

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, February 4, 2020 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Lt. Herlihy, B/I Yancewicz, MaryAnn Lindner, Diane Yorio, Marc Devitt.

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

**RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board approved Minutes of January 7th and January 21st. Motion carried, 5-Ayes, 0-Nays.

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

None

**RE: ABSTRACT NO. 01-2020**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.01-2020 were audited and approved for payment with \$ from the General Fund, \$ from the Water Fund, \$ from the Sewer Fund and totaling \$ .  
Check No: - . Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of January 31, 2020, as follows: General Fund \$ , Water Fund \$ , Sewer Fund \$ .

**RE: OLD BUSINESS**

Trustee Hembury provided an update on the DOT signs for the Village of Montgomery. He mentioned a little bad news. He's heard it to be said that this speed trap Village is trying to go after truckers too. He also heard on the CB radio, "stay out of the Village of Montgomery because they are going after truckers". He sees it in a good light. One sign was put up, off the road on 17K, out the right of way. It gives a notice to the truckers coming into the Village. We now have three signs up, one on Freida Street that faces towards Union Street, one on Beaver Dam, and Goodwill Road. He has three other signs in his garage. Two of have been spoken for by landowners and authorized to be posted on their property. When or if these projects are developed. He asked, if there were any further questions. Mayor Brescia thanked Trustee Hembury.

**RE: DEPARTMENT REPORTS – POLICE**

Lt. Herlihy said he would like to recognize Officer Narain, a letter was received from Jim LoPorto praising conduct, demeanor, level of professionalism. He suffered a medical emergency while he was driving through the Village. He came across Office Narain sitting in her patrol car, she attempted to do the hymnic maneuver due to something caught in his throat, obstructing his breathing. The hymnic maneuver proved not to be affective, she kept him calm the entire time. An ambulance was ordered to the scene for assistance.

He presented the Board with a copy of the letter, of recognition and praise.

Officer Kolvenbach has completed the D.A.R.E. training, and is now a secondary certified D.A.R.E. Officer; to assist Officer Smith as needed. He presented the Board with Kolvenbach's certification.

Mayor Brescia asked when the D.A.R.E. graduation is. Lt. Herlihy said it is March 4<sup>th</sup>.

Lt. Herlihy also mentioned piggybacking off Trustee Hembury, he has set up and confirmed one of three dates so far for a commercial vehicle enforcement detail in the Village. The exact is best not to be divulged. A location has been secured within the Village, as well as the State Police Commercial Motor Vehicle Enforcement Unit, and a member from the Department of Transportation. We are going to conduct a commercial motor vehicle enforcement detail within the Village. Upon seeing a commercial motor vehicle and have them accompany us to the specified location, for an assessment and certification of the vehicles to be conducted. If violations have been found, they will be ticketed. Three of our members will be assisting them, in two patrol units for this detail. Due to social media, it is best not to divulge the date of the enforcement date, for this to be properly effective. Then we will know if the trucks are coming through the Village, are avoiding the enforcement on 84.

Mayor Brescia said, you do not want to deter the ones that don't really need to come through the Village.

Trustee Hembury remembers mentioning the issue of GPS, a lot of them are innocently driving through the Village following the GPS directions.

Lt. Herlihy replied, it has been noted, it will be on a date that the DOT is conducting a commercial vehicle enforcement in the Wallkill DOT section on 84. Therefore, it will address the issue of the vehicles coming through the Village trying avoid the enforcement as mentioned earlier.

Mayor Brescia mentioned receiving an email commending the School Crossing Guard from Ralph Dellasala. He read it aloud:

“My name is Ralph Dellasala, I'm a Valley Central School Bus Driver.

I want to compliment the woman that directs traffic in front of the Montgomery Elementary School. It's amazing to me how she juggles so many tasks at one time and doesn't skip a beat. She also prioritizes the safety of pedestrians while keeping the traffic flowing.

Additionally, it's a treat to see her big friendly smile each day as well!!

I'm sorry I don't know her name... wish I did.

Sincerely,

Ralph Dellasala

Mayor Brescia asked Lt. Herlihy if he had anything else to report.

Lt. Herlihy said he is all set for the St. Pat's Ramble. The meeting scheduled for tonight was postponed until February 11<sup>th</sup>, at 6:30 pm.

## **RE: DEPARTMENT REPORTS – DPW**

DPW Supt. Nelson mentioned the surplus equipment on Auctions International. Mayor Brescia asked if this is reasonable. DPW Supt. Nelson said, it is.

**RE: SURPLUS BID RESUTLS VIA AUCTIONS INTERNATIONAL**

2002 Gem E825 Electric Car \$1,175.00  
2002 Gem E825 Electric Car \$1,300.00  
1989 International 1954 Dump Truck with plow \$1,575.00  
1997 Jeep Cherokee SUV \$230.00  
1996 Ford F250 XL Pickup Truck with plow \$460.00  
1997 International 2574 Dump Truck with plow and sander \$3,500.00  
Totaling \$8,240.00.

Mayor Brescia called for a motion to be entertained to accept all bids totaling \$8,240.00.

**RE: ALL BIDS FOR SURPLUS EQUIPMENT ACCEPTED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted all the bids for the surplus equipment totaling \$8,240.00. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson reported, the work on the Building Inspectors office is coming along. We are at the sheetrock phase. Mayor Brescia mentioned Bruce said an eggshell white which will brighten it up, since the ceiling is going to be a little dark. He suggested a Windsor casing, with a clear stain. He isn't certain of the number of panels on the doors. DPW Supt. Nelson said, he believes it a two-panel door. The color of the flooring is the same as the Police Station.

**RE: HIRE TEMPORARY PART-TIME LABORER**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board hired Randy Hadden as a temporary part-time laborer at the rate of \$30.00/hr., for sheetrock tapping of the Building Inspectors Office. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson also reported on the water main break, that occurred last Tuesday on River Street. It was due to poor-quality fill that he believes was installed in the 50's. They are 6", 75-year-old pipes. We have had three water main breaks on that street, in the last seven years. We have been receiving a lot of rain and moisture in the ground. It has been going to 10 degrees at night and then 50 degrees the next day. The ground is moving constantly. It is anticipated to receive another couple of inches of rain this weekend. He anticipates more water main breaks. He has nothing further to report.

Mayor Brescia mentioned adopting the law recommending 25% percent in the Comprehensive Plan regarding signs placed on the window of the businesses. He would like to have a local law aside from everything else. Atty. Dowd will prepare the Local Law for the next meeting.

**RE: ACCEPT POLICE CHIEF RESIGNATION**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board accepted the resignation of Police Chief Walsh, effective as of March 7, 2020, contingent of filing the proper paperwork with the Village Clerk Motion carried, 5-Ayes, 0-Nays.

**RE: AMEND THE EMPLOYEE HANDBOOK**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board amended the Employee Handbook, to include a half hour paid lunch per day for all non-union, full-time employees. Motion carried, 5-Ayes, 0-Nays.

**RE: EXTEND TIME FOR USE OF RECREATION CENTER**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the Girl Scout Troop 692 request to extend use of the Recreation Center by a half hour, for their meetings held on the second and fourth Thursdays of the month, with the conditions that it not interfere with Little League. Motion carried, 5-Ayes, 0-Nays.

**RE: VILLAGE HALL CLOSED IN OBSERVANCE OF PRESIDENTS DAY**

The Village Hall is closed on Monday, February 17<sup>th</sup>, in observance of Presidents' Day.

**RE: DOT RESPONSE RECEIVED TO MAYOR BRESCIA LETTER REGARDING POTENTIAL TRAFFIC IMPACTS**

DOT response to Mayor Brescia letter regarding potential traffic impacts resulting from development proposals currently under review and consideration by the Village of Montgomery and Town of Montgomery, Orange County.

**RE: JOINT MEETING – BOARD OF TRUSTEES WITH PLANNING BOARD**

Joint meeting set for March 4<sup>th</sup> at 6:30 pm with the Planning Board to discuss the Village sign code.

**RE: EVENTS**

Sunday, February 23<sup>rd</sup>, 3 pm; **Grand Montgomery Chamber Music Concert Series** presents, Hudson Valley Chamber Players, (Joel Evans, oboe; Marcia Gate, flute; Jeff Marchand, bassoon; Larry Tietze, clarinet; Ruthanne Schempf, piano); held at the Montgomery Senior Center, 36 Bridge Street.

**RE: DEPARTMENT REPORTS - BUILDING INSPECTOR**

B/I Yancewicz reported on the conditions at 94-96 Clinton Street, they have until February 7<sup>th</sup> to vacate. All have vacated, with exception for one. I've obtained a written notice from the remaining tenant which states he will out before the 7<sup>th</sup>. Yesterday, he received a call from the owner of the building and this is the third time that the smoke detectors have been disconnected.

Mayor Brescia stated the remaining tenant swears he was not the one who disconnected the smoke detectors.

B/I Yancewicz is concerned that he may not leave as he previously indicated.

Atty. Dowd said they you would have to exercise emergency power of an unsafe situation.

Mayor Brescia said he assured me he would be out by the 7<sup>th</sup>.

B/I Yancewicz also reported on the conditions at 100 Washington Avenue. She is requesting an extension of thirty days to get the last few tenants out. She has obtained the services from Curasi Realty to rent the house to a family. He wants to get input from the Board to grant an extension, or proceed as we were.

Trustee Lindner said, we have already granted 30 days. We should stay the course with the date of February 7<sup>th</sup> as the deadline for the tenants to be out as well. The Board agreed.

Atty. Dowd said, you would then have to proceed with the court.

B/I Yancewicz said, she asked if her remaining tenants could rent the house. He told her no, that they are not classified as a family unit.

Atty. Dowd said, you would have to go the Supreme Court to get an injunction, for violating the zoning laws. The other option is going to the Village Court to fine the owner for not following the zoning laws.

Trustee Hembury asked, if that would cost the Village money.

Atty. Dowd replied, in both instances it would cost the Village money. It would be against the owner of the property.

B/I Yancewicz stated, once the owner is fined; it would be per person.

Mayor Brescia suggested to get her to sign off on the 30 days; if they are not out in the 30 days, then proceed. It is going to cost us more money otherwise. Two of the five tenants are left.

Trustee Linder said, give her until March 1<sup>st</sup>. The Board agreed that is plenty of time.

B/I Yancewicz said, he would like to go in to do a physical inspection of 100 Washington Street. Furthermore, 145 Ward Street is progressing nicely apart from the cold weather. He is focusing on the exterior and then the interior. In addition, 91 Roosevelt is also on its way to being completed.

Trustee Hembury asked B/I Yancewicz what the status is regarding the house on Bridge Street that was hit by a car. There is no guardrail there now.

B/I Yancewicz replied, he hasn't done anything with that house. The owners have not contacted him.

(In audible too many speaking at the same time)

Deputy Mayor Scheels said the guardrail must be replaced. (In audible too many speaking at the same time).

DPW Supt. Nelson said the guardrail was hit two years ago during a snowstorm. All the police reports from all the accidents that occurred there were sent with a letter to the DOT. They are aware it; the DOT were the ones who put the cones up after the accident.

## **RE: PUBLIC PORTION**

No public comment.

**RE: EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered EXECUTIVE SESSION at 8:01 pm, under the open meetings law § 7 (f) for matter leading to the appointment of a particular individual, Atty. Dowd and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

**RE: EXITED EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board exited EXECUTIVE SESSION at 8:38 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: HIRE POLICE CHIEF**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board hired William Herlihy as the Police Chief, at the rate of \$29,500.00, with a six-month probationary period, pursuant to CBA, effective as of March 7, 2020. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of February 4, 2020 at 8:39 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk