

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, September 16, 2014 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, Mary Ann Lindner, Maria Beltrametti, Johanna Sweikata, Rachel Coleman, Darlene DeJesus, Robert Conflitti, Marc Devitt

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

RE: MINUTES

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the meeting minutes of September 2, 2014.

RE: REQUEST TO MEET WITH THE BOARD

Assistant District Attorney's Robert Conflitti and Darlene DeJesus were present regarding Community Prosecution. Mr. Conflitti presented the Board with several posters dealing with issues on DWI and illegal guns; you can post them where you feel comfortable, if at all. He said this is to get the message out throughout the County and mentioned several new billboards dealing with the heroine epidemic. And is not sure of where the billboards are located throughout the county.

We have been traveling throughout the County for about six to seven months talking about Community Prosecution; this is something the District Attorney campaigned on last year. He feels very strongly about, it is a means of opening the lines of communication between the District Attorney's office and our communities. We have reached out to groups in our communities, getting them to open up and talk about issues with crime. We have also spoken with Municipal Boards, Police Chiefs, School Districts and receiving a good reception throughout the County. In addition, we have spoken with five anti drug coalitions around Orange County. Three cities have an anti-drug coalition program including the Town of Warwick and Village of Greenwood Lake; designed to get a message out the folks in those communities.

The theory behind community prosecution is by talking more with each other the more we know the issues we are dealing with. And with more of us at the table, we then can try to solve these drug and crime issues in our communities. This is not a new concept; it has been around for about twenty five years now in various parts of the country. At least the three borrows in New York City have tried different types of community prosecution strategies. Portland Origen kicked it all off about twenty five years ago with there own ideas. Philadelphia and St. Louis has used it; it is something that is new here with the current administration in the District Attorney's office.

As I said before, Darlene and I have been out for about six months or so, trying to get the program up and running. A couple of things that have come out of the community prosecution efforts so far are strategies that you may have seen in the press. One concept is the smart program with truancy in the schools. Historically the schools deal with truancy issues with children. Even when the schools are doing there best, they

run out of options at some point. Parents are not always cooperative with the schools and there is only so far they can go.

The smart program brings in our authority into those situations of truancy kids and uncooperative parents. You may not know this but, it is actually a crime to not exercise reasonable care to get your children to school. We do not want to arrest parents with unruly kids. We want to use it as one more means to get those parents and families to the table for services that the kids, parents and families might need. The whole smart program and truancy initiative came out of a meeting with district attorney and community members; my own meeting was with the school districts. I would have never thought of these ideas by myself, the school districts gave me the ideas and brought them home. The District Attorney had similar meetings with other school superintendants.

Another program we are working on to get out in the community is a narcotics eviction program. For instance, if someone were to sell drugs where they live, a home owner, we might be able to do asset forfeiture by taking away the house. And renter selling drugs where they live would be subject to the narcotics eviction. In those situations, we would notify the landlord of the illegal business being conducted on their premises. The landlord then has to bring a landlord/tenant action essentially to evict the tenant. If the landlord does not comply, the action to evict is done by District Attorney. The landlord is liable for an administrative fee that will come back to the Village and imposed onto the property. I am not sure if absentee landlord this is an issue in the Village of Montgomery with rental properties, you would know that more than I. This is an option that we are working on county wide in any municipality that has this type of issue. This is an effort to disrupt the drug trade, and take action in those types of ways.

I mentioned asset forfeiture; this is something we are strongly working on, you may have seen it in the press. By taking the profit out of drug dealers and forfeiting the assets to the District Attorney and to the state. A portion of the illegal drug proceeds that are forfeited will go to District Attorney and to the Village Police for law enforcement purposes. We are strongly trying to take the profit out of crime. Take away the instrumentality of crime away from people that are using those types of things.

Mayor Brescia said tomorrow Dave is bringing it to the rules committee, for the county to get twenty nine percent now, of which we have not been getting.

Mr. Conflitti said the way the system is set up now; we are required to use a state level asset forfeiture statute that automatically brings in thirty two percent to the State Office of alcohol and substance abuse services. They are supposed to use it for alcoholism and substance abuse services, statistically very little of that comes to Orange County. The most of it goes NYC and to the bigger cities upstate. For our efforts, that money ends up going to other parts of the state.

The asset forfeiture law the Mayor is talking about is a misdemeanor asset forfeiture law that we are asking the legislature to consider as a local law that would allow us in some way to go after a broader array of people committing crimes but would also help bring that money, twenty nine and half percent of the asset forfeiture money back to the

County, rather the send it to upstate, where we would not see it again. We are going to be talking about this tomorrow and again Thursday in the public safety tip. This is basically the program; we are working on at this point. We are open to any suggestions; again this is all about opening the lines of communication so we figure out what other initiatives we need in different parts of the County. Things will work differently in other parts of the county, as the needs may be. We may use different strategies and figure what types of problems we have and how we might be able to solve them.

Ms. DeJesus said another aspect of Community Prosecution is crime prevention. If our efforts can help prevent the crime from happening then we have accomplished our goals. When it comes to DWI, particularly, felony DWI; that means you has a prior DWI conviction. This means, at that level we have found the defendant has not had the alcohol issues addressed. We implemented a policy for a misdemeanor level DWI, that before reducing the misdemeanor DWI to a violation which is a non criminal offense. We require the defendant get an alcohol evaluation. The evaluation is to recommend treatment, we will seek that they comply the treatment before the case is reduced. If the evaluation is recommended for a period of one year, then we will request that case be calendared for one year period. The defendant will be tracked before we offer a reduction. In addition, the poster that you have speaks to people. DWI is expensive. Traditional, DWI is non criminal offenses, normally as part of another disposition that would get covered. We have changed that policy now. DWI pleas are asked to plead guilty to the traffic ticket with the most points on there license. It is an additional fine that they have to pay to the town or local village where they are taking there plea. It is going to affect there insurance, again now, we now speaking to people in terms that they understand.

We have also implemented policies when it comes to domestic violence cases. When it comes to domestic violence case with have problems with repeat offenders as well complains that are uncooperative. To address those issues, we are requiring as part of the disposition before any cases are reduced, that the defendant complete a domestic violence evaluation course. There are two options for the domestic violence course, a twenty six week and a fifty two week plan. It is an additional twenty six or fifty two weeks that the court can monitor the defendant. If they are not in compliance with the course, we will explore of filling additional contempt charges as violating a court order. If we do that, we do not need the complainant to forward on the case.

In addition, we provide training to all the police departments for evidence base prosecution. Evidence based prosecution, depending on the type of case you have. If we have enough evidence we can go forward with the case without the complainant. If you have the right medical records and the 911 call, the key is that the evidence is collected. We provide the training to the officer, since they are the first responders to the scene that they collect and look for the evidence.

Mr. Conflitti said one more thing I would like to mention, the structure of our office. Members of the community are most likely to come into contact with our office in a local court. Most people are luckily not the victims of felonies. Member of the community are most people are likely to be a complainant or defendant end up in a local court or criminal court such as your village court.

Our new office structure is for courts held a night. I do believe you have one for your court session is a night. We are using our more senior felony level people to handle court

at night. Part of the reason is that our citizens are most likely to come into contact with our office, when there is a misdemeanor in a local criminal court then they are for something that goes on in the county court, which is a felony prosecution. We want to get more of our senior experienced people out into the community to be able to handle cases in local courts. This is something we are starting out as of November 3rd. There is a lot of grousing among the senior people in our office, having to come out one or twice a month for court cases. All of us will be out and about, the senior chief assistant as well as myself will be in the local criminal courts. We will try to set it up so there is continuity; one assistant is out in court on continuing basis to see the same face throughout the life of a case.

The citizens of this county are kind of in a way our consumers; we want to make them happy as possible. In general we are will to partner with any one that has anything to offer, as for as to what issues of crime are in our communities that we maybe able to solve. I have mentioned several already, the Municipal Board's, the Police Chief's, Anti-Drug coalitions', School Districts, Chamber of Commerce, Municipal Attorneys as well. I also mentioned the narcotics eviction program; the municipal attorney has the same concurrent jurisdiction over the same case, as we do. We will do the light work and do the work but it is something we can both work on together. Your code enforcement officers are good partners for this whole community prosecution program as well. They have authority that we do not have. We maybe able to work together with the code enforcement people regarding a drug dealer in a particular location to enforce criminal laws against them

Mayor Brescia said we had one of those recently and had help from the Sheriffs department. It is good to know, we have you as resource.

On the hand out, you will notice on the front, the DA Community Advisory Board is something the DA set up last fall in transition between getting elected in November and taking office at the end of last year. It started out from people he knew from the community to give advice on how the prosecution effort might work in Orange County. We still meet periodically; we have a meeting coming up this Thursday.

In addition, you may have noticed we have divided the community board into seven regions. Montgomery is region four, for administrative reasons, so we can make sense of we might be able to attach different issues on crime. It is an administrative convenience, to have smaller subcommittees within those regions that particular attention. We are trying to have a cross section of all the different players in each of those regions to join us on the community advisory board at the regional level. I believe the Police Chief of Montgomery for the Village and Town has joined us already. The Police Chief in Crawford has joined as well. A number of elected officials have joined also. The Valley Central School District has given us a representative. At some point we would like to get a representative of this body to join us on the community advisory board for region four. We plan to be in each region at least four times a year, face to face, by email, or by phone if we are not able to meet in person. I would like to meet once or twice year to commandeer a high school auditorium with the pubic, as a town hall meeting, to hear directly from them and what they think about the issues on crime in Orange County. Please give us a call if you have any questions.

Mayor Brescia thanked them for coming, it is appreciated.

Maria Beltrametti, resident of 109 Ward Street requested an accounting cost regarding the Bandstand and how it is being paid for and needing clarification to the meeting minutes.

Mayor Brescia asked Trustee Lindner to answer any questions regarding the Bandstand.

Ms. Beltrametti said she would like clarification on the cost of the Bandstand. Everyone is thrilled with it.

Trustee Lindner start with a brief background on the Bandstand, the original thought in mind in creating it was to create a center for the Village and bring in business to the Village. You, yourself asked What is the Village doing bring in business to the Businesses. We feel the Bandstand is a big step in that direction. We have had seven concerts this summer ranging from one hundred to one hundred and fifty people. The hope is for next year to be even better. It was a little disappointing this year, with the business. We had a meeting early on this year with the business, Brain Fitzpatrick and I had talked getting the business envelop the concerts and use it as an opportunity to run some specials to bring people in there stores. Hopefully we will expand on that as we move forward.

The Treasurer has put together an expense sheet for the cost of the Bandstand that is available to the public. The cost of the Bandstand came to \$82,289.00. I have broken it down into three different parts starting with materials that include everything that went into the bandstand at \$35,000, equipment rentals such as backhoe, forklift and concrete and so forth at \$8,000 and the rest is labor just under \$40,000.

Originally the architect we had an estimate of \$80,000 to build the Bandstand and obviously he was pretty close. One of the changes was the roof line. We went with this very iconic roof that was similar to what was here fifty to one hundred years ago. It did cost us a bit more, due to the rafters and the labor to build the roof line. It did hurt us a little bit. \$12,000 was incurred in fiscal year 2013 which helped as well. On revenue side we had a little over \$8,000 in the bandstand account that was the proceeds from various events like the golf tournaments. We had a little of \$14,000 in the parkland account, again we treat the bandstand as a park which is incorporated in the Village park system. We had hoped more money in Lou of parkland for this year, than we have had so far. We are hopeful to have more by year ends; one of our developers is here. It is an encouragement to have him develop quickly. Just on two projects that we have on the boards that are fully approved, one project is on 17K with nine units, which would be \$9,000 of money in Lou of parkland. The second fully approved shovel ready project is on Pleasant Avenue with an eight house development on a cul-de-sac, which would be \$12,000 money in Lou of parkland. Altogether that comes to \$21,000 in money in Lou of parkland. The last portion something we were not expecting is the property on Conroy Avenue the Village owns. It was bequeathed to us by the developer us, when he failed to meet the requirements. We have had that for about seven or eight years and unsuccessful we have been trying to sell it. This year we were laterally on the verge of declaring it unwanted parkland to get it off the tax rolls. We have been paying Town and County, School taxes on the Conroy Avenue property. We came up with the idea of auctioning it, with a retainer price of \$30,000. Low and behold we got an auction bid of \$40,000. The Village Atty. Dowd will closing on it hopefully next week. We generated \$40,000 in revenue there and we are only view it as \$26,500 because we have paid about \$14,000 in

Town/County and School taxes. The net from the sale is about \$26,538; so altogether that generates \$70,876 dollars. It still leaves about \$ 11,000 and change with will come out of the general fund. We are hopeful to have more money in Lou of parkland. This is basically it, again has been very well received. As Maria has mentioned a number of people has come up to us about what a jewel it is and what a great addition to the Village it is. I hope that answers your question.

Ms. Beltrametti said yes it has.

Mayor Brescia asked Ms. Beltrametti about the Board meeting minutes.

Ms. Beltrametti also said she would like a better understanding of how the minutes of these are recorded and memorialized. I foiled the meeting minutes of the July 1st meeting. I was foiling them to get more of the verbatim, the discussions about the Village business. Now I am sure, I have the date right because it was extensively quoted in the Wallkill Valley Times in the July 9th issue. It starts out as the Tuesday of the month, Village Board meeting in Montgomery, so on and so forth. I am sure it was the July 1st meeting. I got those minutes, there is no mention of this discussion but in its place seemingly is a narrative that is largely inadequate, but it relates to the situation that had reported to you on June 17th about the issue I had on the parking lot behind my building and the lock that was attached to my gate. I just do not understand what it is doing here. On the June 17th meeting Mr. Dowd had said I had to take Mr. Watson to county court. You said Mayor, the Village had no standing. Why is my personal business in these meetings, in the wrong meeting for that matter? I spoke to Monse about it and she said that she is obliged to transcribe the public portion. A substantial portion of the public portion is transcribed. I just want to clarify what the process is? What the procedure is? Is it being applied consistently?

Mayor Brescia said I believe it is.

Atty. Dowd said the obligation is to record the actions that the Board actually takes, any action take place. As far as all the others, there is no requirement for verbatim minutes.

They can be summarized, Monse as the Clerk who records them thinks it is appropriate. The Board then approves the minutes and if they want amendments they can suggest it, they can suggest more detail, less detail what ever they think is appropriate; that is all that the law requires them to do. Technically it could say the Board heard from members of the public and not put anything down. If what your say is that, you believe that a conversation that took place on June 17th found its way into the July 1st minutes as apposed to the June 17th that is something that should be corrected. I would have probably appeared both in the 17th and 1st minutes; I am not sure.

Ms. Beltrametti said well it did not. Then I foiled the 17th minutes and it was not there.

Atty. Dowd said Monse keeps all those meetings minutes for, four months, she is required to do that. If in fact there is a major discrepancy, recording the wrong meeting minutes for the wrong meeting date that is one thing. It is not required to put down specific names and specific information, if they do not want to. It is really up to the Board.

Mayor Brescia said we have been consistent over the years and does it the way Monse have been doing it lately. We can certainly listen to those tapes, if there is a discrepancy at the wrong meeting; we will certainly vote to correct that. Mayor Brescia asked Monse do that for the discrepancy Ms. Beltrametti is referring to. I think we are going to continue to do the minutes the way we have been do for the length of time JoAnn and I have been on the Board, the whole Board rather. I think they are through enough, if someone wants to go back and include what the public says and get through picture of the Board meeting. As Kevin says, we are not obligated to do that and we do. Please Monse go back and look at that, if there is a discrepancy we will certainly correct it. I think it has worked out well over the years.

Monse said yes.

Atty. Dowd said some times there are problems with many people speaking over others and at the same time. She would say there is a general discussion about.

Ms. Beltrametti said that is all fine that not what I object to. It just that this is largely inaccurate narrative about my situation, which I was told it did not concern the Board, it was not a Village matter. Why was it in there at all?

Atty. Dowd said because you brought it up as public concern that is why it was in the minutes.

Ms. Beltrametti not at a meeting, it is largely inaccurate. I did not say most of what is in there.

Atty. Dowd it is record and anything that you say.

Mayor Brescia said really, it should have not been said at all. I should not have entertained it because it was a private matter that should not have been discussed at the Board meeting. I entertained longer than I should have. Monse check it, if wrong, we will change it and if not we will keep it as it is.

RE: RESOLUTION AUTHORIZING THE ISSUANCE OF \$325,000 BONDS OF THE VILLAGE OF MONTGOMERY, ORANGE COUNTY, NEW YORK, TO PAY PART OF THE \$600,000 ESTIMATED MAXIMUM COST OF THE CONSTRUCTION OF A WATER STORAGE TANK, IN AND FOR SAID VILLAGE.

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adopted a Resolution authorizing the issuance OF \$325,000 bonds of the Village of Montgomery, Orange County, New York, to pay part of the \$600,000 estimated maximum cost of the construction of a water storage tank, in and for said village on September 16th, 2014 at the Village Hall 133 Clinton Street. Motion carried, 5-Ayes, 0-Nays.

RE: CAR SHOW ON CLINTON STREET - STREET CLOSING

Sunday, September 28, 2014 on Clinton Street from 10:00 am to 3:00 pm
Clinton Street will be closed form Wallkill to Bridge Street with the cross traffic open on Route 211.

RE: GRAND CHAMBER MUSIC SERIES EVENT

Sunday, September 28, 2014 at 3:00 pm at the Senior Center, 36 Bridge Street featuring Pianist Karine Poghosyan

RE: APPROVE EMPLOYEE INSURANCE BUYOUT

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved Brian Briere, effective, 10/01 with the first payment on 01/01/2015 at \$500 a quarter, totaling \$2,000 a year and with the proof of insurance. Motion carried, 5-Ayes, 0-Nays.

RE: BUDGET ADJUSTMENTS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the budget adjustments \$1,662.25 from 7310.400A (Summer Recreation Expenses) to 7310.100A (Summer Recreation Personal Services). Motion carried, 5-Ayes, 0-Nays.

RE: PUBLIC PORTION

Ms. Beltrametti asked the Board if the year end accounting report is available.

Village Clerk Rivera-Stanley said she will check with the Treasurer Benedict on the availability.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned the September 16, 2014 meeting at 8:11 pm.

Monserrate Rivera-Stanley, Village Clerk