

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 6, 2016 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, p/t Clerk, Rickerd, (Village Clerk Rivera-Fernandez absent), Police Chief Walsh, DPW Supt. Nelson, Susan McDermott, Sid Teshome, Ed Devitt, Marc Devitt, Terry Flood, Johanna Sweikata, Don Berger, Thomas Taylor, Jenn Jackson, Rick Tompkins, James Ferguson, Maria Beltrametti, Tom Steed, Jessica Cohen.

**RE: MOMENT OF SILENCE**

Mayor Brescia asked everyone present to rise, for a moment of silence, for the recently departed former Village of Montgomery Police Officer Eric Moore.

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

**RE: PRESENTATION OF PLAGUES**

It is with great pleasure that Mayor Brescia and the Board recognized Ed Devitt for 60 years of Service to the Montgomery Fire Department. Rick Tompkins is also recognized for 50 years of Service to the Montgomery Fire Department. Finally, James Ferguson is recognized as the 2015 Orange County Fire Prevention Educator of the year. The Board thanked them all for their service to the Village and the Town of Montgomery.

**RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the minutes of the August 1, 2016 meeting. Motion carried, 5-Ayes, 0-Nays.

**RE: REQUEST TO MEET WITH THE BOARD**

Susan McDermott, the engineering manager with Frontier Communications, with Sid Teshome and Terry Flood presents a brochure to offer the Village of Montgomery residents and businesses a franchise agreement and therefore, offering Vantage TV.

**RE: PUBLIC HEARING FOR FRONTIER COMMUNICATIONS VANTAGE TV**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board set a Public Hearing for Frontier Communications franchise agreement proposal on October 4, 2016 at 7:15 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: ABSTRACT NO. 07-2016**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the abstract no. 07-2016. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia commends Police Chief Walsh and the Department for working with the Town of Montgomery Police Department, the Sheriff's Department and the New York State Troopers on putting together a beautiful ceremony for Eric at St. Marys with bagpipers and a gun salute. Thank you for that, it made us very proud.

**RE: DEPARTMENT REPORTS**

Chief of Police Walsh reported on the staffing for General Montgomery Day. There will only be four personnel from the Sheriff's Department available, therefore, adjustments to the plan will be made. We are coming up on the new funding period for the Governors' traffic safety committee grant, of which we were awarded \$3,000; last years award was \$3,200. This funding involves State wide initiatives for distracted driving, seat belt enforcement, and the Red Light program, when an officer follows a school bus at the directive of a problem route. Lieutenant Herlihy is currently attending firearms instructor school at the Police Academy for a week and a half.

He also reported meeting with Vice Principal Malley from the Montgomery Elementary, regarding the use of Senior Center and Recreation Center in case of an emergency. He reviewed the plan; it is very comprehensive. He is in support of it.

**RE: APPROVE THE MONTGOMERY ELEMENTARY USE OF THE SENIOR CENTER AND RECREATION CENTER IN THE CASE OF AN EMERGENCY**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved Montgomery Elementary's use of the Senior Center and Recreation Center in case of an emergency, seeking shelter for students. Motion carried, 5-Ayes, 0-Nays.

**RE: APPOINT UP TO THIRTEEN GMD STREET CROSSING GUARDS**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed up to 13 General Montgomery Day Street Crossing Guards at the rate of \$14.50 an hour. Motion carried, 5-Ayes, 0-Nays.

**RE: APPOINT TWO PART TIME POLICERS FOR GMD**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board appointed two p/t Police Officers for General Montgomery Day at the rate of \$ 24.60 an hour. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson reported being inspected by three different agencies in the last five weeks, PESH, EPA and the DOH. This the first time the EPA has visited in twenty eight years of his tenure. We have a little work to do. Therefore, we will be busy in the next three to four months to be in compliance with the new PESH rule in place. The worse issue is the West Nile Virus prevention for the staff. We have to devise a plan for the EPA, when a tanker pulls into the shop and the tanker ruptures a line, what is to be done? Once it is on our property, it is considered our issue to resolve and not the delivery company. We will have to hire an engineering service to draw up that plan for us.

The third price for the drainage pipe cleaning in Viking Heights from Boyce Excavation which is the highest at \$4,900 a day. The least expensive is TAM at \$2,400 a day and West Star is \$2,900 a day.

**RE: APPROVE VIKING HEIGHTS DRAINAGE PIPE CLEANING**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved TAM at the rate of \$2,400 a day for the Viking Heights drainage pipe cleaning. Motion carried, 5-Ayes, 0-Nays.

Gregg Mapstone has answered all the DOH questions regarding the Holt Pilot Study, which was mailed out on August 3<sup>rd</sup>. No responses have been received as of today.

**RE: APPROVE LANC & TULLY BOUNDARY SURVEY**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved Lanc & Tully Boundary Survey in the amount of \$2,800.00 and \$95.00/iron rod, (\$285.00) minimum. Motion carried, 5-Ayes, 0-Nays.

Recreation Director Tom Taylor reported on the Summer Recreation closing reports. This year we had 325 campers, of which only four did not attend. The average over all was slightly lower due to the extra session over the previous year. Overall it was very good attendance. The only thing in the foreseeable future is the minimum wage increase. We will look at revising the ratio of counselors per group, which would reduce our staffing possibly by ten or twelve. In doing so, we can keep our registration at the same capacity. The breakdown of the registrants from each municipality was 92 from the Village, 181 from the Town and 48 non-residents.

**RE: ACCEPT RESIGNATION FROM PLANNING BOARD MEMBER**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted the resignation from planning board member William L. McLean effect August 31, 2016. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION ACKNOWLEDGING THE COMPLETED ANNUAL AUDIT CHECKLIST FOR THE VILLAGE JUSTICE COURT RECORDS**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adopted a resolution acknowledging the completed annual audit checklist for the Village Justice Court records on August 30, 2016, by Deputy Mayor Scheels. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR FUNDING FROM THE STATE OF NEW YORK UNIFIED COURT SYSTEM THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM AND ENTER INTO AND EXECUTE A PROGRAM AGREEMENT FOR SUCH FINANCIAL ASSISTANCE**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board adopted a resolution authorizing the Mayor to file an application for funding from the State of New York

Unified Court System through the Justice Court Assistance Program and enter into and execute a program agreement for such financial assistance. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE ORANGE COUNTY WATER AUTHORITY USE OF THE MEETING ROOM**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved Orange County Water Authority use of the Meeting Room on October 12<sup>th</sup> and December 14<sup>th</sup>. Motion carried, 5-Ayes, 0-Nays.

**RE: PLEASANT AVENUE WATER MAIN REPLACEMENT APPLICATION RESULTS**

NYS Water Grant Program did not select the Pleasant Avenue Water Main Replacement application to receive a grant for Round 2, however, it will be held for consideration in Round 3.

**RE: EVENTS**

September 7<sup>th</sup> at 6:00 pm is the unveiling of the Richie Reynolds Memorial statue on the corner of Clinton Street and Union Street.

September 20<sup>th</sup> at 7:00 pm is the Public Hearing for the revised Master Plan

September 21<sup>st</sup> is the Town of Montgomery Chamber of Commerce recognition dinner for the Businesses of the Month, of which three are Village businesses: 2 Tone Tadoo, Eat This Bakery and Montgomery Book Exchange.

**RE: PUBLIC PORTION**

Mr. Berger mentioned the discussion about the Village Court and Walt meeting with the Town. Have you had a response?

Trustee Lindner said he had not heard from Mike Hayes. He is looking into it.

This may be a good time for the Village to consider the cost associated with prosecutor (Attorney) vs. another person appointed to the Court to handle 90 % of plea bargain cases. This may be a way to offset the revenue and bring the cost down.

Mayor Brescia said we may consider it. However, the prosecution here is done as it is in many other municipalities. Although it is the least option.

**RE: EXECUTIVE SESSION**

Moved by Trustee Lindner, seconded by Trustee Andolsek the Board entered into Executive Session at 8:20 pm under the opening meeting law section 87 1 (f) regarding employment history of particular persons employed by the Village of Montgomery, with the clerk and Atty. Dowd in attendance. Motion carried, 5-Ayes, 0-Nays,

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of Executive Session at 8:45 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: APPOINTMENT OF PLANNING BOARD MEMBER**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board appointed Tom Steed to the Planning Board to fill Lee McLean's vacancy. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of September 6, 2016, at 8:50 pm. Motion carried, 5-Ayes, 0-Nays.

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Veronica Rickerd, Clerk  
(Recorded)

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Monserrate Rivera-Fernandez, Village Clerk  
(Transcribed)