

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery held at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, **February 2, 2010** at 7:30 p.m.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Roepe; Atty. Dowd; OIC Luffman; DPW Supt. Nelson; Russell Budd, EDMARC, LLC & Devitt Management representatives (Marc Devitt, Ed Devitt, Atty. Catalano) Mary Prior; Edwin & Marjorie Tilloston; Bob Hayes; Tom Steed; Wallkill Valley Times reporter.

Mayor Brescia opened the meeting with the Pledge of Allegiance.

RE: MINUTES

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved the minutes of January 19, 2010. Motion carried 5-AYES, 0-NAYS vote.

RE: ABSTRACT NO. 02-10

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 02-2010 were audited and approved for payment, subject to two trustees final review, with \$253,529.15 from the General Fund, \$8,987.44 from the Water Fund, \$24,768.70 from the Sewer Fund and totaling \$287,285.29. Check Nos: 37325-37342; 39883-39968. Motion carried 5-AYES, 0-NAYS vote.

Treasurer Benedict reported a CASH BALANCE for the month ending January 31, 2010, as follows: General Fund \$1,611,678.16, Water Fund \$218,411.92, Sewer Fund \$142,614.89.

RE: CHANDLER LANE/RTE.211 PDD PROJECT –PHASE 1A

Mayor Brescia has recused himself and asked Deputy Mayor Scheels to proceed with the Chandler Lane PDD project. Deputy Mayor Scheels acknowledged Mayor Brescia's request.

Atty. Catalano addressed the Board regarding the Phase I site plan project changes in the application of EDMARC, LLC & Devitt Management. A sketch plan was then presented to the Board. The site plan is presently before the Planning Board. Since it is phased differently than what was originally set forth before you in the PDD process, we thought it would be a good idea to have this Board's approval to alleviate any concerns differing from the actual approval given in 2008. It will be done in four phases. The Board had approved the project in August 2008 by rezoning the 36.55-acre parcel. A SEQRA review was done and a Statement of Findings was issued. Therefore, no further environmental review is required by the Planning Board. Since the project will be developed in phases, there will be site plan review for each phase. Atty. Catalano went on to say due to the economic downturn and a the lack of a market for new housing, Phase

IA will be limited to just commercial buildings and located on the corner of Chandler Lane and Rte. 211. There will be a total of four buildings and approximately 22,000 sq. ft. of commercial buildings with flex second floor space available. There will be a mandate of 12 studio/apartments. He explained to maintain the streetscape, there will be two proposed entrances on Chandler Lane and one on Rt.211. The maximum amount of non-residential square-footage is between 100,000 and 110,000 sq. ft. Phase I will be fully functional with water, sewer and utilities and be able to connect with subsequent phases. The infrastructure would be phased to work with the buildings. The architectural design would be from the vernacular of the Hudson Valley, including Colonial, Colonial review, Georgina, and Federal style. The buildings will not be necessarily uniform as you can see by the pictures on the plan. We want Phase I to be our signature design to enhance the marketability of our project and to show the residents of the Village the type of development the project will be. Atty. Dowd confirmed the plan is before the Planning Board for site plan review and the present plan does differ somewhat and that is why they are here tonight to get approval.

Trustee Roepe asked if they had any confirmation or idea as to what businesses might be there. Marc Devitt stated we had some interest but nothing concrete. It tends to be small users. Atty. Catalano mentioned once they actually see the dirt being moved and the trucks out, there may more of an interest.

Atty. Catalano stated at this point I would ask 1. If the Board has any questions or concerns to let him know, 2. If Phase I is okay, to make a motion to send it to the Planning Board and 3. To keep the Board informed as the project goes along.

Deputy Mayor Scheels advised not knowing if everyone is up to speed on the project she would like to have a work session and if they are, we can vote on it if the Board is comfortable.

Trustee Roepe stated as liaison to the Planning Board and after reviewing the site plan, I am comfortable on voting on it and feel everything is fine. The Board agreed

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board approved the change in the PDD Chandler Lane/Rte. 211 PDD Project –Phase 1A as presented and to notify the Planning Board of the Board’s decision with Deputy Mayor Scheels, Trustee Andolsek, and Trustee Hembury voting AYE and Mayor Brescia abstained. Motion carried.

RE: DPW SALT STORAGE EXTENSION

Mayor Brescia reported DPW Supt. Nelson has negotiated a deal for the Village’s recyclable paper and cardboard to be picked up at the Village garage. We will get \$15 per ton with no contract. This is the first time we will be receiving money for our recyclables in many years. DPW Supt. Nelson met with Interstate Waste Services (IWS) who were looking to buy the recyclable paper and cardboard. IWS will pick up the material and pay the Village. The estimated cost savings per week is between \$150 and \$200. An

extension will have to be built on the salt shed for the recyclables until IWS can pick them up. Three proposals for material to build the extension were submitted as follows: Neversink Lumber - \$592.00, Pro-Build East LLC - \$631.86, Seekamp Lumber Company – \$716.95.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board accepted the proposal submitted by Neversink Lumber in the amount of \$592 for material to build an extension on the D.P.W. salt shed. Motion carried 5-AYES, 0-NAYS vote.

RE: PULVERIZED GLASS AGGREGATE MIX - ICE/SNOW CONTROL

Mayor Brescia advised a decision has been reached on the use of pulverized glass aggregate used for ice control on the roads. I recommend we do not use it at this time. Maybe two or three years down the line the Board will reconsider the use again. DPW Supt. Nelson feels there are a lot of positives to using it, but there is a lot of concern with the public on its use. There are other municipalities that are using it and if we see they are not having incidents like what Mary Prior had brought up at the last meeting we probably will reconsider its use at that time. DPW Supt. Nelson stated we can use what we have for pipe bedding and in drainage projects. We can still buy it for that. Central Hudson uses it for their pipe bedding now. Deputy Mayor Scheels agrees to give it a little more time to prove itself and then we can revisit in a couple of years.

Marjorie Tillotson (2 Sycamore Dr.) said she would like to commend the D.P.W. for getting back to her when she called them with a concern about the use of the pulverized glass aggregate on the road. She expressed concern of the tracking the glass into the house. The glass wedges get into the sneakers and you can't scrape it out like you can with sand. You have to pick it out and it scratches the floors. Some are pieces ¼ inch thick and said she has concerns for her house and children and dogs walking on it. There is neighbor whose said his dog was cut and was complaining about the vet bill he had to pay. I am glad to know it will not be used. Mayor Brescia thanked Mrs. Tilloston for her comments and asked Mary Prior if she had anything further. Mary Prior just asked if it is going to be used in the future to notify the residents maybe in the newsletter so parents can warn their children.

Mayor Brescia and the Board were in agreement to discontinue the use of the pulverized glass aggregate on the road for ice control purposes.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adopted a policy to not use the pulverized glass aggregate for ice and snow control purposes on the roadway until such further time it has been further reviewed by the Board. Motion carried 5-AYES, 0-NAYS vote.

RE: STIMILUS GRANT – STP

Russell Budd, Grant Consultant, updated the Board on the grant for the wastewater treatment plant and apprised the Board of potential money coming from the federal

government. The project is now listed with the EFC. The forms were submitted last year along with the engineer's report. It was approved for the project priority list. The project priority list is for those projects if funds are available and if you score high enough. The Village scored below the funding level. What is happening now is there is some unused stimulus money to commit to projects within their own borders. And they anticipate there will be a very short period for projects to potentially receive this money through EFC and to demonstrate projects can break ground maybe as soon as June. Because of the good work of your engineers the specs have been approved. If the State reaches out to the Village, this project could be in a position to potentially demonstrate that it can break ground by June. There would be a principle forgiveness component to this money. It may be a long shot but it could be put in line just in case some projects in front of us can't make the June deadline. The other project that is working its way through Congress is additional funds for water and wastewater projects and he explained some requirements for funding. In addition, the EFC has a guaranteed bond program that is available to anybody that has a project listed on the priority list, which the Village does. Another program would be a Market Rate Program and he went on to explain the criteria for the programs. One advantage the Village has is the SEQRA process is completed and the bonding is in place.

Russell Budd suggested if the Board allows him to proceed his costs could be kept down by working with the village clerk to fill out some of the application. That would help to keep my costs under \$4,500 to apply for the stimulus money for the wastewater treatment plant. Also, the Board must adapt a resolution authorizing the submission of the grant when it is available and a MWBE officer must be appointed for the project. Mayor Brescia and the Board were in favor to allow Russell Budd to go forward and complete the application.

Moved by Trustee Roepe, seconded by Trustee Hembury, the Board authorized for Russell Budd Grant Consultant to complete the CWSRF application and approved consultant fees not to exceed \$4,500.00. Motion carried 5-AYES, 0-NAYS vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board appointed Village Clerk Linda Thompson as MWBE officer for construction under grant being requested. Motion carried 5-AYES, 0-NAYS vote

RE: REPORTS

DPW Supt. Nelson reported with the help of Rural Water Association and their new equipment an 8" watermain break was repaired on Senior Street. The new sludge hauling contract at the Sewer Treatment Plant will see a huge savings over our previous years. It is estimated (based on the previous years' tonnage) that the Village will save between \$25,000 and \$35,000. Also, George Cefalu (141 Purple Martin Rd.) has asked the Village for relief for a sewer backup that happened on a weekend. He had spoken with Mr. Cefalu who indicated trees roots on his property blocked his sewer pipe causing a backup. Mayor Brescia said unfortunately there is nothing the Village can do.

Mayor Brescia reported the dog wash has been completed with the assistance of DPW Supt. Nelson, Frank Polera and Richard Nelson. They did an excellent job. A golf outing fund raiser is planned for the spring to help pay for the dog park as well as other fund raisers.

Trustee Hembury reported he was at a party at the senior center and the fire department was called because a balloon set off the fire sensor. Therefore, he is recommending a key lock box on the outside of the building for use by the fire department. Mayor Brescia asked DPW Supt. Nelson to look into it with OIC Luffman.

Trustee Roepe reported he attended an informative seminar held by the DEC on deer management. Yearly permits are given out by the DEC only to hunters on their list and hunting is allowed only on land where homeowners have given permission to hunt. It is allowed in the Town of Hastings and it seems to work pretty well. Mayor Brescia asked Trustee Roepe to work with the OIC Luffman and the residents to see if they would be agreeable to something like this and see if DEC would be willing to consider it also.

Mayor Brescia reported Deputy Mayor Scheels is working hard to get more programs for the seniors. Deputy Mayor Scheels responded saying she is actively working with Dir. D'Angelo and Pat Bauman on activities for the senior center by giving a questionnaire to the New Horizons Senior Club to see what they would like to have providing, funds are available. Bob Hayes asked if the donation of \$2 for coffee could not be charged to the men that are playing cards on Friday. Deputy Mayor Scheels recommends not charging a fee to the card players and the Board agrees. Bob Hayes also requested the senior center be available between 9:00 am and 3:30 pm to play cards on Fridays. After a discussion, the Board was in agreement for the card players to use the center on Fridays between 9:00 am and 3:00 pm. Deputy Mayor Scheels said she is working with Dir. D'Angelo with the hours and having a movie day as well as other activities.

Bob Hayes advised he is not having the dinner/dance he talked about at a previous meeting but asked if he could use the center for a free concert in May. Mayor Brescia responded saying he does not see any reason why not as long as he works out the schedule with the Village Office.

RE: SENIOR CENTER – CARD PLAYERS COFFEE DONATION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board agreed to waive the donation of \$2 for coffee for the group that plays cards on Friday at the Senior Center. Motion carried 5-AYES, 0-NAYS vote.

RE: SCHENLEY CONSTRUCTION - MAINTENANCE BOND REPLEASE

Moved by Trustee Roepe, seconded by Trustee Andolsek, the Board authorized the release of Schenley Construction, Inc. Maintenance Bond No. 19905M subject to final inspection and approval by DPW Supt. Nelson and Village Engineer Lanc & Tully, PC. Motion carried 5-AYES, 0-NAYS vote.

RE: MONTGOMERY MANOR PILOT FEES

Mayor Brescia and the Board acknowledged a letter from Montgomery Manor, L.P. (senior housing) requesting to pay the annual PILOT fee in monthly payments. Upon review of the letter, Atty. Dowd advised the Board can do that but it must be approved by the Town as the PILOT fee is shared with them. Mayor Brescia asked Atty. Dowd to contact the Town attorney and report back to the Board.

RE: EXECUTIVE SESSION

Moved by Trustee Roepe, seconded by Deputy Mayor Scheels, the Board entered EXECUTIVE SESSION at 8:46 pm under Public Officers Law §7(e),(f) to discuss the PBA Union Contract and personnel with OIC Luffman, Atty. Dowd and with Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAYS vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 9:32 pm. Motion carried 5-AYES, 0-NAYS vote.

RE: ZBA RESIGNATION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board declared a vacancy on the Zoning Board of Appeals as Member Gregory Gorton, not a resident of the Village, no longer qualifies to hold said position. Motion carried 5-AYES, 0-NAYS vote.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting at 9:35 pm. Motion carried 5-AYES, 0-NAYS vote.

Village Clerk Linda L. Thompson