

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held in the Court Room, at 133Clinton Street, Montgomery, NY 12549 on Tuesday, October 6, 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, Rec Director Taylor, Rec Supervisor Jackson, Rec Leader Donovan, Eileen Mazingo, Michael Mazingo, Michael Aiello, Dick Miller, K. O'Brien, Gary Demaris, Brain Rivenburgh, Don Berger, Bev & Fred Mertz, Dave & Estrada Martino, J. Weiner, Randi Greene, Hank Andrishak, Mary Ann Lindner, John S. Vero.

RE: PLEDGE OF ALLEGIANCE

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

RE: MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of September 15, 2020. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH BOARD

The AHRB Chairman Freeman has referred resident Gary Demaris to the Board of Trustees due to no prior approval being obtained for the replacement windows installed at 131 Charles Street and the closed-in porch at 23 Wallkill Avenue was removed. In the meantime, Gary met with the AHRB Chrmn Freeman and an agreement was reached.

Gary said due to the COVID-19 pandemic the appropriate windows, in keeping with historical nature of the house are just not available. The old windows were severely damaged, allowing water in with each rain fall and they were not able to be locked. Therefore, he installed temporary windows to remediate any further damage and the safety of the new tenants at 131 Charles Street.

Lastly, he removed the porch at 23 Wallkill to access and repair a water leak. He replaced the porch and decided to keep the porch open instead of closing it in. The AHRB were agreeable to leaving the porch open at 23 Wallkill Street because it was historically an open porch. He asked the Board of Trustees to consider an extension during the COVID pandemic, to get the historically appropriate windows for 131 Charles Street.

RE: APPROVE EXTENSION FOR HISTORICAL APPROPRIATE WINDOWS, FOR 131 CHARLES STREET TO REPLACE THE TEMPORARY WINDOWS INSTALLED, DUE TO THE COVID-19 PANDEMIC

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved an extension of 12 months for historical appropriate windows to replace the temporary windows installed at 131 Charles Street, due to COVID-19 pandemic. Motion carried, 5-Ayes, 0-Nays.

RE: ABSTRACT – NO. 09 - 2020

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the bills were audited and approved for payment with \$121,145.65 from the General Fund, \$10,161.46 from the Water Fund, \$40,329.92 from the Sewer Fund and totaling \$171,637.03. Check No: 78096 – 78163 / 1682 - 1687. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of September 30, 2020, as follows: General Fund \$2,864,472.76, Water Fund \$268,382.09, Sewer Fund \$541,302.33.

October 6, 2020

RE: OLD BUSINESS – RADAR FEEDBACK SIGNS UPDATE

Trustee Hembury provided an update on Radar Feedback Signs. He mentioned meeting with Ms. Greene to discuss the required information for procuring funds from the Medline Board, for Traffic Safety/Walkability & Crosswalks.

He met with Police Chief Herlihy to discuss his findings for a Radar Feedback Sign. Police Chief Herlihy also shared his findings and they both agree that a trailer radar feedback sign is the best option. Police Chief Herlihy obtained a quote for three different models, the first from Kustom Signals, Inc. for Smart 850 plus at \$10,847.00, second from Kustom Signals, Inc. for Smart 800 plus at \$10,418.00, the third from Stalker Radar Applied Concepts, Inc. for Stalker SAM Trailer at \$9,764.00. He suggested approving the Stalker Sam Trailer for \$9,764.00.

RE: APPROVE RADAR FEEDBACK SIGN

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the Kustom Signals, Inc. quote for the Stalker Sam Trailer at \$9,764.00 to be submitted for funding from the Medline Board (Traffic Safety/Walkability & Crosswalks). Motion carried, 5-Ayes, 0-Ayes.

RE: STP SLUDGE HAULING BID OPENING RESULTS OF SEPTEMBER 24TH AT 2 PM

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|------------------------------|------------------|
| SYNAGRO | \$138.15 per ton |
| Spectraserv, Inc. | \$196.27 per ton |
| TAM Enterprises, Inc. | \$165.00 per ton |
| Luzon Environmental Services | \$166.30 per ton |

RE: AWARD STP SLUDGE HAULING BID OR REJECT ALL BIDS

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board awarded the STP Sludge Hauling Bid to SYNAGRO at \$138.15 per ton. Motion carried, 5-Ayes, 0-Nays.

RE: VILLAGE HALL CLOSED IN OBSERVANCE OF COLUMBUS DAY

Village Hall is closed on Monday, October 12th in observance of Columbus Day.

RE: RESIDENT REQUESTS TO WIDEN END OF THEIR DRIVEWAY

Mr. Mozingo resident of 213 Tompkins Rd. requests to widen the end of their driveway by 3 or 4 ft. Pictures were provided to the Board.

Mayor Brescia asked DPW Supt. Nelson what his thoughts are on the widening the end of 213 Tompkins Road driveway.

DPW Supt. Nelson expressed his concerns, accommodating the need for one may lead to doing for all.

The Board will consider it by the next meeting, October 19th.

RE: SURPLUS VEHICLES

Surplus the following:

- Early 1980's sewer plant generator with a minimum bid of \$750.00.
- 2005 Ford Crown Victoria with a minimum bid of \$500.00.
- Police Speed Sign (approximately 20 years old) with a minimum bid of \$100.00.

DPW Supt. Nelson said he will put them on Auctions International.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board will allow DPW Supt. Nelson to put the surplus vehicles on Auctions International. Motion carried, 5-Ayes, 0-Nays.

RE: USE OF SENIOR CENTER FOR ZUMBA

Dana Estrada Martino requests use of the Senior Center for Zumba Classes on Monday and Wednesday evenings at 7 pm for an hour, as she has done previously, with the proper Certificate of Insurance.

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board will allow Dana Estrada Martino to use the Senior Center for Zumba classes on Monday and Wednesday evenings at 7:00 pm with proper Certificate of Insurance, and with the understanding that she will have to cancel her classes if we need the center for an event, with advance notice. Motion carried, 5-Ayes, 0-Nays.

RE: DEPUTY TREASURER TO CARRY OVER 75 HOURS OF VACATION

Deputy Treasurer Fran Palmieri requests to carry over 75 hours of vacation, to be use by 01/30/2021.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board will allow Deputy Treasurer Fran Palmieri to carry over 75 hours of vacation time, to use by 01/30/2021. Motion carried, 5-Ayes, 0-Nays.

Events:

- Village Wide Yard Sale, Saturday, October 10, 2020; 10 am to 5 pm.
- Candle Light Ghost Tour, Saturday, October 24, 2020, 7 pm, with masks & social distancing observed. (Tickets are available at the Village Hall, \$5.00 per person).
- Trick or Treat, Saturday, October 31, 2020, 6 pm to 8 pm; with masks & social distancing observed.
- Hydrant Flushing begins on October 19th through October 30th, between the hours of 7 am to 4 pm. (Water may be discolored, but it's safe to use. When using the washing machine make sure the water is clear. Flushing is necessary to keep the water mains clear. We apologize for the inconvenience).
- Veterans Day, Thursday, November 12th from 10am-noon, the Board of Trustees will be handing out flags at the corner of Goodwill Road and Roosevelt Avenue for residents to put at their residence; yards, mailboxes, etc, to honor our veterans.

RE: TRUSTEE HEMBURY REQUESTS A STREET SIGN, "VETERANS CORNER," TO HONOR VETERANS AT THE CORNER OF GOODWILL ROAD AND ROOSEVELT AVENUE.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved a sign, "Veterans Corner" to be installed at the corner of Goodwill Road and Roosevelt Avenue. Motion carried, 5-Ayes, 0-Nays.

RE: CHANGE VILLAGE BOARD MEETING FROM TUESDAY OCTOBER 20, 2020 TO MONDAY, OCTOBER 19, 2020 and CHANGE THE TUESDAY NOVEMBER 3, 2020 MEETING TO THURSDAY, OCTOBER 29, 2020.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved changing the Village Board meeting from Tuesday, October 20, 2020 to Monday, October 19, 2020 and changing the meeting Tuesday, November 3, 2020 meeting to Thursday, October 29, 2020. Motion carried, 5-Ayes, 0-Nays.

RE: ADOPT A RESOLUTION TO ADMIT VILLAGE BUSINESSES TO USE SIDEWALKS.

Atty. Dowd asked, since it is getting colder, do you want to extend this beyond a month's time? He put November 6th on the resolution because he wasn't sure how long they wanted to extend this. Mayor Brescia stated this is for eating only. (inaudible) Mayor Brescia does not want tables on the sidewalks in December. (inaudible) Clerk Rivera-Fernandez asked what the provisions were for inclement weather. (answer is inaudible) Atty. Dowd said retail businesses would be able to take their businesses out on the street, not just restaurants. What this does is, it creates the exception that includes the dining, and also follows the Governor's State of Emergency and the Governor's Executive Order, as long as the Governor extends those orders, these resolutions are extended, when that's over, this is over. He wants everyone to understand that they will have to come back. Mayor Brescia said the businesses will need to provide a Certificate of Insurance. Clerk Rivera-Fernandez said the new café, Java Blue needs to provide insurance.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adopted the resolution to allow village businesses to use sidewalks provided they submit a Certificate of Insurance. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked, are there any plans to close off the street next year for outside dining on the street? Ms. Greene responded but was inaudible; possibly closing off the bottom of Clinton Street at Christmas on a Saturday. Mayor Brescia said what about when we have Santa Claus? Ms. Greene was inaudible. Mayor Brescia said Deputy Mayor Scheels handles the Christmas Holiday and she can discuss it with her.

RE: DEPARTMENT REPORTS

SUMMER REC:

Jenn Jackson said Summer Rec ran well this year. They had 74 children signed up; 95% came every day. Masks were not a problem; they played, temperature checks in the morning; DOH worked well with them. JoAnn was very supportive. She hopes they have 350 next year...The Mayor said he thought they had less, 55-60. Ms. Jackson reiterated they had 74, 3 RN's that would cycle through. There was always someone there. Mayor Brescia asked if the thermal machine worked out well. Ms. Jackson said it worked for the staff and taller kids. For the little ones, they used a hand held to check temperatures. They did have people come to the park that were not in the program but they were willing to have their temperature checked. Taylor said it really wasn't a problem, if someone came up to park, they would allow their temperature to be checked. Only a handful said no and walked off. Deputy Mayor Scheels said they did an excellent job.

POLICE:

Chief Herlihy wanted to recognize 3 of his officers. The first is Robert Cintron. He is a part-time police officer with the Village and a full-time deputy with the Sullivan County Sheriff's office. He received the NYS School Resource Officer of the Year Award for 2020. We have the pleasure of having him as one of our part-time officers so wanted to congratulate him on receiving that. Officer Kyle Geraine is a part time officer with the Village and he also works at the Sullivan County Sheriff's office as a full-time deputy. Stuart Lloyd is also a part-time police officer with us. They both responded to a call for a motor vehicle accident just outside the Village because they heard it was a vehicle in an embankment so for the safety of life and liberty, they proceeded to notify the Town PD of the accident and who were enroute. So, they went to secure the scene for them. Upon arrival they had a conversation with the person behind the wheel

and based upon statements and names of the officers, as well as our body cam footage and the evidence found at the scene, they were able to assist the Sullivan County Sheriff's office with making the arrest of the murder that was just noticed in the paper. He wanted to give them a big congratulations for their efforts; they could've just left, instead they heard about it and immediately went there to react, close down the scene. It wasn't just a motor vehicle accident. Some signs they saw at the scene gave them clues to go forward a little bit; statements the subject made that were caught on body cams, other evidence and securing the subject with the murder of a female subject. Big congratulations!

Commercial motor vehicle traffic detail; he has two coming up, they will catch them by surprise. The purpose is to get the tractor trailers and big trucks coming through the Village and make sure they are operating safely and securely. He wants to retract a statement that he made at a previous Board meeting to Mr. Berger about sending one of the officers to the Commercial Motor Vehicle School; he hasn't scheduled it-the State Police run the school, he's been contacted by the DOT and were informed by them that they need one year of working with them before they'll accept them into the school. We've begun in February of 2020, the first Motor Vehicle Enforcement, so coupled with the ones they have scheduled coming up, by February, he'll be able to send two officers enrolled in Commercial Motor Vehicle School.

We spoke about the radar. We talked about the trailer. We talked about the counter which is totally different. The radar trailer; we can do upgrades to it, have a computer in there. It's the one to track speed but it's not inconspicuous, so you'll see the sign out there and so people might slow down, which is a great deterrent, but the availability of the hidden one will give a true reading of problem areas. He said it is around \$3,600 and is like a policeman standing on the road. It'll slow them down but this give a true reading of the problematic areas. Someone speaking is inaudible. Based on the data they receive, they can do an enforcement detail in the area.

The Police Department is open 24/7, on Facebook and Twitter. He wants to put info out there for the residents. He's open to criticism.

Inaudible... too many people speaking.

DPW:

DPW Supt. Nelson said last Tuesday night, there was a well pump fail at Holt Well #4 and it had to be replaced. He and Jake were there most of the night because it happened around 9:30pm; at around 3:30pm the next day, they had a water main break on Goodwill Road that was fixed by 9:00pm. He wanted to thank Jake, again, he's always stepping up. They need water, we are in a drought. We almost had to call a water emergency after 16 hours. Jacobson Street (well) is a bedrock well but he wants to put in a filter system that will remove sulfites. He will present something to the Board in a few months on filtering #3 & #4. That will give us another 80,000 gallons of water that we are not using right now. He is monitoring the water situation, as far as a water emergency.

The Ward Street Sewer Pump station pump needs to be replaced but he needs to replace the valves first.

PUBLIC PORTION

Randi Greene asked about the benches, they are \$700 each. Mayor Brescia said there were benches that were not \$700 and they must be against the building, for insurance issues. Ms. Greene was speaking but it was inaudible.

Hank Andryshak, of Rivshak (Pleave) said they have been approved to pour the foundation for the first house tomorrow. They are in the process of filing the maps with the County and Village and getting signatures. They are requesting approval to move forward without waiting. Atty. Dowd said that State Law requires DOH approval on the plans and until it is given, the property is not legally subdivided They are allowed one building permit for the unsubdivided lot but they can't get a second building permit for a lot that doesn't legally exist yet. It is State law and the Village cannot waive it.

Mike Aiello, has property on Dunn Road. Butler Construction would like to utilize the property to move their business operations out of the Village and into a 20,000 sq ft garage on Dunn Road in the Town of Montgomery. This may or may not be an approved use in the Town. Mr. Aiello is asking that the Village submit a letter to the Town to help his case. This move will allow the Comprehensive Plan Zoning Commission to change the zoning at the entrance to the Village. Atty. Dowd stated that because the property is within 500 ft of the Village, the Village will receive a GML from the Town ZBA regarding the change, and suggested the Village Board wait to hear from them first.

RE: PATRIOT RALLY

Jessica Weiner is requesting permission to use Veterans Park beginning on Saturday, October 24, 2020 at 3:00pm. She is organizing a Patriot Rally/Nationwide Freedom March and is expecting between 100-200 supporters. She is also asking if she can decorate the gazebo with temporary red, white and blue décor. The Mayor advised that Early Voting begins that day and that the attendees for the rally should park on Village Streets to allow/not block parking for voters at the Senior Center.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the use of Veterans Park for the Patriot Rally on Saturday, October 24, 2020 at 3:00pm; that all decorations be removed and to park vehicles throughout the Village and not take up all spaces at the Senior Center due to Early Voting. Motion carried, 5-Ayes, 0-Nays.

Village Resident Don Berger thanked the Summer Rec program and staff. He also asked what the status of Medline funding a police car. The Mayor is not comfortable doing that. He told Mr. Berger he was welcome to but they have already made donations to the Village toward other items/events. Mr. Berger attended the TOM Planning Board meetings. He said to be cautious regarding Butler (moving to Dunn Road) that there must be a reason why the Planning Board sent it to their ZBA. The property owner coming to ask the Board for permission is “clean.” He feels that the Village should do their work on understanding what really is going on there.

EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive session, under the open meetings law §7 (f) for matters concerning the employment history of particular individual, with the Atty. Dowd and the Village Clerk. 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.