preferable to having a couple of hundred people living in a housing unit? I think you would get a lot of static.

Mayor Brescia stated we are talking about the commercial development preceding the senior housing. That is what the Board would be in favor of if we were going to consider it. The opposition is the number of senior housing units. The deliveries would probably be around the clock, some would be off peak hours.

Trustee Hembury stated we can set the time on deliveries. The caution is not to have a repeat similar to Bloomingburg. The residents would have a say and give their opinion.

Alden Link stated Bloomingburg certainly overwhelms the village because the number of units. This is a much bigger village.

Mayor Brescia reported that the community is against a large commercial project like Target or an Old Navy which is over a million square foot. The board and planning board seem to favor four hundred thousand square feet and I think the community would too. It's reasonable especially if it is done as previously proposed.

Trustee Lindner stated his biggest concern is that we have limited number of commercial space in terms of the revenue from that as opposed to senior housing. Senior housing you also get discounts on your taxes. I do not see where that fits the village.

Mayor Brescia reported down the road from you they were approved for up to 110,000 square feet of commercial with 160 to 170 units of regular housing, apartments, and condo's which we are trying to reduce by reviewing their request for a PPD amendment.

Alden Link said they have road frontage, where mine does not have it. I have 50 foot on 211 with a road going in. You would have 200 happy people with 200 units, maybe more.

Trustee Hembury advised we could have 4,800 unhappy people, if it did not turn out right for the village.

Alden Link stated if the Village Board is interested in considering it, I could bring him to the next meeting and we could talk about it.

Mayor Brescia said we definitely want to keep that property as commercial. If you could propose some residential with a good portion commercial.

Alden Link stated I could not imagine the neighbors being happy with that.

Mayor Brescia reported there are two residents here now.

Patricia Imbriani (61 Weaver Street) said, we did not want it. This gentleman wants to build less than 200 homes, fine. On the other side of Chandler Lane, we have 200 homes, that makes 400 homes on that one corner.

Mayor Brescia said something has to go there, it should be commercial. We don't think that would be objectionable.

Patricia Imbriani stated we want to know why they are cutting trees all the way back by them. There cutting right in back of Weaver Street. You can hear and see the guys.

Mayor Brescia said where the Weaver Street residents are there should be a buffer of trees, at least 200 foot or maybe more.

Alden Link stated they are not cutting in the wetlands. They are only cutting where it's dry. From the back of their property that is all wetland in there and it could be 300 – 400 feet.

Mrs. Link asked the Board if they would like them to donate it as parkland. Donation to the Village would be with the stipulation that it can not be anything other than parkland. It's very hard for them have to pay taxes.

Mayor Brescia stated it would be a tax right off for them. We can talk about that if they want to proceed with donating the property to the Village. The Village Board will review the proposal if the majority is to build commercial.

Alden Link thanked the Board and said he will speak with the buyer and get back to the Board.

RE: EAGEL SCOUT PROJECT

Joshua Zock, from Boy Scout Troop 386 presented his Eagle project to the Village Board located at the Montgomery Elementary School. His eagle project involved improving the landscaping in front of the Montgomery Elementary School. In addition, the WWI plaque has been refurbished and work has been done on the base. Before and after pictures were presented to the Board with a copy of the plaque on the monument. If you know of anyone or there descendents, please let them know. Mayor Brescia stated Joshua Zock has come before the Board with an invitation and seeking support for a rededication

ceremony. They hope to spread the word and have descendants coming together and be a part of the rededication. Joshua Zock stated the American Legion suggested having a ceremony for a Rededication for the WWI monument, the 75th Anniversary on November 11th at 12:30 pm in front of Montgomery Elementary School and refreshments will be served. Mayor Brescia said that on November 11th he will be on vacation, hopefully the rest of the Board can attend. The police department will have officers help direct traffic. It can be posted on my Facebook page and I'll put the word out also. We will also put it on the blue screen and in the newsletter as an insert. We will try to promote this as much as we can. We can do a code red the day before or the day of letting the residents know about the traffic. Thank you again, Joshua.

RE: DEPARTMENT REPORTS

Trustee Lindner reported eight people were appointed to the Wesley Hall Senior Advisory Board. They will meet on November 13th and quarterly thereafter to discuss having more activities at the senior center. Space was made for the New Horizon Seniors also. Two rolling carts were purchased for the use of the center. They were requested by New Horizon Seniors and will be for everyone to use. Mayor Brescia stated Working Forman Ford is getting prices on the repairs needed for the stage.

Mayor Brescia stated DPW Supt, Nelson has been very busy covering a lot of projects. The drainage on Pleasant Avenue is almost done and the DPW is doing a fantastic job. We have Dawn Kalisky (Lanc & Tully Engineering) recommendation for the drainage by the Sharpe's property on River Street. DPW Supt. Nelson is in the process of getting cost estimates for two catch basins and a 24 inch drain line and should be ready to start next month. He is also working on the temporary Kauffman drainage easements.

Police Chief DiMilia reported to the Board a letter commending Police Officer Brain Hayen about the arrest involving two firearms and an indictment by the Orange County Grand Jury by doing vehicle and traffic enforcement. Mayor Brescia stated this is excellent work and commended Officer Hayen. Police Chief DiMilia requested new LED spot lights for three of the older police cars for a total cost of \$435.00. The new car will be here in nine weeks. The gray car is currently being used by Department Public Works Superintendent Nelson for NYCOM school. He spoke to Treasurer Benedict regarding direct deposit for the paychecks and it appears to be software issue. The new software to be installed will allow for direct deposit in the first quarter of the year and available for all employees. The next police union contract mediation session is on November 18, 2013 at 10:00 am. He stated there is a need of a third supervisor. Mayor Brescia agreed as long as he works mainly nights. He stated he could also work 10:00 am to 6:00 pm and write tickets. Trustee Hembury stated the third supervisor hours could also be considered for the late evening to midnight shift. Police Chief DiMilia stated the third supervisor will be used to train the new police officer's on the road. Mayor Brescia stated the first four months the Board could make an exception for the third supervisor's work hours. Police Chief DiMilia said the new police officers will graduate from the Academy on November 20, 2013. Mayor Brescia stated the third supervisor can start out as a sergeant in the union and upon completion of probation the Board will discuss

promotion to lieutenant. Police Chief DiMilia added he would like the Board to interview for the sergeant's position at the next meeting. The Board agreed.

RE: POLICE DEPARTMENT – PURCHASE

Moved by Trustee Hembury and seconded by Trustee Andolsek, the Board approved the purchase of spot lights for three of the older police cars for a total of \$ 435.00. Motion carried 5-Ayes, 0-Nays.

RE: VILLAGE GENERAL ELECTION – MARCH 14, 2014

Moved by Deputy Mayor, Scheels and seconded by Trustee Hembury, the Board adopted a Resolution for the 2014 General Election to be held on March 14, 2014 designating office(s) and term(s) as follows: Office - Village Justice (1), Term – 4 Years. Motion carried 5-Ayes, 0-Nays.

RE: HOLT WELL PROPERTY; TAX EXEMPTION

Moved by Trustee Andolsek and seconded by Trustee Hembury, the Board adopted a Resolution Requesting the Orange County Legislature to Grant and Exemption from County Taxation through the year 2015 for Lands Owned in the Town of Montgomery (28-1-63) and Used by the Village of Montgomery for Water supply and Related Purposes, Pursuant to Section 406 (3) RPTL. Motion carried 5-Ayes, 0-Nays.

RE: LOCAL LAW NO. I-1 OF 2013 RESIDENCY REQUIREMENTS

Moved by Trustee Andolsek and seconded by Trustee Lindner, the Board set a Public Hearing on November 6, 2013 at 7:25 pm on Introductory Local Law No. I-1 of 2013 entitled “Residency Requirements”. Motion carried 5-Ayes, 0-Nays.

RE: APPOINTMENT ACTING VILLAGE JUSTICE

Moved by Deputy Mayor Scheels and seconded by Trustee Andolsek, the Board appointed Attorney Stewart A. Rosenwasser as Acting Village Justice at the salary of \$4,000 per year. Motion carried 5-Ayes, 0-Nays.

RE: HANDBOOK AMENDMENT

The Board discussed changing Village Clerk hours to 40 hours, designation of department heads, setting a limit on compensatory time acquired to 5 days in a calendar year and all carry over of compensatory time not used within a calendar year is subject to the Boards approval. Three hours of compensatory time for the meeting nights.

Moved by Deputy Mayor Scheels and seconded by Trustee Hembury, the Board approved the amendments to the Personnel Handbook, last amended April 19, 2011 as follows:

- The Village of Montgomery is an Equal Employment Opportunity (EEO). This commitment applies to all areas of the work environment, all employment activities, resource allocation and all employment terms and conditions.
- We operate in a non-smoking workplace
- Department Working Hours:
 - Village Clerk 40 hours per week
 - Treasurer 40 hours per week
 - Village Court 40 hours per week
 - D.P.W. & Water/Sewer Dept. 40 hours per week
- Office Hours – 9:00 am – 4:00 pm
- Department Heads

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| Clerk Office | Village Clerk |
| Treasurer Office | Village Treasurer |
| DPW | DPW Superintendent |
| Water/Sewer Dept. | DPW Superintendent |
| Court | Clerk to Village Justice |
| Building Department | Building Inspector |
| Police Department | Police Chief |
- Overtime Compensatory time... used within a calendar year from date acquired and not to exceed five (5) days. All carry over of compensatory time not used within a calendar year is subject to Board approval.

Motion carried 5-Ayes, 0-Nays.

RE: BUDGET TRANSFERS

Moved by Deputy Mayor Scheels and seconded by Trustee Andolsek, the Board authorized Treasurer Benedict to make budget transfers as follows: Summer Recreation field trips increase income line 16,254.00 received to summer recreation registrations and 34,137 received above the budgeted amount for the summer recreation expense line. Motion carried 5-Ayes, 0-Nays.

RE: FALL NEWSLETTER

Mayor Brescia stated the newsletter will include leaf pick-up, Halloween parade and Trick or Treat, the Toys-for-Tots event, Christmas tree pick-up and the Re-dedication Ceremony WW I Monument on Veterans Day, etc. A code red will go out regarding Trick or Treat and the rededication ceremony.

RE: EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered to EXECUTIVE SESSION at 8:23 pm under Public Officers Law §7(f) to discuss department head responsibilities. Motion carried 5-Ayes, 0-Nays.

Moved by Trustee Lindner and seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 8:35 pm. Motion carried 5-Ayes, 0-Nays.

RE: AJOURNMENT

Moved by Deputy Mayor Scheels and seconded by Trustee Hembury, the Board adjourned the meeting at 8:36 pm. Motion carried 5-Ayes, 0-Nays.

Deputy Village Clerk, Monserrate Rivera-Stanley