

Minutes of the Special Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on Tuesday, July 12, 2022, at 3:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank (conferenced in by phone), DPW Supt. Nelson, Village Clerk Rivera-Fernandez (absent), Village Deputy Clerk Murphy.

Mayor Brescia called for a motion to open the Special Meeting to award the bid for Holt Well Field 3-B.

#### CALL TO ORDER - OPENED THE SPECIAL MEETING

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels the Board opened the special meeting to award the bid for the Holt Well Field 3-B, installation of a large diameter sand and gravel production well. Motion carried, 5-Ayes, 0-Nays.

#### PLEDGE ALLEGIANCE TO THE FLAG

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

Mayor Brescia asked the DPW Supt. Nelson to provide a synopsis for this meeting.

DPW Supt. Nelson said this meeting is to award the Holt Well Field 3-B bid, for the installation of a large diameter sand and gravel production well, of which two bids were received.

#### BID OPENING RESULTS FOR THE HOLT WELL FIELD 3-B, FOR THE INSTALLATION OF A LARGE DIAMETER SAND AND GRAVEL PRODUCTION WELL, WAS HELD ON JULY 6, 2022, AT 2 PM, IN THE VILLAGE HALL MEETING ROOM 133 CLINTON STREET, MONTGOMERY, NY 12549

- A. Layne Christensen Company \$126,970.00
- B. Weston & Sampson \$199,25.00

The two bids were opened and reviewed by the Engineer, WSP and provided their comments and recommendations to accept Layne Christensen bid in the amount of \$126,970.00.

#### DISCUSSION ON BOND FUNDING AND THE PROCESS

Mayor Brescia asked if this going to be paid through a bond?

DPW Supt. Nelson said he hopes to bond for this. If it cannot be bonded in time, he does not want to hold them up. Maybe we are able to use ARPA funds? Treasurer Griffith is working on the Bond now.

Mayor Brescia asked the Atty. Will Frank if ARPA funds can be used for this project.

Atty. Will Frank asked if the question is to use the ARPA funds for water infrastructure, and how much is left in the ARPA fund?

DPW Supt. Nelson said he believes \$85,000 is left of the ARPA funds, but we did not receive the second check as of yet.

Atty. Will Frank asked how much is the second check going to be?

DPW Supt. Nelson said he believes the second check is to be approximately for \$224,000 or \$230,000, which is expected to be received July of this year.

Mayor Brescia asked if this could be approved subject to the bond?

DPW Supt. Nelson said this is what he is hoping to talk about now.

Atty. Will Frank said, the necessary paperwork is in the process to move forward with the bond.

DPW Supt. Nelson asked if the Public Hearing date could be set for the Bond at the August meeting?

Atty. Will Frank said, a special meeting could be set once the bond paperwork is ready. We do not have to wait until August necessarily. If the Board is willing conduct a quick special meeting.

Mayor Brescia said we will have to set for a day during the week.

Atty. Will Frank said in awarding the contract, but not exceed the contract options with the provider until we know how the financing is going to go down.

Mayor Brescia said we are not certain how much we are going to bond. We are going to use some ARPA funds but not want to exhaust it all.

DPW Supt. Nelson said he has all of the costs figured out, which he happens to have the paperwork with him for water and sewer that is needed for the bond funding. There are two separate items for the bond.

Mayor Brescia said we currently talking about water for this well.

DPW Supt. Nelson said he is bonding for the Holt Well and the Jake Street Well, which he plans to bond for them this year. We are looking for \$300,000 for water and \$358,000 for sewer. We figured \$150,000 for the well, which came in at \$126,000, but also expects some engineering costs.

Mayor Brescia asked how long will be bond be in effect for? If its over 15 or 20 years term its subject to a permissive referendum. However, if it's done for a five years term it's not. He doesn't think anyone is going to oppose it.

Atty. Will Frank said, today you are awarding the contract for the Holt Well 3. He suggests the motion be made to award the contract to Layne Christensen and the Mayor or his designee will be authorized to execute all necessary documentation to effectuate the award, once it's been determined in manner in which the project could be financed.

Mayor Brescia asked Atty. Will Frank, we will have that by the next special meeting, correct?

Atty. Will Frank replied, he believes so, as long as we have all of the necessary paperwork regarding the project, such as the mapping and the cost. He will be in touch with bond counsel this week, including with Treasurer Griffith. We will make sure they have everything needed regarding the necessary paperwork.

DPW Supt. Nelson asked Atty. Will Frank how long will take for the bond counsel to process the request?

Atty. Will Frank said obviously once the Public Hearing with the appropriate days' notice and then once the Board passes the resolution and the estoppel notice is posted in the newspaper, then we will go to work with our financial people to obtain the rates. He expects the process to be approximately 90 days.

#### AWARD THE HOLT WELL 3-B BID, FOR THE INSTALLATION OF A LARGE SAND AND GRAVEL PRODUCTION WELL

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board awarded the Holt Well 3-B bid to Layne Christensen Company in the amount of \$126,970.00 with the Mayor or his designee will be authorized to execute all necessary documentation to effectuate the awarding of the contract, subject to the Board determining the manner in which the project is to be financed. Motion carried, 5-Ayes, 0-Nays.

#### DISCUSSION REGARDING THE VILLAGE BOARD OPPOSING THE HEIGHT VARIANCE FOR KSH

Mayor Brescia asked Atty. Will Frank to draft a letter to the ZBA Board, of which the Board of Trustees does not usually get involve in ZBA matters. We modified the industrial zone to mitigate all buffering, noise, building size, and building height; therefore, the Board of Trustees does not agree with the variance for the height of that building. Even though they are within their right to apply for a variance. If it's because they need the height for the racking, they can dig deeper. This is regarding the KSH Route 211 development project. We need that to go out yesterday, and email it to the Village Board members. Please express that to Atty. Marcello.

Atty. Will Frank asked to be reminded of drafting a letter to the ZBA via email, he is enroute to a meeting currently.

Mayor Brescia said he will text him the reminder. It was a long and timely process by all involved that created the updated comprehensive plan. We normally do not intercede in the ZBA or Planning Board process but this is very important. The neighbors are already concerned, of which we met with the residents on Weaver Street to listen to their concerns.

#### ATTORNEY TO DRAFT A LETTER TO THE ZBA FROM THE VILLAGE BOARD

Mayor Brescia entertained a motion for Atty. Will Frank to draft a letter to the ZBA with the Village Board's concerns on the height variance with respect to the KSH proposed project development on Route 211, Union Street. So moved by Trustee Lindner, seconded by Trustee Hembury, the Board made the motion to approve as said. Motion carried, 5-Ayes, 0-Nays.

#### ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the special meeting of July 12, 2022, at 3:48 pm. Motion carried, 5-Ayes, 0-Nays.

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Recorded by Village Deputy Clerk Murphy,  
Transcribed by Village Clerk Rivera-Fernandez