

Minutes of the Public Hearing for the Proposed Frontier Franchise Agreement, 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, October 4, 2016 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Walsh, Sue McDermott, Tom Weckesser, Sid Teshome, Deb Bogdanski, Maria Beltrametti, Don Berger, Johanna Sweikata, Harry Luciano, Christina Luciano, Tom Steed, Marc Devitt.

RE: PUBLIC HEARING OPENED

Mayor Brescia called, for a motion to open the Public Hearing. Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board opened the Public Hearing. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked, the Village Clerk Rivera-Fernandez if all the paperwork has been filed to hold a Public Hearing.

Village Clerk Rivera-Fernandez replied, yes; all the paperwork has been filed.

Mayor Brescia entertained questions from the public.

Atty. Dowd suggested the Board to allow Frontier to make a brief presentation.

Mayor Brescia agreed.

Debra Bogdanski, the General Manager with Frontier Communications for the New York South market makes a presentation, as Sue McDermott delivered to the Board two weeks ago. She will go through it briefly in case there are any other questions that may come up, or if anyone else was not able to be at that meeting. Joining me this evening is Sue McDermott, our local manager. Also with me this evening, are two technical supervisors, Tom Weckesser and Sid Teshome to answer any questions that may come up. We are here this evening because Frontier Communications has filed a cable franchise agreement with the Village of Montgomery. We are doing this in a number of Municipalities throughout Orange County. Some of you may already know Frontier or recall Frontier Communications, we are the current telephone and internet provider here in the Village of Montgomery. We are recounting a little bit of history which pre-dates most of you, thank goodness, going back to the beginning of the turn of the century, roughly if you want to go way back. Many of you may recall Frontier Communications as the former Highland Telephone for example. Today, Frontier Communications has changed; we have added some new products and services.

We are excited about what we can now bring to the local community and that is our video product. Some highlights as to what Frontier looks like bit today, although it is really not any different than what we were as our legacy company a few years ago. We continue to look to put our customers first. We continue to make sure that we are locally engaged within our communities, having a local point of contact and that we are serving and living in those local communities that we are providing services to. We are also very, very, much focused on supporting our veterans both within our current work force as well as those who are living in our local communities. As a company, this is a quick snap shot of what we look like today, as a company. Currently today, we do provide services in twenty nine states throughout the country. Frontier has grown dramatically over the past ten years, so we continue to look at expanding out our services. One of the biggest changes that we have seen recently includes of course not only the size of the company, currently an SNP

500 company, and a fortune 500 company in twenty nine states, just under 30,000 employees across the country. Our New York headquarters are located in Rochester New York. One of the things, as I have started to mention, is the scope of services. So, today both partly due to the dual companies and properties that we acquired, many of those were for example the Verizon FiOS property as well as the AT&T, and UBERS properties in the state of Connecticut. We continue to look at building out fiber to the home. We can talk a little bit about one of our newest endeavors in terms of putting out fiber to the home which is in the Town of Montgomery. So, this is some of the new changes that we are doing currently today; in terms of how we deliver our products and services. We are also looking at doing fiber to the node, which is to the outside equipment, which includes delivering the video product through the copper to the home. This is the product that we are talking about offering today. Vantage TV from Frontier Communications, this is platform, a video platform that is provided by Ericson's Media Room, the largest video provider platform in the country today. This is the platform that Frontier is using today and has been using for the past five years. It is an IPTV video product which means that our video is actually coming through the same connections today that we are using for our internet. We are building out and expanding, and changing our electronics but in essence we are using the same connection cables that we use for the internet. This is how the video product is delivered. Some of the key features, which I believe were already discussed, this will do standard, high definition, and ultra-definition. It will also give us Wi-Fi, we will setting up set top boxes. It is the little boxes you put in your home to deliver the video product. Those will be one wired, the main one will be wired into the home the others will be wireless, set up via Wi-Fi. If anybody is like me, you like to rearrange the furniture or change the décor around, you can do so without worrying about the set top box jacks, the additional box will be wireless. Live TV broadcast instant channel change for those in our company that have actually experienced this product, especially when compared to the satellite product, it is an instantaneous change. (Saying I'm going to this channel that channel, will immediately come up). We will do some snap shots to show you some of those features and services; they are very nice. A lot of the new elements to video that consumers are looking for today, video on demand, having a library. So, you can have over ten thousand shows, features, movies that you can go in, register, some are free and some are paid for. It is a very strong video on demand. The Home DVR that is referred to, it is a total home DVR. So one box can record up to six shows simultaneously which you can then watch on any of your sets and on any of your mobile devices set up with the application. You can watch it on the IPAD, only kids can watch it on the phone. Some will be watching on the phone as well. They can do that off the one home top box for the DVR. As I mentioned, intergrated applications, so some of your social media applications can also intergrate into the TV. These are just some of the quick snap shots to give you a visual. This is what that one primary set top box will look like with the one that will be wired. The picture quality is outstanding. It is a very strong, high definition product that we are able to offer. Some of the features, as I just mentioned instant channel change, multi view, so you can watch; I cannot imagine, you can watch or see six different shows at once. You can see the video on demand. You can mix your internet content, while looking at Facebook, you can be watching your TV. Whole home DVR is a different story as I referenced earlier. Visual guide is another shot that shows a little bit better, this is where it can also be intergrated into some of your mobile application on your mobile devices. We are trying to show here, is that this is a very robust and strong platform. The TV guide, some of us, myself included are used to just looking at a list to show or scrolling through a long grid. This is very, very different; you see the channel and see what is playing at the moment on the channel and over here is a brief description. You also get what they channel peak, so you can see what is going to be coming up on that channel and what it just played on that channel as well. This is what the call channel peaks and you can set this up. One of the other features which one of my colleagues was able to describe, for example, his nine year old daughter; he has her guide set up fully described as child friendly. When she is scrolling through and looking at the various channels, it does not inadvertently catch a peak of something that would be inappropriate or not what you

would want your nine year old to see. Her channel guide is different than what you see on her parents, if she went in and logged into her parents TV. Again, like we are used to doing on our computer, you can customize these, the services and the features. The search feature, again, very similar to what we have become used to on our computer. You can start typing in, it will intuitively pop up and look for, in this case, we just typed in Iron; so it is telling you what shows are playing with that actor with "Iron" in the name, the shows with the name Iron in it, etc. Similar to what is on our computers with the same technology and features. Again, showing you how to set up your own media list, your own library, what you want to look at. It will pop up and populate based on that information. Over the top content has to do with intergrating again, as we said some of your, what we call social media or computer applications that you are using and intergrating them as well, for example, your Netflix account can be loaded up. To summarize very quickly, what this means for the Village of Montgomery; first of all; you will have an opportunity to have next generation video experience. We are very comfortable in saying this is phenomenal video experience that the consumers will be able to enjoy. Something that is very key, is that this is a competitive price alternative to the current provider that you have. You will have two cable providers in your community. Your residents can choose between two providers, so you will have an open market place. The other thing we will emphasize is the way our network is designed. What we will be doing, is implementing and putting in new electronics within our current equipment. So, we are not putting up new cables. We are not putting up any new buildings. What we are doing is working with our current infrastructure that we currently have in place, adding the additional electronics in order to deliver this product. Ultimately for the Village itself, you will be able to get the franchise fees and the peg revenue, if that is something that the municipality is looking for. Currently today, Frontier Communications does not offer our video product today that we offer to subscribers, who choose it with us is the satellite product, which does not bring the Village the franchise fees. We are excited about what we are able to offer. This is a product that we have been offering for about six to eight years, in a number of other communities throughout the country. New York South is marketed here as the Hudson Valley market. This is one will be one of the first communities that we are pushing forward in New York State to be able to offer this. We will be working with our colleagues in Connecticut. That transmission will be the same as what they receive in Southern Connecticut, which is what we currently have. So that is the same broadcast stations coming out of the New York City market that we get today. We will be bringing those directly in. We are aware that the other cable providers have directed their concern to the Village Board. We continue to express our response, we are looking to a competitive provider. We will be looking to provide many of the same services that is required by the public service commission that they already give to the Village themselves. Any questions or any other concerns?

Trustee Lindner asked, you mentioned we are going to having fiber to node verse fiber to the home. What is the difference?

Ms. Bogdanski answered, it is a difference in, what the technology that is being used. The product itself will be an outstanding product. But currently today, in our network we have the fiber to the node.

Trustee Lindner asked, what is the difference between the two?

Ms. Bogdanski answered, it is simply the cable connection on that last mile to the house.

Trustee Lindner asked, you also mentioned the video unit will go through the same line. Will that affect the transmission and the speed that we have on the internet?

Ms. Bogdanski replied, no. What we will be designing to offer to the household is a speed and Bandwidth, which is delivered in an excellent video product, while segmenting out the additional bandwidth that will be needed for the internet service as well.

Trustee Hembury said, thank you.

Deputy Mayor Scheels said, thank you.

Mr. Berger asked, seeing on your screen, you mention 4k. The other cable providers don't offer or have not been able to offer 4k. Are you saying that you're offering presently, if this comes into the Village, we are going to have 4k?

Ms. Bogdanski replied that is part of the platform.

Mr. Berger said, 4k for instance with direct TV they say they have 4k and to most channel that means nothing. Are you offering it throughout all your channels?

Ms. Bogdanski said, I will double check to verify that it is offered through all. I believe it is, yes. I will confirm it. We can only provide what the content provider offers us. Assuming the content provider has enabled that capacity, we will be able to deliver it as well.

Mr. Berger said, ok. Also the quality of your picture, you keep referencing cable providers, what about versus Direct TV.

Ms. Bogdanski asked, satellite providers? We feel that the product, the video that we will be able to offer is as good if not better, than what is currently provided in the market right now. It is newer technology, so it will be a highly compressed signal that will be able to be deliver. Some of that will be the quality of the picture, it will also depend upon your video product itself. What TV you are using as well. I have heard other people that have really nice sets say that.

Mr. Berger said, getting back to 4k and the question with Direct TV is that providers keep saying they offer things. For instance, I do have a 4k TV which I have had for two years and not a single channel for 4k comes on. My experience is that Time Warner Cable TV and Direct TV will sell you the moon but when you plug it in, there is nothing there.

Ms. Bogdanski said, if you want provider contact information, I'll verify it and follow up with you.

Mr. Berger said, ok. I understand you want to go into a franchise agreement with the Village. I am assuming that is going to happen and they get five percent of whatever. You say competitive, you are already in some of the Town and Cities around this area. So you know, are you from Middletown?

Ms. Bogdanski said, no. We are talking to a large number of municipalities, primarily in Orange County, some in Sullivan as well. The overall process is once the Municipality has approved an agreement. We therefore, have to take that agreement and file it with the public service commission in New York State there are two sets. So we have not turned on anyone's service yet. Plus we can't sell it.

Mr. Berger asked, you must have an idea of what the rates are? I would think that, we are at a Public Hearing, it would be nice to know what the competitive rate is. If you are offering a

franchise with the Village, I would think the Board would want to know what the rates are going to be offered to our residents.

Ms. Bogdanski replied, we have not finalized pricing on the product yet. To be very honest, I can go back and look at what we product priced, for example, in Connecticut. But at the same time, I can also tell you that knowing we are coming in as second competitor as the underdog, we are going to have to be very competitive on our price point, in order to be successful.

Mr. Berger said, my final thing then is that, I understand the benefits the Village is going to get, there will be somewhat of a monetary thing going to the Village. What do the residents get?

Ms. Bogdanski replied, competition. You get an open market place. Today, wherever I go to, I hear many consumers frustrated because they say to me over and over again, this isn't NY City. If I'm in NY City, it is a major market. I can choose between multiple cable providers. I have options there competing against each other. Even if you choose to stay with the current provider, I am going to guess, as a business person they're going to market aggressively also. Therefore, you benefit if you choose to change or not. There is direct competition and cable does not consider satellite direct competition, to be very honest. But when there is direct competition, those businesses will need to be very aggressive, that is the nature of the business. So whether you choose to stay or not, my guess is that you are going see some benefits.

Mayor Brescia said, it is advantageous for the residents; it gives them more choices. Whether the Village gets five percent, we are probably not going to be getting that much on it. Because it will be one or the other, or whatever. So, we are giving the Village residents choices. It is as simple as that. It is up to the user, who buying the service to decide, whether it is good for them or not good for them. It is absolutely good for the Village to have choices.

Atty. Dowd said, it is probably better and cheaper, even as far as getting rid of the satellite dishes. If they bring on Frontier, then you get the five percent.

Ms. Bogdanski said, you will get a little bit of a bump. It is not going to be significant.

Mayor Brescia said, if the resident don't feel you rates are competitive or your products are worth their while then they're not going with your service. It is up to them.

Trustee Lindner said, assuming you get approved; how long before it becomes available to the Village residents?

Ms. Bogdanski said, we currently today, are putting our equipment in and we will be ready to go as soon as we get the approvals. I kind of challenged our regulatory people and said we do better than year end. We can turn it on.

Atty. Dowd said, we can only guess how long it's going to take. (In audible) someone coughing above the Atty. Dowd speaking.

Ms. Bogdanski said, we really do not know. I can also tell you that the company has made a significant investment, while I keep playing down that role adding electronics, they are not inexpensive items for us to add. So, we will be very targeted on working with the public service commission and have been, to make sure they understand what we are looking for and what our applications will look like, engaging them as best we can up front. So, that we can see the

application process move quickly. But, we do not know until we get into the middle of it or what their concerns will be.

Atty. Dowd said, Steve I believe there was a letter sent to the Clerk from their competitor on one Cable Company called Charter.

Ms. Bogdanski said, they are now called Charter Communications.

Village Clerk Rivera-Fernandez said, I just got it a little while ago.

Atty. Dowd asked, that it be added to the record. I do not know what it says, I have not seen it. I think they requested that it be part of the record. As Frontier's attorney, Glennon Law Firm sent a letter dated September 30th, I think you have it in your packet. Emphasizing the fact that the competitor has raised some issues but has not addressed all of the issues. Now they are willing to address all of the issues, so that the franchise agreement you presently have with Time Warner will basically be the same agreement that you have with Frontier Communications. I have spoken to the Attorney for Frontier, Peter Glennon. I spoke with him today in fact, and as of today I did not know we had anything from the competitor but Time Warner. However...

Ms. Bogdanski said, they have been. That has been their response, the day of the public hearing they tend to submit a letter to the municipality with their objections.

Atty. Dowd said, it means we need to see it and it also has to be part of the record, and they did submit it. The Glennon Law Firm letter should be part of the record. As you know any questions Mr. Berger or anyone else has to make will be cause to be part of the public hearing.

Mayor Brescia called for a motion to enter this into the record. Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered the Glennon Law Firm letter in to the record for the public hearing. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Atty. Dowd, this isn't in contradiction with this....

Atty. Dowd said, no all this is saying that Time Warner usually raises the issue that we have an existing agreement and you should not give them a competitive edge over us. What this letter said, we will match basically what is already in your existing franchise agreement. So, this is truly a level playing field that is what their law firm is saying. I think we need to have the email that the clerk got and add that also. I have not seen it yet.

Ms. Bogdanski said, they basically sending fairly..... I won't call their letter standard, they have been voicing pretty much the same objection, whatever municipality we are at. So in essence we try to do, just to make it easier for the municipal board is a few days ahead of time, just give you a summary of what we have been hearing from the other side and what our responses are, so that you have that information with you.

Mayor Brescia said, this is something new. So, I don't think it hurts anything. Are there any other comments or questions? Yes, Mr. Tom.

Tom Steed stated, I think this is going to be a superior product, what they build in technology that they promise that they will. It is, competition is good, for the Village residents. I just want to know, who the highest level of management here is for Frontier, your title.

Ms. Bogdanski answered, general manager.

Mr. Steed asked, what does that mean third line?

Ms. Bogdanski answered, 4th line.

Mr. Steed said, Oh, that is good, that is great. That is even better. If you look at this, I know how transfers and removals go. Power company transfers, they cut the top of the pole down to cable. Ok. Cable is notorious for never moving anything. I never knew where the line went. As you look around the corner in front of the Walden Savings Bank, Frontier did floated down. They cut the bottom of the pole and they floated them. It is now on about a twelve foot piece of pole. We now have a derelict pole right in front, right out this door and there is one up on the corner which we have to reroute the lights from. I would say, could you make the franchise agreement approval contingent upon, within a reasonable amount of time, to remove those two transfers.

Ms. McDermott said, that is actually a hardship. The pole that you are looking at right in front of the building, we cannot move anything off the pole, it is a direct violation of secondary electric in NYS.

Mr. Steed said, it is secondary. The pole on the corner is not secondary. If you walk out the door, you see there is no secondary on that pole. (In audible). Too many people speaking over each other.

Mayor Brescia said, the Town of Wallkill has passed legislation on some of these poles. (In audible) again too many people speaking over each other. They have gotten a few taken care of.

Mr. Steed said, that all merged from Long Island the biggest is Brook Haven, they passed a law. They sent Frontier Cable a letter, transfer with a date or be fined two hundred and fifty dollars. If another ninety days went by, they would raise the fine to five hundred. So the company has figured hey, it is cheaper to just move our stuff than pay these fines. See what you can do, at least put the lines on the secondary poles.

Mayor Brescia asked the Village Clerk to check with the Town of Wallkill on this.

Atty. Dowd asked, what is the issue with the poles termed as zombie poles?

Ms. McDermott said, it the double wooded poles. Frontier and the Electric company, let's just say electric company in general because we deal with multiple electric companies. Generally, we are the joint owner or they own fifty percent of the poles. We kind of share that. What Frontier is moving to is it would be more cost effective for us to move on to an attacher just like a cable company like any other service provider. We want to move out of owning the pole business. We want to move to an attacher. So that means there are some legalities and contract that have to be renegotiated with all the utilities for that to happen. What has happened over the last couple of years, we are negotiating with them. We have not been able to move off the poles. You bring up the Town of Wallkill, we just finished that contract with the Town of Wallkill. We are making progress on that now. It is just not the Town of Wallkill though, it is in all Townships where we are making progress. We are moving to clear up our poles and we have about a three year time frame that we are expecting to do them.

Atty. Dowd said, for instance the letter in our packet from Central Hudson about the poles and the stuff that goes on the poles. They also say co-own with the phone company.

Trustee Hembury said, you guys actually put the phone in, right? How many polea are we talking around here?

Tom Steed said, in the Village? We do not have that many. The one right on the main center by the Village, our beautiful Village.

Trustee Hembury asked, how hard will it be to remove them?

Ms. McDermott said, the one on the front that we were just looking at together. Frontier would have a contractor look at it.

Trustee Hembury asked, can you do it?

Ms. McDermott said, oh yeah. We can't move until (In audible) to many speaking over each other. Electric is in the wrong space. So we are not able to transfer.

Mayor Brescia asked, what do we do with the poles that we own?

Deputy Mayor Scheels said, we need to fix the problem first and then----

(In audible) too many talking over each other.

Mayor Brescia asked, how do we get the service at Viking Heights? We own all those, it's all underground at Viking Heights and Rolling Meadows.

DPW Supt. Nelson said, all under ground.

Mayor Brescia said, ok.

Tom said, the issue with this pole out here is clearance, forty inches from Frontier up.

Ms. McDermott said, the electric company is in the communication space.

Tom said, there is supposed to be forty inches. To me, I can tell right now.

Atty. Dowd asked, basically Central Hudson would remove the electric lines.

Ms. McDermott said, Cable would have to go first. It is not that easy.

Atty. Dowd asked, Time Warner is on that also

Mayor Brescia called for a motion to enter the Charter communications letter in the record, it is dated October 4th which it was just received. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved to enter the Charter Communications letter in to the record. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia said, if there are no questions, I will entertain a motion to close the Public Hearing. Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board closed the Public Hearing for the proposed Frontier Franchise agreement at 7:45 pm. Motion carried, 5-Ayes, 0-Nays.

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, October 4, 2016 at 7:46 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Walsh, Sue McDermott, Tom Weckesser, Sid Teshome, Deb Bogdanski, Maria Beltrametti, Don Berger, Johanna Sweikata, Harry Luciano, Christina Luciano, Tom Steed, Marc Devitt.

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

RE: MINUTES

Mayor Brescia called for a motion to approve the minutes of September 20, 2016. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the meeting minutes of September 20, 2016. Motion carried, 5-Ayes, 0-Nays.

RE: ABSTRACT NO, 08-2016

Mayor Brescia called for a motion to approve the abstract no. 08-2016. Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the abstract no 08-2016. Motion carried, 5-Ayes, 0-Nays.

RE: REPORTS

DPW Supt. Nelson reported on the Clinton Street Water main replacement progress going well with only minor flaws but nothing was not expected. We had a couple of sewer issues that were straightened out. Hopefully by the middle of next, they anticipate having all the water mains installed and be ready to hook up the services the following week. It is going real well. He is very happy than he thought because of the old abandoned lines years ago. Very few of these old lines were hit.

On October 17th, as many hydrants will be flushed as possible, with the current water situation, there is not a lot of spare water. We would like to get the whole Village done which will take two weeks. With any luck, the hurricane will help us out a bit with rain. He is sure not all hydrants will get flushed.

This week, we will try to meet with the filter company that installed the green sand filters for the South Blooming Grove. And they were awarded a contract for the Town of New Windsor, the company is called AdEdge Water Technologies. They're doing quite a lot of work in Orange County. Lanc and Tully and myself, are trying to set up a meeting for this week for a site visit and put a package together for us.

Mayor Brescia said, if they are doing that much work in Orange County, it might be easier to get an approved through the Department of Health correct.

DPW Supt. Nelson replied, yes, this is what we are hoping for. They have gotten all the approvals so they will help us out to get things pushed through. So. Blooming Grove did not have too much of a problem and neither did the Town of New Windsor. Based on our test results, and So. Blooming Grove's and all that, it is almost the same. It going to be fairly simple for them to put a package together for us. He is hopeful to meet this week and if not possible next week. The week after that is the NYCOM conference which starts on the 16th this year. He will be attending from the 16th to the 20th, it is in Geneva.

We have finished cleaning out the Viking Heights pipe, the pond up there that goes up to Chandler Lane. It was all sewer jetted in one day. The Village of Walden is coming over with their camera to ensure that we have it all cleaned out or not. If is all cleaned out, we will not have them back. The camera will be able to video and we will be able to see the problem sections. He is hopeful that it is all clean.

Police Chief Walsh reported on informing the Board last month of sending Lt. Herlihy to firearms instructor training. He recently completed that and finished top shot in his class. We now have a certified firearms instructor, therefore, that eliminates having to contract out to an outside agency for the training. The Board is aware, that we have requested a list of certified eligible's list for police officer from the County. This is due to one of our full timers, notified me officially today, he will be transferring to an agency in Monroe County. It is definite, the Board knows to stay in compliance with the Town Law 150, and we need to maintain four full timers or be taxed by the Town, for police protection. It has been ordered and should have by this week. He will canvas the list and he is hopeful to find someone that is certified. As the end of the month, it is Halloween, as a reminder for a CodeRed about the curfew. The Village Curfew is 6 to 8, on the 31st. The Village Curfew is 11 pm, for anyone under the age of 16.

Mayor Brescia said, a CodeRed can be done on that.

Police Chief Walsh stated that Halloween is on a Monday this year. The Halloween parade sponsored by the Montgomery Fire Department will be on the 29th at 3 pm beginning at the Fireman's museum to the Senior Center. He is certain the Fire Department will assist with traffic control for that day.

Mayor Brescia thanked the Chief.

RE: OLD BUSINESS

Trustee Hembury reported on the Clinton Street Car Show of the week before. It was a great success with 118 cars, all the spaces were filled. Our 6th Board member Brain Fitzpatrick did an absolute great job, as usual. It was also a success for all of the businesses. The more experienced guys had said, once the Sunday breakfasts are over and church emptied, they will come. Boy did they come. The streets were filled the weather was great and we had a good time.

Last week we did home visit for 20 new residents moving into the Village. We visited 14 houses, 6 we left packages for them with gift certificates and menus for the businesses. It was also a success and they all enjoyed it. One lady moved here from Sullivan County, she's a school teacher near retirement. She did her research before moving here and this is her last move. It has really stuck in my mind, everyone else is flocking to Florida and she come here to the Village of Montgomery. It was a proud moment hearing that.

Mayor Brescia commented on a job well done with car show. The businesses did well, it was clean and the weather was great. Thanks you again.

Trustee Hembury said, thank you.

RE: LETTERS OF THANKS

Life Scout, Frank Iovino, from Troop 386, has completed his Eagle Scout Project at the Montgomery Village Museum, thanking the Board for the opportunity.

Eagle Scout Court of Honor is at the end of the Month and the certificates will be needed.

Valley Central commended the Board on General Montgomery Day with a letter of thanks.

NYS DOT did not approve the funding for construction of the pedestrian bridge across the Walkkill River and suggests to seek funding under current competitive Transportation Alternatives Program.

Trustee Lindner stated, he will be getting together with Brian, Ed and Marc to figure out the next step.

RE: SET THE TYPE 2 ACTION ON THE SEQR

Mayor Brescia entertained for a motion to set the type 2 action. Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board set the type 2 action on the SEQR. Motion carried, 5-Ayes, 0-Nays.

RE: APPROVE THE APPLICATION FROM FRONTIER COMMUNICATIONS OF NEW YORK FRANCHISE AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ONCE IT HAS PASSED THE LEGAL CHANNELS

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the application From Frontier Communications of New York franchise agreement and authorize the Mayor to sign the agreement once it has passed the legal channels. Motion carried, 5-Ayes, 0-Nays.

RE: VILLAGE WIDE YARD SALE DAY

Mayor Brescia stated a CodeRed announcement will be sent in the event of inclement weather due to the anticipated rain associated with Hurricane Matthew. The Village Wide Yard Sale is on Saturday, October 8th from 10 am to 5 pm with a rain date on the following Saturday, October 15th with the same time frame.

RE: PUBIC PORTION

Mayor Brescia addressed the public present for any public comment.

Ms. Beltrametti stated an informal complaint about the attitude of the Building Inspector. He came with a police officer about my car being parked in my drive way. For many years, that was my driveway. After the infamous episode gate to my car port, I started parking my car in the car port. This week because of the work on Clinton Street, after my shopping trip around 10:30 or 11:00 am, I went through Ward Street and I left my car there. I was running late to eventually moving it around the back into the car port. Everything worked very fast and within two hours, the police and Bruce were there. Bruce is threatening to take down the gate posts. The gate cannot close because it is broken. The gate posts are on my property and they are on the side of the driveway. There is no reason for them to be removed. I want to make sure nothing happens in that regard without a court order.

Mayor Brescia stated, receiving three complaints about the cones in the driveway.

Ms. Beltrametti said, that is because I had new concrete poured in sections next to my house. The slabs that my father poured about 45 years ago, had tilted towards the house. The water has eroded away the dirt under the house and therefore, I had a gaping hole. I hired Vern Spencer and he poured close to a yard of concrete under my house. The old slabs were removed and re-poured them with a slight slopping towards the outside. It cost \$500.00 dollars. That has never been a through way.

Mayor Brescia stated it is a right of way.

Ms. Beltrametti said, it a right of way to be used in an emergency.

Mayor Brescia said, Maria this is an old argument and let's not get into this at a Board meeting. Ed Benson had to go to work and you had it block with your car the other day. The Building Inspector is going to do his job. It is unfortunate, that we keep going down there on different complaints.

Ms. Beltrametti said, yeah, complaints of my neighbors putting a lock on my gate.

Mayor Brescia asked Ms. Beltrametti to park accordingly. It is a civil matter. You cannot block the driveway, it is a right of way.

Ms. Beltrametti said, I never do. This is an unusual circumstance. All Jane has to do is ask me. I am there all the time.

Atty. Dowd asked, which Police officer was with Bruce.

Ms. Beltrametti said, Tolve.

Christina Luciano, of 216 Cardinal Drive stated, for the last eight years, she has never had a problem until recently. Recently the Building Inspector has harassed, sent letters, he has come to my neighbors taking pictures of the conditions of how my yard looks, how my driveway looks. The recent item I received a letter about a canopy and need to apply for a permit. A canopy that has a tarp and a permit is need? It one of those items you purchase from Sam's Club for a party.

Atty. Dowd stated, according to the code it is considered a structure and a building permit is required and certain requirements that you need to comply with.

Mr. Luciano asked, you are say that a canopy in the back yard is a structure?

Atty. Dowd said, anything this is above the ground that is either temporary or permanent is considered a structure.

Mayor Brescia asked, what is the tarp on?

Ms. Luciano said, it is on poles. It can actually be picked up and moved.

Mayor Brescia said, when someone replaces a roof a tarp is temporarily used. Much like a quasit hut.

Atty. Dowd said it is a structure by definition and a permit is required.

Mr. Luciano said, the letter he sent me stated that the structure had to be poured or an elevated type of foundation, which them starts to create a structure with footing. This starts to create a structure. The plans he gave me on paper and highlighted, it is not a structure.

Atty. Dowd said, in a hurricane that trap can easily blow away.

Mr. Luciano said, the poles are tied down into the ground.

Atty. Dowd said, according to the building code that becomes a structure. You need a permit.

Ms. Luciano stated, the other issue is regarding the flowers around the mailbox. Other people around the Village have flowers planted around their mailboxes. He explains putting up a green mesh that is seasonal as a deer deterrent for the flowers.

Atty. Dowd stated, one of your neighbors has invited the building inspector in. He is following up on a complaint about other structures having been erected without a permit. He suggested Mr. Luciano to follow the Village zoning code, regarding the setbacks and lot line requirements for an accessory building or structure. Furthermore, the mailbox's are in the right of way of Village property, you own to the property line and not to the street.

Mr. Luciano stated, receiving a letter of compliance. He moved the canopy to the back yard and placed his lawn mower in it. Their neighbor has a history of complaining on every little thing. He further explains the Building Inspector coming onto his property, several times and not his neighbor's property.

Atty. Dowd explains that the Building Inspector is not here this evening. If he were here he probably dispute your claim.

Mr. Luciano asked, if the Board had received his letter of complaint.

Atty. Dowd replied, yes, it has been received.

RE: ADJOURN TO COUNCEL

Mayor Brescia called for a motion to adjourn to counsel. Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adjourned to counsel to discuss updating the peddlers & solicitation law with Atty. Dowd and the Village Clerk Rivera-Fernandez present. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia called for a motion to exit out of counsel. Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board exited out of counsel at 8:33 pm. Motion carried, 5-Ayes, 0-Nays.

RE: ADJOURNMENT

Mayor Brescia called for a motion to adjourn the meeting. Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned the meeting of October 4, 2016 at 8:34 pm.

Monserate Rivera-Fernandez, Village Clerk