

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 3, 2019 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Walsh, Building Inspector Yancewicz, Treasurer Griffith, Stuart Lloyd, Mary Ann Lindner, Beverly Mertz, Fred Mertz, Kyle Geraine, Mike Grinnell with CPI-HR, Kirsten Tubman with CPI-HR, Don Berger, Steve and Nina Snyder, Paul Grattan Jr., John Kitchenman, Dominic Bonasio, Maria Beltrametti, Randi Greene.

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

**RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of August 1, 2019. Motion carried, 5-Ayes, 0-Nays.

**RE: ABSTRACT – NO. 08 - 2019**

Moved by Trustee Andolsek, seconded by Trustee Lindner, all bills listed on ABSTRACT NO. 08-2019 were audited and approved for payment with \$ from the General Fund, \$438,788.89 from the Water Fund, \$41,633.79 from the Sewer Fund, \$31,404.15 and totaling \$511,826.83. Check No: 77137 – 77226, 1468 - 1494. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of August 31, 2019, as follows: General Fund \$2,779,984.90, Water Fund \$291,715.23, Sewer Fund \$485,610.79.

**RE: OLD BUSINESS**

Michael Grinnell with CPI-HR presented the Board with an update on the Affordable Care Act, regarding the back reporting from 2015 to present. He met David at the GFOA meeting. Mr. Grinnell stated the Affordable Care Act requires reporting for who have insurance in affect. However, the reporting was not required for less than fifty employees with a fully insured plan. In this case, NYSHIP changed their funding status in 2013. Due to this change, regardless of the number of employees it is required for the 1095 reporting. The IRS is conducting filing audits and penalties back dating to 2015. We are willing to do the back reporting in good faith effort. We will send a letter stating that it you were not aware because you are under 50 employees. However, as soon as you were aware, you acknowledged it, and will comply with the back reporting from 2015 to present. Moving forward, the report will be done annually, until this part of the employee reporting is overturned. We are able to do the reporting on behalf of the Village of Montgomery at the cost of \$15,000.00. Mayor Brescia and the Board tabled making a decision and will look into the matter and have Atty. Dowd contact them.

**RE: DEPARTMENT REPORTS – DPW**

DPW Supt. Nelson reported getting ready for General Montgomery Day. He mentioned there is water leak, near Charles Street and Union Street. He will be conducting a leak detection at night and hopes it does not erupt on Saturday. He will be looking to hire help for George Ziegler to install the plumbing for the heating system.

**RE: SURPLUS DPW VEHICLES**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorized DPW Supt. Nelson to surplus two vehicles, and thereby placing them out to bid. The 2002 Electric Jump Cars vehicle with a minimum bid of \$500.00. The 1989 International Dump Truck with a minimum bid of \$1,000.00. Motion carried, 5-Ayes, 0-Nays.

**RE: DEPARTMENT REPORTS – POLICE DEPARTMENT**

Police Chief Walsh mentioned there were 202 tractors in the Tractor Parade. It went off without a hitch and it beat last year's mark. The GMD preparations are complete; we will be receiving assistance from other Police Stations from the Town of Montgomery, Village of Walden, Village of Maybrook, Orange County Sheriff's Office, Town of Wallkill Police and the New York State Police. As a reminder, tomorrow is the first day of school. The school crossing in front of the Elementary School will cause some delays, please be patient. There should be no changes to the traffic patterns.

**RE: APPOINT UP TO NINE STREET CROSSING GUARDS FOR GENERAL MONTGOMERY DAY**

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board appointed up to nine Street Crossing Guards, at the rate of \$15.00/ hr. for General Montgomery Day, September 7, 2019 through September 8, 2019. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION OF NEG DEC, TYPE TWO ACTION, SEQRA**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adopted a Resolution of Negative Declaration under SEQRA. Declaring the proposed \$85,000.00 bond resolution to pay for the cost, of the partial reconstruction of the roof, and re-equipping of the Village's Wastewater Treatment Plant, a Type two Action with Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury and Trustee Lindner voting Aye. Motion carried.

**RE: ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF AN \$85,000 BOND TO PAY FOR THE COST OF THE PARCIAL RECONSTRUCTION OF THE ROOF AND RE-EQUIPPING OF THE VILLAGE'S WASTEWATER TREATMENT PLANT**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a resolution authorizing the issuance of an \$85,000 bond of the Village of Montgomery, Orange County, New York, to pay the cost of the partial reconstruction of the roof and re-equipping of the Village's Wastewater Treatment Plant. Motion carried, 5-Ayes, 0-Nays.

**RE: 7:45 PM HEARING ON 91 ROOSEVELT AVENUE**

The Bank representative holding the mortgage on 91 Roosevelt Avenue was present. She stated, Atty. Dowd informed the Bank that this property has been an issue for quite some time. We are now aware of the property conditions. The Bank is seeking to take corrective action. Her client does not want the Village to demolish it, they want to assess and inspect the property. If the repairs are not feasible, then they will handle the demolition, it will take some time. Written confirmation from the borrower, stating that she is letting the property go. The foreclosure action is pending. Mayor Brescia asked how long it would take to remediate some of the problems. Once the authorization is received from the borrower, it could take a couple of weeks. She is requesting an

extension of at least 30 days. Mayor Brescia said he would like to see some remediation, to maintain the lawn. B/I Yancewicz stated there is no debris on the exterior portion of the property. Atty. Dowd is of the understanding from his conversation with the owner that she is going to walk away, giving up the property to foreclosure without a fight. The insurance company has stated that there is an exclusion for mold in the policy. They are probably not likely to step forward. If that happens the foreclosure will happen a lot quicker. Mayor

Mayor Brescia called for a motion to approve an extension of 30 days on 91 Roosevelt Avenue for the bank to provide some resolve on this property.

**RE: 30 DAY EXTENTION ON 91 ROOSEVELT AVENUE FOR THE BANK TO PROVIDE SOME RESOLVE ON THE PROPERTY**

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board approved an extension of 30 days on 91 Roosevelt Avenue for the bank to provide some resolve on the property conditions. Motion carried, 5-Ayes, 0-Nays.

**RE: VILLAGE HALL CLOSED IN OBSERVANCE OF LABOR DAY**

The Village Hall will not be open, on Monday, September 2<sup>nd</sup>, in observance of Labor Day.

**RE: EVENTS**

Thursday, September 5<sup>th</sup>, 6:30 to 8:30 pm, Summer Concert Series presents the performance of Hillbilly Parade on September 5<sup>th</sup> held at the Clinton Street Bandstand Park.

Saturday, September 7, General Montgomery Day 30<sup>th</sup> Anniversary – 7:30 am Continental breakfast at St. Mary’s Hall, 8 am 8K walk/run Race, Parade line up at 9:30 am and steps off at 10:30 am.

Sunday, September 22<sup>nd</sup>, 10 am to 3 pm, Clinton Street Car Show.

Saturday, October 5<sup>th</sup>, 4:00 to 6:00 pm, Jimmy Sturr and his orchestra to perform at the Clinton Street Bandstand.

Sunday, October 20<sup>th</sup>, 1- 4 pm, Taste of Montgomery to be held in between of the Village of Montgomery Museum and the Orange County Firefighters Museum.

**RE: RE-CLASSIFY THE PART TIME CLERK POSITION #03833 TO A FULL TIME POSITION**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board re-classified the part time clerk position #03833 to a full time position for Stephanie Cockburn. Motion carried, 5-Ayes, 0-Nays.

**RE: THE VILLAGE ACCEPTED TWO DONATED PAINTINGS TO BE HUNG IN VILLAGE HALL**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted the two donated paintings that will be hung in the Village Hall, from James Rathbun. The first painting is the artwork done by Shawn Dell Joyce, the second is the artwork done by Jesus Pech. Motion carried, 5-Ayes, 0-Nays.

Montgomery Fire Department – announces that Robert Reynolds, Sr. is being installed as the 105<sup>th</sup> president of the Orange County Volunteer Firemen’s Association, Inc. on November 1, 2019. The Montgomery Fire Department will be hosting the 2020 convention and parade. The parade will be on September 26, 2020. Now, the lineup is expected to be at 1:00 pm and stepping off at 2 pm.

**RE: MFD REQUEST USE OF THE SENIOR CENTER AND THE USE OF THE BALL FIELDS**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approve the use the Senior Center and the use of the ball fields to feed the participants, with the conditions of providing certificate of insurance, listing the Village as the additional insured and the indemnification and Hold Harmless clause added. Motion carried, 5-Ayes, 0-Nays.

**RE: MASTER PLAN WORK SESSION WITH MP CHAIRMAN**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board set a date for a work session with the Master Plan Chairman Conero on October 1st at 6:30 pm. Motion carried, 5-Ayes, 0-Nays.

Trustee Lindner called the Village Clerk after speaking with MP Chrmn. Conero and October 15<sup>th</sup> at 6:30 pm is agreeable with his schedule.

**RE: PUBLIC PORTION**

Mr. Berger mentioned the landscaping is unkempt at the assembly plant on Dunn Drive. B/I Yancewicz said, he has a meeting scheduled with the property owner, tomorrow and will bring it to his attention. Mr. Berger asked the Board if they have read the DEIS for the Medline Project. The Board replied, no. Mr. Berger said since that is the case, he would like to inform the Board of his findings. Medline has agreed to pay the Village a fee for any of their vehicles traveling through the Village, on page 103 of DEIS. Also in the Village Comprehensive Plan on page 33, regarding transportation, specifically tractor-trailer traffic, traffic, and noise through the historic district. He hopes the Village will look at it and advise Medline. In addition, FedEx will be transporting most of or a great deal of Medline’s products. He feels there is going to be an increased amount truck traffic with the construction. Please consider posting weight limit signs for all access streets. DPW Supt. Nelson replied weight limit signs are posted throughout in the Village. Mr. Berger asked if a response was received from the Orange County Department Planning, specifically from David Church about obtaining a comprehensive study. Mayor Brescia said the Board would follow up.

Nina Snyder said is concerned as a business owner. She also mentioned having the notes from Karina Tipton, who is very knowledgeable and feels it will be very helpful. Our current level of service conditions, with the DOT, we are at a D rating. All of the approved projects and the current traffic that in 2020; we can expect a thirty percent in traffic, with the likelihood of delays of up to two minutes. This severely affects the local businesses in the downtown district. Her concern is that the delays will be longer, more traffic and not just during peak hours. In addition, there are some alerts about the school traffic as it is. The Village Businesses really need a governing voice to advocate for us, on any project that potentially would have a negative impact our businesses. More attention is called for, to make them aware how the increased traffic will affect the small businesses. It is estimated that during the construction phase, 350 vehicles per day will be going to Medline. She urges the governing Board to be an advocate and network with the Town or the County. They did not include 17K until Mayor Brescia brought that up to be included in the study.

Randi Greene mentioned speaking with DOT; their severely under staffed and have only been able to do an overview on google maps, on the entire stretch of Route 17K to Route 211, and from Route 416. They not aware of any other pending projects that would add more traffic. We all know about the Chandler Lane and the Route 211 projects, which have not been included in their projections. Again, they do not have the time or the personnel to conduct a site visit. Furthermore, they were surprised to hear about the school traffic congestion and were not aware that we have mobility bussing. Her concern is the traffic; the maneuverability has a large impact on this becoming a destination. Bringing in businesses like City Winery, that is moving in the right direction. Now it is going to be damaging and compounded with Medline. How is everyone going to stop, shop or have dinner here when they cannot even get through?

**RE: EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered into Executive Session at 8:20 pm, under the open meetings law, under section §7 (f) for matters leading to appointment, to conduct interviews, with the Police Chief Walsh, Atty. Dowd, and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

**RE: EXITED EXECUTIVE SESSION**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board Exited Executive Session at 8:36 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: PART TIME POLICE OFFICERS HIRED**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board hired Kyle Geraine and Lloyd Stewart as part time police officer, with a one-year probationary period, pursuant to the CBA. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE THE PURCHASE OF SIX OPTIPLEX AIO COMPUTERS FOR THE VILLAGE OFFICE**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the purchase of six OptiPlex 7460 AIO computers for the Village Office, at the price of \$5,299.62 with a 3-year onsite warranty, on NY State contract with special pricing. Microsoft will no longer be supporting updates for windows 7, at the end of September 2019. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of September 3, 2019 at 8:38 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk