

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held on Tuesday, May 3, 2022, in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek (absent), Trustee Hembury (absent), Trustee Lindner, Atty. Will Frank, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy, Videographer Jeff Denatee, Maria Beltrametti, Mary Ann Lindner, Don Berger.

RE: CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the minutes of April 5, 2022. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

ABSTRACT NO. 04-2022

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, all bills listed on ABSTRACT NO. 04-2022 were audited and approved for payment with \$137,168.05 from the General Fund, \$41,195.74 from the Water Fund, \$21,637.76 from the Sewer Fund and totaling \$200,001.55. Check No: 79351 – 79418, 1879 - 1886. Motion carried 3-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of April 30, 2022, as follows: General Fund \$1,012,836.50, Water Fund \$158,272.30, Sewer Fund \$459,924.67.

REQUESTS TO MEET WITH BOARD

None

RE: REPORTS – DEPARTMENTS – BOARDS – COMMITTEES

POLICE DEPARTMENT

Police Chief Herlihy said all of the members of the agency have completed two year CPR certification for adults and children, as well as, annual first aid training, along with a refresher on hard Narcan, and tourniquets. He is aware of the Memorial Day parade at the end of the month.

DPW

DPW Supt. Nelson said the department has completed the black top on the pickleball court and some bad sections of sidewalk on Union Street. In addition, they replaced the swing set and the hardware at the Veterans Memorial Park and Viking Heights Park. He is working on a list of streets to be paved, and is waiting on the pricing list for the Black top. Just to make you aware, the price for black top changes daily. We are currently paying twelve dollars a ton over the County contract price. He will advise the Board when he receives the prices. The only thing that has helped us, is the money we received from Central Hudson for paving the roads they messed up. Along with that, we have the CHIPS money.

Mayor Brescia said it's unfortunate that we can't pave the State highway the one side of Union Street is horrible, the rest of it is pretty good.

DPW Supt. Nelson feels it may be coming though because the State is addressing some of the handicap accessibility on the sidewalks. The State has had their men out here for about a week and half to do all of their assessments, and the height of the sidewalks.

Mayor Brescia expressed his concerns and hopes the State does pave Union Street.

DPW Supt. Nelson replied not here but definitely in the Village of Walden.

May 3, 2022

Trustee Lindner asked DPW Supt. Nelson if he has a contact at Central Hudson. Reason being, the property behind Washington Avenue where the power lines go through there, the grounds are horribly overgrown. It's awful for the residents who live there; they have to look at it.

DPW Supt. Nelson said he will email the representative he has dealt with recently.

Trustee Lindner said it's a feeding ground for bugs and animals. When you meet with Central Hudson about the power source, maybe you can find someone that we talk to. It sounds like it's going to be a major restriction for us in terms of the new development.

DPW Supt. Nelson he will include that in his communication to Central Hudson. At the next meeting, he is looking into a new sidewalk machine; a loader type snow blower. The one we have was purchased in 2005, and it needs the snowblower portion replaced on it.

Mayor Brescia asked, you're going to take it out of (in audible – voice not clear)

DPW Supt. Nelson replied he is hoping of use ARPA funds if its allowable. He will confer with Atty. Frank on that.

Atty. Will Frank said he will look into it.

Mayor Brescia asked DPW Supt. Nelson if he plans to add additional park trails.

DPW Supt. Nelson replied, it probably will not be done until the late fall.

Mayor Brescia mentioned meeting with DPW Supt. Nelson, Historian Brian Fitzpatrick, and Trustee Lindner. We discussed the gateway options and the basketball courts, to possible obtain funding for these areas.

## OLD BUSINESS

None

## RE: NEW BUSINESS

### BOARD OF TRUSTEES REGULAR MEETING OF MAY 17, 2022 IS RESCHEDULED TO BE HELD ON MAY 12, 2022 AT 7:30 PM

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board rescheduled the Board of Trustees Regular Meeting of May 17<sup>th</sup>, to be held on Thursday, May 12, 2022 at 7:30 pm. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

### PUBLIC HEARING DATE SET WITH RESPECT TO THE PROPOSED CHANGES IN THE RATES FOR WATER USAGE AND CONNECTION FEES AS WELL AS SEWER CONNECTION FEES FOR PROPERTIES WITHIN AND OUTSIDE THE BOUNDARIES OF THE VILLAGE'S WATER DISTRICTS EFFECTIVE AS OF JUNE 1, 2022

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board set a Public Hearing to be held by the Board of Trustees of the Village of Montgomery on Thursday on May 12<sup>th</sup> at 7:15 pm, at the Village Hall located at 133 Clinton Street, Montgomery NY, with respect to the proposed changes in the rates for water usage and connection fees as well as sewer connection fees for properties within and outside the boundaries of the Village's water districts effective as of June 1, 2022. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

### PUBLIC HEARING DATE SET TO CONSIDER AND APPROVING OF THE CABLE TELEVISION AGREEMENT BETWEEN SPECTRUM NORTHEAST, LLC AND THE VILLAGE OF MONTGOMERY TO BE HELD SETTING THE PUBLIC HEARING DATE FOR THE TIME WARNER CABLE NY LLC, FRANCHISE AGREEMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board set a Public Hearing to be held by the Board of Trustees of the Village of Montgomery on Thursday, May 12<sup>th</sup> at 7:20 pm, at the Village Hall located at 133 Clinton Street, Montgomery, NY to consider and approving of the Cable Television Agreement between Spectrum Northeast, LLC and the Village of Montgomery to be held setting the Public Hearing date for the Time Warner Cable NY LLC, Franchise Agreement. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

#### TROOP 31 SCOUTS OF AMERICA REQUEST TO USE THE SENIOR CENTER AT NO CHARGE TO HOST THEIR EAGLE SCOUT COURT OF HONOR CELEBRATION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved Troop 31 Scouts of America's request to use the Senior Center at no charge, to host their Eagle Scout Court of Honor celebration on Saturday, May 21st, from 9 am to 4 pm, with the conditions of providing a certificate of insurance listing the Village of Montgomery as the additional insured. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

#### EVENTS & SERVICES

Village Wide Yard Sale Day, May 14<sup>th</sup>, 10 am to 5 pm. Rain Date to be determined.

Grand Montgomery Chamber Music Series presents the performance of Yalin Chi, pianist on May 15<sup>th</sup>, at 3 pm, held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, NY.

March with the Osborn-Fitzsimmons American Legion Post 521 in the Village of Montgomery, Memorial Day Parade, on Monday, May 30, 2022. Line up begins at 10:30 am at the corner of Clinton Street and Wallkill Avenue. (Organization or group interested in marching in the parade contact Stacy Brescia-Spreer at (845) 457-9661 Ext. 217 or email).

#### PUBLIC PORTION

Mr. Berger provided a copy of the finalized draft, of the Triathlon route for the race, going through the Village of Montgomery, to the Board members and to the Police Chief Herlihy. He will be posting the flyer on the various bulletin boards. We did speak about when the race comes through the Village, and when we get down to the park with the bikes, we would like to use the baseball field as a holding space for the bikes and the kayaks.

Mayor Brescia asked Mr. Berger to check with Little League.

Mr. Berger thinks soccer is what's being going on during this time frame.

Mayor Brescia again asked that Mr. Berger check with Little League, because they are the ones who control the use of fields.

Mr. Berger said the secondly there is a real problem with the residents posting and talking about FedEx and UPS flying on Beaver Dam Road. He is aware that is not the Village jurisdiction but the section from Wilson to Goodwill is, which is a three-ton weight limit of vehicles, whereas the rest of Beaver Dam weight limit is eight ton. It just doesn't make sense.

Mayor Brescia said there should be some consistency. He mentioned speaking with the Police Chief Herlihy and the DPW Supt. Nelson regarding this issue.

Police Chief Herlihy said placing the speed reader does not give a true understanding of what is happening. It alerts the driver of which the driver then adjusts his or her speed. To gather the best enforcement times, he would place the device to monitor the flow of traffic for approximately seven days, collect the data and then set up the enforcement times and provide a true amount of speed.

Mr. Berger thinks Town of Montgomery Supvr. Maher may have misunderstood the tonnage on the Village portion of Beaver Dam Road. He is willing to make a change. The problem is growing. He suggests we get ahead of it and get the trucks to use Route 208 and Route 416.

Mayor Brescia said there is a three-ton weight limit on all of the Streets, with the exception of Boyd, Bridge, Factory, Goodwill, Railroad, Spring, Union and Ward.

Ms. Beltrametti expressed her thoughts and feelings regarding the multi-purpose bond and the purchase of the DPW Truck.

She also asked if the Spectrum agreement is for providing Cable TV to the residents of the Village and are we considering not going with Time Warner Cable.

Atty. Will Frank replied yes, that it's the continuation of the existing franchise agreement between Spectrum and the Village. It's a non-exclusive agreement. This will be subject to the Public Hearing next week. You will be able to review the agreement in plenty of time to review and ask questions.

Ms. Beltrametti said there was no a public hearing for the water filtration system that required a permissive referendum as well as for the multi-purpose bond.

Trustee Lindner replied everything was conducted legally and by the law.

Mayor Brescia stated, Atty. Dowd as well as Atty. Frank has said so and he read all the documentation a one meeting, which you were not in attendance for. We have addressed this enough, let's move on.

#### EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board entered into Executive Session at 7:57 pm, under the open meetings law § 7 (f) for matters the employment history of a particular persons of the office, with the Atty. Will Frank, Village Clerk Rivera-Fernandez and DPW Supt. Nelson in attendance. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

#### EXITED EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board exited Executive Session at 8:20 pm. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

#### ADJOURNMENT

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of May 3, 2022 at 8:21 pm. Motion carried, 3-Ayes, 0-Nays, 2-absent (Trustee Andolsek and Trustee Hembury).

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Monserrate Rivera-Fernandez, Village Clerk