

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, **March 16, 2010** at 7:30 p.m.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Roepe; Atty. Dowd; OIC John Luffman; Officer Wieringa; John Ingrassia; Mr. and Mrs. Alden Link; Robert HAYES; Wallkill Valley Times Reporter.

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

RE: MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board accepted the minutes of February 16, 2010. Motion carried 5- AYE, 0-NAY vote.

RE: LOCAL LAW NO. I-1 OF 2010 ENTITLED “VEHICLE & TRAFFIC”

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board introduced Local Law No. I-1 of 2010 entitled “Vehicle and Traffic” and set a Public Hearing for Local Law No. I-1 of 2010 on April 6, 2010 at 7:20 pm. Motion carried 5-AYE, 0-NAY vote.

RE: FY 2010-11 TENTATIVE BUDGET

The Village Clerk officially presented Mayor Brescia’s Tentative Budget for the Fiscal Year 2010-2011 with a tax rate of \$12.22 per thousand of assessed valuation. The budget represents a 1.2% increase over last year’s budget.

Mayor Brescia said if the Board would like to have work session after looking at the budget to let him know.

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board set the Fiscal Year 2010-11 Tentative Budget Hearing on April 6, 2010 at 7:30 p.m. to take and hear comments relating to the tentative budget. The motion carried 5-AYE, 0-NAY vote.

RE: 2010 SUMMER RECREATION PROGRAM

Deputy Mayor Scheels reported she has been working on the budget with the director of the summer program. The 2009 program was very successful and well attended for being the first year of a full-day program. The 2010 program fee will be increased by \$50. We are working on a swimming program this year as well as bus trips.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board set the 2010 Summer Recreation application fees as follows: \$300 for one child, \$450 for two children and \$575 for three or more children. Motion carried 5-AYE, 0-NAY vote.

RE: ZONING BOARD OF APPEALS - APPOINTMENT(s)

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board appointed Craig Henrie as a Member of the Zoning Board of Appeals to fill the unexpired term of Linda Bartle, term expiration April 2, 2012 who is no longer a resident of the village. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board appointed Walter Lindner as a Member of the Zoning Board of Appeals to fill the unexpired term of Gregory Gorton, term expiration April 1, 2012, who is no longer a resident of the village. Motion carried 5-AYE, 0-NAY vote.

RE: BOARD OF ETHICS - APPOINTMENT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board appointed Steven Casper as Member of the Board of Ethics to fill a vacancy, term expiration April 2, 2012. Motion carried 5-AYE, 0-NAY vote.

RE: MEMORIAL DAY LUNCHEON

Mayor Brescia advised the Veteran’s would like to use the Senior Center for a luncheon on Memorial Day and a breakfast will be held at Winding Hills that day. This may help with more participation for the day.

Bob HAYES said the breakfast will follow the normal routine of the American Legion firing a round in memory of the Veterans at about eight memorial places and the last stop will be at Winding Hills with the breakfast to follow before and the parade will be later. The breakfast is donated by Winding Hills Golf Club and the breakfast will be served by the Boy Scouts. Then the luncheon for the Veterans will follow the parade at the Senior Center.

Mayor Brescia added the Memorial Day Parade and events for the Veterans will be put in the newsletter.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved for the Veteran’s Day Luncheon for the Veterans to be held at the Senior Center subject to a certificate of insurance. Motion carried 5-AYE, 0-NAY vote.

RE: BUDGET ADJUSTMENTS

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board authorized Treasurer Benedict to make budget adjustments as follows:

	<u>From:</u>	<u>To:</u>
\$ 341.03	1410.400A (Clerk Contractual)	1450.400A (Election Contractual)
319.62	1910.430A (Spec Items Liab Ins)	1970.000A (Bank Fees)

87.56	1910.430A (Spec Items Liab Ins)	1980.400A (MTA Commuter Tax)
200.00	4210.411A (DARE Supplies)	4210.400A (DARE Contractual)
3,000.00	1990.000A (Contingency)	7550.401A(Bicentennial Celebration)
2.10	8130.420G (STP Utilities)	9720.001G (Sludge Press SIB int)

Motion carried 5-AYE, 0-NAY vote.

RE: REQUEST FOR SENIOR HOUSING (211-1-29.22)

Alden Link, property owner, addressed the Board concerning property on Rt. 211 across from Chandler Lane. To update the Board there is about 34 acres and after four years trying to market the property there was only one person wanting to build a house and another one wanting to buy two acres to build an automobile repair shop. There were serious inquires about wanting to build senior housing. There is 15 acres above water and of that there is 11 acres which is buildable after taking out the setback.

Mayor Brescia asked if they were developers who are experienced at building senior housing and if Mr. Mandalbaum who built Montgomery Manor had expressed an interest. Mr. Link responded saying ‘yes’. If the Board feels that is the direction to go then a zone change may be required. The other possibility, not happening yet, is the FAA is talking about extending the runway at the Orange County Airport. They will be adding 2,000 feet and if they do that it will mean a lot more commercial traffic and a need maybe for a hotel. So, that is another possibility why a zone request may be requested. Mayor Brescia asked the number of units Mr. Mandalbaum is speaking about and if it was all senior housing or mixed commercial. Mr. Link responded saying he was talking about 100 units on four acres and feels because there will be conveniences across the street for the seniors like the approved development for stores and shops they can patronize without getting into a car. So, that might work out nicely for them. He has been negotiating with the developer but has yet to make a deal for the property. Then the Village Board was asked if they would consider the request and if not what would be considered.

Mayor Brescia stated this is the first we are hearing about this and he would like to think about it before making a decision. A mix of commercial and senior housing might be considered. Deputy Mayor Scheels feels there would be an advantage if the Chandler Lane Project goes in and the shops are there, the seniors would be right across from there.

Atty. Dowd advised Mr. Link’s proposal for senior housing does fall within the Senior Citizen Development Overlay District created by the Board (2003). The minimum requirement is the project must be on a state highway and have at least three acres.

Mayor Brescia said Marc Devitt’s project across the street has a mixed use of commercial and housing. Not speaking for the Board, he would like to see a mixture of something else with the senior housing. A plan is needed for the Board to look at.

Trustee Hembury stated he is concerned with the airport wanting to extend the runway. After growing up in the Bronx and hearing the jets flying over, does that mean there will

be noisy jets flying over? Mr. Link said the runway would be in back of the property and feels it would be much different.

Trustee Roepe said there are several projects in and around the village like the project of across the street. The Village at Goodwill has senior housing. At this time I am not willing to give an opinion as this concept seems to be quid pro quo (“something-for-something”) because you would like to build something but a zone change is needed. We need to see what it is you are proposing. My first concern now is there are certain strains on our infrastructure. I would want to really examine what you are proposing and discuss it with the Board before making a decision. Mr. Link said he is at the stage to see whether the Board has any serious objection and then if the Board has none then he can negotiate with whoever is going to do the project in good faith and then bring a proposal back to the Board.

Mayor Brescia said along the line of what Trustee Roepe said the Board would like to see something more concrete. At this point, we can only say that we will entertain the idea.

Atty. Dowd said in the overlay district there is a minimum of three acres and 24 units per acre. So, there would be a maximum of 96 units on four acres. If you go with a different use then Mr. Link’s project could be considered under the PDD (Planned Developed District) as it is in the industrial zone.

Mr. Link added that he feels it is a win-win situation because the project would not have an impact on the schools. Mayor Brescia said he does not see the proposal for senior housing as a stand-alone project. The Village wants commercial projects like a professional office or light industry, not heavy industry. Trustee Roepe advised he is more favorable to that and definitely would like to see a proposal. Mr. Link said it is not the right time to build and try to rent it. Trustee Roepe said he personally would not like to make a decision based on not having a market value or because of economical times. We should be looking out for the Village for years to come.

Mr. Link thanked the Board and said he will work on bringing a proposal before the Board.

RE: SENIOR CENTER ACTIVITIES

Deputy Mayor Scheels reported she is actively working on programs like getting Bridge card games for the Senior Center. In April there will a movie afternoon, dance classes and knitting classes. Mayor Brescia said the card games can be scheduled for the same day. Mr. HAYES thanked the Board for their efforts in getting more activities for the seniors at the Senior Center.

RE: VILLAGE GENERAL ELECTIONS

Trustee Roepe advised he has been asked if it would not be better to combine the election for village justice with the election of the mayor and two trustees or with the election for

two trustees and the village justice. It could cut back on the election expenses to combine it as the village justice position is the only position that is open for that year.

Mayor Brescia said the only way to accomplish that is to stagger the village justice term so it would eventually coordinate with one of the other election years. The reason it falls in that odd year is when we changed from two years to four years and the mayor and two trustees first term was for three years and it was no longer concurrent with the judicial race. It sounds like a lot of money for the election but it really is not.

Atty. Dowd advised what could be done is after this election for village justice is to change the village justice term to three years so as to be concurrent with another election and then the term would go back to a four year term.

Trustee Hembury said the elections have been pretty smooth so far but what happens if there is challenge. Mayor Brescia said it would still be the same cost. That probably would not have an effect on the election inspectors because in the past they have had busy days and sometimes they are not busy. In the past there have been over 900 that have voted. Trustee Roepe asked if it would make it a better election. Trustee Hembury feels the judge position is a very important election so he would not like to merge them all in together. Mr. Hayes agrees with Trustee Hembury and agrees the cost is not prohibitive. Mayor Brescia said if it could be done easily, he would not have a problem changing it back. But, there are good arguments on each side.

RE: DOG PARK FUNDRAISER

Trustee Hembury advised he has been asked by a couple of residents when the water for the dogs would be turned on at the dog park. Mayor Brescia said DPW Supt. Nelson is working on that and the upcoming fundraiser will give us more money toward the dog park.

Trustee Andolsek elaborated on the upcoming fundraiser to benefit the dog park. There will be a golf outing held on May 22nd at Winding Hills Golf Club. Lunch will be served at noon with a 1:00 pm shotgun start. The fee includes lunch, beverages, 18 holes of golf with a cart and a golf shirt. All proceeds will benefit the Village of Montgomery Dog Park.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board entered EXECUTIVE SESSION at 8:05 pm under Public Officers Law §7 (f) to discuss personnel with Atty. Dowd and with Vlg. Clerk Thompson in attendance. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 8:45 pm. Motion carried 5-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adjourned the meeting at 8:46 p.m. Motion carried 5-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson