

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery held at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, **May 4, 2010** at 7:30 p.m.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Roepe; Atty. Dowd; DPW Supt. Nelson; John Luffman; James Corcoran; Jean Corcoran; Officer Capolupo; Officer R. Watson; Officer Neidermeyer; Officer Coscetti; Tim Dempsey; Marc Devitt; Tom Steed; John Ingrassia; Tony Marano; Rich Kurisko; Cynthia Byrnes; Corey Lewis; Carol Monroe; Marilyn Smith; Diane Cardinale; Robert Kiernan; Colleen Kiernan; Wallkill Valley Times reporter.

Mayor Brescia opened the meeting with the Pledge of Allegiance.

**RE: EXECUTIVE SESSION**

Moved by Trustee Roepe, seconded by Trustee Andolsek, the Board entered EXECUTIVE SESSION at 7:01 pm under Public Officers Law § 7(f) to discuss personnel for the purposes of interviewing with James Corcoran, Atty. Dowd and Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 7:30 pm. Motion carried 5-AYES, 0-NAY vote.

**RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Roepe, the Board approved the minutes of April 6, 2010. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of April 20, 2010. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board approved the minutes of April 28, 2010 with Mayor Brescia, Trustee Andolsek, Trustee Hembury voting AYE and Deputy Mayor Scheels abstained. Motion carried.

**RE: ABSTRACT NO. 05-10**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 05-2010 were audited and approved for payment, subject to final review by two trustees, with \$212,900.24 from the General Fund, \$13,064.30, from the Water Fund, \$23,370.33 from the Sewer Fund and totaling \$ 249,334.87.

Check Nos: 40853-40951. Motion carried 5-AYES, 0-NAYS vote.

Treasurer Benedict reported a CASH BALANCE for the month ending April 30, 2010, as follows: General Fund \$1,260,006.83, Water Fund \$ 186,154.20, Sewer Fund \$180,311.23

**RE: LITTLE LEAGUE FIELD NET**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the purchase of four telephone poles for \$1,075.00 from Frontier Communications to be used for the safety net by the little league field by the dog park and approved for Frontier Communications to install the poles and net. Moved carried 5-AYES, 0-NAY vote.

**RE: SURPLUS DPW EQUIPMENT**

Moved by Trustee Hembury, seconded by Trustee Roepe, the Board approved to surplus one 1985 Ford Backhoe to be used as a trade-in on the new 2010 New Holland backhoe on state contract. Motion carried 5-AYES, 0-NAY vote.

**RE: BID - OPERATION & MAINTENANCE OF SEWER TREATMENT PLANT AND PUMPING STATIONS**

Mayor Brescia reported one bid was received for the Operation and Maintenance of the Sewer Treatment Plant and Pumping Stations as follows: JCO, Inc. - \$10,230 monthly fee, no additional costs for emergency/overtime work and for a contract period of five (5) years.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board awarded the Bid for Operation & Maintenance of the Sewer Treatment Plant and Pumping Stations to JCO, Inc. at a \$10,230 monthly fee, no additional costs for emergency/overtime work and for a contract period of five (5) years. Motion carried 5-AYES, 0-NAY vote.

**RE: FY-2006 RTE. 17K WATERMAIN REPLACEMENT GRANT**

DPW Supt. Nelson discussed final payment for the Rte. 17K watermain replacement project. The project came in under bid at \$317,884. The work was completed in June 2009 and submitted to Community Development for final approval under the grant. All paperwork had been submitted to Community Development for reimbursement for the last payment in the amount of \$28,861.85. Because the contractor, Colonelli Brothers, Inc., has asked when final payment will be released, he recommended the Village pay the contractor directly.

Moved by Trustee Roepe, seconded by Trustee Hembury, the Board authorized to release final payment to Colonelli Brothers, Inc. in the amount of \$28,861.85 and approved payment from the water fund. Motion carried 5-AYES, 0-NAY vote.

**RE: MEMORIAL DAY PARADE – MONDAY, MAY 31, 2010**

Marc Devitt and Tim Dempsey addressed the Board about the upcoming Memorial Day Parade and how to get more people involved. Marc Devitt asked if the Village could hang up two banners at the entrances to the Village, one at Village Hall and one at the

bandstand in the park too. The banners are the same size as the General Montgomery 8-K race. Also, posters will be available for businesses to display. Two weeks before Memorial Day, we will be going house to house to hand out a small flag and brochure and ask people if they would like to participate in the parade and/or ceremony at the park. Residents will be asked if they would like to display yard signs. Larger flags will be handed out along the parade route. Mayor Brescia said brochures can be put in the next newsletters too. Marc Devitt said our goal is to get everybody out and participate this year. Everyone is invited to the post parade community picnic following the ceremonies. A free family style picnic lunch with hot dogs, salads and soft drinks will be held at the senior center.

Mayor Brescia and the Board expressed their appreciation for their commitment in bringing the community together and agree this should be one of the best Memorial Day parades ever.

### **RE: POLICE DEPARTMENT**

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board created the positions of Police Chief (A) part time, Lieutenant part time and Sergeant part time with Orange County Department of Personnel. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board appointed James B. Corcoran to the position of Police Chief (A) part time at the salary of \$25,500, subject to working designated hours and one-year probationary period. Mayor Brescia advised Mr. Corcoran comes from the City of Middletown Police Department with 25 years of law experience including 2 years in the Town Highland, 1 ½ years in Port Jervis and 22 years in the City of Middletown, 15 years of supervisory experience, 12 years as a Lieutenant, has trained lieutenants since 2004, is a police general topics instructor, academy instructor evaluator, tactical response team commander since 2003, was a program manager for NYS accreditation project, received the John Kimball O'Neill award 2007, established and ran the trauma support team and was a NYS Police Williams Homicide attendee in 1999, has a BS in criminal justice from Marist College in 2002 and is a 2006 graduate of the FBI National Academy 227<sup>th</sup> Session. Motion carried 5-AYES, 0-NAY vote.

Mayor Brescia and the Board welcomed the new Police Chief and said as chief we are going to expect you to hit the ground running. Pre-approval has been received from the Orange County Department of Personnel. Chief Corcoran thanked the Board for the opportunity. The Village is beautiful and I intend to keep the Village beautiful. Mayor Brescia added John Luffman (former officer in charge) has volunteered to help out with the transition and the Village is lucky to have that.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board re-instated Police Officer James Coscette subject to satisfying the Orange County Department of Personnel requirement and working the necessary training hours. Motion carried 5-AYES, 0-NAY vote.

**RE: PROCEDURES TO BE PLACED ON AGENGA**

Mayor Brescia advised Robert Kiernan he can address the Board in the public portion on the agenda because he did not say why he wanted to be on the agenda. It has been the policy of the Board if you would like to be placed on the agenda to call the Village Office and to let the Board know what you would like to discuss. Otherwise, there is a public portion at the end of the agenda.

**RE: LOCAL LAW NO. I-1 of 2010 “VEHICLE & TRAFFIC”**

Mayor Brescia advised the stop sign local law will be tabled. DPW Supt. Nelson feels the speed humps may not be in the best interest of the Village. A couple more 25 mph speed signs can be put up in that area. Mayor Brescia is aware of Mr. DeGroat’s concerns with speeders, but he is the only one that has brought our attention to it but, DPW Supt. Nelson has received several complaints of placing a stop sign on Goodwill Road at the intersection of Roosevelt Ave. Also, DPW Supt. Nelson was asked to speak to Chief Corcoran about running more radar in that area. Therefore, no action will be taken by the Board.

**RE: COMPOST SITE**

DPW Supt. Nelson was asked for an update on the compost site. DPW Supt. Nelson said there is no more garbage dumped there. The brush is one quarter of what it is after the weekend. Most of the contractors realize they cannot dump on the weekends. The new hours, Monday – Friday 7:00 am – 3:30 pm and Saturdays 9:00 am – 2:30 pm., are working out much better.

**RE: WATER/SEWER BILL PENALTY**

Mayor Brescia said he spoke with DPW Supt. Nelson about Mr. Griffiths request to waive the penalty on his water/sewer bill because he did not receive it in the mail. DPW Supt. Nelson recommended the penalty be waived this time only. The Board was in favor but a letter will be sent saying it is the responsibility of the homeowner to be aware when bills are due and without a penalty, and they are mailed twice a year, June and December.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board authorized the penalty for the December 2009 Water/Sewer be waived one time only for Jonathan Griffiths, 105 Washington Ave., and directed a letter be sent stating water and sewer bills are due twice a year, June and December and it is homeowner responsible to aware when such bills are due. Motion carried 5-AYES, 0-NAY vote.

**RE: BARKING DOG ORDINANCE**

Vlg. Atty. Dowd gave a memo to the Board saying he has reviewed sample legislation from other communities to replace the Village's noise code. The alternative seems to go to specific times and the number of times a dog barks and some seem to require more than one complainant. There are options and it would have to be done by local law. So, it is up to the Board. The only problem seen is policing it. When it gets to court, it comes down to a matter of proof. The problem is dogs barking when they see somebody go by or if there is an intruder and how do you take that kind of barking as opposed to someone whose leaves their dog outside. It becomes a question of proof at the court level . . . a suggestion would be to video tape it.

After a discussion, Mayor Brescia and the Board agree to look at it and give Vlg. Atty. Dowd direction for the first meeting in June. The Board is suggesting 10 minutes with three to five minute intervals within an hour 24/7. There are two animal control officers who can also be asked for input as well as input from the Police Department. Officer Capolupo said there was a recent dog complaint that has been on-going for years that was transferred to Walden because of a conflict of interest, but he does not know what the outcome was.

**RE: FY 2010-2011 TAX WARRANT**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a Resolution to Relevy FY-2010-2011 Taxes and to Grant Execution of the Tax Warrant by the Mayor and the Clerk. Motion carried 5-AYES, 0-NAY vote.

**RE: BICENTENNIAL TIME CAPSULE – VETERANS MEMORIAL PARK**

Mayor Brescia and the Board acknowledged a letter from Boy Scout James Byam (90 Union Street) from Troop 31 asking permission to construct a time capsule on Village property for his Eagle Scout project. The time capsule will be opened in 25 years from the official day of dedication. Enclosed in the capsule will be objects from different organizations – American Legion, Police and Fire Department, 4H, Girl Scouts, historical society, Board of Education. The capsule will be an approximately five feet by four feet block of concrete which will encompass a stainless steel box to enclose the contents. The capsule will be placed to the left of the Clamshell Stage in Veterans Memorial Park along with two benches, one on each side of the stage.

The Board feels it is a great project to celebrate the Village's Bicentennial and said they would assist in any way they could.

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board granted approval of Boy Scout James Byam's Eagle Scout Project to construct a time capsule to be placed by the Clamshell Stage in Veterans Memorial Park along with two benches. Motion carried 5-AYES, 0-NAY vote.

**RE: ZONING VIOLATION (202-6-7)**

Moved by Trustee Roepe, seconded by Trustee Andolsek, the Board authorized Vlg. Atty. Dowd to prosecute in Village Court various Zoning Code violations issued by B/I Yancewicz for premises know as 45 Union Street (202-6-7). Motion carried 5-AYES, 0-NAY vote.

**RE: PUBLIC PORTOIN**

**Robert Kiernan** (Pleasant Ave.) wished to clarify statements made about him at the last meeting. He feels the comments by a PBA member was intended to make him look bad as a former police commissioner and trustee. So, for the record, after calling Albany the next day and he found out the comments made about slowing down the negotiations were inaccurate . . . it was not about the money but the failure of the officers to comply.

Mayor Brescia advised after reading the minutes that it was the person who made the comments opinion as to why there was a delay with the PBA negotiations. It's was a shame there was a crossfire of words at the last meeting . . . but as a point of reference, to be placed on the agenda at the beginning of the meeting, you must let the Board know what you would like to discuss otherwise you can address the Board at the end of the agenda under the public portion.

Tony Marano (118 Union St.) brought the Board's attention to some of the damages done by the children during Saturday night in his neighborhood. At his house the St. Francis statue was knocked down and a village sign from the park was in the middle of the sidewalk by Mike's Deli and three mailboxes were knocked over. He suggested giving the children something to do. Officer Capolupo advised he is aware of the incidents and said he has spoken to most of the complainants on this. The officer on duty that night did have one noise complaint but they were gone by the time he arrived. Maybe weekend patrols can be increased. There were no eye witnesses. Although, there was only minor damage, it still should not have happened.

Trustee Hembury mentioned sometimes a curfew does tell a parent to keep their kid inside which may help.

Mayor Brescia said since this is the first he is hearing about it, we should stay ahead of it. If we don't take care of it now, it's only going to get worse. There is some vandalism down by park that should be kept an eye on too. Also, Officer Capolupo was asked how the pill drop went this past weekend. Officer Capolupo said between four and five hundred pills were taken in. Mayor Brescia said to keep up the good work. Robert Kiernan added that Officer Capolupo is always seen dong his job and is always on top of everything.

**RE: EXECUTIVE SESSION**

Moved by Trustee Roepe, seconded by Trustee Andolsek, the Board entered EXECUTIVE SESSION at 8:18 pm under Public Officers Law § 7(f) to discuss personnel with John Luffman, Atty. Dowd and Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 8:34 pm. Motion carried 5-AYES, 0-NAY vote.

**RE: POLICE DEPARTMENT**

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board authorized Mayor Brescia to send a letter to the New York Pension Fund advising that John Luffman and George Lewis has agreed to reimburse, in full, the Village of Montgomery the salary that they earned while employed by the Village of Montgomery Police Department. Motion carried 5-AYES, 0-NAY vote.

**RE: ADJOURNMENT**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting at 8:36 pm. Motion carried 5-AYES, 0-NAY.

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Village Clerk, Linda L. Thompson