

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, **October 1, 2013** at 7:30 pm.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek; Trustee Hembury Trustee Lindner; Police Chief DiMilia; DPW Supt. Nelson; Atty. Dowd; B/I Yancewicz; Treasurer Benedict; Dpty. Treasurer Rivera-Stanley.

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

RE: MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of September 17, 2013. Motion carried 5-Ayes, 0-Nays.

RE: ABSTRACT NO. 10-2013

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 10-2013 were audited and approved for payment with \$347,966.66 from the General Fund, \$28,808.96 from the Water Fund, \$51,229.95 from the Sewer Fund and totaling \$428,005.57. Check No: 45488-45619. Motion carried 5-Ayes, 0-Nays.

Treasurer Benedict reported a CASH BALANCE for the month ending September 30, 2013 as follows: General Fund \$2,425,096.42 , Water Fund \$279,418.86, Sewer Fund \$240,889.06.

RE: DEPARTMENT REPORTS

Police Chief DiMilia submitted his written report for the month of September. There is an increase in the number of tickets written for last month. The Board was asked if a decision has been made regarding his request for an additional supervisor to help with the training that is needed for the four full-time officers recently hired.

Mayor Brescia said productivity seems to have improved 100% and asked if the trac system has been fixed. Police Chief DiMilia said he is working with the County and it should be fixed soon. Mayor Brescia said he is concerned with the cost and the budget and not going above the 2% tax cap. If an additional supervisor is hired it probably will not be until the beginning of next year and will probably work the night shift because the chief and deputy chief only work during the day...Trustee Hembury said other departments have a chief, deputy chief and sergeants. Mayor Brescia again said his concern is with the budget and with the retro pay and not seeing the village in a position as in the past with a 9% tax increase.

Trustee Lindner asked when the officers will complete the police academy and be available to be on the street. Police Chief DiMilia said three will graduate by the end of

September and one by the beginning of next year. So, shortly there after graduating from the academy they will need field training.

Mayor Brescia said this is something that should be discussed further in executive session...Trustee Lindner said he agrees it is a personnel issue because part of it is going to require additional head count reduction of a part timer before hiring a fifth new person.

After a discussion, the Board was in agreement to discuss it further in executive at the next meeting.

DPW Supt. Nelson reported everything is getting older and breaking at the sewer plant. The gear box at the sewer plant broke a few weeks ago. The gear box that drives the big paddle in the aeration ditches has to be replaced. He has been trying to get three bids to have it fixed. The last quote came in before the meeting. The lowest quote to replace the gear box is about \$7,200. It will probably take four to six weeks for delivery. Also the sludge pump at the sewer plant has to be replaced and that will cost about \$8,010. At the present time, we are not doing anything wrong by DEC standards but it has to be fixed. The install it will cost about \$7,000 so we are going to try to do it. It will take a day with three or four guys. An electrician will have to be hired to work and that probably will cost \$200. Mayor Brescia advised it is important to follow the procurement policy.

B/I Yancewicz reported he was called out to the Senior Center over the weekend concerning the windows being opened and the noise from the party. The neighbors were upset about it. So, the windows were closed and the neighbors were happy. There is someone located in the B-2 that has 29 snakes and 42 rats. After speaking with Atty. Dowd a violation can be issued to that person letting him know that this is not a permitted use...Mayor Brescia said the quicker the better. Concerning the rental of the Senior Center, the rental agreement is being reviewed so as not to get complaints from the neighbors. The police probably should handle any complaints – the air conditioner needs to be better regulated so the windows do not have to be opened. It's a balancing act.

B/I Yancewicz reported he may have an answer to abandoned houses and how to handle the complaints the village is receiving about property upkeep. He has signed up with a company known as Compliance Connections. Atty. Dowd explained it is a free service and does not cost the Village anything. It is not open to the public and can only be used by a municipality. How it works is that company searches records to get information on who the village can contact. They claim to have a turn around time within a couple of hours. So, if you see a property that is vacant and not being kept up, you give this company the address and they will locate who is the owner and the bank and then they will actually go to the next step and connect you with that person in charge of the property for the bank.

Mayor Brescia said that is really a good service as he has been talking with Trustee Hembury about the foreclosures in the village to see what can be done. Trustee Hembury asked Atty. Dowd if code violations can be pursued against corporations. If papers can be served they will start doing what has to be done so no one will get hurt on the abandoned property... Trustee Lindner mentioned in Arizona they would subpoena the president of

the bank to appear in court for the violation rather than go with the little people, they went right to the top.

Atty. Dowd said because foreclosures do not happen overnight and names are hard to obtain...this company - Compliance Connections - makes it easier to get in touch with someone about the problem of not cutting grass, etc. The problem in the past is you never could get a name to serve a code violation on. Mayor Brescia added we can go this route first. If it gets beyond this point then we can remedy the situation and lien the property as it has been done a couple of times, i.e. Pleasant Avenue, Clinton Street. Trustee Hembury was asked to look at the Village's maintenance code with Atty. Dowd and the building inspector to see how it can be improved to make it better and then give recommendations to the Board to review. Trustee Hembury said he would like to see the Village be the first village to do something and the other villages would say 'let's follow what they did'.

Trustee Lindner asked what legal ability does the village have to look at whether or not something is built on an easement referring to a recent incident when that came about when they were trying to sell their house. Atty. Dowd said that will usually come up in the deed and if not it will most likely be on the map

RE: DPW GARAGE ADDITION

Mayor Brescia and the Board acknowledged bids for the DPW Garage Addition for Spray Foam Insulation as follows:

TriState Urethane Contractor Inc	\$ 9,380.00
Ecotech Spray Foam Inc	\$12,502.98
FoamCo	\$14,425.00.

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board awarded the Bid for the DPW Garage Addition Spray Foam Insulation to Tri-State Urethane Contractor Inc. in the amount of \$9,380.00. Motion carried 5-Ayes, 0-Nays.

Motion by Trustee Hembury, seconded by Trustee Andolsek, the Board appointed Brian Brier as Laborer at the rate of \$20.00 per hour to work on the new DPW garage extension contingent upon work available and approval by the Orange County Department of Human Resources. Motion carried 5-Ayes, 0-Nays.

Mayor Brescia advised the trusses are going up on the building. The Board discussed adding a color to the concrete. After looking at a color chart and price chart, the Board and DPW Supt. Nelson were in agreement to the color of 'Sante Fe' for the office part of the building only.

RE: SEWER TREATMENT PLANT

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved up to \$7,200 for the purchase of gear box equipment for the aeration ditch. Motion carried 5-Ayes, 0-Nays.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the R & R Pump and Control proposal in the amount of \$8,010 for a sludge pump for the sewer treatment. Motion carried 5-Ayes, 0-Nays.

RE: CARDINAL DRIVE WATER STORAGE FACILITY

The survey has been completed for the Cardinal Drive water tower. Now Lanc & Tully PC has submitted a proposal to cover the cost of the bidding process. The Community Development grant is in the amount of \$200,000 for the standpipe (FY-2011 \$122,119, FY-2014 \$77,881).

Mayor Brescia advised there may be money in a reserve for a water tank repair that can be used. Treasurer Benedict confirmed there is but the wording should be checked to see if it can be used for a new water tower.

Mayor Brescia added the Board will have to know how much it will cost for the new water tower to determine how much to bond and if the water rates will have to be increased. If the water rate has to be increased the residents must be notified on the next billing cycle – December. DPW Supt. Nelson agreed. Mayor Brescia added the preliminary work can be done using the Community Development grant funds and then bond the remaining work after June 2014.

DPW Supt. Nelson advised Lanc & Tully PC proposal is for the engineering aspects of the project and Melick-Tully and Associates PC is for the geotechnical data – to perform a subsurface investigation for a new water storage tank next to the existing storage tank.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved and authorized Mayor Brescia to sign the Lanc & Tully Engineering PC proposal for engineering services for design and contract documents \$9,000, project bidding \$2,000, construction observation, contract administration \$42,000 and Melic-Tully and Associates PC proposal for \$9,353 for the geotechnical data for the Cardinal Drive Water Storage Facility. Motion carried 5-Ayes, 0-Nays.

RE: PROSPECT TERRACE WATER TOWER

Mayor Brescia and DPW Supt. Nelson discussed painting the water tower on Prospect Terrace. Mayor Brescia said the money in the water tank repair reserve will be used to paint the exterior of the tower...DPW Supt. Nelson said the exterior will be done first and that can be done in May. Mayor Brescia explained the last time the tower was painted it took a long time to get the residual right.

Trustee Hembury asked how long it takes to fill the water tower. DPW Supt. Nelson said about two or three days depending on the water usage in the village.

Mayor Brescia asked when the work on the new tower will start because that should be on line probably before painting the Prospect Terrace water tower...DPW Supt. Nelson

said the water level will be taken down and the tower can be painted on the outside which will not have any affect without the new tower being on line.

RE: COMPLAINT ON PURPLE HEAR WAY

DPW Supt .Nelson discussed a complaint about a picnic table and burning pit being on village property – 8 Conroy Avenue. The property is located on Purple Heart Way adjacent to the village property. When he and the building inspector went to the property in the afternoon the pit was still burning. The son happened to be there at that time and was asked to remove the stuff within 24 hours or the village would remove it. It is still there. It could be removed tomorrow. The property owner told B/I Yancewicz that he maintains it so he should be able to use it.

Trustee Hembury asked who got the call on it. DPW Supt. Nelson said he thinks the police may have gotten the first call on it.

Mayor Brescia asked if he wanted the building inspector or the police department to handle the complaint. DPW Supt. Nelson said the building inspector should handle it because he is the fire inspector not him. Mayor Brescia said B/I Yancewicz can handle it and an officer can go with him.

Atty. Dowd said the property owner can remove it and if he does not then the village can remove it and take it down to the DPW garage and then we can go from there.

RE: DRAINAGE PLEASANT AVENUE

Mayor Brescia advised that the owners of Pleave LLC have reimbursed the village two thirds (\$11,722) the cost for supplies (\$17,493) to install drainage on village property off Pleasant Avenue.

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the drainage on Pleasant Avenue and Dunn Drive with the developer, Pleave LLC, paying for two thirds the cost of the supplies. Motion carried 5-Ayes, 0-Nays.

RE: DRAINAGE RIVER STREET

Mayor Brescia advised he and DPW Supt. Nelson met with Chris and Michelle Sharpe to discuss the drainage issue on their property to see if something could be worked out. Then the drainage issue can be reassessed once the drainage has been installed on Pleasant Avenue and Dunn Drive.

RE: APPOINTMENT(s) - VILLAGE OFFICE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board reappointed Rosemarie Griffith from the position of Deputy Village Clerk full time to Clerk part time at the same rate of \$16.26 per hour. Motion carried 5-Ayes, 0-Nays.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board reappointed Monserrate' Rivera-Stanley from the position of Deputy Village Treasurer to the position of Deputy Village Clerk full time subject to salary discussion and subject to a six-month probationary period. Motion carried 5-Ayes, 0-Nays.

RE: PUBLIC WORKS SCHOOL

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved DPW Supt. Nelson's attendance at the NYCOM Public Works School October 21-23, 2013 to be held in Lake Placid. Motion carried 5-Ayes, 0-Nays.

RE: VALLEY CENTRAL EDUCATION FUND RAISER

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Board's attendance at the Valley Central Education Foundation at Osiris Country Club at \$50 per person. Motion carried 5-Ayes, 0-Nays.

RE: HALLOWEEN TRICK OR TREAT NIGHT SET

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board set Halloween Trick or Treat night on Thursday, October 31, 2013 between 6:00 pm and 8:00 pm with a parade starting at the Orange County Firefighters Museum at 4:00 pm with a costume party to follow at the Senior Center. Motion carried 5-Ayes, 0-Nays.

RE: HYDRANT FLUSHING – OCTOBER 21st – 25th

Hydrant Flushing will the week of October 26. Notices will be distributed throughout the village making residents aware.

RE: REQUEST TO EXTEND VACATION TIME

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board approved Barbara Conroy, Clerk to Village Justice, request to extend 3 days of vacation time to be used by December 31, 2013 because she was unable to use it by her anniversary date. Motion carried 5-Ayes, 0-Nays.

RE: ADDITIONAL SHADES – NEW WINDOWS INSTALLED

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Windows Wear by Gina LLC proposal in the amount of \$1,754.00 to install an additional eight (8) window shades in the Judges chambers and court clerk's office. Motion carried 5-Ayes, 0-Nays.

RE: OCTOBER AND NOVEMBER MEETINGS RESCHEDULED

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board rescheduled the October 15, 2013 meeting to Wednesday, October 16, 2013 at 7:30 pm. Motion carried 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board rescheduled the November 5, 2013 (Election Day) meeting to Wednesday, November 6, 2013 at 7:30 pm. Motion carried 5-Ayes, 0-Nays.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded Deputy Mayor Scheels, the Board entered EXECUTIVE SESSION at 8:45 pm under Public Officers Law §7(f) to discuss personnel for the position of deputy village clerk and deputy village treasurer with Atty. Dowd, Village Clerk Thompson, Village Treasurer Benedict in attendance. Motion carried 5-Ayes, 0-Nays.

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board went out of EXECUTIVE SESSION at 9:16 pm. Motion carried 5-Ayes, 0-Nays.

RE: VILLAGE OFFICE APPOINTMENTS

– DEPUTY VILLAGE CLERK, DEPUTY VILLAGE TREASURER

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Deputy Village Clerk Monserrate' Rivera-Stanley salary of \$42,640. Motion carried 5-Ayes, 0-Nays.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed Francine Palmieri to the position of full-time Deputy Village Treasurer at the salary of \$38,658 and subject to a six-month probationary period and paying the employee share of health insurance. Motion carried 5-Ayes, 0-Nays.

RE: AJOURNMENT

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board adjourned the meeting at 9:18 pm. Motion carried 5-Ayes, 0-Nays.

Village Clerk Linda L. Thompson