

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 Tuesday, **January 19, 2010** at 7:00 p.m.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Roepe; OIC John Luffman; Officer Young; Richard Kurisko (Tarentella's Pizza Alley); John Ingrassia; Mark & Deborah Palczewski; Johanna Sweikata; Amy Doce; Mary Prior; Lori Schmidt; Mike O'Brien; Wallkill Valley Times Reporter.

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

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board entered EXECUTIVE SESSION at 7:01 pm under Public Officers Law §7(f) to discuss a personnel matter with Planning Board Member Sophia Romano and with Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 7:28 pm. Motion carried 5-AYES, 0-NAY vote.

RE: MINUTES

Moved by Deputy Mayor Scheels,, seconded by Trustee Andolsek, the Board accepted the minutes of January 15, 2010. Motion carried 5- AYE, 0-NAY vote.

RE: REQUEST(s) TO MEET WITH BOARD

Mary Prior (Washington Ave.) discussed the use of pulverized glass aggregate that is being used on the road. It is suppose to be safe but feels there is a possibility of the glass cutting a child or a dog. The concern is with young children sleigh riding and ending up by the roadway and that is where the glass is along with a small portion on the lawn. Another concern is children tasting the snow. The pieces picked up on Washington Avenue were sharp.

Lori Schmidt (River Rd.) agrees. She stated she works at the school. The glass is used in the parking lot at the school and it ends up all over the school playground. When the students play at the playground, the children fall all the time and the glass could get embedded in their knees or hands. Whatever is there now is going to be there a long time. Mary Prior said she brought her concerns to the principle that in turn brought it to the district. The district has since reconsidered using that because of the danger factor to the children. The Village Board was then asked to evaluate whether or not to continue using it for safety reasons. If you do want to continue using it, the Board was asked to inform the residents so the parents and the pet owners are aware to look for problems developing from its use.

Mayor Brescia agrees the residents should be made aware of glass being used for ice control on the road. But said he would not like to make a decision until the next meeting when DPW Supt. Nelson would be present since he is a proponent of it because it saves the village money as well as being environmentally friendly. Some residents have said they do track it into their houses and some residents said they have not. We will talk about it at the next meeting and look into a little further. DPW Supt. Nelson has said we use between 200 and 400 tons of sand and we could save \$1,500 to \$3,000 a year by using the glass aggregate. Mary Prior again mentioned her concern for the children and if there is a lawsuit it could cost much more than \$3,000. Mayor Brescia said that is a good point. If the Board decides not to use the remaining material, it could be used in other places such as pipe bedding and for drainage.

Sophia Romano, Planning Board Member, stated I would like to apologize for a comment made at the last Planning Board meeting as it was very insensitive as I care deeply about the power lines. In retrospect I should have rescued myself from the meeting as I was not present for much of the Central Hudson Transmission Line Rebuild Project. The Board thanked Planning Board Member Romano for her apology.

RE: AHRB GUIDELINE

Mayor Brescia reported they are working on updating the historic district guidelines with the AHRB. A copy of the guidelines will be given to the businesses for input before finalizing. Richard Kurisko (business owner of Tarantella's Pizza Alley) will take a copy to next business meeting.

**RE: MONTGOMERY ESTATES DEDICATION OF STREETS
– CONROY AVENUE & HASKIN COURT**

Mayor Brescia asked the status of the road dedication for Montgomery Estates. Atty. Dowd reported the documents have been updated for the dedication of Conroy Avenue and Haskin Court. Lot No. 8 has been deeded to the Village in lieu of a maintenance bond. Once the year has ended, the lot then can be given back to the developer. If the Board accepts the dedication, the papers can be signed by the Mayor and he will then file the documents. Mayor Brescia and the Board agree as long as the Village is protected they will accept the dedication of roads. Mayor Brescia stated he will draft a letter from the Board to each resident in Montgomery Estates explaining we have been working on getting this done and finally it has been accomplished.

BE IT RESOLVED that the Village of Montgomery accept the dedication of the streets known and designated on Plan of Subdivision of Montgomery Estates II filed in the Orange Clerk's Office together with all rights, title and interest of the Grantor in and to all sanitary sewers, water lines, streets, curbs, appurtenances contained within the premises described above;

RESOLVED that the Village of Montgomery accept the conveyance of said streets being the premises more particularly described in deed dated January 8, 2010 from Montgomery Estates II to the Village of Montgomery, subject to receipt by the

Village of Montgomery of a title insurance policy showing marketable title and it is further,

RESOLVED that the Village accept the conveyance of a 2.2 acres parcel of land; On a motion by Trustee Hembury, seconded by Deputy Mayor Scheels the Board adopted this resolution and Mayor Brescia declared the resolution adopted. Motion carried by a 5-AYES, 0-NAY vote.

**RE: POLICE DEPARTMENT – AVL – AUTOMATIC VEHICLE LOCATOR
DISPATCHING SYSTEM AGREEMENT**

OIC Luffman advised after reviewing the AVL document, he finds nowhere in the document there is a charge for the service by the County and recommended the Agreement be accepted by the Board. Atty. Dowd said upon his review the County is buying the system and putting it in the cars. The only issue would be if something happens to the system or if it is transferred to a new car. Mayor Brescia said as a sitting member on the police advisory board for the County they need to look into indemnifying the villages if they happen to cross into the town lines. This Agreement will improve our response time even more.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Inter-Municipal Agreement between the County of Orange by and through its Department of Emergency Services and the Village of Montgomery by and through its Police Department for the implementation of an Automatic Vehicle Locator Dispatching System (AVL) and authorized Mayor Brescia to sign the Agreement on behalf of the Village. Motion carried 5-AYES, 0NAY vote.

RE: NURSERY SCHOOL (21 Wallkill Ave.) - REQUEST FOR CROSSWALK

The Board acknowledged a letter from the Montgomery Nursery School requesting a yield-to-pedestrian crosswalk be installed at 21 Wallkill Avenue. After speaking with DPW Supt. Nelson, the crosswalk may cause problems and not solve the problem. Putting a crosswalk on state highways is different. Mayor Brescia asked OIC Luffman to speak with DPW Supt. Nelson for input before making a decision.

RE: WATER/SEWER PENALTY WAIVED

Moved by Trustee Roepe, seconded by Trustee Hembury, the Board waived the December Water/Sewer bill penalty for Michael and Lisa Pianka, 180 Waters Edge, upon review and recommendation by DPW Supt. Nelson. Motion carried 5-AYES, 0-NAY vote.

RE: BUDGET TRANSFERS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorized Treasurer Benedict to make budget transfers as follows:

	<u>From:</u>	<u>To:</u>
\$872.44	1990.000A (Contingency)	1970.000A (Bank Fees)

AND:

Increase 3089A (grant money received) and 7510.400A (Historian Contractual).

Motion carried by 5-AYES, 0-NAY vote.

RE: OFFICIAL DEPOSITORY CHANGE

Mayor Brescia advised he, Deputy Mayor Scheels and Treasurer Benedict met with three banks representatives from Orange County Trust, Provident Bank, and KeyBank to see what they can offer the Village. The Board acknowledged a memo from Treasurer Benedict recommending the Board consider changing the official depository for Village funds. The results of the meeting for example are Bank of America, the Village's designated bank, has not bid on borrowing since 2006, charges a service charge and there is no interest on two operating accounts and eleven smaller accounts since 2008. The Village currently has two accounts at Orange County Trust getting interest. Provident Bank and Orange County Trust both can offer interest and no service charges. KeyBank requires an analysis statement which means no service charges as long as our deposits stay at a level to offset those charges on the account. Therefore, Treasurer Benedict suggests moving both the operating accounts to Orange County Trust along with three other accounts and moving the other accounts with little activity to Provident Bank. The last recommendation is to add the deputy treasurer as signer on the checks along with the treasurer and mayor. Deputy Mayor Scheels recommends changing depositories after meeting with the representatives from the banks.

Moved by Trustee Roepe, seconded by Trustee Hembury, the Board officially designated Orange County Trust as official depository for village funds, approved other accounts so designated by the treasurer be opened with Provident Bank and authorized Treasurer Benedict to make the necessary transfers. Motion carried 5-AYES, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorized Deputy Treasurer Stanley to be added to the list of authorized persons to sign checks in addition to Mayor Brescia and Treasurer Benedict. Motion carried 5-AYES, 0-NAY vote.

RE: PILOT AGREEMENT – PATCHETT CROSSING SENIOR HOUSING

Mayor Brescia advised the PILOT Agreement for Patchett Crossing Senior Housing must be renegotiated in 2010 for implementation in 2011. The PILOT Payments through 2040 are paid by Two Plus Four as follows: Village-60%, Town-10%, County-10%, School-10%, Fire District-10%.

Atty. Dowd reported he has contacted the Town attorney to begin the process. As per the Agreement, the minimum amount of increase must be ten per cent over the last year's agreement which was assessed at \$440 per unit.

RE: WESLEY HALL SPIRES PROPOSALS

Mayor Brescia addressed Trustee Roepe's concerning the bidding process. The process was explained about getting three sealed bids/proposals and abstaining from voting when Pro-Build East LLC submits a bid. When the lumber was let to bid for the new senior center many times Stroeber Building Supplies came in much lower. Other lumber companies were also awarded the contracts during the construction of the building. It is a fair process and if other trustees would like to get involved to let him know. Trustee Roepe advised not knowing the process for getting bids or proposals he had asked the working foreman in the D.P.W. the process by which it was done. Mayor Brescia said that question is understandable being a new trustee on the Board.

Mayor Brescia reported three proposals for Wesley Hall spires as follows:

Pro-Build East LLC	\$2512.49
Neversink Lumber	\$3311.73
Precision Building	\$3340.85.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board accepted the Pro-Build proposal in the amount of \$2512.49 for material to build the spires on Wesley Hall Museum. Motion carried 5-AYES, 0-NAY vote.

RE: DARE DANCE – FEBRUARY 26TH

OIC Luffman asked the Village to appropriate \$200 for a DJ for the D.A.R.E. dance to be held in February at the Montgomery Elementary School. Mayor Brescia commended OIC Luffman on how well supervised and organized the dances are at the school.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved to appropriate up to \$200 for the D.A.R.E. dance sponsored by the Village Police Department. Motion carried 5-AYES, 0-NAY vote.

RE: STP EXPANSION

Mayor Brescia and the Board acknowledged correspondence from NYS DEC approving the plans and specifications for the expansion and upgrade of the Village Waste Water Treatment Plant noting project improvements must be completed within five (5) years of the approval date, January 11, 2010. The expansion includes the installation of a new mechanical grit chamber, a new oxidation ditch, two new circular clarifiers, a new chlorine contact tank, and dechlorination chamber as shown on plans dated June 30, 2009 and last revised December 30, 2009. Mayor Brescia advised the Village may still be eligible in October for the stimulus money for the expansion.

RE: MONTGOMERY BUSINESS ASSOCIATION (MBA)– SPRING EVENT

Richard Kurisko, MBA representative, said after coordinating the tentative event Take Me Out To The Ball Game, he would like to use the Village Square for some of the activities. It would be held on the same day Little League season opens – April 17th between 10:00 am and 4:00 pm

Mayor Brescia and the Board approved of the event and commended the Montgomery Business Association for getting everyone involved.

RE: BICENTENIAL CELEBRATION

Mayor Brescia reported the committee met last week and said there are many events planed and some donations will be received from events. The committee is working hard to make it a successful event. Brochures of the events planned will be available soon.

RE: SENIOR CENTER ACTIVITIES

Bob Hayes thanked the Board for getting the senior center back on track by planning more activities. Deputy Mayor Scheels advised that she will continue to work on it. Bob Hayes asked if he can have a dinner-dance in May at the senior center that will be sponsored by the New Horizon Club in conjunction with the Bicentennial Committee and it will be coordinated with the chairman of the committee so as not to interfere with anything planned. The donations from the dinner-dance should cover the cost for the food, the band and maybe something for the New Horizons and senior center. Mayor Brescia and the Board approved of the event and thanked Mr. Hayes for his help

Mayor Brescia reported he attended the luncheon for seniors sponsored by the Montgomery Youth Council held at the senior center. The new trustee from Walden works with the youth council. Deputy Mayor Scheels mentioned it is the group that has offered to build the Bocci ball court for the seniors if we provide the material.

RE: CH TRANSMISSION LINE UPGRADE PROJECT

Mike O'Brien asked the Board if they had looked into the EIS for the CH transmission line upgrade project and for a resolution from the Board. Mayor Brescia asked if the Board could put together a resolution. Atty. Dowd said the environmental process was completed by a thorough review by the Town who is the lead agency in this project and to now suggest it be reopened again probably should not be done. Mike O'Brien said he is not asking for it to be reopened or not asking this Board to reopen it. In light of the facts that have already transpired, I am asking them in good faith to actually take a look at it and let them say yes, we will or no we won't and here is why we won't.

Mayor Brescia advised he did call David Church (OC Planning Dept.) to try and get some feedback. As far as County Legislator, I don't know what can be done because it is

considered home rule and the County really doesn't get involved in this kind of thing. But as far as Central Hudson, I'll ask them to see what can be done.

After a discussion, it was agreed Mike O'Brien would draft a letter for the mayor's review and then submit it to the Board at the next meeting.

Mayor Brescia referred to something brought up about being in violation of our Code of Ethics. As of 1991, the law was changed to make it a five-member board which does make the Village in violation by having the employees from the village on the board as there is a vacancy which must be filled. Also, most of the matters before the Board of Ethics are monetary or conflicts of interest for municipal employees or officials. Trustee Roepe pointed out he feels the technical violation which was brought up at a prior meeting referred to the fact that a majority of the people on the Board of Ethics cannot be made up of officials or an employees of the Village. Technically, there is more than a majority because there are two members from the village, two appointed members and one vacancy. Atty. Dowd agrees saying of the five member board you have four members and one vacancy. So only one should be a village official or employee until such time the vacancy is filled. Mayor Brescia advised the Board of Ethics probably have not met a half dozen of times in the last 20 years because we have not had call to for it.

Mike O'Brien said he was speaking with someone from Walden who said everybody knew what was going on well before and we were still in the dark. I thought by now we should have heard something. Mark Palczewski asked if Central Hudson had given some type of schedule to the Village on when they plan to start the project.

Mayor Brescia advised he did ask Karl Schoenberg when he would be looking at the possible purchases of houses and he said Central Hudson would not do that until at least six months down the road. I didn't mention anything about the easements. Montgomery seems to be the last part of the project. It could be two to three years before something happens.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board entered EXECUTIVE SESSION at 8:10 pm under Public Officers Law §7(e) to discuss the PBA Union Contract with OIC Luffman, Atty. Dowd and Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 8:47 pm. Motion carried 5-AYES, 0-NAY vote.

RE: POLICE DEPARTMENT

OIC Luffman asked Officer Young to update the Board on the yearly cases and investigations done by the police department. Officer Young reported the following: 70 arrests, 104 cases, 16 UTT#512 suspended licenses, 22 UTT#511 suspended licenses, 6

criminal warrants, 17 active orders of protection and 7 officers need assistance. In addition, the officers do annual firearm training and the Active Shooters training with seven other agencies. Bike patrols are weekends and during activities at the park. The officers walk the beat as well.

Mayor Brescia and the Board commended the Police Department on the professional job they are doing for the Village and its residents.

RE: ADJOURNMENT

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board adjourned the meeting at 8:53 pm. Motion carried 5-AYES 0-NAY vote.

Village Clerk Linda L. Thompson