

Minutes of the 2018 CDBG Public Hearing to replace the Wesley Hall Roof of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, April 18, 2017 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Maryanne Lindner, Johanna Sweikata, Tom Steed.

**RE: OPENED THE PUBLIC HEARING**

Mayor Brescia called for a motion to open the public hearing for the 2018 CDBG Replace WESLEY Hall Roof.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board opened the Public Hearing for the 2018 CDBG REPLACE WESLEY HALL ROOF. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this public hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork is on file to hold this public hearing.

Mayor Brescia opened the meeting for public comment.

Ms. Beltrametti asked, when applying for a grant does one specify an amount? How does it work?

Mayor Brescia said it depends on whether it is a three year or a two year. I am not sure what the monetary numbers are. Usually Kerron Barons is here for this. Was Kerron Barons told about this?

Village Clerk Rivera-Fernandez relied, no, this is....

Mayor Brescia said, I believe it is \$125,000.

Ms. Beltrametti asked, is \$125,000 the maximum?

Mayor Brescia believes this to be correct.

Atty. Dowd said, applications may apply for a maximum of three years activities totaling no more than \$125,000 in a single year application and only one activity totaling no more than \$375,000 in a multi-year application.

Ms. Beltrametti asked, these are flat out grants.

Mayor Brescia replied, these are HUD grants administered through the Community Development.

Ms. Beltrametti asked if there are any fees involved.

Mayor Brescia said the Village pays for the engineering fees. Engineering is not covered in the HUD grant. The \$500.00 application fee is reimbursed.

Ms. Beltrametti asked, if there is an estimate for the roof?

Mayor Brescia said, no not yet. We are going to apply for up to \$125,000 because it could cost us up to that much. The engineer usually prepares the estimates to submit. We were going to apply for sidewalks until this emergency situation arose.

Trustee Lindner said, this has to be in by April 28<sup>th</sup>.

Ms. Beltrametti said, she is reminded about the conversation about asking for enough.

Trustee Lindner said, yes.

Atty. Dowd said, if the roof is \$200,000 and we apply for the \$125,000; we have to come up the additional \$75,000.

Mayor Brescia said, we will not know the actual cost until it is bid out. With no further questions from the public, I entertain a motion to close the Public Hearing.

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board closed the Public Hearing at 7:19 pm. Motion carried, 5-Ayes. 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk

I, Monserrate Rivera-Fernandez, Village Clerk for the Village of Montgomery have not received any written comments from the citizens or agencies on the above Public Hearing for the FY-2018 CDBG.

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Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Regular meeting of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, April 18, 2017 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Johanna Sweikata, Maryann Lindner, Don Berger, Alden Link, Carol Link, Howard Garrett.

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

**RE: A MOMENT A SILENCE FOR POLICE OFFICER DUSTIN JAMES**

Mayor Brescia called for a standing moment of silence for the recently departed Village of Montgomery Police Officer Dustin James.

**RE: MINUTES**

Mayor Brescia called for a motion to approve the meeting minutes of March 22, 2017.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the meeting minutes of March 22, 2017. Motion carried, 5-Ayes, 0-Nays.

**RE: REQUEST TO MEET WITH THE BOARD**

Ms. Beltrametti said, we need to talk about the budget. I hope you remember at the public hearing, I begged you to please have another work session. It is just not ready yet. I spoke to Walt the next day and he said go for it. Try to find a \$100,000 dollars in savings. Have you all looked at or paid close attention to the sheet that was given out at the public hearing with all the salaries and wages. Apparently, the lowest salary in the DPW is \$50,000 dollars. This is certainly a surprise to Dennis and Travis. It shows that they are getting \$23.70 an hour. I know they were hired at \$17 and change. After four years they would be making \$18 and change, which is nowhere near \$23.70. All of these salaries are vastly inflated. I remember last year Buddy showed me his salaries, it was all in the thirties.

Deputy Mayor Scheels said, they are all under Union contract.

Ms. Beltrametti that is not right, they are not making \$49,000 and change, they are making \$38,000 and change.

Mayor Brescia said, let's just make sure to check for any errors.

Village Clerk Rivera-Fernandez replied, yes, it will be checked. All the salary information is submitted by the DPW Supt. Nelson based on his calculations and the Union contract that he is bound by.

Ms. Beltrametti said, I went through all the labor categories for all the personal service lines, for all of the different functions that the DPW provides. I added up all these salaries and there was still \$75,000 dollars left over that could be applied to the increase. I also did the math on the legal retainer and being very generous about how long meetings last. There is forty four hours of the meetings a year. I'm sorry that is an hour. So if they were an hour long meeting, Mr. Dowd would be getting a \$1,000 an hour. So let's say it is two hours and that is vastly exaggerated too, for the most part. So, he is still making \$500.00 an hour as his retainer.

Atty. Dowd said, Maria I know you passed this onto the press and the pressed called me about it. I spoke to the reporter and believe me, I would love to say I am making \$500 or a \$1,000 an hour. NYC lawyers do not even make that, never mind Orange County lawyers.

Ms. Beltrametti said, I know. I know. If you didn't have a retainer of \$45,000 an year.

Atty. Dowd said, Maria you cannot base my retainers, monthly amount by the how many meetings I go to. My retainer covers everything that I do for the Village accept litigation, traffic court. So when I am sitting in my office answering calls from applicants and their lawyers, from department heads, to writing local laws, resolutions, to researching solar energy companies, and meeting with whomever it may be that I meet with for the Village, it is all inclusive.

Mayor Brescia said, there is a lot more.

Ms. Beltrametti said, I am sure you can come up with a lot of justifications but I do remember this. Let me just say this, I remember, when you passed the publication of a bond anticipation notice for the

garbage truck. The garbage truck was priced at \$173,000 and you said let's leave it at \$175,000 to cover bond counsel. Now isn't bond counsel included in your retainer.

Atty. Dowd said, that is why we have bond counsel. I am not a bond counsel. I do not give opinions based upon the economics of the bond, which is the NYC bond trader who gets paid by the issue and not by a retainer or by any part of my retainer. I do communicate with the bond counsel to give him the information from the Village. Furthermore to get the documents and review them with him and the banks. I get it to the Clerk and the Treasurer to ensure all the documents are in order and signed properly. In addition to getting the paper work back to bond counsel for his opinion to be issued. This is what I do in respect to the BAN's.

Ms. Beltrametti said, she reviewed the audits too, and there are a lot of extras that are billed on your behalf.

Atty. Dowd said, like what?

Ms. Beltrametti said, I would have to go back and look at it.

Mayor Brescia said, please have that in front of you before making a blank statement like that. It is just not true.

Ms. Beltrametti said, I am trying to get you to first of all, to provide a conscientious work session. Everything is just blown off, blown off. The other thing that Mr. Lindner said that really, I have to question, is to find the savings wherever you can but don't touch Bruce. Why is Bruce untouchable?

Trustee Lindner said, I did not say don't touch Bruce. Your statement was fire Bruce, save \$45,000. I said no, we are not just going to fire people because you do not like them. So, this is a whole different issue.

Ms. Beltrametti said the questions is not that I don't like you. What I question, is why he is making \$48,000 a year and for working only twenty hours a week. It is just tremendous waste of taxpayer resources and for what. We had to hire a freelancer to actually do the work, because Bruce has been recused. I never heard of a Building Inspector being recused.

Mayor Brescia said recused from what? From your case and the Luciano case.

Ms. Beltrametti said from my case. I was trying to (in audible).

Mayor Brescia said, that was requested and we probably should not have done it because he was doing his job. So, we looked for an outside opinion based on people from the public saying they were being treated unfairly. We brought in an outside building inspector to take an objective view point. We probably will not do this again. We will see what this building inspector finds, he is one of the most qualified building inspectors in the County of Orange.

Ms. Beltrametti asked, who are you talking about?

Mayor Brescia said, I am speaking of Gene Jaques.

Ms. Beltrametti said Gene is fine. But Gene is looking for trumped up things to hassle me about.

Mayor Brescia said, what your next point is. We are not going to talk about your case at a public meeting.

Ms. Beltrametti said, what about that. What about finding savings? These salaries levels are completely inflated even if you do come out using them.

Mayor Brescia said, that is your opinion. What else?

Ms. Beltrametti said, that is all I have to say, except this budget is very questionable.

Mayor Brescia said, you have stated that many times. Mr. Link do you have what you want to present to the Board.

Mr. Link said, I have been trying to market my thirty four acres for industrial/commercial or warehouse. I have been running ads continuously for the last three years on Craig's list. On Craig's list when I advertise properties in Newburgh for rent, I get very good results. So Craig's list is good place to advertise. I get one or two calls a year from the ads and nothing happens. The only people who are interested seem to be solar people. Solar people, if you do it on a triple net basis they cannot afford the taxes. So solar does not work. I have had at least four brokers who have been trying to sell for eight years with no results. So I am stuck with this thing. I thought you had once asked me if I could do forty five units. After speaking to the people that were interested at the time, the improvement costs are too much, at least seventy five units is what is needed to justify it. This is where I am, if I could get seventy five units.

Mayor Brescia said, let me stop you. Unequivocally we have told you in the past that we would not consider any residential at all unless the commercial portion is done first. We have said this numerous times. I am not sure why you keep asking for residential.

Mr. Link said, he remembers at one point you may have been agreeable to forty five units.

Mayor Brescia said maybe we did, I do not remember. It has been so many times over the years.

Mr. Link said, it is not viable for residential of less than seventy five units.

Trustee Hembury said does that become our problem. You purchased the property at light industrial use.

Mr. Link said, there is no question about that. It is not useable for light industrial because going twenty miles down Route 84 and you're in Pennsylvania.

Trustee Hembury said, I am sorry Mr. Link.

Mr. Link said, I understand. What I am asking for is some kind of relief. If you can see to make it happen, otherwise the property remains as it is.

Trustee Hembury said, He is ok with the property as it is zoned

Mr. Link said, he thought there was some room for negotiation but apparently there isn't.

Mayor Brescia said, we have told you that we would consider some residential if you mixed it up with some commercial. Commercial being the most paramount. My mother has seven acres of property on 208 near crossroads for sale for nearly fifteen also, it is unfortunate, and she has not been able to sell it either.

Mr. Link stated, perhaps the zoning might be changed. He feels it is unrealistic zoned.

Mayor Brescia said, Mr. Link you were going to do a wheat germ factory years ago and that never happened, it is what you purchased the property for. I'm sorry.

Mr. Link said, that is right.

Trustee Hembury stated, not only that, I think that it is such a big deal; if the Village should be involved in it. The folks who live near there should know about it also. You went so far as to tell the residents in that area, that if the we did not change the zoning from light industrial to residential there were going to big smoke stacks and trucks running at all hours. We would not allow that to happen.

Mr. Link said, you cannot have it both ways. You either have industrial or you do not.

Mayor Brescia stated, whatever the zoning allows, is what will be allowed.

Deputy Mayor Scheels said, it is light industrial. It is not tractor trailers running all night.

Mayor Brescia said, certain conditions will have to be met on the Planning Board level also.

#### **RE: FLASH OF THE CAMERA IS BOTHERSOME**

Jessica Cohen was asked not to take pictures due to the blinding flash of the camera. Mrs. Link mentioned being blinded by the flash. Trustee Hembury also mentioned his sight being affected by the flash. The Village Clerk Rivera-Fernandez was also affected.

#### **RE: GRAND MONTGOMERY CHAMBER MUSIC SERIES**

Howard Garrett mentioned the last concert for the season is coming up and invites everyone to attend, on May 7th, at 3 pm. The 31st year of the concert series will begin in August. He thanked the Board for their continued support.

Mayor Brescia and the Board thanked Howard for all he does to make the Grand Montgomery Chamber Music Series a success.

Deputy Mayor Scheels said it is a great service to the community and we appreciate you.

Trustee Hembury reminded Howard about extending the concerts to perform at the Montgomery Nursing Home, for the home bound residents.

Howard asked Trustee Hembury to call him to set it up.

#### **RE: ADOPT 2017-2018 TENTATIVE BUDGET**

Mayor Brescia called for a motion to adopt the 2017-2018 budget.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board adopted the 2017-2018 Budget. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION AUTHORIZING BID ADVERTISEMENT AND SET A BID OPENING DATE FOR FY-2017 CDBG CLINTON STREET WATERMAIN REPLACEMENT PHASE II**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution authorizing bid advertisement and set a Bid opening date for the FY 2017 CDBG Clinton Street Watermain Replacement Phase II on May 12, 2017 at 10:00 am, at the Village Hall 133 Clinton Street. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION TO LEVY FY 2017-2018 TAXES AND GRANT EXECUTION OF TAX WARRANT BY MAYOR BRESCIA AND CLERK RIVERA-FERNANDEZ.**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adopted a resolution to Levy the FY 2017-2018 taxes and Grant Execution of the Tax Warrant by Mayor Brescia and Clerk Rivera-Fernandez. Motion carried, 5-Ayes, 0-Nays.

**RE: ACCEPT BOARD OF ETHICS CHAIRMAN STEVEN CASPER RESIGNATION EFFECTIVE MAY 1, 2017.**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board accepted the resignation from the Ethics Board Chairman Steven Casper effective May 1, 2017. Motion carried, 5-Ayes, 0-Nays.

**RE: BOARD OF ETHICS REQUESTS THAT THE CODE OF ETHICS AND OR THE VILLAGE CODE BE PUBLISHED ONTO THE VILLAGE WEBSITE.**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the request for the Code of Ethics and the Village Code be published onto the Village Website. Motion carried, 5-Ayes, 0-Nays.

**RE: EVENTS**

April 22nd little league opening day and the parade starts at 9:00 am.

May 7th, Grand Chamber Music series performance by Steve Margoshes and Ada Janik at the Montgomery Senior Center, at 3:00 pm.

**RE: PUBLIC PORTION**

Mayor Brescia asked if there were any other comments before opening up for public comment.

Trustee Hembury said, yes, he would like to speak to Jessica Cohen about her article in the Wallkill Valley Times. He read, "Compared to the eleven percent tax increase in the Village of Maybrook, it looked good said, Trustee Hembury." that is not how I said it. And furthermore, it reads; "Maybrook Mayor Dennis Leahy was quick to point out the Maybrook tax rate 14.02 per thousand of the assessed valuation is less than Montgomery proposed rate of 15.194." He asked Jessica if she called him up right away. It seems as though you are starting an argument between two Villages. I said if you recall, "That New York State cannot even settle its budget. In 2015 they were in trouble for spending almost a billion dollars to dead social service recipients. I said, we have to pay our bills and look at what poor Maybrook is facing. Look at what we are facing here, if we keeping delaying oil changes we will blow the motor. I pointed out that, we have Police Officers that are not collecting benefits, such as our Chief and our Lieutenant. I made a call to Maybrook to apologize. All municipalities talk with one another and we are friends. Our children have gone to school and played sports together. I just came back from vacation to see this, I let you call me. I call you back when I can, because I have respect for the paper. But once on you and twice on me. This is why no one wants to speak to the paper. I do, because I know you have a job. Your predecessor Rachel Coleman, we had given her an award. We may have not like what she printed but it was the truth. What you have done is to start a fight, an argument, "behind the school yard." Maybrook is doing what they have to do. We are all faced with a budget crisis. NYS has not settled their budget and we have. Again, I could not believe it. I am going to request another reporter here, if you continue to misquote what is said. For the future, please do not call me. You actually called me on Palm Sunday.

Mr. Berger asked Trustee Hembury about the Town Law £150, "how did you come up with the amount \$550,000.

Trustee Hembury said, it is the amount provided to us when the four full time positions were created. We would have to pay the Town \$550,000 plus surcharge of \$15,000.

Mayor Brescia said, we were advised that we could be assessed up to that amount.

Mr. Berger asked if there is a formula.

Mayor Brescia said, the Town Law §150 has been in effect since the 70's, of which it was never enforced. The Town Boards advised us, after their audit that it was going to be enforced.

Mr. Berger said, he knows what it is for. It is just that he heard it differently and is curious.

Mayor Brescia said this the reason for the Village of Montgomery having to hire four Full Timers, otherwise we would have been assessed.

Mr. Berger questioned how that number is determined? He tried to research the law and was not able to find anything.

Atty. Dowd replied, it is based upon the assessment of the services being provided by the Town for the cost of their officers.

Mr. Berger mentions that there has to be a formula.

Mayor Brescia mentioned meeting with the Town and their attorneys. We proposed working something out that was much less.

Atty. Dowd said the State communicated with the Town and advised them that it could not be done. It is not how the Town Law §150 was created to be. It is based upon the assessed value of the services provided, charged to the Village. This is how the huge number originated. It made no economic sense for the Village at that time, to maintain its part time force and pay the Town for those additional services.

Mr. Berger said, he just wants to get a handle on this whole police thing and how it works. When he looked at the Town Law §150, he noticed a difference between the Towns versus the Villages. For instance, Tuxedo Park is only required to have two full timers based on Town Law §150. There are other Towns in the State of New York like that, I do not know if they made deals. What is the clear formula to determine how that number was arrived at? Google it yourself and you will see.

Mayor Brescia said, I think that is the case. It just happened that the Town of Montgomery said they were going to enforce this Town Law §150, of which it had not been enforced in forty years.

Trustee Hembury said, he believes it to fifty two years that the Town Law §150 was not enforced.

Atty. Dowd said, the requirements for the different Villages was based on legislation at the time. We pursued that avenue to see if we could receive that same type of legislation of having eight part times and making it equivalent to four full timers. The State rejected our request, their concern was if it was allowed for us then other municipalities would want the same in kind. The part time officers is not what the law requires, it is more efficient to have full time officers.

Mr. Berger mentioned as he did previously, the Board should come up with some viable changes to stop this budget from getting out of control. He is talking about the Police Budget line items. It is a big budget and somewhere along the line, it is going to be unaffordable for the Village residents. Please take the time to sit down before it is out of control.

Mayor Brescia said our budget is under control. For the second year in a row, we have had the lowest increase in our budget compared to the other two Village's and Town's. It is true.

Ms. Beltrametti (in audible) speaking over one another

Mayor Brescia asked Ms. Beltrametti to wait to speak, she will be given time to do so. Our budget is under control and the Board is open to suggestions.

Ms. Beltrametti reminded the Board, "You work for us".

(In audible)

## **RE: ADJOURNMENT**

Mayor Brescia called for a motion to adjourn the meeting of April 18, 2017.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of April 18, 2017. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk