

Minutes of the Work Session with the Architectural & Historic Review Board and Regular 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, **October 21, 2008** at 6:45 P.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; Atty. Dowd; AHRB Members- Chrnm. Freeman & Members Paula Frissora, Erin Gortin, Robert Wiggins, Sarah Roepe; B/I Yancewicz; Eagle Scout Preston Perry; Mike & Sue Hembury; Andy Roepe; Ray Shipman; Brian Watson; Johanna Sweikata; Carol Monroe; Rory Holbert; Christa O'Brien; Wallkill Valley Times reporter.

RE: WORK SESSION

The Village Board and AHRB Board members discussed the proposed changes to Ch. 6 of the Village Code. Atty. Dowd stated the guidelines submitted by the AHRB will be reviewed for adoption pursuant to the changes in the Village Code. Hardships are talked about in the proposed code changes so as to not repeat what recently occurred in the historic district. The first paragraph in his letter asks if a local law can be adopted that makes changes to the existing code and sets up the hardship in the guidelines. They become a set of rules that the AHRB follows, that they adopt pursuant to making a change in the local law. This will help with situations such as with the new house on Taft Avenue in determining the type of siding for new construction adjacent to the historic district.

Mayor Brescia referred to inconsistencies when it comes to use of vinyl siding within historic districts and abutting properties. Guidelines are important for new construction in and adjacent to historic districts. Mbr. Gortin said the situation is different where new construction is adjacent to the historic district. The problem is the AHRB does not have any teeth to impose what is required in the historic district. That is why vinyl was approved in certain circumstances. Our focus on the AHRB was to maintain what is already here not so much for new construction. We want to advise and guide people on what material we would like them to use. Atty. Dowd said that is why you want to encourage wood for new construction for adjacent properties. Mbr. Frissora mentioned the types of material would be helpful in the guidelines. There is another aspect of being in the historic district, the possibility of being eligible for a tax credit. That of course would involve NYSHPO. Chrnm. Freeman suggested anyone who owns a historic house should be given a copy of the guidelines so they understand what is involved when renovating or improving their house. That could be through the building department and any other method to inform the homeowner. Atty. Dowd suggested a letter with a copy of the guidelines be mailed to everyone in the historic district and maybe to everyone adjacent to the district as well. The Boards agree.

Mbr. Wiggin feels the AHRB has come a long way since the AHRB was created. With the backing of the Board of Trustees and deciding on things together it will make it much easier for the homeowner and AHRB. Chrnm. Freeman added it is important to be fair to the people who are before the AHRB. The Boards agreed guidelines are important to the AHRB as well as to the applicant.

Mbr. Roepe ask if they could go line by line through Atty. Dowd's recommendations? Mayor Brescia said as we go through the proposed changes to make comments at that time. The changes were made and noted by Atty. Dowd. Some good points have come

out of this work session. The Boards will review the material and make their respective suggestions at another work session sometime next month.

RE: REGULAR MEETING

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

RE: EAGLE SCOUT PROJECT – PLEASURE GROUND SIGNS

Eagle Scout Preston Perry appeared to discuss his project. He would like to put trail markers in Pleasure Ground Park to indicate which direction Rte. 211 is, the river, etc. He would also like to put mulch by the markers. Pictures were presented to the Board. Mayor Brescia and the Board liked the project outlined and approved of the project.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved of the Eagle Scout project presented by Eagle Scout Preston Perry to put trail markers in Pleasure Ground Parkland. Motion carried 5-AYES, 0-NAY vote.

RE: MONTGOMERY ESTATES II, CONROY AVE. & HASKIN COURT

Trustee Kiernan advised he had the opportunity to meet with the builder, Frank Nutt, to discuss the punchlist items that must be done before Conroy Avenue and Haskin Court can be dedicated to the Village (sidewalk retaining wall, street lights, roads, street signs, retention pond, etc.). Jamie Dressner is no longer the owner of Montgomery Estates II. He has sold it to two individuals from the NYC area. He also met with DPW Supt. Nelson on a couple of occasions to discuss it. The performance bond was reduced in 2007 from \$604,220 to \$96,479. The present increase of about 40%-50% in materials does not cover the work needed to complete the improvements. But, Frank Nutt did promise to proceed this fall, with the exception of the road, with the sidewalk guardrail, street lights and stop signs in Montgomery Estates II. Another issue is the snow plowing. At the present time Frank Nutt is doing the snow plowing. And Mayor Brescia advised the Village is picking up the garbage because we have an agreement with the developer. Trustee Kiernan stated the people doing that project should be made to complete the improvements because the residents living there are paying the full amount of the taxes and they are not getting the services they are paying for.

Mayor Brescia asked Vlg. Atty. Dowd what recourse the village has in this case? Atty. Dowd stated the village has to take title to the roads, file the deed before accessing the performance bond. You have to then declare them in default before commencing action to take the bond. Mayor Brescia replied stating he feels we should not take the roads saying the rest of the taxpayers should not have to pay for it. We sympathize with the residents . . . Atty. Dowd advised that he thinks nobody anticipated that it was going to take this long to complete and that the cost of asphalt was going to skyrocket the way it did. Technically, they had three years to complete the subdivision. The Board agreed maybe holding back on building permits will encourage the owner to complete it. Atty. Dowd said the main objective is to get the development built and roads dedicated. Mayor Brescia advised that he too will try to contact Frank Nutt to resolve the issues as soon as possible.

RE: COMPREHENSIVE PLAN

Atty. Dowd advised Alan Sorensen has prepared a resolution to wrap up the SEQRA process finding no adverse environmental impact in the adoption of the Comprehensive Plan. Minor changes have been made to the plan and he cannot see any reason why the Board cannot adopt the plan in November.

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board adopted a Resolution to Adopt the Comprehensive Plan for the Village of Montgomery. Motion carried 5-AYES, 0-NAY vote.

RE: 2ND MEETING IN NOVEMBER CHANGED – November 3, 2008

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board approved to reschedule the Board meeting to November 3, 2008 at 7:30 P.M. from November 4th in lieu of Election Day. Motion carried, 5-AYES, 0-NAY vote.

RE: PROPOSED BUSINESS – 10 FACTORY STREET – KAL PAC CORP

Mayor Brescia advised that he visited the Kal Pac Corp facility in New Windsor. It was very impressive. The warehouse was clean and organized and they were very friendly people. It appeared there was not much noise from the facility. It is something that could be conducive for the Village. The Board was encouraged to visit the site.

RE: LOCAL LAW NO. I-2 OF 2008 – “VEHICLES & TRAFFIC”

Introductory Local Law No. 12 of 2008 entitled “Vehicles & Traffic” was introduced - proposed are additional stop signs on Wavy Willow Lane, Sycamore Drive and Conroy Avenue.

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board set a Public Hearing on November 3, 2008 at 7:20 p.m. on Local Law No. I-2 of 2008 entitled “VEHICLES & TRAFFIC”. Motion carried 5-AYE, 0-NAY vote.

RE: DOCE SMALL CLAIM – SEWAGE BACKUP

The Board acknowledged the Transfer Order from Village court to the Village of Walden court in the Matter of a Small Claims filed by Jason Doce, Charles Street for a sewage backup in his house.

RE: NOTICE OF CLAIM – ESTATE OF RICHARD REYNOLDS

The Board acknowledged the Notice of Claim in the matter of Robert A. Reynolds, Sr. as Administrator of the Estate of Richard E. Reynolds, Deceased against the Town of Montgomery and Village of Montgomery. A copy has been forwarded to Selective Insurance.

RE: SEWER TREATMENT PLANT - ROTOR REPLACEMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board set a Bid Opening for Sewer Treatment Plant Mechanical Aerator Assemblies (material only) on November 14, 2008 at 2:00 p.m. Motion carried 5-AYES, 0-NAY vote.

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board approved for Village Engineers Lanc & Tully, P.C. to prepare the bid documents to replace two rotors (bid for material only) at the Sewer Treatment Plant. Motion carried 5-AYES, 0-NAY vote.

RE: BUDGET TRANSFER

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board approved and authorized Treasurer Benedict to make budget transfers as follows:

	<u>From:</u>	<u>To:</u>
\$7,501.28	7310.100A (Sum Rec Pers Serv)	7310.400A (Summer Rec Contr)
1,000.00	1990.000A (Contingency)	7520.400A (Firefighters Museum)
3,436.55	1990.000A (Contingency)	9050.800A (Unemployment Ins)

Also: Increase by \$6,175 Income line 2001A and Expense line 7270A (Concert Series). Motion carried 5-AYES, 0-NAY vote.

RE: POLICE DEPARTMENT

On October 25th the Village Police Department will be conducting training on the proper installation of child safety seats and on November 1st the D.A.R.E. Program and the Knights of Columbus are holding a Halloween themed dance at St. Mary's Church for 5th and 6th graders.

RE: EXECUTIVE SESSION

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 8:10 P.M. under Public Officers Law §7(e) to discuss P.B.A. Union negotiations with O-I-C Luffman, Atty Dowd and Village Clerk Thompson in attendance. Motion carried 5-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 9:00 P.M. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 9:01 P.M. under Public Officers Law §7(f) to discuss police department personnel with O-I-C Luffman, Atty Dowd and Village Clerk Thompson in attendance. Motion carried 5-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 9:28 P.M. Motion carried 5-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board adjourned the meeting at 9:30 P.M.

Village Clerk Linda L. Thompson