

Minutes of the Special Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Friday, **August 1, 2008** at 10:00 A.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; O-I-C.Luffman; DPW Supt. Nelson; Atty. Lanchantin; Ed Devitt, Atty. Catalano.

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

**RE: ABSTRACT NO. 8-2008**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT No. 8-2008 were audited and approved for payment contingent upon review by Trustee Kiernan with \$311,581.27 from the General Fund, \$12,612.88 from the Water Fund, \$20,158.44 from the Sewer Fund and totaling \$344,352.59. Check Nos: 37040-37060, 37065, 35221-38315. The motion carried by a 5-AYE, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending July 31, 2008 as follows: General Fund \$2,348,749.48, Water Fund \$220,948.78 Sewer Fund \$430,288.95.

**RE: D.P.W.**

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board approved to extend the amount of time needed to use vacation time for DPW Supt. Nelson not to exceed six months from date of anniversary. The motion carried by a 5-AYE, 0-NAY vote.

**RE: REQUEST TO WAIVE WATER/SEWER PENALTY**

Mayor Brescia and the Board acknowledged a letter from Linda Bell requesting to waive the water and sewer penalty on the June 2008 bill. She explained that she still owns 28 Summer Set Drive but moved in April and there was a mix up with the new address to mail the bill. Because she never received the bill, she would like to have the penalty waived.

Deputy Mayor Scheels stated as a homeowner you know when your bills are due. Trustee Kiernan stated because the bills are due the first of June, there is no question she got the bill before she moved away. Trustee Andolsek agrees saying she knows the bills are due June and December every year.

After a discussion it was the consensus of the Board to deny the request and she will be notified the penalty cannot be waived on the water/sewer bill that is due June and December each year.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board denied Linda Bell's request to waive the penalty on the June 2008 Water/Sewer because it is the homeowner's responsibility to know when bills are due. The motion carried by a 5-AYE, 0-NAY vote.

**RE: BLOCK PARTY**

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board approved a request from the residents on Madison Avenue to hold a block party on September 1, 2008 on Madison Avenue between Goodwill Road and Wilson Street subject to notifying the Department of Public Works, Police Department and Fire Department of the road closure. The motion carried by a 5-AYE, 0-NAY vote.

**RE: SENIOR CENTER**

The Board was in favor of requesting a deposit for anyone wanting to use the senior center for marriage ceremonies and stated they must have a deposit to cover possible damages. It was noted the piano and the vending machines should not be moved by anyone using the center to prevent damages to the floor.

**RE: COMPREHENSIVE PLAN**

The Board will review the draft comprehensive plan at the second meeting in September and proceed from that point.

**RE: VIKING HEIGHTS POND**

Mayor Brescia and the Board discussed Robin Dombrot's request to consider a more natural treatment of Viking Heights Pond. Trustee Cantiello said it appears the present treatment is not working as the pond is still green. DPW Supt. Nelson said he will look into it further.

**RE: AHRB APPOINTMENT**

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board appointed Sarah B. Roepe as a Member on the Architectural and Historic Review Board, term of expiration 2011. The motion carried by a 5-AYE, 0-NAY vote.

**RE: JOINT PARK BRIDGE GRANT  
TRANSPORTATION ENHANCEMENT PROGRAM**

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board will send a letter to Senator Larkin asking for support of the NYS DOT Transportation Enhancement Program grant application prepared by OC Land Trust for the Village and Town for a proposed bridge to span the Walkill River and join the Village's Veterans Memorial Park and the Town's Benedict Farm Park noting the Village reserves the right to officially name the Bridge. The motion carried by a 5-AYE, 0-NAY vote.

**RE: AUGUST 19<sup>TH</sup> MEETING**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board changed the meeting time to 6:30 p.m. The motion carried by a 5-AYE, 0-NAY vote.

**RE: SUMMER RECREATION FEE REFUND**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved to refund Jon Honkola's Summer Recreation Program fee paid due to injuries sustained prior to the start of the program. The motion carried by a 5-AYE, 0-NAY vote.

Trustee Kiernan advised he has been down at the summer rec program and it is going very good. It is being run very efficient. Deputy Mayor Scheels said she has received several responses from people who are starting to hear how great the program is and how they are looking forward to next year because they missed out this year. Also, the playground committee is working hard to get funding to replace the existing equipment. So far the Village has been approved for two grants.

**RE: LOCAL LAW NO. I-1 OF 2008 – REZONING TO P.D.D.  
DEVITT MANAGEMENT & ASSOCIATES PROJECT**

Mayor Brescia left the meeting and Deputy Mayor Scheels noted Local Law No. I-1 of 2008 is before the Board. The law will amend the zoning map to re-zone a 36.55 acre parcel located on the corner of Rt. 211 and Chandler Lane from the I-1 Industrial Park to a Planned Development District. Deputy Mayor Scheels acknowledged Atty. Catalano's request to address the Board on behalf of the Devitt Management & Associates.

Atty. Catalano advised he received a copy of the local law but not have the Resolution with Schedule A changes and asked if they received anything from Vlg. Atty. Dowd? After the last Board's meeting, it sounded like it was the Board's intention to go deeper into some of the conditions and descriptions. He asked if the applicant could have an opportunity to review the changes prior to the public hearing.

Deputy Mayor Scheels explained further clarification was needed on some things in the Schedule A of the Resolution such as rentals versus a contract with the option to buy, uses like no clinics and the number of the same kind of businesses, etc. Trustee Cantiello said Atty. Dowd will be contacting Atty. Catalano with the clarifications for Schedule A when he returns from vacation.

Atty. Catalano advised the numbers issue will be addressed during the site plan review. In order to make this project work for the Village and the project you will need a healthy mixture of uses. At this point we don't know what that mixture will be because it depends on the market – who wants to come into the village, other sources of competition within the village, etc. . . . in the end, the Board has to approve of the by-laws of the Home Owners Association (HOA) which will have more of the specifics of what the Board would like to see. We also have to abide by all the SEQRA documents. So we cannot propose anything that is prohibited by the Village's zoning. We just want the opportunity to show you what we want before limitations are placed on it . . . so it seems like it is the intention of the board to get this finalized at the August 19<sup>th</sup> board meeting. He would like to sit down with Atty. Dowd and someone from the Board to talk about the changes and how the process should work.

Deputy Mayor Scheels said that is the Board's intention and Atty. Dowd will contact you when he is back from vacation to get you up to speed so the Board can go forward on August 19<sup>th</sup>. The Board has received a response from the OC Planning Department and

action can be taken after the public hearing. August 19<sup>th</sup> will be the last step in the process to change the zoning. Trustee Cantiello asked Atty. Catalano to contact Atty. Dowd if he does not hear from him before the public hearing.

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board set a Public Hearing on August 19, 2008 at 7:15 P.M. on Introductory Local Law No. I-1 of 2008 to amend the Zoning Map to re-zone a 36.55 acre parcel located on the corner of Rt.211 and Chandler Lane from the I-1 Industrial Park to a Planned Development District. The motion carried by a 5-AYE, 0-NAY vote.

**RE: CHANDLER LANE REPAVING –NYS DOT MULTI-MODAL GRANT**

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board approved DPW Supt. Nelson's request to reclaim and repave Chandler Lane and request reimbursement through the Multi-Modal Grant (\$60,000 DOT share, \$5,000 Village share). The motion carried by a 5-AYE, 0-NAY vote.

**RE: DOCE V. VILLAGE - SMALL CLAIMS**

Mayor Brescia and the Board acknowledged the Small Claims action filed by Jason Doce against the Village for a sewer backup at 79 Charles Street on December 24, 2007. The Small Claims will be forwarded to the Village insurance carrier.

**RE: BOY SCOUT PROJECT**

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board approved Boy Scout Jamie Zock to complete his gardening project at the Village Museum at Wesley Hall. The motion carried by a 5-AYE, 0-NAY vote.

**RE: EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 10:44 A.M. under Public Officers Law §7 (e) to discuss PBA collective negotiations with O-I-C Luffman, Atty. Lanchantin and with Village Clerk Thompson in attendance. The motion carried by a 5-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board went out of EXECUTIVE SESSION at 11:34 A.M. The motion carried by a 5-AYE, 0-NAY vote.

**RE: ADJOURNMENT**

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board adjourned the meeting at 11:35 P.M.

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Village Clerk

Linda L. Thompson