

Minutes of the Public Hearing and Regular Meeting of the Board of Trustees of the Village of Montgomery held in the Senior Center, 36 Bridge Street, Montgomery, NY 12549 on Tuesday, **October 7, 2008** at 7:30 P.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Kiernan; (Absent- Trustee Cantiello); Atty. Dowd; O-I-C.Luffman; DPW Supt. Nelson; Johanna Sweikata; Master Plan Committee – Kevin Conero, Sophia Ramano, Elizabeth Weismann, Paula Frissora, Shane Daley, Charlie Wallace; Alan Sorensen (Planit Main Street); William Freeman; Michael & Susan Hembury; Andy Roepe; Patricia Imbriani; Lisa Kimball; Jennifer Watson; Howard Garrett; Alan Creais & Rie Nozawa (Kal Pac Corp) & Elizabeth Mansfield (Mansfield Commercial Realty)& Robert Daly; Wallkill Valley Times reporter.

RE: PUBLIC HEARING – DRAFT COMPREHENSIVE PLAN & DGEIS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board opened the Public Hearing at 7:00 P.M. on the draft Comprehensive Plan and the Draft Generic Environmental Impact Statement. Motion carried 4-AYE, 0-NAY vote.

Mayor Brescia noted all the proper papers – original Notice of Hearing, Affidavit of Publication and Affidavit of Posting – were presented and filed.

Mayor Brescia: I would like to thank the Master Plan Committee for all the diligent work they did, for the public hearings they had and for inviting the public and encouraging public participation. It's a shame there is not more people here tonight. I would like to thank Kevin. It looks like it is very thorough. With that said, I would like to have Alan (Sorensen) give a synopsis and then we will entertain the questions.

Alan Sorensen: (Planit Mainstreet, Inc.) Thank you, Steve. Just a brief synopsis on how it started. The current process actually started in December 2006. So, it has been over a little more than a year developing the comprehensive plan. This plan has been at the Village Hall and library since May of this year. The plan is a policy guide for the Village of Montgomery for the next 5 or 10 years or so. It was developed with a considerable amount of public input. There were two public hearings held by committee for public input. It will serve as a vision too. So, the purpose of the meeting tonight is to really get more public input into the draft comprehensive plan so it could be forwarded to the Orange County Department of Planning for comment.

Mayor Brescia: Are there any comments or questions from the public or from the Master Plan Committee?

Elizabeth Mansfield: (Mansfield Commercial Realty) I just have a suggestion. I'm acting on behalf of the owner of the building at 10 Factory Street. I am the marketing agent as you have seen me come before you to sell that building. It is in the B-1 zone. It is a warehouse distribution building. It has high ceilings with a tailgail loading dock, etc.. A B-1 zone does not allow for most of the uses that are logical and suitable for that building. B-1 zoning includes a tavern, a funeral parlor, things that are not suitable for a 33,000 sq. ft. building. So, I wanted to just make a suggestion that perhaps that the Village consider adding some uses that are more logical to that zone so we don't have to come before you and take up so much of your time to put a company in there. A lot of companies have time frames and to have to go through a process whereby we have to

amend the zoning. It can be time consuming and not to mention the Board probably has better uses for their time. So, I would like you to consider some light manufacturing uses, warehouse, wholesale business, non- nuisance industry, machinery repair, service plant, non-nuisance and/or general industries. Those were some of the suggestions we thought perhaps you might want to take into consideration and put it together for your comprehensive plan in a B-1 zone.

Mayor Brescia: Elizabeth makes a valid point. Ever since Nabiso left that site, we had issues with businesses coming to the Board. Rob Daley has been a couple of times to the Board, too. After the last perspective client that came before the Board, we went to the site out in the Town of Wallkill. . . it looked like a good possibility.

Elizabeth Mansfield: There plans were put on hold and so we have another company who has warehousing and distribution that will be speaking with the Board later tonight. So, maybe now is the time to think about that as you are redoing the master plan.

Mayor Brescia: This could be the proper time to do that?

Atty. Dowd: That would be exactly the right time because any zoning law that you want to pass has to be consistent with the master plan/comprehensive plan. So, if you include it in the comprehensive plan then it will be consistent with the plan of adoption.

Mayor Brescia: The Master Plan Committee did not address this?

Atty. Dowd: That is correct.

Alan Sorensen: It is something that we can certainly look at. It would be helpful perhaps if maybe we could get into the Nabisco site and see the building.

Mayor Brescia: Can we do that soon? They (KAL PAC, Incorp) are on an aggressive schedule and they sent us the literature and they are on the agenda tonight. It looks like there is not a lot of traffic there and there are 18 employees...whatever you can do to expedite that . . . maybe at the next meeting. Is that too soon?

Atty. Dowd: You can't adopt the plan tonight anyway, so the best thing to do is to as Alan and myself work on tweaking the plan and incorporating changes we would impose that into the final plan. That would then be adopted and then any zoning law after that would be consistent with that plan. So, if the Board would like us to consider that, we most certainly would.

Mayor Brescia: I don't want to speak for the whole Board. Does anyone have any concerns with this: We will be discussing this at the regular meeting at 7:30 P.M.

Trustee Kiernan: The only concern that I have, Mayor, is that I see there is going to be an art department that I am sure will require inks, paints, printers . . .

Elizabeth Mansfired: . . . computers. They are all computer generated now.

Trustee Kiernan: Fantastic because now I don't have any concerns. I was just concerned if anything was going into the sewer system.

Mayor Brescia: If we do allow this in the master plan, would this be a permitted use?

Atty. Dowd: Yes, a permitted use with a special use. It would then make it much easier for them to get. There is no zoning issue involved. You have already passed a law that said that it could be allowed as long as there is not an issue with truck traffic, etc.

Trustee Kiernan: So, if we legislated that as an accepted use then the Planning Board would take what one or two meetings . . .

Atty. Dowd: Our Planning Board, which has not met in a while, moves pretty efficient on a planning application.

Trustee Kiernan: They are very efficient without a doubt.

Kevin Conero: (Planning Board & Master Plan Chairman) We work very well together.

Trustee Kiernan: Is there any chance or possibility of increasing the 18 employees to something like 25 or 30?

Alan Creais: We can hope, but the economy does not dictate that right now. It normally runs between 18 and 20.

Mayor Brescia: And you have to be out of your present facility by the end of the year?

Alan Creais: Well we are negotiating right now. We would like to expedite this by the end of the year.

Mayor Brescia: Where are you in New Windsor?

Elizabeth Mansfield: Remember where Grainger use to be before they moved to Rt. 17K, in that building.

Mayor Brescia: Maybe I'll stop in when I'm over there.

Chrmn. Conero: In the master plan, too, there are series of recommendations in the back of it. That I know you probably have looked at. There is a schedule time table, short and long time goals, etc. I am suggesting that we as the committee would like to see some of the immediate goals adopted. Maybe some of the Master Plan Committee could even follow through as a sub-committee as a help to this Board to keep the plan on the time frame. The committee could report back to the Village Board with a summary of where we are with the plan and what we would like to see in place. We just don't want it to sit on the shelf.

Mayor Brescia: That is a good idea because with the 1969 plan a lot of the things were not done. Do you have any suggestions for a sub-committee?

Chrmn Conero: I would like to be on it, but I don't know how many people you would feel would be necessary, maybe three? I don't think it has to be a big committee where we would have to get together each month. We (committee) have handed it off to you and as we are pretty much done.

Alan Sorensen: I just want to mention it to you there is another round of grants through New York Main Street Grant Program in the amount of \$500,000. You can apply up to a half a million dollars. The change this year with the NYMS program is municipalities can now apply, it use to be for non-for-profits. The application is due November 12th or there about.

Mayor Brescia: Is it a matching grant?

Alan Sorenson: No it is not a matching grant. In fact, up to 10% goes for grant administrated purposes which would probably cover the costs of the consultant to administer the program on behalf of the village. The match is involved if the building owner is doing the building façade renovation and they could receive \$10,000. That is where the building owner would have to kick in 50%. The Village would apply to make this grant available to building owners.

Mayor Brescia: Maybe this grant could be used in the business district and used for historic renovations?

Alan Sorensen: When I say comprehensive plan, it really spells a lot of the design criteria. I think there is enough in the comprehensive plan to fall back on to support that aspect of it. But, I could follow up and speak with you further about what's involved in submitting an application.

Mayor Brescia: Yes, absolutely. We would be definitely interested in it. Thanks Alan. I noticed in the comprehensive plan there is a lot of documentation of historic inventory and encouragement to follow historic guidelines in the historic districts. Just recently, I was dismayed to find out a house was approved adjacent to a historic district that has vinyl siding. Bruce (Yancewicz, B/I) was aware, but I guess received AHRB approval. Now I don't thing Bruce can go back and do anything because they got approval. I notice in the minutes in the packet approval of vinyl windows of a historic structure in a historic district and that concerns me. Either we want the historic districts or we don't. I have gone to a lot of historic districts in cities around the United States. I was just in Aura last weekend. When I go to historic districts, I don't see vinyl windows in a historic structure. So, if we want to bastardize our historic district and allow these kinds of things, we either want a historic village or we don't. Most people who buy historic homes know what they have to do and what is allowed and what is not allowed. If we start allowing vinyl siding, I have nothing against vinyl as I sell vinyl siding, but we want a historic village. I've been in Charleston, SC, Saratoga, NY, Montgomery, OH, Auora, NY, many, many places.

Trustee Kiernan: Beacon, NY.

Mayor Brescia: Beacon, NY is a good example. They have done a fantastic job of downtown revitalization. Colds Spring, NY is another place. . .

Trustee Kiernan: I agree with you, Mayor. I think that if we are going to have the historic district, we have to do that.

Mayor Brescia: We are just starting to allow that with AHRB and I just don't think they should do that.

Chrmn. Conero: Steve, you know in the plan we do have some recommendations in there about design guidelines, guidelines from a planning perspective as well as historic renovations.

Trustee Kiernan: Pertaining to new or renovating old?

Chrmn Conero: Both. Basically, we do not have guidelines for new development. We are looking for those guidelines. I just asked Alan if some of the mainstreet grant money could be use to bring consultants in to help us with guidelines. Help us with guidelines in historic districts as well.

Mayor Brescia: The AHRB recently came up with some guidelines. Kevin (Dowd) reviewed those. Kevin has some concerns with a few legal aspects.

Paul Frissora: (AHRB & master plan committee) Frankly, Steve, those design guidelines come right out of New York State and other historic preservations laws throughout the New York State area.

Mayor Brescia: They are pretty good overall. Kevin just had a few concerns. Maybe it will just take a meeting to go over them. I talked to Bill (Freeman, AHRM Chrmn.) and he asked us to let the AHRB know what those concerns are.

Atty. Dowd: You have a letter from me expressing what those concerns were. The letter was delivered and the Board should have them before them tonight.

Mayor Brescia: Can we get a copy of that letter to the AHRB and master plan committee? We can address that as soon as possible.

Atty. Dowd: Absolutely.

Paula Frissora: We did discuss it. On any existing structures vinyl or any synthetic siding was not to be used. New construction was addressed as a separate issue. I know that maybe that was what you were referring to that adjacent existing structure. New construction is treated a little bit differently and it is based on criteria of the particular building design. You have to deal with new construction within historic districts as well.

Mayor Brescia: There were four new houses recently constructed, Bruce correct me if I am wrong, on Elizabeth Street that were constructed with hardi-plank siding. Now, this house is just around the corner from them and the applicant knew that he needed hardi-plank or wood siding and then the AHRB made a motion to allow vinyl siding and it's new construction, but it is adjacent to the historic district. This board defined adjacent years ago. I think the AHRB should look over Kevin's letter in response to the guidelines. We should have the master plan committee or the sub-committee to look at it as well.

Chrmn Conero: It is beneficial to boards, especially the AHRB, to have some guidelines to go by. It is also very beneficial for the property owner who has the historic home to know what type of material to put on the outside so not to alter the characteristics of the historic homes.

Mayor Brescia: That is why we need to get that done. We talked about it months ago. The AHRB turned it around pretty quickly. We had a problem up street here. If we had that into effect, that probably would not have happened . . . let's do that.

Chrmn. Conero: We need guidelines as well for the Planning Board. We don't have a lot of land left to subdivide.

Mayor Brescia: Vinyl siding is allowed if the applicant can prove a hardship. It has to be a financial hardship.

Paula Frissora: But, you don't want to put a characteristic sixties style bi-level smack in the middle of a historic district either or say it is not the historic district and there are older homes within the village that are not actually defined in the historic district. You still want new construction to be within the characteristic style within the village. That is where the expansion of the design guidelines from the planning board perspective could apply.

Mayor Brescia: I see John Czamanske, Deputy Commissioner from the Orange County Planning Department is here tonight. John, do you have any comments? I don't want to put you on the spot.

John Czamanske: It's actually very good. I have not read it in detail, but it's obviously a very well detailed plan. I was at the public meeting with the planning board several months ago and the comments that Alan and the public had were good.

Mayor Brescia: I particularly like where they took aspects from other municipalities . . . there is a lot of good information in there. Are there any other comments from the public?

Paula Frissora: I did have comments from a planner in Mark Twain's hometown in Missouri. She commented very favorably. She said you did a tremendous amount of work with a good consultant and gave her blessings as well on preserving the heritage of the village.

Mayor Brescia: I was a little skeptical when we formed the committee, but the committee kept the cost down. Joanne (Scheels) and Linda (Cantiello) from the Village Board represented us on the committee. Anything else Alan, before we close the public hearing?

Alan Sorensen: One thing that I would like to add is that this is really a terrific community to go through. You have a nice historic community and I would like to thank the Board for allowing me gather the information.

Mayor Brescia: Alan, could you prepare a letter that maybe we can send to the businesses downtown for the grant to let them know about the grant so we can find out if there is enough interest in the grant. We did have revolving loan money years ago . . . we probably will see a lot more interest in this because of the way the economy is.

Alan Sorensen: It has to be for businesses. It could have mixed use buildings so the party on the first floor could apply. NYMS grant allows businesses as well as building owners to apply. I'll put a letter together and see where we go from there.

Paula Frissora: To compound that, when you renovate a historic building under SHPO, there is actually a 25% tax credit for any commercial or multi-family dwelling. So, I think if we are able to move that aspect of revitalization it would an incentive.

Mayor Brescia: Jen, do you have a question?

Jennifer Watson: I couldn't really hear when you were explaining about the grant. Who is it for? Is it for business owners or building owners?

Alan Sorensen: It is for building owners and/or business owners with the consent of the building owner. The way the program works is, if you have facade renovations, it is a 50/50 match up to \$10,000. There is also an interior building grant that is a 50/50 match up to \$50,000. The way it works is that it is a reimbursement program. So, the building owner has to front the money upfront. When the project is complete and signed of on they will be reimbursed.

Jennifer Watson: Thank you.

Mayor Brescia: Okay, if there are no more comments, I will enter a motion to close the public hearing.

Atty. Dowd: One last thing. The public comment period will be held open for ten more days to accept written comments. Written comments will be accepted through October 17, 2008.

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board closed the Public Hearing on the GEIS and Draft Comprehensive Plan at 7:30 P.M and will accept public comments through October 17, 2008. Motion carried 4-AYE, 0-NAY vote.

Alan Sorensen will meet with the owners of Kal Pac Inc. tomorrow to look at the building on Factory Street so comments can be included in the comprehensive plan. He will speak with Atty. Dowd to discuss when the plan can be adopted by the Village Board.

REGULAR MEETING

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

RE: MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of August 19, 2008. The motion carried by a 4-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of September 16, 2008. Motion carried 4-AYE, 0-NAY vote.

RE: ABSTRACT NO. 10-2008

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No.10-2008 were audited and approved for payment contingent upon

review by Trustee Kiernan with \$390,436.77 from the General Fund, \$21,205.24 from the Water Fund, \$49,945.40 from the Sewer Fund and totaling \$461,587.41. Check Nos: 37086-37101; 38408-38526. The motion carried by a 4-AYE, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending September 30, 2008 as follows: General Fund \$1,816,274.74, Water Fund \$172,760.49 Sewer Fund \$345,624.03.

RE: KAL PAC CORP– 10 FACTORY STREET

Alan Creais, Pres, of Kal Pac Corp addressed the Board on behalf of the owner Rie Nozawa. Kal Pac, Corp. is 25 years old and they have been in this area for 18 years. It is a family owned business that is owned by Rie's father, Michael Nozawa. Michael used to be one of the principles in Interstate Packaging. Kal Pac Corp. is a manufacturing and distributor of shopping bags. All of their manufacturing is done in Asia because the product is not capable of being done here in the US. We have another factory situation in Dallas, TX. We thought about moving the business there, but we liked the area so much that is not a question of moving. We are looking at the building at 10 Factory Street. It would be used as offices for their corporate headquarters and for warehousing and distribution of their shopping bags. There will be an art department operating in the building doing some costume artwork for clients. They presently have 18 full time employees. One of which the art director is a member of this community. The hours of operation are from 8:00 a.m to 5:00 p.m. Monday through Friday. The product is shipped here in containers. Truck traffic will consist of two to three inbound containers per week and outbound shipping with four or five trucks (tractor trailers) per day. They produce no noise and no odors. If the zoning is in our favor, we would like to relocate to 10 Factory Street sometime probably by the first of the year. There is some minor construction that is needed in the interior.

Elizabeth Mansfield (Commercial Real Estate) advised the contract is presently being finalized and the contract is subject to the Village's approval of their use which is warehousing and distribution. The Board was thanked for allowing Mr. Creais to make a presentation for Kal Pac Corp.

Mayor Brescia and the Board were in favor of such a business in the Village at 10 Factory Street and asked that a historic sign be considered because it is near a historic building in that area. The Village Board should have a recommendation before long. Atty. Dowd will be speaking with Alan Sorensen about adding warehousing/distribution to the B-1zone in the comprehensive plan and then we will go from there.

RE: CHAMBER MUSIC & THEATER SERIES

Howard Garrett, coordinator of the series, advised this is the 21st season of the chamber music and theater series and presented a copy of the annual schedule that is mailed each year. He expressed his appreciation for the Board supporting the program over the years and the assistance he has received from the village clerk's office throughout the years in making the program the success that it has become. Mostly recently he was honored as the Champion of Arts in Orange County by the Orange County Council of the Arts. Howard said he believes with the art community that we have that people throughout county look at Montgomery now as a cultural and art and music community.

Music and art is extremely important to the image it creates and the satisfaction it gives the community.

Mayor Brescia and the Board stated it is an honor well deserved and they look forward to many more concerts and for expanding the series to include theater.

Mayor Brescia stated he has attended a few concerts/shows and the programs are fantastic. Because the concerts are free, the continuation of a donation basket is a good idea. Howard said he will continue to do that and donate it to the senior center for the seniors

RE: DEPARTMENT REPORTS

DPW Supt. Nelson reported after reviewing a stop sign request on Sycamore Drive & Pine Court, he recommends stop signs at both end of Pine Court on Sycamore Drive and Wavey Willow Lane because of the speeding complaints. The Board accepted his recommendation and asked Atty. Dowd to draft a local law for the next meeting. The DPW will continue to level the slate sidewalks. Julie Heavey commended the D.P.W. on the work they did on Clinton Street. After walking on the slate walk, Mayor Brescia stated they are doing a tremendous job and would like to see it continued being done in house like that because there is a lot talent in house. Also, two rotors at the sewer plant need to be replaced at the approximate cost of \$62,000. Engineers Bipin Gandhi, PC and John O'Rourke have looked at the sewer rotors and they do not think one rotor will last the winter and the second rotor is in need of replacement because of the poor condition. Two proposals were received and recommended the Board accept the lowest proposal submitted by Lakeside because several other local sewer plants have used them quite a bit. There is enough money in the sewer fund to pay for it. Mayor Brescia asked DPW Supt. Nelson to have the village engineer submit a proposal to draft the specs for the RFP's for the Board's consideration at their November meeting. DPW Supt. Nelson stated it takes about four months to order the rotors. Mayor Brescia said it's going to happen, it is just a question of when it's going to happen. We want to be prepared when it does happen. DPW Supt. Nelson agrees.

O-I-C Luffman reported he did not have anything further to report other then the September 2008 report submitted to the Board.

RE: HALLOWEEN TRICK OR TREAT NIGHT AND COSTUME PARTY

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board set Halloween Trick or Treat night on Friday, October 31, 2008 between the hour of 6:00 p.m. and 8:00 p.m. Motion carried 4- AYE, 0-NAY vote.

A Halloween Costume Judging Contest sponsored by the Fire Department will be held on Friday, October 24, 2008 at 7:00 p.m. at the senior center. Prizes will be awarded for the most original, funniest, ugliest and prettiest costume for newborn through 16 years of age.

RE: WATER/SEWER BILL – REQUEST TO WAIVE PENALTY

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board denied Jeanne Farkas's request to waive the penalty on the June 2008 water and sewer bill for her

rental property at 145 Ward Street as it is the property owner's responsibility to know when the water and sewer bill is due without penalty. Motion carried 4-AYE, 0-NAY vote.

RE: TOWN SUMMER RECREATION AGREEMENT

Deputy Mayor Scheels advised she has given all the facts and figures for the Summer Recreation Agreement to the Town supervisor for consideration to increase the Town's share. There were a total of 179 children signed up for the Summer Recreation Program (108 from the town and 71 from the village).

RE: FY-2008 GRANT – WALLKILL/RAILROAD AVES. WATERMAIN REPLACEMENT (SCHENLEY CONSTRUCTION INC. REQUEST FOR PAYMENT)

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board approved Payment Request No.1 for Schenley Construction, Inc. in the amount of \$202,200.79 for work on the Wallkill/Railroad Avenues Watermain Replacement (FY-08 CDBG Program) subject to approval by Village Engineer Lanc & Tully, PC and Office of Community Development. Motion carried 4-AYE, 0-NAY vote.

RE: COURT CLERK RESIGNATION

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board accepted the resignation of Diane Gollow, Court Clerk p/t, effective September 10, 2008. Motion carried 4-AYE, 0-NAY vote.

RE: RE: HOLT WELL PROPERTY; TAX EXEMPTION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a Resolution Requesting the Orange County Legislature to Grant an Exemption from County Taxation through the year 2010 for Lands Owned in the Town of Montgomery (28-1-63) and Used by the Village of Montgomery for Water Supply and Related Purposes, Pursuant to Section 406 (3) RPTL. Motion carried 4-AYE, 0-NAY vote

RE: ZONING CONCERNS

Trustee Kiernan discussed zoning concerns with regards to mother-daughter uses within the Village and referencing a situation on Robert Street when a lady purchased the house six years ago as a two family in a single family neighborhood. A problem comes about when the owner of the house is no longer related and rent is charged. A discussion ensued. Mayor Brescia advised it had come to his attention and the building inspector has and is addressing it. We are sympathetic to the situation but it is beyond our purview. B/I Yancewicz explained NYS does not recognize the term mother-daughter uses. It is a real estate term. After researching, he has found sample legislation for in-law accessory apartments which might be helpful in this kind of situation. A copy will be given to the Board to review. Atty. Dowd said in 1988 the ZBA had addressed a mother-daughter use on Pleasant Avenue. A financial hardship had to be demonstrated before an approval was granted. An affidavit had to be signed agreeing only family resides in the apartment and they would not sell it as a two-family house. Access must be given by the building inspector once a year for an inspection. Alan Sorensen agrees saying it is important to have the owner of the house sign an affidavit. But, he can speak with Atty. Dowd to see if there are other options.

RE: CONROY AVENUE/HASKIN COURT (MONTGOMERY ESTATES II)

Lisa Kimball, 7 Conroy Ave., addresses the Board concerning post-construction conditions on Conroy Avenue and Haskin Court, no stop sign on Conroy Avenue at Goodwill Road, no retaining wall by the sidewalk, a large pothole on Conroy Ave., the water retention pond, upcoming winter months and snow plowing. They are concerned for the welfare of the children living in the neighborhood. A petition signed by the residents was submitted to the Board.

Mayor Brescia advised the Board is concerned too. They are awaiting the dedication of the road by the property owner of Montgomery Estates II. The Village is holding a Letter of Credit and if we have to access it to complete the project the Village will. Trustee Kiernan said he did make a walk-through and agrees with the petition from the residents that was given to the Board. Atty. Dowd stated the Village does have an agreement to enter upon the roads to collect garbage but not for snow plowing. After a discussion, Mayor Brescia advised Trustee Kiernan, DPW Supt. Nelson and the project engineer Fusco Engineering will schedule a meeting as soon as possible to do a walk-through of Montgomery Estates II to see what has to be done. Then the Board can decide where to go from there.

RE: PUBLIC PORTION

Andy Roepe, Playground Equipment Committee, reported Marc Devitt has offered to appropriate \$15,000 of the recreation fee in advance of his project approval to help out with the village's share of the grant from the County. The Board advised they will look into it, but probably the committee has raised most of the \$15,000 and it may not be necessary. Bill Freeman said he may have good intentions but cautioned the Board saying it may have an appearance the project has already received approval before going before the Planning Board. The Village Board agrees saying they will wait to see what the Playground Committee had raised for the equipment.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered EXECUTIVE SESSION at 8:49 p.m. under Public Officers Law 7(e) to discuss P.B.A. Union negotiations with O-I-C Luffman, Atty Dowd and Village Clerk Thompson in attendance. Motion carried 4-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 9:30 p.m. Motion carried 4-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Kieran, the Board adjourned the meeting at 9:31 p.m. Motion carried 4-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson