

Minutes of the Public Hearings and Annual Re-Organizational 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, **April 6, 2010** at 7:20 pm.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek; Trustee Hembury, Trustee Roepe; Treasurer Benedict; Dpty. Clerk Griffith; Atty. Dowd; DPW Supt. Nelson; OIC Luffman; B/I Yancewicz; Clerk to Village Justice Barbara Conroy; Skip Chambers; Johanna Sweikata; John Ingrassia; John Fels; Andy & Dillion Johnson; Tracy Green; Darren Doce; Karen DeCrosta; Richard Kurisko; Sarah Roepe; Eagle Scout Louis Cooper; Robert Kiernan; Kevin Conero; and TH-Record Reporter.

RE: LOCAL LAW NO. I-1 of 2010 “VEHCILE & TRAFFIC” PUBLIC HEARING

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board opened the Public Hearing at 7:20 PM on Introductory Local Law No. I-1 of 2010 entitled “VEHICLE & TRAFFIC”. Motion carried 5-AYES, 0-NAYS.

Mayor Brescia noted the Original Notice of Hearing, Affidavit of Publication and Affidavit of Posting were present and ordered they be filed.

Mayor Brescia: Kevin, do you want to give us a summary of the local Law?

Atty. Dowd: Yes, Local Law No. I-1 of 2010 is proposing to amend the vehicle and traffic law of the Village of Montgomery to add stop signs on Goodwill Road in both directions at the intersection of Roosevelt Avenue.

Mayor Brescia: Any questions from the public?

Robert Kiernan: Is that a request by the taxpayers and owners up there or is that a recommendation by the Board?

Mayor Brescia: This is a request from Richard DeGroat. You are not supposed to do it to control speed but it seems like that’s what it does. Are there any other questions or comments?

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board closed the Public Hearing at 7:25 pm. Motion carried 5-AYE, 0-NAY vote.

RE: REGULAR MEETING

Mayor Brescia opened the meeting with the Pledge of Allegiance.

RE: TENTATIVE PUBLIC HEARING FY 1010-2011

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board opened the Public Hearing at 7:31 p.m. on the Tentative Budget for the fiscal year 2009-2010.

The motion carried by a 5-AYE, 0-NAY vote.

Mayor Brescia noted the Original Notice of Hearing, Affidavit of Publication and Affidavit of Posting were present and ordered they be filed.

Mayor Brescia: We are going to go through the budget by department. If there are any questions on the line item ask the question and we will try to answer your question. The total of the budget including water and sewer is \$4.6 million with an increase of 1.2% over last year's budget which I think is very good. Most of the lines are flat with modest increases for the employees. If there are any questions on any line item in the respective department, please ask it and we will try to answer it. First we will start with the Legislative Budget – Board of Trustees . . .

Robert Hayes: Maybe we can have the officer in charge give us an explanation of why his budget is up about 13% from last year, about \$73,000 from last year?

Mayor Brescia: I think that is basically to cover our union contract which is undecided at this point. John, you can add to that but we have to have a buffer in there because we do not know what is going to be decided at the PERB level.

OIC Luffman: Basically, it is an educated guess because these officers have not received a raised in four years.

Robert Hayes: Okay, what kind of a raise were you proposing or what kind of raise are they asking for?

Mayor Brescia: We can't talk about that right now.

Robert Hayes: Why can't you talk about that?

Mayor Brescia: Because we are in union negotiation right now Bob. It's almost impossible to figure what is going to be in there. We think we have it covered. But we can't talk about union negotiations.

Robert Hayes: One of the first things I think we want to talk about is that if they are asking for an increase that is four or five percent they should first look at the people in the Village of Montgomery. A majority of the people may be seniors and they got zero increase this year. Before you finish negotiating the contract, they should take into consideration what the people who are paying taxes are doing. And the senior citizen got zero this year and they will probably get zero next year so I can't see a salary increase of four or five percent for anybody.

Mayor Brescia: Understood. Are there any other questions? Yes.

Robert Kiernan: Under personal services for the police there is \$573,000. I do understand it is for increases for union negotiations and coverage. But, what I don't

understand, Mayor, is the nearly \$75,000 increase in the total budget for the police department

Mayor Brescia: Most of that is in personal services and we can't forget about retro if we have to pay it because they have not received an increase since the beginning of the 2007-08 fiscal year which is three years ago.

Robert Kiernan: If in fact, the number on our proposed budget is three quarters of a million dollars which could be plus or minus and I'm sure that after the negotiations of four years and a new negotiations waiting on the horizon which is in May, I'm going to think in my mind that \$774,000 is a low figure. I was just wondering if this Board has done anything to look at other possibilities to get that number in the budget lower.

Mayor Brescia: Well, we think it is a fair number. I don't want to go to low with it.

Robert Kiernan: I understand that.

Mayor Brescia: We may be looking at a situation where we may have to cut man hours and we don't really want to do that, but we are at the mercy of PERB right now.

Robert Kiernan: Does things look a little favorable for the village? I'm not opposed to giving a man a raise on a yearly basis. Keeping in mind, if we have substantial high raises and the budget has gone up only 1.2%, we are cutting tremendously in other areas.

Mayor Brescia: I think the raises we have in there are modest and I don't think the other side is looking at it.

Robert Kiernan: The raises that I see as far as the clerical and board are a couple of hundred dollars which is not an effective number at all.

Mayor Brescia: It is very difficult to figure out the police budget right now.

Robert Kiernan: When do you think it is going to be?

Mayor Brescia: I don't think that it is going to be that much longer but it might be at least a few months, I believe.

Robert Kiernan: I am just concerned and I have always been because you know I was very active in getting the men extra money, but again, I'm not denying anybody getting a raise for services rendered. Believe me. I'm in the labor class myself and have been all my life, but I'm just a afraid with the way this country is heading right now, from Washington right down to the next door neighbor, we have money problems. People are sacrificing everyday, especially the older people. They are not updating their cars and they are certainly getting less of a social security checks. It's not healthy and you should take it serious and look at things.

Mayor Brescia: I think John (OIC Luffman) did and I don't think he has a car in the budget. Do you John?

OIC Luffman: No.

Robert Kiernan: There should be because everybody knows they do not have much to run around with for the last three or four years.

Mayor Brescia: I know and Buddy (DPW Supt. Nelson) was talking to them about trying to do something cooperative. We are going to look at that but it's something that we don't feel that confident with but we think it is a fair figure in the police personnel line. John had worked on it many hours to get the number down. We hope the contract does come in reasonably. Are there any other questions?

Jon Fels: (Pleasant Ave.) I live on Pleasant Avenue and my wife is Charles LaRocca's daughter. I am going to work three months out of the last twenty. Some of my neighbors . . . have not worked much either in the few months. A family down the street had to sell his house because he could not get a job and had to relocate with his wife and three children to another state at his expense. There are a lot of people that are feeling it. My family income is down 40%. We have a lot of building projects. Last week we were talking about a project that needs a zone change down by the end of the Village, Vistamore housing and development of the property by Chandler Lane and eventually you are going to need to upgrade your services. I know my pipes on Pleasant Avenue, which I will never complain about and is public knowledge, stinks. And I have heard people snickering about the sewer not being that good over there. So, we have, like Bob Hayes says, a lot of stuff coming down the road. I went up to lobby day in Albany last month to advocate for more money for library systems. When is the last time the library in this town got any money? . . .

Mayor Brescia: Not to cut you off, Jon, but let's continue to go through the budget, line item by line item and now we are on the police department. You are bringing up some valid points and if you still have questions afterwards, we can answer them at that time. We are almost through the budget, Jon, so let's continue.

Jon Fels: I don't have any questions. I'm just stating a fact that the village is experiencing financial hardship and we have to keep that into consideration.

Mayor Brescia: We absolutely are. Thank you for your comments.

Trustee Roepe: I have some questions about the police department. The question about the raises for the police department is they have not been paid and the contract has not been resolved. Last year, we raised the taxes 9.25% to anticipate the resolution on the police contract and that is why the jump in the personal services. My question is, if that event never happened and that anticipated expense for a raise never incurred and it was budgeted and once again there was another raise on top of that, how does the mechanics work when there is a resolution or a settlement to the police contract? Where

exactly is that money now? Is that money in an account somewhere, the \$100,000 from last year, or is that money spent anyway? Do you know what I mean? We did not have the event last year.

Mayor Brescia: But it could be an accumulative thing with the retro and the shift differentials with all the other stuff. If you calculate your shift differentials, your retro, that could be a substantial number. John thinks he got that covered in this number. It didn't happen last year, but that year could be added. We may have to pay retro for the past three years.

Trustee Roepe: That is part of the reasons for my questions. The budgeting for the personal services this year, is that number anticipating, in addition too, basically retro and expenses from the resolution of this contract as they would be retroactively applied? Did we spend \$500,000 in personal services last year and if we didn't, once again, the \$572,000 budgeted this year is that the cushion that I am speaking of?

Mayor Brescia: How much did we spend last year, Heather, do you have that?

Treasurer Benedict: Well, if he is actually meaning last year, it's on the budget, because that would be 2008-2009. If you are speaking about the current year we are in, which of course is not finished yet, to date we have spent almost \$300,000 (\$297,365).

Mayor Brescia: And we still have about three months left, give or take. There are more expenditure in April and May months than January or February which are slower.

Trustee Roepe: When the event does occur and the significant expense for the contract is retro pay, but not necessarily the pay increase, might not justify the amount in the personal services line this year.

Mayor Brescia: It might not. But I don't think John had anymore man hours. I think he might even have a little bit less in the budget this year.

Trustee Hembury: I just warn you be very careful about playing with the police department. Courtland did away with their police department and I read it on the teletype everyday, because I am a cop myself, and they get armed robberies like crazy. Brewster the same thing, they did away with their police department, crime is out of control there.

John Ingrassia: Did somebody say we are going to do away with our police department?

Mayor Brescia: No, we are just talking about covering the budget when we get the figures from PERB. Once we get those figures, Heather (Treasurer Ross-Benedict) is going to have to work it out. It's going to be grueling to figure out what we will have to pay in retro and what we are going to have to work with. And then John (OIC Luffman) will have to recreate the budget, in a sense, to see where we are at.

Trustee Hembury: I was not discussing doing away with the police department. You just have to anticipate a PERB decision. We cannot discuss a PERB decision. We cannot discuss the process. We can't even discuss the budget with the police department. PERB will come out with a number and we will have to pay it. So, that is why we can't say what is going on.

Mayor Brescia: So, what are we trying to get at here?

Trustee Roepe: Do you have what the cash surplus was in last's year budget? I don't have last year's budget with me.

Treasurer Benedict: That we used against the budget?

Trustee Roepe: Yes.

Treasurer Benedict: \$500,000.

Trustee Roepe: If we budgeted for an increase for about \$100,000 for police services for last year, but we didn't have to pay that money, and if it is not in an account somewhere, whether it was spent or not spent, my question is, does it manifest itself the following year as basically cash surplus and we then list it as revenue?

Treasurer Benedict: Whatever money that is not spent out of the current budget is still there. So, yes, it is part of the surplus.

Trustee Roepe: Which is fine, but just as a word of caution, I mean that extra money is not really revenue. It's going to be expensed and if we get hit with that expenditure, which we did not get hit last year but most definitely will get hit with it this year, but that extra money from last year that we budgeted for now it seems to me is rolled over as revenue. But it's not really revenue.

Treasurer Benedict: Right. It's just money that is there.

Trustee Roepe: So, the next year when we use whatever money that is not used this year will go into the following year. If we maintain almost a half million dollars as a cash surplus, it could really cause a potential budget problem the following year. If we have to pay \$200,000, in essence it comes out of the cash surplus . . .

Treasurer Benedict: We don't appropriate the full surplus toward the next year's budget. For one thing at this point, I don't really know what the surplus will be. We are not done spending.

Mayor Brescia: Heather projects and she usually is pretty good about it.

Trustee Roepe: I'm sure you are. Again, I am just asking a question, how does money that we budget for and taxes from last year eventually manifest itself? It's not in

an account somewhere where you can refer to it. In essence, it's not in an account and rolled over and listed in revenue for this year, but it's not really revenue because it is going to an expense.

Treasurer Benedict: It's not listed as revenue. It is listed as an estimated cash surplus. It's money that is available. That's the bottom line. The two lines on the front page is where you get the estimated revenue and estimated cash surplus. What that is saying is here is the bucket of money we have got to work with this year.

Trustee Roepe: Right. The difference between what the bucket of money the village takes in and the bucket of money the village has got to spend and that difference is what we have to levy.

Treasurer Benedict: Correct.

Trustee Roepe: So, if one of the buckets is more or less full, that affects the eventual assessment on the taxpayer. So, I'm just once again saying, if the appropriations on the revenue side is actually deceptively lower than what it looks like, it's going to have to manifest itself somewhere and the difference we are going to have to make by levying taxes.

Mayor Brescia: The bottom line is what are we going to spend on personal services? I just hope \$572,000 is enough to cover that. Otherwise, we are going to have to seriously make cuts or we will have to look at contingency and that is what it gets down too. It's a grime reality and it's not easy to figure out. Are there any more questions?

Robert Hayes: One more thing in the police services. The actual for 2008-2009 was \$396,000 and for 2009 it was 500,000. How about for 2007 and 2008? You said they did not get a raise, so was there money appropriated for that and if so where is it?

Mayor Brescia: In 2007 I believe they had an increase and we did not start the negotiations until June of 2007 (after the budget was adopted). They got their raise in the fiscal year 2006-2007 budget.

Treasurer Benedict: I believe so. I would have to check my figures.

Robert Hayes: So, they did not get a raise in 2007 and 2008?

Mayor Brescia: No. I don't believe so. What was spent was \$356,000.

Robert Hayes: So, you have another \$40,000 sitting someplace . . .

Mayor Brescia: It was \$40,000 more in the 2008/2009 fiscal year.

Robert Hayes: Okay, the difference is \$40,000 and that money was appropriated and you did not spend it because they did not get a raise, is that money still available?

What I'm getting at is, you had spent \$396,000 and that is fine . . . but the money appropriated in the following years should not have been spent for regular salaries. That should have come out of the regular budget.

Treasurer Benedict: It was spent. It might have been spent on extra hours for General Montgomery Day. It might have been for extra details. I don't know without going back to see how it was spent.

Robert Hayes: All I am saying is you were talking about having two \$100,000 things. Andy mentioned it.

Trustee Roepe: I believe that \$100,000 manifested itself this year as the extra revenue. \$396,000 was spent. My point about the \$100,000 this year and last is that since it was budgeted it shows up as an estimated cash surplus which would then account as a revenue.

Treasurer Benedict: I see what you are getting at Andy because at the bottom of that page it says total revenues. Maybe a better line would be total money available because nobody in my office thinks of it as revenue. It's money we have already got.

Trustee Roepe: The difference between the money that we have or collect or take in verses what we have got to spend somehow has to be incorporated and has to be relieved on the taxpayers. I'm only asking what the mechanics are when the contract is resolved and how it's going to manifest itself. So, it will be less revenues going into the next fiscal budget.

Robert Kiernan: It will probably come out of your estimated cash surplus on page 1.

Trustee Roepe: If the \$100,000 comes out of this year's budget you'll be coming up \$100,000 short in next year's cash surplus. Is that how it works? If PERB comes out with a decision tomorrow and said to the Village of Montgomery you have to pay this and this is what the guys are entitled too and these are the raises they are going to get and if it is an extra \$100,000 then what we budgeted for this year, and if it is not in an account somewhere, where does it come from?

Mayor Brescia: As much as feasible, it's going to come out of the police budget and if we are up against the wall then we are going to have to take some out of contingency. But, we may have to cut other lines in that police budget if we have a shortfall. We think that we are going to be covered by the \$573,000 that is in personal services. But, if we are not, we are going to look at it more seriously. Can we move on because we have the rest of the budget to go through? This is the public hearing and if you have any more questions we can answer them in the regular meeting. Andy, if you want to change that figure or make a suggestion, let's do it. But if that is the figure that OIC John Luffman feels comfortable with then we should go with it.

Robert Kiernan: What I think Andy is talking about is if you have not spent the money that was designed for an increase in the past, where is that now? I think that it is in the cash flow excess.

Mayor Brescia: Yes and that is one of the reasons why that figure went from \$500,000 to \$573,000. We think we are covered there. There are so many variables in the contract, it makes it so difficult to figure out.

Robert Kiernan: Is this a figure you and John Luffman feel comfortable with in the budget and after having PERB meetings?

Mayor Brescia: It's difficult. I feel a little uneasy but I think we have some level of comfort. I hope we are not in a situation like the Village of Walden a couple of years ago when they had to pay a large fee. But the economy was a little different then it is now. Are there any other questions on the police budget? Okay, we will continue to go through the budget line by line.

Robert Kiernan: The D.A.R.E program is working pretty well from what I understand.

Mayor Brescia: Yes. This program is working very well and they had a great graduation a couple of weeks ago.

Robert Hayes: I would like to make a comment on the street department budget. Buddy, you are doing a great job with the street department especially after the hard winter we have had and he had only an increase of his budget by 3%. He should be commended for that.

Mayor Brescia: Thank you Buddy. Most of the increases were in the union contract.

Robert Kiernan: Under parks and recreation I have a suggestion. I know Deputy Mayor Scheels does a great job with our summer program with all the kids. In the park I see a lot kids hanging around and doing nothing so I would like to see more activities especially in the summer for the teenagers – 14-18 year olds or 14-16 year olds. I don't know if it's the village's responsibilities, it's certainly not the cop's responsibility, but maybe there should be a committee of citizens or taxpayers to organize and help these kids out. The kids are bored to death because there is nothing for them to do.

Deputy Mayor Scheels: We are trying to go through the state's packet that is about this thick, to get an after school program going. They gave it to us last year and we are muddling through that so that hopefully we will have the after school program this year. And John does the dances with D.A.R.E. and Bike Rodeo.

Robert Kiernan: If you can get a hundred kids involved it's one less kid doing nothing.

Deputy Mayor Scheels: Right now I'm working with the seniors trying to get more senior activities. But, we were discussing opening bingo and the movies up to everybody. So, we are working at it.

Mayor Brescia: Under library, there is no increase this year. In my twenty of years of being Mayor, one of the largest increases over the last twenty years has been for the library. When I became Mayor I think our contribution was about \$6,000 and now it is \$25,000. They have not asked for an increase this year.

Jon Fels: My wife happens to be a librarian and I know the Town contributes \$25,000 and the village contributes \$25,000. So, the total budget for the whole library is \$50,000. The library for the Town of Cornwall is over \$900,000 and the library budget for Goshen is over \$1 million, the largest library in Rockland County is over \$7 million and the new library in Wallkill starts at \$500,000. This library competes with Walden and Maybrook. If you want families to grow and have a better education, you should be investing in library services. The library is something that services all the communities throughout the year. What I am saying is look at it as a long term issue.

Mayor Brescia: It is very important and if we had the tax bases like the towns you are talking about, we could definitely put more money in the library budget. We did pick up the cleaning of the library along with the insurance cost and repairs. They are rent free from the village and the library is very important to us. We will definitely look at it. And I know the Library Board and the Friends of the Library work very hard raising funds to make up for the shortfall. Thank you, Jon, for your comments.

Robert Kiernan: As you know I am part to the museum and I have a question. What is being done about the spires on top of steeple at the museum?

Mayor Brescia: Dennis Matthews is working on them as we speak.

Robert Kiernan: Is he doing it for free?

Mayor Brescia: No, we are paying him. We spent a lot last year out of emergency repairs for the museum in Wesley Hall.

Robert Kiernan: How much are we spending for the spires because the old spires were in good shape.

Mayor Brescia: Bruce (Yancewicz) was going to do them.

Bruce Yancewicz: The spires are rotted.

Mayor Brescia: Dennis is trying to replicate the spires.

Robert Kiernan: If they are not usable Bruce, can Marion (Historian Wild) get them back? She would like to have them.

Bruce Yancewicz: Sure.

Mayor Brescia: Yes, she can have the spires. Is there anything else under museum? We can continue then . . . Program for the Aged . . .

Robert Hayes: Is there salaries that come out of that?

Treasurer Benedict: No salaries are taken out that line.

Robert Hayes: Where does the director's salary come from?

Mayor Brescia: For all intents, the contributions are used for salaries too. In answer to your question, Bob, it does indirectly.

Robert Hayes: That should be changed immediately. The Board of Directors for the senior center should be done away with and the director and assistant director should report to the Village Board of Trustees and be responsible to them for their actions. There should not be any other level . . . to get it under your control as it should be.

Mayor Brescia: Thank you Bob. Are there any other questions?

Robert Kiernan: Under garbage, I have been thinking about the lady at the budget hearing last year who mentioned that one way to save would be have garbage collection one time per week verses two times a week. Three time per week the average person or homeowner has a DPW vehicle in front of their house picking up trash or recyclables. I know I may pinch somebody's job, but is there any chance looking at once a week for trash?

Mayor Brescia: Ellen Heaney was the one that asked that question and we had a show of hands of how many people in the audience would prefer to go once a week or twice a week and it was overwhelming. I think only five people raised their hands for once a week and probably 25 raised there hands to keeping it twice a week.

Trustee Andolsek: Buddy (DPW Supt. Nelson) also explained that there would not be much to save because you are still going to have the same amount of garbage whether they are there once a week or twice a week.

Mayor Brescia: This goes back years where is has been twice a week garbage collection and people are spoiled with twice a week pickup. Some people put one can out and some put ten cans out. That's a tough one. We saved a lot of money since we went with our village garbage pickup as opposed to having a contract and that is the reason we did that.

DPW Supt. Nelson: The only problem with once-a-week garbage collection is that you will have a 10 or 11 hour day to pick up the whole village and you'll have more overtime.

Mayor Brescia: If there are no more questions, we will continue through the budget.

Robert Kiernan: The one thing that was brought to my attention, with no negative vibes intended and I know you are a big proponent of the police department as it is and I will agree with you there are a lot of good police officers and I will continue to say it, but there are benefits (for the police) and we tell everybody that we don't contribute to the benefits. Is the \$29,000 (under Employee Benefits) included in the \$743,000 police department line?

Mayor Brescia: No. We are obligated to pay this under the retirement system. That is the only benefit that they get for part timers.

Robert Kiernan: I know that too and I'm not begrudging them of it because we voted for that when I was on the Board. I was just curious about the \$29,000 and the people should be aware of it so they don't think there are no benefits at all.

Mayor Brescia: That figure goes up proportionately, right Heather?

Treasure Benedict: What happens is we get a letter from the retirement system letting us know what they'll be going up too and it's based on the hours they worked.

Trustee Hembury: We like having a police department for the security. The fact that you can go to bed and know that your house is not going to be broken into in the middle of the night because there is going to be an officer riding around. I have seen so many people say I wished I had an alarm system in my house.

Mayor Brescia: Any more questions? Then we will continue.

Robert Kiernan: I have a question under serial bonds. Does this page include the new bond just signed for \$6.5 million for the sewer plant?

Mayor Brescia: No, it doesn't.

Atty. Dowd: We have not borrowed it yet.

Robert Kiernan: I thought it had been approved.

Mayor Brescia: No, the bond was just authorized.

Robert Kiernan: One last question on that. What is the percentage when we borrow on that?

Atty. Dowd: We don't know because we have not borrowed on it yet.

Robert Kiernan: Okay.

Mayor Brescia: Also, Russell Budd (grant consultant) met with Buddy and I today and asked if whether or not we want to borrow the whole amount and then set the Village at Goodwill money aside to pay for some of that, but the contract was not written like that.

Robert Kiernan: Have they gone through with that yet?

Mayor Brescia: No.

Robert Kiernan: The estimation on doing that building has nearly doubled since you got the bond.

Mayor Brescia: They have one year left until we can assess them on capital improvements. There is a six year window and after April there is one more year left on that. So, that covers on that. Russell Budd is looking at this and we are trying to look at some low interest loans which could save us \$1 million in just the borrowing. We are also looking at stimulus grants. Are there any other questions on the bonded indebtedness page or the anticipated revenue page?

Jon Fels: Are we depending on revenue from the state?

Mayor Brescia: Not so much as we use to be.

Treasurer Benedict: State revenue is \$14,612.

Mayor Brescia: It use to be quite a bit more that that.

Jon Fels: If you call your state legislator they will probably tell you that you don't have that.

Mayor Brescia: We never figured much on that. We get a lot of revenue from the County sales tax which I'm hoping that we will see a little bit more this year. Heather figured it fairly close. We may get a little bit more with the census population figures being up. So, encourage your neighbors to fill out their census form because it is very important to us. Are there any more questions on the revenue page? I don't think that we have to go through the water and sewer budget, but if anyone has a question on a whole let's us know.

Robert Hayes: All I want to know is when are we going to stop getting dirty water on Pleasant Avenue?

Mayor Brescia: Buddy, do you want to address that right now or save it for the regular meeting? Buddy has been making some progress on that and I know Karen DeCrosta is here for that.

DPW Supt. Nelson: The environmental consultants have been helping me out on the deteriorating lines and manganese levels that are higher than they were five or six years ago . . . there is a chemical we can mix with the water. We are working with them to get the correct solution that we need. We have been working with the OCDOH but unfortunately the guy that we have been working with has been off close to a month which is slowing us down a little. We need his approval before going any further. We don't want to spend a ton of money on this if it is not going to work. Maybe this new type of phosphate can be put in the system and then it will take few months to work. They are telling me after a few months and do a lot more flushing of the hydrants it should keep the brown water from coming out into your pipes. It will only come out when we flush the hydrants. We are definitely working on it.

Robert Hayes: Thank you.

Mayor Brescia: Are you talking about Holt Well #3?

DPW Supt. Nelson: Holt Well #3 is higher than Holt Well #4 so we have Holt Well #4 on line and we have Holt Well #3 off line until we get this straightened out.

Mayor Brescia: Has the water gotten a little bit better in the last couple of weeks?

Karen DeCrosta: This is what a brand new filter looks like and this is since February. I thank all of you for installing the filters, but this is a lit bit more than sediment in the lines.

Mayor Brescia: We can continue to supply the filters until we get this resolved. What is being said basically is it is not the line on Pleasant Avenue?

DPW Supt. Nelson: Yes. That could be the main contributor to the brown water - the lines on Weaver and River Streets.

Mayor Brescia: We have a grant application in for the Weaver Street watermain line which will cost about \$300,000 to replace, but, there are other 4 inch lines which are really worst than those lines. Most of them have been replaced and there is still a couple more to be done.

Karen DeCrosta: I think the last time I was here I asked which well supplied Waters Edge but I'm not 100% sure because Buddy was not here at the time.

DPW Supt. Nelson: The entire water system is collected and so where ever the highest demand is where that water goes whether it's coming out of Holt Well field or Jacobson

Well. Most likely if you live on Waters Edge then it could be coming from the Holt Well fields.

Mayor Brescia: So that is why they are getting that, from the Holt #3, but it should improve because now we are getting water from Holt Well #4.

DPW Supt. Nelson: There is magnesium in Holt Well #4 also. Jacobson Well does not have any in it and it's only about 1/4 miles away.

Mayor Brescia: Hopefully, when this testing gets done it will be resolved. Unfortunately, it is going to take a little while longer. Jon (Fels) brought up something about the sewer line down there.

DPW Supt. Nelson: We had a couple of backups five or six years ago but we had other ones too.

Mayor Brescia: And you are trying to do regular maintenance for the sewer jet?

DPW Supt. Nelson: Yes.

Jon Fels: My only point is when you have a lot of services they are competing for the same pot of money. I have nothing against the DPW, they are always working. And what Bob Kiernan is saying, this is a tight budget. My intention is not to say that I want this or I want that, I'm just bringing it to your attention.

Robert Kiernan: I remember when those lines were put in up there and those lines, water and sewer, are probably down in the ground 20 or 25 feet . . .

Mayor Brescia: Any questions on the water or sewer budget? Okay, any questions or comments on the whole budget? With no questions, we can then close the public hearing.

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board closed the Public Hearing at 8:32 P.M. Motion carried 5-AYES, 0-NAY votes.

RE: GENERAL ELECTION – MARCH 18, 2009

Mayor Brescia reported the results of the Village General Election held on March 16, 2010 as follows: David G. Roepe, Village Justice, 4 year term, 84 votes.

RE: ANNUAL APPOINTMENTS

Moved by Trustee Andolsek, seconded by Trustee Hembury, the ATTACHED lists of Annual Appointments for 2010/11 were approved with the exception of the village attorney and engineer. Motion carried 5-AYES, 0-NAY vote.

RE: ABSTRACT NO. 04-2010

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 04-2010 were audited and approved for payment with \$219,225.71 from the General Fund, \$16,206.46 from the Water Fund, \$33,667.76 from the Sewer Fund and totaling \$269,099.93. Check Nos: 40752-40852. Motion carried 5-AYES, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending March 31, 2010 as follows: General Fund \$1,310,713.87, Water Fund \$198,944.81 Sewer Fund \$203,640.10.

RE: MINUTES

Moved Trustee Andolsek, seconded by Trustee Roepe, the Board accepted the minutes of March 16, 2010. Motion carried 5-AYES, 0-NAY vote.

RE: FY 2010-2011 BUDGET ADOPTION

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Fiscal Year 2010-2011 Budget (ATTACHED) was adopted with a tax rate of \$12.22 per thousand of assessed valuation. Motion carried 5-AYES, 0-NAY vote.

RE: MILEAGE ALLOWANCE

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board adopted the following resolution:

WHEREAS, the Board of Trustees has determined to pay a fixed rate or mileage as reimbursement to Village officers and employees, who use their personal automobiles while performing their official duties;

NOW THEREFOR BE IT RESOLVED:

Section 1. That the Board of Trustee will approve reimbursement to such officers and employees at the IRS allowance per mile.

Section 2. This resolution is effective immediately.

Motion carried 5-AYES, 0-NAY vote.

RE: PROCUREMENT POLICY

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted the following resolution:

WHEREAS the Board of Trustees has established a policy governing the procurement of all goods and services which are not required to be purchased pursuant to the competitive bidding requirements of General Municipal Law §103;

NOW THEREFORE BE IT RESOLVED, that the Village of Montgomery does hereby adopt the attached procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

Motion carried 5-AYES, 0-NAY vote.

RE: SCHEDULE OF YEARLY MEETINGS – FOR ALL BOARDS

Moved by Deputy Mayor Scheels, seconded by Trustee Roepe, the Board adopted the attached Schedule of Meetings of All Boards for Fiscal Year 2010-2011 held at 133 Clinton Street, Montgomery NY 12549. Motion carried 5-AYES, 0-NAY vote.

RE: ADVANCE AUDIT OF CLAIMS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted the following the Resolution.

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring or approving the claim is jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFOR BE IT RESOLVED:

Section 1. That the Boards of Trustees authorize payment in advance of the audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of trustees disallows

Section 2. This resolution is effective immediately.

Motion carried, 5-AYES, 0-NAY vote.

RE: ATTENDANCE AT SCHOOLS AND CONFERENCES

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board adopted the following Resolution:

WHEREAS there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal clerks; c) the New York State Conference of Mayors Public Works School, d) the county association meeting; and

WHEREAS attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools that benefit the municipality.

NOW THEREFORE BE IT RESOLVED:

Section 1. That officers and employees are authorized to attend the school;
Section 2. This resolution is effective immediately.

Motion carried 5-AYES, 0-NAY vote.

RE: DESIGNATION DEPOSITORIES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted the following Resolution:

WHEREAS the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. The Board of Trustees designates the following institution as depository of all moneys received by the village treasurer, clerk, and receiver of taxes: Orange County Trust Company.

Section 2. This resolution is effective immediately.

Motion carried 5-AYES, 0-NAY vote.

RE: COURT RECORDS – ANNUAL AUDIT

Moved by Trustee Roepe, seconded by Trustee Andolsek, the Board approved the annual audit of the Village Justice Court records by the Village Board upon notification from the Village Court such records are available. Motion carried 5-AYES, 0-NAY vote.

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

Mayor Brescia advised no action will be taken until the next meeting to allow the Board further review.

RE: RELEVY WATER AND SEWER LIENS

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adopted a Resolution to Relevy Outstanding Water Bills (\$30,498.27) and outstanding Sewer Bills (\$51,373.92) on the 2010-2011 Tax Roll and approved payment in the amount of \$81,872.19 to the Water and Sewer Fund. Motion carried 5-AYES, 0-NAY vote. (ATTACHED)

RE: LIQUOR LICENSE RENEWAL

Mayor Brescia and the Board acknowledged Wild Fire Grill, 74 Clinton Street, intent to renew the on-premises alcohol beverage license.

Mayor Brescia and the Board acknowledged Garrison's Union Street Tavern and Wine Cellar, 11 Union Street, intent to renew the on-premises alcohol beverage license and request to waive the thirty-day notice.

Moved by Trustee Roepe, seconded by Trustee Hembury, the Board acknowledged Garrison's Union Street Tavern and Wine Cellar, 11 Union Street, intent to renew the on-premises alcohol beverage license and waives the thirty-day notice. Motion carried 5AYES, 0-NAY vote.

RE: EAGLE SCOUT PROJECT

Eagle Scout Louis Cooper addressed the Board about a project he would like to do in the parks. In the park, where the bridge goes nowhere, he is proposing to put in a new bench and with some mulch on the trails. Some underbrush and trees may have to be removed. Mayor Brescia offered assistance by DPW Supt Nelson if he needs it and the Board approved of the project.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved of Eagle Scout Louis Cooper's project to put in a new bench and mulch by the bridge off the trail in the Pleasure Ground Park. Motion carried 5-AYES, 0-NAY vote.

RE: REQUEST TO USE SENIOR CENTER FOR BENEFIT

Tracy Green requested the use of the senior center for the purposes of holding a benefit concert for an ill teacher who has a lot of medical bills that are not covered by her insurance.

Mayor Brescia and the Board did not have a problem with the benefit. Mayor Brescia advised the fee to use the senior center for a non-profit is \$400 and to contact the Village Office to schedule a date.

Moved by Trustee Hembury, seconded by Trustee Roepe, the Board approved for Be The Movement group to rent the Senior Center for \$400 to hold a benefit concert subject to scheduling the event with the Village Office. Motion carried 5-AYES, 0-NAY vote.

RE: DEMSHICK V. VILLAGE OF MONTGOMERY

Mayor Brescia and the Board acknowledge the Summons and Complaint filed by Sandra Demshick and Gerald Demshick v. Village of Montgomery.

RE: REPORTS

DPW Supt. Nelson reported the dog wash is open and the inmates will clean the trails in the park. The compost site is closed after 3:30 pm during the week because of illegal dumping. Saturdays will be open between certain hours after he works out a schedule with the guys in the DPW. Illegal dumping in the compost site costs the village money to get ride of the stuff. Also, DPW Supt. Nelson discussed the purchase of a new backhoe on state contract to replace the 1965 backhoe. The Board discussed the state contract purchase verses buying locally. It could cost more to bid it out then purchase off the state contract.

B/I Yancewicz reported he is actively working on property complaints and addressing maintenance codes. Follow-up and documentations will be made for complaints and maintenance code violations.

RE: DPW

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board authorized the purchase of new backhoe on state contract in the amount of \$65,695. Motion carried 5-AYES, 0-NAY vote.

RE: PUBLIC PORTION

Robert Hayes thanked Deputy Mayor Scheels for working on the senior center activities. He also asked DPW Supt. Nelson to update him on the recent water leak. DPW Supt Nelson explained it was a difficult leak to find and it was found at the Montgomery Elementary School and was repaired during the spring holiday break when there was nobody at the school. Rural Water helped the Village locate the leak after several times in the Village.

Karen DeCrosta thanked the DPW for their response during recent power outage.

RE: EXECUTIVE SESSION

Moved by Trustee Roepe, seconded by Deputy Mayor Scheels, the Board entered EXECUTIVE SESSION at 9:18 pm under Public Officers Law §7(f) to discuss police personnel with OIC Luffman, Atty. Dowd and with Vlg. Clerk Thompson in attendance. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of EXECUTIVE SESSION at 9:58 pm. Motion carried 5-AYES, 0-NAY vote.

RE: POLICE DEPARTMENT APPOINTMENTS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed Joseph Feola to the position of police officer part time at the rate of \$16.15 per hour subject to a one-year probationary period and the availability of hours as designated the police department. Motion carried 5-AYES, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed Robert Nesi to the position of police officer part time at the rate of \$16.15 per hour subject to a one-year probationary period and the availability of hours as designated the police department. Motion carried 5-AYES, 0-NAY vote.

RE: APPOINTMENT VILLAGE ENGINEER AND ATTORNEY

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board appointed the engineering firm of Lanc & Tully Engineering and Surveying, P.C. for Fiscal Year 2010-2011. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board extended Village Attorney Kevin Dowd appointment until April 20, 2010. Motion carried 5-AYES, 0-NAY vote.

RE: APRIL 20, 2010 MEETING

Moved by Trustee Andolsek, seconded by Trustee Roepe, the Board set the next regular meeting on April 20, 2010 at 6:45 p.m. Motion carried 5-AYES, 0-NAY vote.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adjourned the meeting at 10:06 p.m. Motion carried 5-AYES, 0-NAY vote.

Village Clerk Linda L. Thompson