

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held in the Court Room, at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, September 1, 2020, 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 Herlihy, Don Berger, Connor Linskey, Ken O'Brian, Dick Miller, Beverly Mertz, Nina Snyder, Brian Rivenburgh, Hank Andrishak.

RE: PLEDGE OF ALLEGIANCE

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 4, 2020. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

None

RE: ABSTRACT NO. 08-2020

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.08-2020 were audited and approved for payment with \$215,889.08 from the General Fund, \$88,254.47 from the Water Fund, \$16,285.53 from the Sewer Fund and totaling \$320,429.08. Check No: 78023 – 78095, 1665 - 1681. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of August 31, 2020, as follows: General Fund \$2,864,472.76, Water Fund \$268,382.09, Sewer Fund \$541,302.33.

RE: OLD BUSINESS

None

RE: SUMMER RECREATION PROGRAM

Deputy Mayor Scheels said the Summer Recreation Program went from start to finish without any incidents. It went smoothly, the children were cooperative and wore their masks and observed the proper social distancing.

RE: DEPARTMENT REPORTS – POLICE

Police Chief Herlihy commended Sgt. Briere, Officer's Procak, Blackford, and Lloyd, for doing a phenomenal job the night of the EF 1 tornado. They ensured everything went smoothly, assisting and stopping traffic, shutting down roads, and block off roads allowing the DPW crews to clear debris.

He has scheduled one the Officers' for the first part of the motor vehicle enforcement training on October 19 through the 23rd in Albany. Secondly, he's working on obtaining a price for a traffic counter, it can be mounted and secured to telephone pole with tube that go across the ground, to be

used in areas of complaints for speed, heavy trucks and things of that nature. We would deploy that and set it up for a certain time frame. It comes with software will be able to tell us the speed of the vehicle going through at specific times. As well as the weight of the vehicles, and how long it takes to get across the tubes which breaks down to the time frame, time zone and lastly the statistical data. He is looking at the different devices that is capable of doing more than just counting and speed portion, but the ability to tell what type of vehicle that's traveling by timing the length of the vehicle to pass across the tubes. In addition to offering the statistical data, what direction a vehicle is traveling; as well as the time. He estimates the cost to be between \$1,700.00 to \$2,000.00. He will review his budget to see how feasible it may be. The unit will be hidden, it's not designed to display the mph.

Trustee Hembury asked if he has looked into a mounted unit that displays the speed a vehicle is traveling.

Police Chief Herlihy said Walden had a unit and it was stolen off the pole. He feels it's not cost effective due to previous experience. On the other hand, there are drivers that just want to test the reader to see how fast it registers their speed. As you all know, the governor has issued an executive order for the Police Department, where by as of April, 2021 to be adopted by the Board; with input from the Community to review the policies and procedures to see if we are lacking. He suggests opening it up to different groups, religious beliefs, and obtain different perspectives. We can have a suggestion box if someone does not wish to openly speak. The DEA and local prosecutor are also to be involved. He is also looking into the process of accreditation; his goal is two years with certificate in hand.

Mayor Brescia said the Police Chief, Trustee Andolsek, and Trustee Hembury would be good to be on the committee. Feels that is great, lets get an idea; if the Orange County Sheriff's office wants to be accredited in the State of New York on the Corrections and Civil. It would be fantastic and save millions of dollars on litigation. We need to do a cost comparison for us and what we would save on the other end.

Police Chief Herlihy said he has begun with a cost comparison.

Trustee Hembury asked if there would be insurance cost savings.

Police Chief Herlihy replied, there might be some insurance cost savings but not much. When you look at an accredited agency, you are utilizing the best practices for Police Departments basic training, transparency, policy and procedures. Therefore, you're held to a higher standard. He believes the agency that we have now is very professional and will do a great job. Considering what is going on with the nation now, we want to open it to everyone and let it be seen how amazing the Department is.

Mayor Brescia agrees and accreditation will make it that much better.

Police Chief Herlihy said the full package price is listed on the proposal for the purchase of a new vehicle. He proposes to surplus V421 or V425, V425 is our current DARE vehicle that has 111,467 miles on it now, it has a master kill switch by disconnecting the battery use. We are using it strictly for DARE at the moment. It has no AC. It travels a short distance as it is. V421 is the second vehicle with the most mileage with 79,205 miles. The Chief's car is hybrid (gas/electric), unmarked, with 50,000 miles; to strip it, the cost will be \$350.00 to \$700.00 for the DARE. It runs great it should last at least five to ten years.

RE: ADOPT NEGATIVE DECLARATION, TYPE 2 ACTION FOR THE BOND RESOLUTION, FOR THE PURCHASE OF A POLICE DEPARTMENT VEHICLE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a negative declaration, type 2 action; for the bond resolution, for the purchase of a vehicle for the Village of Montgomery Police Department. Motion carried, 5Ayes, 0-Ayes.

RE: ADOPT BOND RESOLUTION FOR THE PURCHASE OF VEHICLE FOR THE VILLAGE OF MONTGOMERY POLICE DEPARTMENT

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adopted a bond resolution up to five years for the purchase of a 2020 Police Interceptor SUV in the amount of 46,020.25, for the Police Department. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia and the Village Board said the Village did a superb job responding to the EF-1 Tornado. They couldn't thank the DPW enough with their response and the help we received from the surrounding communities was overwhelming. We had so many offers; Maybrook, Walden, Monroe. East Coast Industrial sweep up the street twice with their street sweeper and wouldn't take a dime for their assistance. EOT, Homeland security, you name it. He hopes to reciprocate should they have the need for our help. He can't thank our response team enough, which consists of the Montgomery Fire Department and the Montgomery Police Department, the Montgomery DPW, and the entire Community. He is very proud to be in the Village of Montgomery, after everything that has transpired.

Police Chief Herlihy said there were no issues with the Air Show. We kept the traffic down to a minimum. The main flow of traffic was on Chandler Lane, Route 416, and Route 211.

Mayor Brescia thanked the Police Chief Herlihy.

RE: DEPARTMENTS REPORTS – DPW

DPW Supt. Nelson started by thanking his department, they all arrived shortly after the call. They stayed most of the night and had three hours of sleep. We worked a fourteen-hour day on Friday. We had a lot of help from the EOT. He was unaware the EOT sent us six crews from three different County's to help us out. Thank God they did because on Friday a lot of the neighboring Towns are off on Fridays. For the last two days, the Town of Blooming Grove, the Town of Hamptonburgh, the Town of Highland, and the Town of Monroe, Tuxedo, Town of Wallkill were here every day. (in audible) They almost made it look like the tornado never happened, expect for the damages to the houses and cars, which is terrible. It is unbelievable in the Birdland area. A couple of people want to have a block party for the highway guys. He isn't sure when they want to do this.

Mayor Brescia said they can have a block party as long as it under the same conditions as usual. (The forms for a block party can be obtained at the Clerk's Office).

DPW Supt. Nelson said the additional help can assist the Town of Montgomery finish cleaning up Chandler Lane. The Village residents can set their brush out curbside, to be picked up at some point. They are picking up brush all week, he urges the residents to be patient. They are addressing the most urgent matters first. In Viking Heights park, it has about forty-five trees down. He will be working in that area tomorrow with the assistance from the Town of Wallkill. He lost a couple of guys for a few days; they were here for three days. They have some of their own work to do as well.

In addition, he mentioned having to bid for the STP Sludge Hauling, the current contract expires on October 3rd. He suggested setting a bid opening date for STP Sludge Hauling for September 24, 2020 at 2 pm, to be awarded at the following Board meeting.

RE: SET BID OPENING DATE FOR THE STP SLUDGE HAULING

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board set a bid opening date for the STP Sludge Hauling to be held on Tuesday, September 24, 2020 at 2 pm, at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson mentioned the testing on Holt Well. He contacted the DOH and Lanc & Tully and received their responses concerning the Holt Well testing. We now know what to test for regarding the blasting affects, which this; "Torpidity PH" and things of this nature to be monitored. It is only suggested to the blasting affects to be 500 ft. from the well. He did the testing; however, the results have not come back. These are not normal tests, and are not required. The Health Department is not concerned about it. As a precaution, he did the test.

Mayor Brescia mentioned General Montgomery Day celebration has been canceled. However, a concert is the works with the possibility of a Farmers Market and Fireworks. He will issue an announcement as soon as everything has been confirmed. In addition, to closing the upper end of Clinton Street, from Wallkill Street to Union Street. Furthermore, he would also like to look into allowing outside Café's.

DPW Supt. Nelson said due to the Fireworks, he be sure to schedule someone for the lights.

Trustee Lindner mentioned Brian Fitzpatrick assisted in creating a Truck By-Pass Proposal for the Village of Montgomery. The Master Plan subcommittee have met and discussed different options for the I-1 and I-2 zones. Now with the warehousing situation, it's the direction that most developers want to go. They are thinking of lowering the expectations in the I1 zones. Hopefully in October the full committee will meet again. Once the recommendations have been reviewed by Master Plan committee then a public hearing will be scheduled after being presented to the Board.

Mr. Berger said he isn't sure if the Board is aware that Butler Trucking is moving to Dunn Road. They have been before the Town Planning Board and plan on building a thirty thousand square foot facility there. In addition to that, they will be using eleven acers for the storage of heavy equipment; trucks and things of that nature. The importance here, its bordering the Village line. He feels the Village Board should be involved. Furthermore, what happens to Marcinak's property? We need to keep ahead and staying proactive. He doesn't see the Village Board attending the Town Board meeting to give their point of view regarding the development at our boarders. Where are we regarding the Moratorium?

Atty Dowd replied the Moratorium was not received and accepted for reason beyond our control. It was submitted on a number of occasions. It was actually filed on June 30th; therefore, the six months begins at that time, with the end date of December 30th. The committee will have to meet and he hopeful they have time to meet the requirements without having to extend the Moratorium. Otherwise, it will have to be extended.

Mayor Brescia said everyone in the AG district received a letter, if they call in to be added back; it will be done at their request. However, being the AG district doesn't mean you're getting an exemption. The Town makes the except not the County of Orange. There is a Public Hearing on Thursday.

RE: VILLAGE HALL CLOSED

Village Hall is closed on Monday, September 7th in observance of Labor Day.

RE: APPROVE PLEAVE/RIVSHAK BOND MODIFICATION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the setting of the Pleave/Rivshak Bond modification with the conditions of providing the Clerk a copy of the letter of credit delineating the amount. Motion carried, 5-Ayes, 0-Nays.

RE: DEVELOPMENT CONCERNS AFFECTING THE WALLKILL RIVER

Nina Snyder expressed her concerns regarding the commercial development affecting the surrounding area of the Wallkill River. She is one of the individuals that kayaks along the Wallkill River. She strongly opposed anything affecting the scenic and tranquility of its existence. The traffic if moving around us is heavily growing, lets preserve as it is.

RE: VILLAGE COMMUNITY GARDEN POSSIBILITIES

Trustee Hembury suggested creating a Village Community Garden in the pleasure grounds, at the sight of the proposed solar field. (to be maintained by the participants). The Village Clerk will be obtaining the information regarding the Benedict Park Community Garden.

DPW Supt. Nelson asked Trustee Hembury to speak with him to find an alternative location.

RE: WELCOMING NEW RESIDENTS

September 14th, at 6 pm the Village Welcoming Team will visit the new resident to the area.

PUBLIC PORTION

Village resident Richard Miller said during the development stage of City Winery approximately a year and half ago, he asked if City Winery would consider giving the Montgomery residents a discount.

Mayor Brescia said he will speak the City Winery Manager Donna Caldwell and ask about the possibilities of offering the Montgomery residents a discount.

EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive session, under the open meetings law §7 (d) for discussion of pending litigation; 7 § (e) for collective negotiations pursuant to the Taylor Law; 7§ (f) for matters concerning the employment history of particular individual, with the Atty. Dowd, the Village Clerk, the Chief of Police Herlihy, and the DPW Supt. Nelson in attendance. Motion carried, 5-Ayes, 0-Nays.

EXITED EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board Exited Executive session. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Fernandez, Village Clerk