

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 January 20, 2015 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, Bldg Inspector Yancewicz, Maria Beltrametti, Joseph Neumann, Marc Devitt, Douglas Hantusch.

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

RE: MEETING MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board of Trustee approved the meeting minutes of January 6, 2015. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD – CODE ENFORCEMENT

Ms. Beltrametti felt she should update the Board on the saga of the parking lot, of which she frankly is uncertain of what is happening anymore. She feels the issue is spinning around and it is out of control. It started, November 2013.

Mayor Brescia asked Ms. Beltrametti, if she was going to ask about the code situation that is currently in the Village Court?

Ms. Beltrametti said only peripheral.

Mayor Brescia said the Board will not entertain any issue that is currently in the court.

Ms. Beltrametti said she wants to speak of the latest challenges regarding her property. It is all coming from the Building Department. Honestly I feel Bruce does not know where to turn next. He showed up at my door the other day with a police escort. Is this how we use our police department? He gave me some random pages from some random code books; telling me that I need to redecorate. I have had the store for seven years and two fire inspections during that time. I should have had more fire inspections and documentation.

Mayor Brescia asked Ms. Beltrametti if the Building Inspector has issued an order to remedy or any code violations.

Ms. Beltrametti said no Bruce and Mr. Dowd called me to a meeting stating that I would receive a letter with an order to remedy.

Mayor Brescia said what you need to do is go through the Building Inspector and the Village Attorney, if there are any code violations and you do not agree with them after any decisions are made you can appeal to the Board.

Atty. Dowd said yes, she can come to the Board with any grievance that she may have.

Mayor Brescia said we can certainly make a decision on that, however, we can not get involved with a situation like this.

Atty. Dowd stated having a meeting with Ms. Beltrametti and the Building Inspector Yancewicz on January 6th, 2015, which I thought was amiable one.

Ms. Beltrametti said except that you were implying you had the right to tear down the addition that was built twenty five years ago.

Atty. Dowd stated there was no implication at all, I actually said that. Apparently her father was the owner of the building; actually it is an LLC that owns the building. A site plan for a real estate office at one point; the planning board specifically required that there be two off street parking in the back. What happened, unfortunately somewhere along the line, her father put an addition on the back of the building without site plan approval, taking away the two off street parking spaces. He has passed away since, therefore, the building itself is not in compliance with the zoning codes. I said to her, technically the Village could tell her to take down the addition. It was built without approvals, no certificate of occupancy, and no inspections. However, that is not what we are here for, you can come back to the planning board if you wish, make it compliant. There are other issues with the fence on someone else's property and there are some legal issues with that. I told her that she needs to resolve that in the courts; we have to by what we know at this present time. In any event, it also appears after the meeting, we checked that this building is still owned by an LLC. We do not know whether or not who the managing partner of the LLC. There is also a living trust for your mother. We cannot issue an order to remedy because it has to be issued against the owner of the building. In order to do this, we will have to go through a service of the Secretary of State, of the State of New York. The LLC must designate the Secretary of State for Service and then someone will ultimately have to appear as the managing partner to speak for the property. I know Maria is going to go before the planning board next week. Again, I am going to ask her who is the owner and who has control over the owner since it is an LLC. We need to have someone that is authorized to be before the planning board to speak for the properties owner. There are going to be some issues and I do not know if they're going to rectify it.

Mayor Brescia said hopefully they will be reasonable. It has been in existence for twenty five years. I am sure certain things have to be done. It is not for the Board to address.

Atty. Dowd to clarify, legally we have the right to order her to remove the addition. It was built without approvals, building permits, a certificate of occupancy, inspections, and that is not what we are after. We are after compliance.

Trustee Lindner asked if there is a building permit.

Atty. Dowd said there was a building permit issued at some point in time. There was never any inspection of the electrical, construction, plumbing.

Ms. Beltrametti said she finds that hard to believe. It was built by a licensed contractor who is still alive, by the way.

Trustee Lindner said you should have copies of the building permit and so forth.

Ms. Beltrametti said this was twenty five years ago, my father is deceased.

Mayor Brescia stated that contractors do not have licenses, probably a legitimate builder.

Ms. Beltrametti said there was an eye beam.

Mayor Brescia said if there is something that is unreasonable, then we will address it. The Board is not where you come to with the first order to remedy.

Atty. Dowd stated who ever speaks for the owner of this property LLC, should go before the planning board and begin the process of getting the approval for the addition that was done twenty years ago by your father. Inspections would have to be done by the building inspector.

Mayor Brescia said if you, your mother, or the LLC ever plans to sell the property, a title search will be done so this has to be addressed before the property can be sold.

Ms. Beltrametti said she ordered a survey of the property because there is a disputed issue of the property, we own thru adverse possession; the proper papers have to be filed. That is part of the property in dispute with Mr. Watson. Mr. Dowd, I have to correct you because what you sited me for was parking.

Atty. Dowd said we did not site your for anything.

Ms. Beltrametti said what you brought to the table was this resolution passed by the planning board regarding parking. The addition already existed when this was agreed to. This was a former tenant; this was fifteen years ago. The tenant has been gone for eight years, if anything, I have one car. He had his car and his employee; therefore, we have two approved parking spots for the customers out front. It has nothing to do with that, if anything there is no parking what so ever except my car port. The only issue with that is that Mr. Watson does not want me to go through my gate because is goes through his property. I feel this is getting to the level of harassment. Bruce does not know what to call me about next.

Atty. Dowd said it clearly says that there should be two off street parking spaces provided and if further uses of the building, had to come back to the planning board. It never happened.

Ms. Beltrametti said further uses, not lesser uses.

Mayor Brescia said Ms. Beltrametti has to go to the planning board.

Ms. Beltrametti said she is going to the planning board, I am on the agenda.

Mayor Brescia said that is good. We are not going to get involved in neighbor disputes. I hope that you will find a remedy.

Ms. Beltrametti stated she feel there are some strings being pulled behind the scenes here. This whole thing came about because Mr. Watson was agitating to give me a hard time. I

have been dreaming where the Village comes and takes down my fence. I refuse to be harassed and made to feel uncomfortable in my own home and business. I am respectable law abiding citizen. I have a relatively successful business in existence now for seven years. I do not deserve this kind of harassment.

Mayor Brescia said the Board is not harassing you. The building inspector is looking into something he has a right to.

Ms. Beltrametti said he is calling me and visiting me and he does not know what to say next.

Mayor Brescia suggested Ms. Beltrametti go before the planning board.

Ms. Beltrametti said it is mighty suspicious.

Mayor Brescia said I hope your not making any inference that anyone from the Board sent the Building Inspector down.

Ms. Beltrametti said I am just wondering how things work. I mean a police escort with the building inspector, really.

Mayor Brescia said he probably felt he needed that based on your other legal matters.

Atty. Dowd said he wanted someone there other than himself in case there was any misunderstanding as to what was discussed, that would be any reason why he would do that.

Ms. Beltrametti said telling me to redecorate.

Atty. Dowd said there are code violations within your business operating as far as fire and safety codes. I understand that to be the issue and he provided you with the statue so you can be in compliance.

Ms. Beltrametti said a statue that has nothing to do with anything. I have none of the material, I have clothing. I do have decorative material and no combustible materials.

Trustee Lindner said is it not regarding the width of the isles? Are the entire clothing items in there not combustible?

Ms. Beltrametti said, well yes that is why I sell them.

Trustee Lindner said that is where all the building violations come in.

Ms. Beltrametti asked, is a specific kind of combustible materials?

Mayor Brescia said Bruce used to come to the lumber yard at least once year when I was managing at Rowley and he actually told me I had to clean up the isles. We had to rectify them. The Department of Labor would come down with a punch list to take care of within ninety days. Therefore, you are not immune to that, nobody is.

Ms. Beltrametti said I have had two fire inspections in the last seven years.

Mayor Brescia said you should have one every year.

Ms. Beltrametti said there should be documentation of it as well.

Building Inspector Yancewicz said there is documentation.

Ms. Beltrametti said I should have to sign it; otherwise it is your word against mine.

Trustee Lindner said it is something you can appeal once he gives you the violations that you currently have. If you disagree with them you can come back and appeal to the Board.

Mayor Brescia said she has to go to the planning board.

Atty. Dowd said zoning issues; she would have to appeal to the state for building codes division. If she feels that Bruce or myself are doing our jobs, as far as inappropriate conduct, than she appeals to the Board.

Douglas Hantusch is here on behalf of the Montgomery Fire District in light of the recent incident that happened in front of the fire house with Charlie Wallace being hit by a car. Through out our investigation, we have discovered, I did not realize this as commissioner; that there is no signage out in front warning oncoming cars coming up and down 17K, that there is an active fire house in the area.

I stopped and spoke with Buddy about this one afternoon. I asked him where I would start to ask for something like this. I realize while it is in the Village, it is also a State Highway. This is where it gets a little tangled to make a request. I feel if I ask for something big, maybe I might get something smaller dealing with the state.

Mayor Brescia said Buddy could probably help you with Kim Rankin from DOT. She could probably meet with you and Buddy. Whatever we can do, that was a terrible tragedy. We really feel for Charlie. He has served on a couple of boards over the years. He is just a great guy. Meet with Buddy and come up with whatever signage. We are going to be amenable to what ever we can do within the state limits. We can purchase a couple of signs too, we can do that.

Doug said years ago, going back to the nineties, they requested a light in front of the fire house which would be a blinking yellow light when the trucks were coming out; the lights would turn red to stop traffic. The state came to this decision to put a button in the fire house they could hit when leaving, and would turn the intersection red on both 211 and 17K, with the exception of us coming down; a blinking blue light goes on. That is great if you have someone to man the button all the time. Sometimes not enough guys show up on the truck and they're gone. It really does not solve the problem. Do you think it is unrealistic to ask the state again about this light issue? It is kind of like striking while the iron is hot. Do you know what I mean?

Mayor Brescia said yes, I do not know if it is going anywhere. It took forever to get that light down there.

Atty. Dowd said I am sure the light would be a big thing. The sign would be an easy fix.

Doug said that is kind of how I look at it.

Mayor Brescia said a sign we can move on quickly. Buddy can call Kim Rankin and meet with you all and I can join in, if need be.

Trustee Andolsek said ask for the light and you will get the sign.

Mayor Brescia said there was a gentleman hit by Browns Road and I think they want a light there. What ever we can do we will. Kim might have some suggestions.

Trustee Hembury said get the sign and go for the light after that. I know Middletown did something like that.

Doug said everybody is unique. In all honesty, I do not want to see guys out there anymore. You know well as I do Steve, it is hard to break a forty year old habit. I told the guys that's why we pay for insurance, let them hit the truck. We have gone to other towns taking pictures of what we see. A sign right off the bat, there is a standard sign as well as paint on the street fire house slow, something like that.

Mayor Brescia said we will do that almost right away. We will try to get a hold of her to and have her stop out. She used to live in Walden.

Trustee Lindner asked for an update on Charlie's condition.

Doug stated he has been in an induced coma for five days. He is at the fifth day now; we hope to start seeing some results now. Once Westchester has the attitude there is nothing else they are able to do, he is going to be moved to Helen Hays; they are phenomenal. Keep him in your prayers.

Trustee Hembury said he was on the committee for East Coldenham to get the flashing light. Pat Sullivan, who headed the whole thing, got a hold of Congressman Ben Gilman at the time. It took a while but that is how they got the light. Maybe we can go that route.

Deputy Mayor Scheels said the more we can contact the better.

Doug said the person that was driving the car, I truly believe there was nothing malicious. She is fine upstanding person. I feel people from out town or in town to not realize there is a fire house there sometimes.

Trustee Hembury said maybe we should contact Sean Patrick Mahoney.

Trustee Lindner said maybe we should contact all of them.

Trustee Andolsek said Senator Larkin the more we can get.

Mayor Brescia thanked Doug for coming.

RE: MONTGOMERY FREE LIBRARY 100TH ANNIVERSARY BANNER

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the placement of 100th Anniversary Banner outside the Village Hall for two weeks beginning February 1st, after this time period the Board will discuss an alternate location thru the anniversary date. Motion carried, 5-Ayes, 0-Nays.

RE: MONTGOMERY FREE LIBRARY REQUEST USE OF THE VILLAGE HALL MEETING ROOM

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the request to use the Village Hall Meeting Room with the conditions of providing a certificate of insurance; for the Montgomery Free Library to host the Library Birthday Party on Saturday, April 18th from 11:00 am to 1:00 pm, open to the public, serving cake and light refreshments. Motion carried, 5-Ayes, 0-Nays.

RE: MONTGOMERY FREE LIBRARY REQUEST USE OF THE SENIOR CENTER

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the Montgomery Free Library use of the Senior Center on Sunday, June 7th to host a TEA in celebration of the 100th Anniversary at not cost with the provisions of providing a certificate of insurance. The Montgomery Free Library will be charging a fee to cover the costs for the TEA and the amount has not yet been determined. Motion carried, 5-Ayes, 0-Nays.

RE: REMINDER WATER/SEWER BILLS ARE DUE

Water/Sewer payments are due on January 20th, 2015 without penalty by 5:00 pm. Postmark payments of January 20th are accepted.

RE: ADOPT RESOLUTION FOR VOTER REGISTRATION DAY AND DESIGNATING ELECTION INSPECTORS

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a resolution for Voter Registration day on Saturday, March 7th, 2015 to be held at the Village Hall from 12:00 Noon to 5:00 pm and designating the Election inspectors to be Gertrude Green as Chairperson, Olga Conway, Mary C. Devitt, Judith Lozier, Elizabeth Blashka, as an alternate, Linda Osterhout, and Frank Pettine as an alternate for the General Election on Wednesday, March 18, 2015 at the Senior Center 36 Bridge Street from 8:00am to 9:00 pm. Motion carried, 5-Ayes, 0-Nays.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into EXECUTIVE SESSION at 7:53 pm under section D to discuss a proposed, pending or current litigation with Joseph Neumann. The Village Atty. Dowd and Village Clerk Rivera-Stanley were invited into the executive session. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board went out of executive session at 8:19 pm. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went into EXECUTIVE SESSION at 8:20 PM under section E, collective negotiation pursuant to the Taylor Law with Police Department. The Police Chief Walsh, Village Clerk Rivera-Stanley and Atty. Dowd were invited into the Executive session. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE session at 8:39 pm. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board went into EXECUTIVE SESSION at 8:40 pm under section F, to discuss the medical, employment history of a particular person. The Atty. Dowd and the Village Clerk Rivera-Stanley were invited into the Executive session. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board went out of EXECUTIVE session at 8:54 pm. Motion carried, 5-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board adjourned the meeting of January 20, 2015 at 8:55 pm. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Stanley, Village Clerk