

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 Monday, May 5, 2015 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Deputy Village Clerk Murphy, DPW Supt. Nelson, Police Chief Walsh, Marc Devitt, Maria Beltrametti, Don Berger, Sara Hall, Walter Pahucki, Johanna Sweikata, Tom Steed

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

RE: BORLAND HOUSE

Stewart Rosenwasser, representing the Borland House, discussed the petition they submitted to use the existing facility to open for lunch from 8:00am – 1:00pm, for people other than guests. There will be 10-12 tables with standard breakfast items. They would like to add a small sign with approval from the AHRB.

Mayor Brescia asked about off-street parking.

Mr. Rosenwasser said there are 8 off-street parking spaces that accommodate the B&B. This is a minimal request to amend and will enhance what is there now with no significant changes.

Trustee Lindner asked about the extra room that was added.

Mr. Rosenwasser said there was work being done without a permit, but they have been working with the Building Inspector to resolve any and all issues.

Atty. Dowd said the petition says 8:00am-1:00pm daily regarding eating outside on the patio. There is also a flyer for cooking classes.

Mr. Rosenwasser said they offer activities for their guests; people who stay there. Bed and Breakfast isn't defined in the code.

Atty. Dowd said it is an Inn and that's what it is approved for.

Mr. Rosenwasser said the Inn definition doesn't provide for the service of any food or beverage at all; just overnight accommodations for guests.

Atty. Dowd said they can revise the code for brunch, redefine the definition; possibly add Bed and Breakfast to the code. He also mentions an ad that was in the local paper for weddings and catering at the Borland House, which is not permitted.

Mr. Rosenwasser asked for clarification and parameters regarding a Bed and Breakfast setting.

Parking is discussed. It is agreed that small weddings for guests can be held there.

Mayor Brescia stated, make the revisions with two definitions: Inn and Bed and Breakfast.

Atty. Dowd will put a draft together for the Board for the next meeting and send a copy to Mr. Rosenwasser.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board authorized Village Attorney Dowd to prepare a draft to revise the definition of "Inn" and add "Bed and Breakfast," to the Village Code. Motion carried, 5-Ayes, 0-Nays.

RE: CONVENE TO PUBLIC HEARING

RE: CDBG FY 2016 PUBLIC HEARING

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board Opened the CDBG PROJECT Public Hearing for FY 2016 Tentative Budget at 7:40 pm. Motion carried, 5-Ayes, 0-Nays.

RE: PUBLIC HEARING PAPERS FILED

Mayor Brescia asked the Deputy Village Clerk Murphy, if all the necessary paperwork is filed to hold a public hearing.

Deputy Village Clerk Murphy said, yes, all the paperwork is on file and processed to hold a public hearing.

Mayor Brescia said this is the CDBG Grant for FY 2016. We are going to apply for 1400 feet of ductile 8" line on Pleasant Avenue. Just a question before we open the Public Hearing (at Supt. Nelson), how many feet did we do on Weaver Street?

DPW Supt. Nelson said, close to 2000.

Mayor Brescia said, the price has gone up quite a bit, then, right? And that was a 10" line?

DPW Supt. Nelson said, this is all "guesstimated." None of this is actual, yet. This could be less, it could be more. You're looking at almost a year out, so then you've got to figure out price escalations.

Mayor Brescia asked, 1400 feet goes from where to where, basically?

DPW Supt. Nelson said, Weaver Street to River.

Mayor Brescia asked, Weaver all the way to River, the entirety?

DPW Supt. Nelson said, yes.

The Mayor asks if there are any questions from the public.

Don Berger asked, what's the timeframe with this?

Mayor Brescia responded with, it will have to be done by...sometime early next year. If we get accepted. If we don't get accepted for the full amount, we would probably bond the rest and try to do this entire length.

DPW Supt. Nelson said you probably don't want to try for a three year one; probably want to do a two-year one, I'm guessing. I'm finding out that three-year ones are harder to get.

Mayor Brescia said we have a very good record with our CDBG Grants; getting them done. Probably one of the better records in Orange County, I do believe.

Don Berger asked, how long does that grant process take?

Mayor Brescia said, they usually announce them in the fall, right Buddy? In September?

DPW Supt. Nelson said yes and then they usually do the awards in October or November, by the time they actually give us the nod on it, like the water tank. We did it over January and February this year.

Mayor Brescia asked if we could use the engineering from the previous grant.

DPW Supt. Nelson questioned, engineering from the previous grant? No.

Mayor Brescia said okay.

Maria Beltrametti said she wasn't following. What are you doing?

Mayor Brescia said, a new 8" water line on Pleasant Avenue; for the entire length of Pleasant Avenue. Are there any other question?

Marc Devitt asked if there is anything that the Village residents can to do to help assist, maybe try to convince the Community Development fund board by sending letters or...

Mayor Brescia said, I don't know. Kerron Barnes isn't here, I don't know if we've had that in the past but you can find out if letters from residents certainly help.

DPW Supt. Nelson said sure; complaints from residents do help on brown water, yes.

Mayor Brescia said we are going to this area because of the brown water complaint down there. Probably Clinton Street could use a line, maybe even more than Pleasant Avenue, but we are trying to push that resolve over there, as we did on Weaver Street. Hopefully this...

Don Berger asked, if we were able to send the letters (inaudible)...

Mayor Brescia said before we do that, let me talk to Kerron and ask if letters from residents help. Especially addressing the brown water issue. We did have complaints of brown water, down there in the past on Pleasant.

DPW Supt. Nelson said they look at water main breaks, complaints, age, tuberculation and all that stuff.

Mayor Brescia said that we've normally not done that but if it helps, we'll definitely do it.

A resident who didn't sign in, asked if it would help his brown water on Pleasant (inaudible), too?

Mayor Brescia said we hope so. That's why we're applying for that. A day or two after the last meeting, Kerron Barnes asked us if we wanted to apply for...(inaudible). If there's no other questions, I'll entertain a motion to close the public hearing.

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board closed the CDBG public hearing at 7:44 pm. Motion carried, 5-Ayes, 0-Nays.

RE: RESOLUTION TO APPLY FOR CDBG GRANT FY16

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved allowing Kerron Barnes to prepare a CDBG Grant Application to the County for replacing the water main on Pleasant Avenue. Motion carried 5-Ayes, 0-Nays.

RE: REGULAR MEETING

RE: REQUEST TO MEET WITH THE BOARD

New York Life Representative Sara Hall and Christine (last name inaudible) have spoken with Trustee Lindner, and would like to provide volunteer benefits for the employees, at no cost to the Village. The employees who choose to enroll would pay the premium through payroll deductions, such as whole life insurance, insurance for family members, and disability. Packets were provided to the Board and requests to meet with the employees.

RE: NEW YORK LIFE TO MEET WITH THE VILLAGE EMPLOYEES TO PROVIDE VOLUNTEER BENEFITS ENROLLMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved New York Life to meet with the Village employees to provide volunteer benefits enrollment. Motion carried, 5-Ayes, 0-Nays.

RE: REPORTS

DPW Supt. Nelson reported on the water filter status. He ordered and has received all the housings and filters. He gave George Ziegler the contact information, and he is calling the homeowners directly to schedule the installation of the water filters on Water's Edge. Trustee Lindner asked DPW Supt. Nelson to mention the letter from the Board of Health, which he did. He received emails back from the Orange County Water Authority and Orange County Health Department. Trustee Lindner would like the letter that was received into the public record.

RE: ORANGE COUNTY DEPARTMENT OF HEALTH LETTER PUT INTO THE PUBLIC RECORD

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved to put the Orange County Department of Health letter into the public record. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson reported that more doing testing is being done. One sample came back lower. The polyorthophosphate treatment they are using is working. It's controlling the manganese. At Mr. Berger's, they had a 44 and anything below 50, you don't see color. The well is putting out 4-500, better than we believe. We took another sample today. If we didn't have to add chlorine to the water, you wouldn't see brown water. Bacteria is a lot worse than manganese.

The water tower is online and being used right now. The Health Department letter was received, the testing came back.

Mayor Brescia asked about the punch list to get the CDBG grant money?

DPW Supt. Nelson said Dawn is working on that. He will have Dawn call the Mayor regarding it.

RE: EXTENDING KYLE CROWLEY VACATION/PERSONAL TIME OVER ANNIVERSARY DATE

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board approved extending Kyle Crowley's vacation/personal time for one month beyond his anniversary date. Motion carried 5-Ayes, 0-Nays.

DPW Supt. Nelson would like to change Jeremy Armour's title from ME02 to ME01. He has been driving the garbage truck since Kenny Jellema retired and has been receiving the ME02 salary.

RE: JEREMY ARMOUR TITLE CHANGE FROM ME02 TO ME01

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved changing Jeremy Armour's title from ME02 to ME01. Motion carried 5-Ayes, 0-Nays.

RE: PURCHASE OF TEN WINDOWS FROM PROBUILD

DPW Supt. Nelson said the last thing he wanted to discuss were the windows from ProBuild. This would be ten additional windows, provided the price is the same as it was two years ago; five for upstairs and five in the library. There are eight left to purchase. Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the purchase of ten windows from ProBuild, not to exceed the price from two years ago. Motion carried 5-Ayes, 0-Nays.

RE: EXERCISE EQUIPMENT IN THE SKATEBOARD AREA

Mayor Brescia said that the exercise equipment will be put on half of the skateboard area; there is still room for children to ride their skateboards.

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board approved putting the exercise equipment on half of the area designated for skateboards. Motion carried 5-Ayes, 0-Nays.

DPW Supt. Nelson said the basketball nets are fixed; one pole was removed and the concrete. They will use crack fill-in and sealcoat the asphalt.

Police Chief Walsh said the Bike Rodeo was a success!

Mayor Brescia said that next year they should cut the time down to two hours, possibly 10-12 or 11-1.

Police Chief Walsh said the time is approaching to apply for the COPS grant for a school resource officer. It will be full-time for three years and they cover half. Mayor Brescia said he is not in favor of it. He would rather use the resources in a better way.

Mayor Brescia asked Police Chief Walsh to make sure that both police cars were not on 17K in the morning; to put one on Union Street. The Chief mentioned that they were doing the Distracted Driver for cell phone use, and that their radar unit was not working yet.

Police Chief Walsh said that now is the time for the Police Traffic Safety Grant process. In this year's application they are requesting a new radar unit and if approved, it will be funded in full.

RE: TRAFFIC SAFETY GRANT

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the Police Traffic Safety Grant application. Motion carried 5-Ayes, 0-Nays.

Police Chief Walsh stated that The Distracted Driving and Buckle-Up New York Campaign is coming up in a week. Also, Officer Scherma has returned from his military service and is back on the midnight shift schedule.

The body armor that was budgeted for, is being priced, and the Chief would like to move forward with the purchase.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved to move forward with the purchase of Body Armor for the Police Department. Motion carried 5-Ayes, 0-Nays.

There was a brief discussion regarding the PBA scheduling for August.

Trustee Hembury noted that Trustee Lindner did an excellent job with Love My Park cleanup. Trustee Lindner mentioned that there were at least 20 people, including children, from 9am-noon.

RE: RESOLUTION FOR ADJUSTED RE-LEVIED WATER/SEWER BILLS

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved to adopt a resolution for adjusted re-levied water/sewer bills;

Water-\$38,672.74, Sewer-\$64,684.55. Motion carried 5-Ayes, 0-Nays.

RE: RESOLUTION TO APPOINT DEPUTY REGISTRAR

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved appointing Deputy Clerk Murphy as Deputy Registrar. Motion carried 5-Ayes, 0-Nays.

RE: RESOLUTION TO APPROVE THE TAX WARRANT FY16

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the tax warrant for FY16: \$2,793,031.41. Motion carried 5-Ayes, 0-Nays.

RE: RON CLUM

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved to continue to allow Ron Clum to prepare the Village's annual report for the State for the amount of \$1800.00. Motion carried 5-Ayes, 0-Nays.

RE: GREATER HUDSON BANK

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved Greater Hudson Bank to do an analysis for the Village. Motion carried 5-Ayes, 0-Nays.

RE: REFUND TO EPISCOPALIAN CHURCH

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved to refund the overpayment by the Episcopalian Church of \$574.05. Motion carried 5-Ayes, 0-Nays.

RE: BUDGET ADJUSTMENTS AND TRANSFERS

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the Village Treasurer to increase revenue line AO-3501-000 by the \$42,215.31 actually received, and the corresponding expense lines AO-5110-401 by \$36,260.23 and AO-511-200 by \$5,955.08; and transfer the following:

\$1000.00 from A0-1110-110 (P/T court clerk per svc) to A0-1110-102 (OT court clerk)

\$350.00 from A0-1320-000 (auditor) to A0-1325-400 (finance contractual)

\$5,000.00 from A0-3120-120 (police personal service) to A0-3120-130 (crossing guard personal service). Motion carried 5-Ayes, 0-Nays.

RE: PUBLIC PORTION

Maria Beltrametti asked Atty. Dowd why the budget was approved so quickly and is questioning the process. He said, this Board has always adopted the budget the same night of the Public Hearing; that they had final adjustments and were confident with it. Ms. Beltrametti questioned the breakdown that she was provided, such as the monthly dinner meetings, the attorney and engineering charges and the Trustees use of cell phones. She would like to sit with Heather, again, to go through everything. Mayor Brescia said, time permitting; it is based on Heather's schedule.

Mayor Brescia stated to Ms. Beltrametti that this Board is not going to sit there for an hour and go through her issues. Many Board meetings only allow the public to speak for 3 minutes and it's not a question and answer back and forth.

Ms. Beltrametti already spoke with Bruce about the code enforcement issues at her property.

Dave Marcinak did not appear to speak with the Board. Although, Building Inspector Yancewicz did express concern for the tires on Mr. Marcinak's property before he does anything to it.

Building Inspector Yancewicz updated the Board on Hillman Property, next to Iron Café. Mr. Hillman had cleaned up the property prior to Montgomery Day, last year, but he hasn't followed up. The Atty. feels a structural engineer needs to inspect it-then the Board can decide whether they want to proceed under unsafe building, fix it or not fix it, just regular violation notices. Deputy Mayor Scheels said there is a dumpster in back and there are workers in/out of the building. B/I Yancewicz will follow up tomorrow, with Mr. Hillman, and confirm that the building is structurally safe.

Mr. Berger thanked DPE Supt. Nelson for all the work that he is doing in Water's Edge. He reminded the Board that there is still a problem. Trustee Lindner reminded him of the letter from the Department of Health, that they are going above and beyond to help the residents. They cannot give them bottled water. Mr. Berger feels that they are not "personally" helping them. He also mentioned that the Village Board Minutes still haven't been posted online yet (since October).

Building Inspector Yancewicz updated the Board regarding the abandoned properties: 172 and 176 Waters Edge. None of the banks are taking responsibly of them. Atty. Dowd said they could put a lien on the properties: issue Orders to Remedy, file with the last owner on record and if they do not take any action, then the Board provides a resolution to do the work. This could take 10 days after the Order to Remedy. B/I Yancewicz will issue Orders to Remedy tomorrow. DPW Supt. Nelson will have the pool drained at one of the properties. Atty. Dowd said regarding the grass issue, which is 8-9 inches high, issue a Order to Remedy by certified mail to the bank, if within 5 days we can have someone cut it and assess the cost with 5% charge on top of it. If they don't pay it, it gets rolled onto the taxes.

Tom Steed asked if he could look at the As-Builts of Water's Edge to help Buddy find a resolution with the water lines.

RE: EXECUTIVE SESSION

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board entered into EXECUTIVE SESSION at 8:40 pm under the Public Officers Law §7(e) to discuss the PBA collective negotiations pursuant to the Taylor Law and (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, with Police Chief Walsh, Deputy Clerk Murphy and Atty. Dowd. Executive session under Section E of the collective bargaining meeting law. Motion carried 5-Ayes, 0-Nays.

Moved by Mayor Brescia, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 9:00 pm. Motion carried 5-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of May 5, 2015 at 9:01 pm. Motion carried, 5-Ayes, 0-Nays.

Deputy Village Clerk, Tina Murphy