

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 June 7, 2016 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, Police Chief Walsh, DPW Supt. Nelson, Shawn Dell Joyce, Joe Neumann, Robert R. Radulski, Johanna Sweikata, Maria Beltrametti, Anna Frumes, Don Berger

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

**RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the meeting minutes of April 19<sup>th</sup>, May 3<sup>rd</sup>, and May 17, 2016. Motion carried, 5-Ayes, 0-Nays.

**RE: ABSTRACT NO. 04-2016**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.04-2016 were audited and approved for payment with \$281,377.63 from the General Fund, \$14,550.32 from the Water Fund, \$25,974.13 from the Sewer Fund and totaling \$321,902.08. Check No: 47532 – 47556, 49395 - 49487. Motion carried, 5-Ayes, 0-Nays.

Treasurer Sullivan reported a CASH BALANCE for the month of April 30, 2016, as follows: General Fund \$1,310,857.65, Water Fund \$291,744.31, Sewer Fund \$262,173.15.

**RE: DEPARTMENT REPORTS**

Police Chief Walsh reported that on June 30<sup>th</sup> the Village of Montgomery Police Department will be participating in a multi-agency active shooter drill at the Walden Elementary School. Our four full time police officers will be attending the training. The training will consist of the Sheriff's Office, the Village of Walden, the Town of Montgomery, and the Village of Montgomery.

Officer Narain also completed the Child passenger technician training. Therefore, she is now certified to inspect and install child seats in cars. It has been two years since we have had a certified officer. Residents can now make an appointment with officer Narain for child seat inspections at the Police Department. She will make sure the child car seat(s) are installed properly. Even more so, she will assist in the installation of a new car seat also.

Mayor Brescia suggested including this information regarding the child car seat safety in the next newsletter.

Police Chief Walsh agreed, it is a good idea. He continued with his report of the receipt of a complimentary Ring doorbell that is being advertised on television. If someone rings the doorbell, they can communicate with the individual via video. We will have this device installed on the door of the Police Department for after hours, when the secretaries are not working. Therefore, if a member of the public comes to the Police Department door and rings the doorbell the officer will then be able to communicate with the individual while they are out on the road by using an app on their phones.

DPW Supt. Nelson reported on the Holt Well Pilot study test. He called the Orange County Department of Health and they have been heavily involved with the City of Newburgh. They have promised to get back to him by the 17<sup>th</sup> with their recommendations or comments. As of March

31, he received four months of prior testing that has been done on the Holt Well. The water is not getting any worse as some may have thought otherwise. All the numbers on the tests are the same, the water is not getting worse and it is not getting any better. We will work on any recommendations or comments and go straight to design from that point.

The Pavilion for Summer Recreation is going well. We should be able to pour the concrete next week. The fencing for the Clinton Street Band Stand Park will begin on Thursday with the holes and installing the poles on Friday.

Viking Heights, he will be submitting an application for grass carp again. The last time we got them was in 2009. The weeds are starting to come back into the pond. A particular resident at Viking Heights suggested we look at the drainage going out of the pond. We have cleaned it over and over again for about a year. We cannot get back into the culvert pipe; 300 ft. of culvert pipe is buried with no access. He had Dawn look at it and it is agreed there is standing water in front that pipe. It is a 24 inch pipe with 12 inches of derby. He is working on getting prices to have it cleaned out. The sprinklers are both working keeping the middle clear but it is pushing the weeds to the edge. The DEC also suggests we put the carp back in. He called Tony from TAMM to come out and look at it first and offer any recommendations on how to attempt it.

As noted on the agenda, setting a bid opening date for the Clinton Street Water Main Replacement and authorizing to advertise a notice to bidders. The work will not start until September 12<sup>th</sup> or after due to General Montgomery Day.

Mayor Brescia suggested getting prices on that and on the excavation soon. We have an application in for the other line, which you will be going to the meeting with Dawn on August 18th.

**RE: ADOPT A RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE A NOTICE TO BIDDERS FOR THE CLINTON STREET WATER MAIN REPLACEMENT WITH A BID OPENING DATE OF JULY 27, 2016 AT 10 AM AT THE VILLAGE HALL**

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board adopted a resolution authorizing the Village Clerk to advertise a notice to bidders for the Clinton Street Water Main Replacement with a bid opening date of July 27, 2016 at 10:00 at the Village Hall. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVAL RENEWAL OF 2016-2017 SELECTIVE INSURANCE**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the 2016-2017 Selective Insurance renewal in the amount of \$156,830.12. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT LOCAL LAW NO. 3 OF 2016 TO AMENDING CHAPTER 122 OF THE CODE OF THE VILLAGE OF MONTGOMERY ENTITLED "ZONING" TO MODIFY CERTAIN PROVISIONS OF THE REGULATIONS REGARDING BED AND BREAKFAST USES AS ENACTED BY LOCAL LAW NO, 1 OF 2015**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted Local Law No. 3 of 2016 to amend the Local Law No. 1 of 2015, Chapter 122 of the code of the Village of Montgomery entitled "Zoning" to modify the hours of operation to 3:00 pm for brunch. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE STATE OF NEW YORK LIQUOR AUTHORITY 30 DAY ADVANCE NOTICE FOR THE TABLE**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the State of New York Liquor Authority 30 Day Advance notice for the Table (restaurant) to serve, liquor, wine and beer at 71-73 Clinton Street with the conditions of on premises only and **NO outdoor area (sidewalk café)** to be served. Motion carried, 5-Ayes, 0-Nays.

**RE: ACCEPT RESIGNATION OF SCHOOL CROSSING GUARD**

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board accepted the resignation of Thomas Amodio, School Crossing Guard effective the end of 2015-2016 School year. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVED AND AUTHORIZED DEPUTY MAYOR JOANN SCHEELS TO SIGN THE FY 2015 SLETPP CONTRACT WITH THE COUNTY OF ORANGE**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved and authorized Deputy Mayor JoAnn Scheels to sign the FY 2015 (SLETPP) State Law Enforcement Terrorism Prevention Program contract with the County of Orange. Motion carried, 4-Ayes, 0-Nays, 1 Abstention (Mayor Brescia).

**RE: ADOPT RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE SENATE BILL #S.7959 AND NEW YORK STATE ASSEMBLY BILL #A. 10599 AUTHORIZING THE VILLAGE OF MONTGOMERY TO DISCONTINUE CERTAIN LAND AS PARKLAND AND ALIENATE THE SAME**

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board adopted a resolution requesting the enactment of New York State Senate Bill #S.7959 and New York State Assembly Bill #A.10599 authorizing the Village of Montgomery to alienate 4.74 acres of parkland to be used as a solar field to create energy to power the STP. Motion carried, 5-Ayes, 0-Nays.

Trustee Lindner commended the Village Clerk Rivera-Stanley for posting the Board Meeting minutes online for those that are interested.

Deputy Mayor Scheels met with the Town of Montgomery regarding a \$3,000 increase to their annual contribution to the Summer Recreation day camp and it was granted.

Trustee Hembury commented on an article in the Newspaper that read, “When most people were moving south from the neighboring Towns and Villages, the Village of Montgomery increased its population. We certainly know it through our welcoming visits to new residents in the Village. We had 795 new residents between 2010 and 2015. The new residents are very happy with our little Village.

The Sunoco station has installed the 24 hour camera system that is linked directly to the Police station for surveillance.

Police Chief Walsh stated he will be in touch with the owner regarding the system.

**RE: PUBLIC PORTION**

Marc Devitt thanked the Board and especially Monse’ for the quick response of the audio recording he requested two days after the meeting.

Mr. Radulski from Rock Hill, and a patron of the Wallkill River School stated he has noticed lately that Attorney Dowd has been sending the Building Inspector Yancewicz to the Wallkill River School. The Building Inspector has sited us for frivolous things such as illegal horticulture to name one among other citations. The Building Inspector is coming to the Wallkill River School on a regular basis when it is not warranted. It is harassment, in his opinion. This harassment continued up until just recently. We have had Bruce there measuring rooms and doing other things. He spoke with Mayor Brescia earlier about this. He would like to know what the issue is that Kevin has with the Wallkill River School. We have complied. Kevin has searched the internet himself, finding the word class. On our internet site we have changed the wording of class to session. Furthermore, we have moved our outdoor sessions to the Town. We are trying to comply as a small Art School and cannot keep being cited for things that are not breaking the law. It is costing us thousands of dollars in Attorney fees. This is a small not for profit Art School that just gives its money back to the community, that is all we are doing. We cannot afford it. We are giving classes to people who cannot afford to take art classes. Our classes are for senior citizens and children. The senior classes on Tuesdays are free, we also have seniors drop in. This is all going to stop if we continue to get these citations for these frivolous things.

Mayor Brescia asked Kevin to clarify it and knows that you have been before the Zoning Board of Appeals for some approvals. What is done down there is an asset to the community. We are happy with it but we just have to make sure there is compliance with the zoning and what is allow on the property.

Kevin said he has no personal agenda against the Wallkill River School. It is not my function as the Village Attorney.

Mayor Brescia said he is sure you do not.

Attorney Dowd said as the Village Attorney things are brought to his attention by members of the Board, and of people from the Village Clerks office and the Building Inspector, that are not in compliance with your Village Code or with the approvals as they were given. This has been an ongoing issue. They did come before the Zoning Board of Appeals. The ZBA gave a rather expanse of the definition, of what an Art Studio is; allowing them to more broadly serve the public with a number of different type of classes. The ZBA also, basically said, there are certainly things that were not classified as an outdoor studio. One being a children's summer camp, and not to conduct any outdoor activities unless they go back to the Planning Board for approval. This would include gardening classes, camps, artists painting outside; again the ZBA had a problem with that. It was not part of the approval that the Planning Board originally gave them. It came to our attention and he personally did not search the internet for it. It was brought to his attention and he brought it to the attention of their attorney. Even though the ZBA told them they were not to conduct summer camps at the site and to their credit; they are conducting most of the outdoor summer camps at the Benedict Farm in the Town. There were things on the internet that led everyone to believe that they were going to conduct a summer camp in or on the premises in violation of the zoning interpretation they had recently received.

Mr. Radulski said allegedly.

Mayor Brescia said wait Shawn. Let him finish.

Attorney Dowd said it was on your website advertising for a children's summer art camp on the premises. Based upon that information brought to my attention, I spoke with Bruce. Bruce may have gone out there. The concern is that there is a small area within the building itself. Originally,

the Planning Board approved it for twelve people to take art classes. Summer camps, depending on the size, could potentially violate the occupancy limitations, and place people in a hazardous situation in the event of a fire or some other emergency. It is the Building Inspectors job to go there and determine what the occupancy levels are in these buildings. He feels that is what the Building Inspector was doing.

Mayor Brescia said it would not become a difficult obstacle as far as painting outside.

Attorney Dowd stated all they need to do is go back to the Planning Board and ask for approval to conduct art studio type activities as defined by the Zoning Board.

Mayor Brescia asked gardening also.

Attorney Dowd stated if that is what they want to ask for.

Mayor Brescia said the gardening has to be kept in a proper condition.

Attorney Dowd said the ZBA got into this whole issue about what constitutes an Art Studio. It was not just painting or drawing, they expanded it to other things such as ceramics and other kinds of fine arts. If they were going to define it as horticulture art, he knows they were going to have some kind of circus art at one point in time. It is a matter of interpretation the Zoning Board gave them and they want to be in compliance with that. They need to go the Planning Board for outdoor activities and that is the only thing that they are required to do to be in full compliance. Again, the ZBA did not feel that a summer camp is an art studio. If they want to have a summer camp on the premises they should come back the Village Board and ask for a definitional change through the zoning law for what that means.

Mayor Brescia said that may be more of a heavy lift than the studio changes. We can certainly define studio to allow for outdoor painting and possibly gardening.

Attorney Dowd said it would be in the Boards discretion weather you want to interpret an art studio that includes a summer camp. Again, there were alleged issues in the past with children who were outside and the building inspector has reported that he went there. He may have seen easels standing outside with kids running around and not drawing. It is on 17K that is a busy State Highway. The ZBA has a concern about the safety of the children. If you have an outdoor camp there, that is the issue. It is really looking for safety issues and compliance with the existing zoning law of the Village of Montgomery.

Mayor Brescia said by the next meeting; I would not mind coming up with a sample to define Studio and or Gardening, the Summer Camp is a stretch.

Attorney Dowd said that is within the Board discretion. If they want to conduct the other activities apparently inventing, that is beyond our jurisdiction. We then have nothing to say about it nor will we.

Trustee Lindner said in fairness of the Building Inspector and to Kevin. About two years ago an anonymous letter was addressed to the Village Board from a person sighting the number of children running around. The individual sent pictures along with the letter showing the number of children running around the building. It became a concern to the Board, at that point. God forbid a child should run onto 17K or on Factory Street and gets hit by a car. We have been put on notice by a citizen. I have driven by myself and again there were lots of children that were not fenced in or contained. It became an issue, we then spoke with the Building inspector and said this is a potential problem.

Mr. Radulski said so you are saying that forty children running around outside with two adults supervising at all times is not enough; to watch them and make sure they are not running into the street?

Trustee Lindner said my point is that this is why the Building Inspector has made a site visit to your establishment.

Deputy Mayor Scheels said it is also an issue with the Department of Health. I happen to be in charge of the Summer Recreation program at the park. The Department of Health inspects us; it is required to have a certain number of adults per so many children, per age. Your younger children have to have more supervision than your older children. So if you had two adults with a number of different aged children, your supervision is inadequate. I do not know what you had there so I do not know if it was adequate or not. I am just saying there was a concern and we have to look into it. We are elected to make sure that the Village does not get into any trouble or see anyone else does not get in to trouble, either. It is not done to reprimand anyone, it is done to bring it to your attention and present how and what it is. The Board has been very agreeable and approachable when you have asked to meet with us.

Mayor Brescia is on board with JoAnn with our Summer Recreation program with the Department of Health and the safety of the children. They look at all the aspects from our nurses to the outdoor conditions, such as any amounts of standing water in the immediate area surrounding the facility that the children are in and around. Furthermore, the staffing regulations of per child ratio is also monitored closely.

Ms. Del Joyce said she does not have any camps with forty children. That is a fictitious number of children pulled out of the air. Our student to teacher ratio is eight to one. We do this voluntarily, we are not legally a day care or a camp program. Summer camp can be defined in different ways. The legal definition of a summer camp also contains workshops and classes that may call themselves a camp. However, they may be exempt from Health Department regulations due to duration. Our classes are two hours or less; therefore, we do not have the same Health codes. The children come for a two hour art program and they go home. (In audible)

Attorney Dowd stated that is not what your website portrays. I have not looked at it recently, but in the past it advertises for summer classes or summer camp at so much per child for two hour sessions, and options of staying for the afternoon session. The bottom line is that the Wallkill River School was not authorized to conduct any type of summer camp activities on site.

Trustee Hembury asked what if they were to change the word camp to class.

Attorney Dowd said the Planning Board was trying to find ways of getting bring them to the Village of Montgomery and into the building to operate here. The reason being is that this was to be an art studio where people would then take Art classes and paint to sell their paintings. They have expanded what they do in that building. The Zoning Board gave them a much wider expanse of the definition of what a studio was beyond painting and drawing. Ms. Thelman is the chairmen of your Board of Directors, if she were here.

Shawn said I am here as a private individual. I am not on the Board of Directors.

Attorney Dowd said I understand that but you work for the Wallkill River School. She was present with their Lawyer and they made a pitch to the ZBA for an expansive definition. The ZBA gave them an expansive definition of what an Art Studio was, and what an Art Gallery would be. They excluded certain things and it was said if they needed certain things to come back to the Village

Board to define it. If they wanted to conduct outdoor activities within the scope of ZBA's definition of what an art studio is; go to the Planning Board and get an approval to do so. The problem is that they never went back to the Planning Board after the ZBA made a decision. Or they had not come back to the Village Board. In turn, their website starting advertising for Summer Camp activities of on the premises as well as the Benedict Farm. All that is required is to operate within compliance of the law as it is written and interpreted by the ZBA and written by the Board of Trustees.

Ms. Del Joyce said I need to respond to that. We have been in total compliance and have gone above and beyond. We have moved all adult and children's outdoor painting classes to Benedict Park. We set up a separate staff and area for that. We went through our website and took the word camp out; even though we are within our legal rights to use it and replaced it with summer art programs. Since our inception we have offered programs for children as we offer for adults and seniors. It is part of what we do and are. I have copies of the ZBA decision here with me. The reason for this complaint is because, I feel we are being singled out. He made sure the word studio excluded children's classes in this case.

Atty. Dowd said it does not exclude children's classes.

Ms. Del Joyce said when it says children's summer art camp, we have always offered these. To suddenly say that we cannot. Is unfair.

Mayor Brescia asked does it say that.

Atty. Dowd replied, art classes for children are not included in the definition when it was originally granted. When it was originally granted it was explained as adult art classes. Then there was an issue and the Building Inspector issued a violation because of the expanse of the children and camps and things of that nature. They went to the ZBA, the ZBA said if they were going to teach children how to draw and how to make ceramics, they had no problem with it, and children were invited as well as adults are. They drew a line at the idea of a children's summer art camp being conducted. They felt uncomfortable with it because of the number of who would attend it and with the close proximity of 17K. There is no way or means necessary to stop the children from potentially getting hurt. In addition, there is no regulations that even allow it.

Mayor Brescia asked in our definition could we add a number.

Atty. Dowd said if you wanted to define an art studio which is what this is operating under, to include a summer art camp. The Board can certainly do that. It has to come to the Board as a zoning amendment. Shawn is siting to you that they have always been in compliance. This all started when they took on students from Miss. Claire's Montessori School improperly into the Wallkill River School building. They had no authority to bring in students from that school.

Ms. Del Joyce said we are tenants in the building, as Miss. Claire's is.

Atty. Dowd said the Wallkill River School, as a tenant, you do not have the legal right to violate the zoning law of the Village of Montgomery. You are not exempt from that. All they want you to do is comply. It was not even permitted. They are an art studio. They are not a Montessori school or approved to be a Montessori School. Yet they were conducting classes for the Montessori school for Pre-K in the Wallkill River School.

Mayor Brescia asked that is not currently happening.

Atty. Dowd replied as far as I know it is not happening. It was going on for months.

Mayor Brescia said it should not be happening.

Ms. Del Joyce said not we are not conducting classes. Our building has other tenants besides us.

Atty. Dowd said you are missing words and not being honest here. Frankly, even though you are a tenant; you signed an agreement with Ms. Claire's of which I have in my files. You had no permission even from the owner, Mr. Devitt, to even sign that agreement. Yet you basically subleased the premises for a Montessori School which is impermissible in that building without approval.

Ms. Del Joyce said if you look at that agreement it is a common tenant's agreement for an office space that she was renting the upstairs.

Atty. Dowd you do not have a right to violate the Village zoning law in the Village regardless of who you are.

Mayor Brescia agrees with Kevin, you cannot sublease property for something that is not allowed in the first place.

Ms. Del Joyce said I did not. I am not sure why this is being brought up.

Mayor Brescia said let us get to the issue. I and the Board do not have a problem defining studio and being a little more expansive to allow for outdoor painting. This is what we would like to allow, is my feeling.

Ms. Del Joyce said before getting to that point; please remember that studio is a word and summer camp are simply verbiage. We changed that to be in compliance.

Mayor Brescia said maybe we need to define that verbiage where it does not get out of hand allowing you to do something you would like to do. We are certainly concerned about the safety of the numerus students running around the property.

Ms. Del Joyce the reason we are here is about a complaint that was filed two years ago. We did go to the Zoning Board because we care. We are part of the community. We were provided with a complaint and understand where it came from. We immediately took efforts to change that. I would like you to see the back yard area where the children are photographed at; and the only place they were allowed to be in is no different than the size of the Village Park. In addition, to the size of the space at the Montgomery Elementary; it has children playing next to the parking lot. We are not doing anything different than these other places.

Mayor Brescia said the proximity to a major thorough fare. It is a big difference with the children playing and being on 17K where the Wallkill River School is; to being off the Street at Montgomery Elementary, and off the road on Bridge Street also.

Ms. Del Joyce said the children were behind the building. The building is in front with a good one hundred feet off of 17K, no children are ever allowed in the front yard. There is a bus stop in the front that is not attached to us. This is the only instance that children would be in the front yard. Aside from this, this is a moot point because we have moved all of our outdoor classes. There are no children that will be outdoors at the Wallkill River School. We dismantled the garden and we are completely in compliance here. Now what I would like to see happen is; we have placed our stake in Montgomery. This is our home, we started here. We are interested in purchasing the

building. If we are not allowed to offer children's programs or classes then we are not going to be able to do that. It will not work for us and we will have to look elsewhere.

Mayor Brescia said this is what we are trying to do. By defining studio and allowing you to do what you want to do.

Atty. Dowd said I want to bring up one point. Ms. Del Joyce stated she is here as a private citizen, this application is not being made to you by the Wallkill River School itself, it would have to be the Board of Directors, otherwise, where is Ms. Thelman who is the Chairman. She should be make the request not Ms. Shawn Del Joyce.

Mayor Brescia asked Ms. Del Joyce; what are you asking for?

Ms. Del Joyce said the reason I am here is because Bobby filed a complaint; after hearing me being upset about this at home. I am here to back him up. I have all the facts with me. What I would love to see as person, there needs to be interaction with the Village and the School. If you could call us and make an appointment. It would be better than having Mr. Yancewicz showing up and interrupting classes and disrupting business. I would be happy to site those for you but I think the point is; we would just like the courtesy of a telephone call.

In terms of being in compliance with the request, we are happy to comply. If I had received a phone call two years ago, asking to set up a tent in the field instead, I would've been happy to do that. If you would have suggested to me that we move the children's classes to another location; I would have been happy to do that too. When we have to be pulled before the Zoning Board and so forth, and go through the legal issues; it does cost us money. This is money that we are fundraising and therefore redirecting from other programs. The more we avoid doing that, the better for all of us.

Mayor Brescia said I do not think anyone is questioning the job you are doing. You have a good reputation down there but maybe Shawn Del Joyce or the Wallkill River School Board of Directors should have called the Village and said can we do this instead of going ahead. It is not for us to make phones calls, sometimes the Building Inspector has to go out right away on a complaint. If he receives a complaint, he certainly is not going to call to make an appointment to do so.

Ms. Del Joyce said that is fine but he does not have to interrupt a class and pull a student out of a class to hunt me down. Therefore, interrupting another class in progress to deliver papers that had nothing to do with the Wallkill River School.

Mayor Brescia said sometimes it happens that way. I do not want to keep sending a different building inspector down to different places because someone has a problem with our building inspector. Occasionally we will.

Ms. Del Joyce said she does not have a problem with him personally. The problem is how business is done. We do not have enough staff for there to be someone available to him at any moment of the day when he shows up. If you could just call and say, he will be down to measure the rooms, the trees or the sign to be sure of compliance. Then I can make sure I have a staff member available.

He was talking to children; summer campers. He interrupted some of our teens who there to watch the younger kids. We want him to talk with our staff and not people who are paying to take art classes. That is all. You did receive the official schools response.

Mr. Radulski said you are concerned about children playing out by the school on 17K. What about the ones that walk from the Montessori School to the park, crossing 211 more than once. There

are only two people watching thirty kids. How is that safe crossing a number of streets without crossing guards on a main thoroughfare, twice going down the Street, and walking down the park Street with no sidewalks? Is that in any protection of those children?

Mayor Brescia said I do not know.

Deputy Mayor Scheels said traffic is stopped, I have watched them do it.

Marc Devitt said the Board of Trustees can all agree what the Wallkill River School and the value they bring to the Village of Montgomery is tremendous. It is an asset to have them here. They are expanding uses, expanding classes and they may use different terms such as camp rather than class. As long as they are complying with the Department of Health regulations or any other laws. I know you said this Steve, whatever the Village can do to help to redefine, let's just try and figure it out with what needs to be done, moving forward. I am probably guilty Kevin that my tenants allowed Ms. Claire's to go in there; I will take the blame for that. That is my fault and I hope we have that resolved. Again, I do not want to see the Montgomery Montessori School kids not be able to walk down to the Village of Montgomery Park and recreate down there. I think it is great for the kids. Yes, there are some safety concerns but at least parents realize that dropping their kids off more so than anyone else in this room. They know where they are putting their kids. There is insurances that are covered by not only by the Wallkill River School and by us. I am sure the Village cannot get (inaudible) and there must be some easy resolution to the whole thing. Allowing an organization that has come into the community that has been such a tremendous asset to grow and expand and grow to offer programs. If you redefine some uses, maybe you could be a little more general allow them to expand in the future.

Trustee Lindner said would it make sense to have a couple people from the ZBA, the Planning, and the Village Board along with our Attorney, and the Building Inspector with official members of your Board to sit down and go over what the open issues are naming what has been outlined and come to an agreement. This would cover what needs to be done and defined and the Village Board would be able to then pass it into law. I have read the minutes from the ZBA and the Planning Boards and letters back and forth. Let us sit down together as a group for a resolution.

Ms. Del Joyce said that would be wonderful.

Trustee Hembury said we do not want to see you go.

Mayor Brescia said we want to make sure it is done within reason with occupancy and all the village codes.

Atty. Dowd said the letter sent to the Board and to me is entirely appropriate. It is abiding by the ZBA decision and they know if outdoor programs are wanted; they have to go to the Planning Board.

Mayor Brescia said good let us get the code out. If they are looking to buy the building; it has to be clear. Things cannot be exceeded either. It has happened at times. Painting should be allowed outside.

Ms. Del Joyce said we do have summer classes coming up with school letting out. I hope we can preemptively solve any problems so we do not have issues going into the summer.

Mayor Brescia said let us know what your plans are so it can be addressed.

Atty. Dowd said based upon what Ms. Thelman letter says, they intend to not to conduct outdoor activities unless they go back to the Planning Board. The summer programs that are outdoors are being conducted in the Town at Benedict Farm and the indoor programs are at the Wallkill River School. They can be on the Planning Board agenda to modify their permit to include outdoor painting and other kinds of classes.

Mayor Brescia said they can to that immediately almost.

Atty. Dowd said absolutely. They could have done it when the ZBA made its decision back in February or March.

Mr. Berger asked about the meeting regarding the Orange County Airport water and sewer connection. What is the master plan for the Airport? Have you had a chance to review it if there is one? The concern is the anticipated size of the expansion, for instance look at Teterboro has become. They used to be an Airport much like Orange County Airport. Thirty hangers were mentioned; what is Orange County doing with this airport. What is the plan?

Deputy Mayor Scheels said we have not seen a master plan. All we know is from the Director who has come before us. They want to obtain water and sewer or just sewer. They prefer to connect to both services. We are discussing it and how to proceed in stages with regard to what they currently have in place. Hangers are proposed to be placed along the corridor on 211. As far as the numbers, in am not certain of the available space for the addition. We do have a meeting scheduled on June 14<sup>th</sup> at 6 pm with the Airport Director, the Village Engineer, and DPW Supt. Nelson to address more of their proposal and what the Village is able to do for them.

**RE: ADJOURNMENT**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of June 7, 2016 at 8:36 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Stanley, Village Clerk

