

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 18, 2016 at 7:46 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, B/I Yancewicz, Victor Horton, Joan Horton, Charles Foder, Donna Foder, Catherine Giordano, Frank Giordano, Anibal Rodriguez, Richard Faia, Christina Luciano, Maria Beltrametti, Johanna Sweikata, Frank Tyrell, Tom Steed, Marc Devitt, John Severson, Nancy Severson.

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

**RE: MINUTES**

Mayor Brescia called of a motion to approve to minutes of October 4<sup>th</sup>. Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the meeting minutes of October 4, 2016. Motion carried, 5-Ayes, 0-Nays.

**RE: OLD BUSINESS**

Atty. Dowd mentioned waiting on the final draft of the Frontier Franchise Agreement for Mayor Brescia's signature and submit it to the public service commission for approval. He also mentioned the draft Local Law, "Residential Solicitation" being sent to the Board today for their review and possibly to be introduced at the next meeting.

Mayor Brescia was agreeable with introducing the draft Local Law, 4 of 2016, "Residential Solicitation" at the next meeting and setting the Public Hearing for the third Tuesday in November, 2016.

Trustee Hembury asked Atty. Dowd to briefly explain what the draft Local Law refers to.

Atty. Dowd explains, it is an update of our panel of the soliciting law in order to be in compliance with various cases that have come down over that last several years. In addition to be more precise in our language, with regard to some of the existing statue that is out dated. In an effort to regulate any type of door to door solicitation that takes place within the village. This is the intent of the law and until it takes form, the Village Board currently have a draft with plans to discuss it next week.

Trustee Hembury states, we are trying to be proactive, like other communities have not in the past.

Mayor Brescia agreed. We will review it and introduce it. He is also very pleased with the side walk on the lower end of Clinton Street. It was a beautiful job, and done in house by Gregg Jackson and Rick Nelson from the DPW.

**RE: RESOLUTION FOR EXEMPTION FROM COUNTY TAXATION ON CERTAIN PROPERTY LOCATION IN THE TOWN OF MONTGOMERY FOR USE OF THE VILLAGE WATER SYSTEM**

Mayor Brescia called for a motion to adopt a resolution for exemption through the year 20218 from County taxation on section block and lot 28-1-63 located in the town of Montgomery for use of the Village Water System, Holt Well. Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adopted the resolution. Motion carried, 5-Ayes, 0-Nays.

**RE: CHARTER COMMUNICATION FORMERLY KNOWN A TIME WARNER CABLE ANNOUNCING NEW SERVICES**

Mayor Brescia states, Time Warner cable announces new services, in one instance the rate went down and up in another area. He sees that they are answering the completion that we are about to have here. It gives the residents more choices.

**RE: HALLOWEEN COSTUME PARADE & JUDGING**

The Halloween parade is on Saturday, October 29<sup>th</sup> at 3:00 pm, beginning at the Firefighter Museum on Clinton, with the judging following at 4:00 pm at the Montgomery Senior Center.

Mayor Brescia called for a motion to establish the date for Trick or Treat in the Village of Montgomery, on October 31<sup>st</sup> from 6:00 pm to 8:00 pm. Moved by Deputy Mayor Scheels, seconded by Trustee Hembury the Board established the date and time for Trick or Treat. Motion carried, 5-Ayes, 0-Nays.

**RE: CODE RED ANNOUNCEMENT TO BE LAUNCHED**

Mayor Brescia said, it is strongly discouraged from the use of clown costumes due to the recent negative occurrences. The residents could do what they want but it is a concern.

**RE: RESIGNATION ACCEPTED**

Mayor Brescia called for a motion to accept the resignation from Police Officer Joseph LaBarbara effective October 28, 2016. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted Joseph LaBarbara resignation. Motion carried, 5-Ayes, 0-Nays.

The Mayor and the Board wish him the best of luck!

**RE: LETTER ENTERED INTO THE RECORD FROM JOAN GRIPPO**

Mayor Brescia reads, Dear members of the Board and attendees:

We are out of town for tonight's meeting but would appreciate our letter being read. We have been residents of this beautiful village for 38 years. It is disturbing to us, about thinking of coming to you with a complaint. We have spoken with the building inspector about this issue and he has been very helpful. However, we think it is about time you hear from us, the residents. Here are the pictures enclosed of the neighboring property located at 216 Cardinal Drive. Needless to say, I am sure you do not want to sit on your porch and look at this. It is not only the fact that the unkempt yard is offensive but the banging that has occurred at all hours of the day and night.

This has been happening for quite some time now and I am sure that you will agree that we have been more than patient with the various outcomes that the Building Inspector has given this property owner to comply with building permits and codes. We would invite any of you to come over for a better view.

We recently telephoned this resident 4 times before receiving a return call to remove debris that was pressing against and possibly damaging our fence. We believe in trying to be proactive is important for neighbors, but now enough is enough.

Recently there was an article in the Wallkill Valley Times about keeping the downtown area of our village beautiful. Does this not pertain to the entire Village? We certainly would hope so.

Thank you for the opportunity to be heard.

Respectfully,  
Frank and Joan Grippo

Mayor Brescia said, before Vic speaks, we have letters from Vic and documentation with pictures also. At the last meeting, the Luciano's were here and they were informed on how and what was needed to comply with the code.

Ms. Luciano said, we did.

Mayor Brescia said, he would hope that the pictures look different tomorrow than what is depicted here. It is certainly unkempt in these pictures and the Board is shocked at seeing such conditions. Riding around Viking Heights, I'm sure there are not too many yards that look like this. There are many code violations and no one is hurting anyone's rights. I have asked the Building Inspector if he went on your property. He informed me that he did not, he went onto the neighbor's property. I believe that he did. Something has to be done here. The Building Inspector is going to fully enforce the code, please be aware of it. We have a building code in the Village and it is enforced. There are residents here tonight about this. Please be neighborly and clean this up better and comply with the code.

He asked the Building Inspector Yancewicz, if he would like to speak before Vic?

Mayor Brescia stated, Vic has mentioned, you have been very helpful. He stated having a chronology of events provided by Vic, as stated in his letter of November of last year. As you mentioned earlier, that a lot of these pictures are more recent.

B/I Yancewicz replies, yes; and explains the structure with the metal reinforcements that resembles a shed, that went up the beginning of December.

Mayor Brescia said, you sent a letter out on October 17<sup>th</sup> listing all the code violations. He stressed that issues of this nature do not come to the Board. However, seeing the severity of this, it is apparent why it has come before the Board now.

B/I Yancewicz stated, the first time he had spoken to them about it, he tried to be civil about it. He also had mentioned it to Vic. The party in question, got mad at me for enforcing the codes. He sent out numerous violations, not just this past week but this summer.

Mayor Brescia is not pleased with amount of time this has taken to be resolved and the severity of it has escalated to over the past month.

B/I Yancewicz said, if no resolution is sought to comply within the next few days, he will take measures to impose fine violations outlined in the Village of Montgomery code, titled; Buildings, Unsafe, Chapter 44, section §44-11, B. Penalties for Offenses.

Mr. Horton thanked the Board for addressing this situation. We have been living with this since 2012. The supposed shed that was a garage for a wrecked car for three years. They had been told to remove it and they did; it was then moved to the back yard. I have supplied the Village with pictures documenting this for years now. It is appalling not being able to use my deck to sit out with neighbors or friends to see this eye sore. If you drive by it is absolutely unbelievable. I am asking and begging the Village to please rectify this situation. It is absolutely ruining the property values in our wonderful village. I have lived here 29 years and I have never come to the Board with anything like this. I am hopeful that this situation can be resolved. There is an abandoned house across the street and thank God for a neighbor who cuts the lawn and occasionally I do too. We want the neighborhood looking decent. I am very proud to live here and have raised my children here. My family has been employed in this Village and the School System. I am 77 years and I do not think I should have to live this way.

Mayor Brescia asked to how many neighbors are present to concur with Vic statement of accounts. About two thirds of the room raised their hands. I do not think any of us knew of the severity until we saw the pictures with the tires and the other items.

Mr. Horton stated, he has additional pictures as well.

Mayor Brescia said, the current pictures speak volumes.

B/I Yancewicz said, this past summer I sent a violation on the same structure that was on the side of the house adjacent to Vic Horton's property. I had them remove it and had them clear up around the growth around the mailbox outside. It was hard for the mailman to deliver the mail, and for Mr. Bundy to even get his mail without possibly getting cut. I also conferred with the Village Attorney before proceeding on these issues. I have been on top of it as much as I can. It seems no matter what I say to them, they purposely move it another location.

Mrs. Horton stated, a lot of the other neighbors would like to come here tonight but the ones that could not are willing to sign a petition if it is needed. This is just some of the neighbors that are upset.

Mayor Brescia asked, Mrs. Luciano if she would like to address the Board with regard to the situation without getting into a crossfire.

Mrs. Luciano said, she would like to see the pictures that you are accusing my yard of being unkempt. This is the shed, which you said I had to apply for a permit for at the last meeting; and we did. The paperwork has been submitted to the Building Inspector applying for the building permit for the canopy. The fence that the lady is speaking of that goes across, there are trees there. We cannot do any about the trees that are pushing on the vines of the tree and therefore, pushing on the fence. Furthermore, based on your building code, this is a playground; more specifically it a Spartan training course. According to your building code, a permit is not required for a

playground or anything consisting of a playground, it has monkey bars, an incline wall, and a rope climb.

Mr. Horton stated, it also has a window, when they were building another shed before it suddenly turned into a playground.

Mayor Brescia asked Mrs. Luciano to comply with the building code and keep it clean. If there is anyone else with an unkempt yard the Building Inspector will address it as well.

Mrs. Luciano stated, these are all pictures of the canopy.

B/I Yancewicz said, the building permit applications submitted were not completed properly. A response letter detailing what is needed has been mailed today. Again, if there is no compliance, I will order the structure to be demolished. The structure needs a certified stamp from an engineer and fire rated for anyone who enters.

Mrs. Luciano states, it is a canopy from Sam's Club and not a shed.

Mayor Brescia said, you have to be in compliance with the code or be sited. This is a case for the court. The Building Inspector is going to follow through with this.

Deputy Mayor Scheels said, these canopy structures are temporary for party purposes and not meant to be a permanent structure. The aesthetics are not pleasant to the eye. It appears to be a series of tarps tied together. It is not appropriate. Please bring it into compliance with the code.

Mayor Brescia stressed the urgency for a resolution and compliance to also include what seem the beginnings of a porch in the front of the house.

Mrs. Luciano said, it is floating gazebo.

Mayor Brescia asked, are there any other issues from the public? He acknowledge Boy Scout John Severson from Troop 386 being present to observe a public meeting, a merit badge requirement for advancement. Thank you for coming.

#### **RE: TOYS FOR TOTS EVENT**

Mayor Brescia stated, work is in the planning stages for the possibility of using Skip Chamber property for the Toys for Tots event, more details are expected to follow very soon.

#### **RE: EXECUTIVE SESSION**

Mayor Brescia called for a motion to enter into Executive Session at 7:54 pm under the open meetings law section §(f) to discuss Police Personnel with Police Chief Walsh, Atty. Dowd and the Village Clerk Rivera-Fernandez to be attendance. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive Session. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia called for a motion to exit out of Executive Session at 8:15 pm. Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board exited Executive Session. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Mayor Brescia called for a motion to adjourn the meeting of October 18, 2016 at 8:17 pm. Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk

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