

Minutes of the Public Hearing and 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, **November 6, 2013** at 7:25 p.m.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner; Atty. Dowd; Village Clerk Thompson; Dpty. Vlg. Clerk Rivera-Stanley; Treasurer Benedict; Police Chief DiMilia; DPW Supt. Nelson; Johanna Sweikata; Maria Beltrametti; Joann Corso.

**PUBLIC HEARING – LOCAL LAW NO. I-3 OF 2013 ENTITLED  
“RESIDENCY REQUIREMENT”**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board opened the Public Hearing at 7:25 pm on Introductory Local Law No. I-3 of 2013 entitled “RESIDENCY REQUIREMENT”

Mayor Brescia noted the Original Notice of Hearing, Affidavit of Publication and Affidavit of Posting were present and ordered they be filed.

Mayor Brescia: Kevin, can you give us an update

Atty. Dowd: This local law amends Chapter 24 of the Code of the Village of Montgomery to expand the residency requirements for the positions of Village Clerk and Village Treasurer so that any person appointed Village Clerk or Village Treasurer may reside within the town or county in which the Village is wholly or partially situate.

Mayor Brescia: Are there any questions from the public or Board? With no more questions the public hearing can be closed.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board closed the Public Hearing at 7:28 pm. Motion carried by 5-Ayes, 0-Nays.

**REGULAR MEETING**

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

**RE: MINUTES**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved the minutes of October 16, 2013. Motion carried 5-Ayes, 0-Nays.

**RE: ABSTRACT NO. 11-13**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 11-2013 were audited and approved for payment, with \$ 268,481.70 from the General Fund, \$ 10,683.56 from the Water Fund, \$ 33,093.03 from the Sewer Fund and totaling \$ 2,878,242.42 Check Nos: 45620 - 45728. Motion carried 5-Ayes, 0-Nays.

Treasurer Benedict reported a CASH BALANCE for the month ending October 31, 2013, as follows: General Fund \$ 2,400,981.71, Water Fund \$ 269,012.73, Sewer Fund \$ 208,247.98.

**RE: DEPARTMENT REPORTS**

DPW Supt. Nelson reported the drainage on Dunn Drive is complete and all went well. Mayor Brescia commended DPW Supt, Nelson for his efficiency. DPW Supt, Nelson also reported problems with the River Street drainage easements. Mayor Brescia said the engineer will not sign off on the River Street drainage project due to the location in the floodplain. DPW Supt. Nelson said the engineers would like to do a study of the river and it is costly. The study is to determine where the water comes from and how high the water has risen during storms in the last few years. The engineers have said if the river water comes up high enough it can be pushed back. Mayor Brescia said with the DPW doing the work a study is not needed. The Sharpe's would have to sign off on the temporary easements for the work to be done. DPW Supt. Nelson said the existing easement on River Street needs to be changed to allow for a second pipe, therefore, taking more property from both residents. This will improve the drainage on River Street in the 100 year floodplain, where it floods first. Additional drainage on Pleasant Avenue will be done next year up to 174 Pleasant Avenue. We are going to proceed and the engineers, Lanc and Tully PC will sign off on the River Street drainage project. Mayor Brescia said Mario Balacich (71 River Street) would like the Village to be responsible for the main which we are not by law. DPW Supt. Nelson said the new plan, if possible, is to avoid the sewer line and in doing so there is no need for a clause regarding the main. He will be in contact with the residents to discuss the new plan. Mayor Brescia suggested Charles Wallace could do the temporary easements as a surveyor. Attorney Dowd said the residents should have flood insurance with their houses in the floodplain. Mayor Brescia said the River Street drainage project is slated to be done in the spring due to the variables. DPW Supt. Nelson reported the DPW buildings are coming along nicely. He will meet with Michael Mondella next week about the windows for the DPW building. He is looking to obtaining a new truck possibly in the spring. Mayor Brescia said a credit is due for problems with the mix of the colored masonry for the DPW building, which is on state bid. DPW Supt. Nelson said a credit was given for the whole job.

Police Chief DiMilia informed the Board of the three (3) recruits graduating from the Ulster County Police Academy on Wednesday, November 20<sup>th</sup>, 2013 at 11:00 am at Hill Side Manor. He asked the Board who would be attending to reply with a number attending. The fourth recruit is graduating the first week in February from Orange County

Police Academy. The new patrol car has been striped and should be ready tomorrow to be put into service with new LED lights. He reported traffic tickets for October were up considerably. He also reported the Village prevailed in the police A-line shift man power grievance. Mayor Brescia and the Board are happy with the outcome of the grievance. Trustee Hembury said village resident Linda Pobjecky (37 Summerset Drive) submitted a letter commending Officer E. O'Connell during an emergency situation at their residence. Mayor Brescia commended Officer E. O'Connell. Police Chief DiMilia said the next session for the PBA mediation is November 18<sup>th</sup> at 10:00 am in the Village Hall. Mayor Brescia said a civilian complaint from village resident, Joann Corso and it will be discussed in executive session as it is a police department personnel issue.

**RE: HOLIDAY EVENTS**

Old Fashioned Holiday Weekend Event - Saturday, December 7<sup>th</sup> at 10:00 am – 6:00 pm  
- Downtown Montgomery

Toys for Tots Event – Sunday, December 8<sup>th</sup> at 1:15 pm – Railroad Avenue.

Historical House Tour – Sunday, December 8<sup>th</sup> at 12:00 – 5:00 pm – Village Museum.

**RE: LOCAL LAW NO. 1 OF 2013 “RESIDENCY REQUIREMENT”**

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board declared Lead Agency and adopted a Resolution of Negative Declaration (attached) declaring it a Type II action and adoption of Local Law No. I-1 of 2013 entitled “RESIDENCY REQUIREMENT” will not have an adverse environmental impact. Motion carried 5-Ayes, 0-Nays.

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board adopted Local Law No. 1 of 2013 entitled “RESIDENCY REQUIREMENT”. Motion carried 5-Ayes, 0-Nays.

**RE: EXECUTIVE SESSION**

Moved by Trustee Lindner, seconded Trustee Andolsek, the Board entered EXECUTIVE SESSION at 7:50 pm under Public Officers Law §7(f) to discuss police department personnel and to interview for the position of police officer with William Herlihy, Police Chief DiMilia, Atty. Dowd and Village Clerk Thompson, Deputy Village Treasurer Rivera-Stanley in attendance. Motion carried 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board went out of EXECUTIVE SESSION at 8:28 pm. Motion carried 5-Ayes, 0-Nays.

**RE: POLICE DEPARTMENT – APPOINTMENT**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board appointed William R. Herlihy to the position of Sergeant part time in the Village of Montgomery Police Department at the rate of \$25.00 per hour and subject to eight weeks probationary period, a letter from present employer allowing employment with another police agency and pursuant to the Agreement between the PBA and Village of Montgomery. Motion carried 5-Ayes, 0- Nays.

**RE: OFFICE OF VILLAGE CLERK**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved to compensate Village Clerk Thompson an additional 2 weeks per month of accrued vacation payable through December 30, 2013. Motion carried 5-Ayes, 0-Nays.

**RE: ADJOURNEMNT**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting at 8:36 pm. Motion carried 5-Ayes, 0-Nays.

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*Deputy Village Clerk Rivera-Stanley*