

Minutes of the Public Hearing 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 Monday, **November 3, 2008** at 7:20 P.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; O-I-C.Luffman; Michael and Sue Hembury; Andy Roepe; Lisa Kimball; Eagle Scout Michael Mont; Carol Monroe; Johanna Sweikata; Krista O'Brien, Wallkill Valley Times reporter.

**RE: PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. I-2 OF 2008
“VEHICLES AND TRAFFIC’**

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board opened the Public Hearing at 7:20 P.M. on Introductory Local Law No. I-2 of 2008 entitled “Vehicles and Traffic”. Motion carried 5-AYE, 0-NAY vote.

Mayor Brescia noted all the proper papers – original Notice of Hearing, Affidavit of Publication and Affidavit of Posting – were presented and filed.

Mayor Brescia: This local law adds additional stop signs on Wavey Willow Lane, Sycamore Drive and on Conroy Avenue at Goodwill Road. Are there any questions from the public on the local law or from the Board?

Trustee Kiernan: Will that be tomorrow the signs are put up, Mayor, or in the near future?

Mayor Brescia: No. It has to be sent to the Secretary of the Department of State. Once we get it back that it has been filed with the Department of State the signs can be put up. Are there any other questions from the public on the local law or from the Board? With no questions, we can close the public hearing.

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board closed the Public Hearing at 7:23 p.m. Motion carried 5-AYE, 0-NAY vote.

REGULAR MEETING

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

RE: MINUTES

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board accepted the minutes of October 7, 2008 with Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Kiernan voting AYE and Trustee Cantiello abstained (not present). Motion carried.

Moved by Trustee Kiernan, seconded Trustee Andolsek, the Board accepted the minutes of October 21, 2008. Motion carried 5-AYE, 0-NAY vote.

RE: ABSTRACT NO. 11-2008

Moved by Trustee Cantiello, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT No. 11-2008 were audited and approved for payment contingent upon review by Trustee Kiernan with \$239,270.96 from the General Fund, \$15,549.57 from the Water Fund, \$22,567.93 from the Sewer Fund and totaling \$277,388.46. Check Nos: 37102-37113; 38527-38630. Motion carried 5-AYE, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending October 31, 2008, as follows: General Fund \$1,771,020.04, Water Fund \$158,072.36 Sewer Fund \$324,612.84.

RE: VILLAGE MUSEUM

Trustee Kiernan advised Eagle Scout Michael Mont would like to take out the cabinet in the back room that is partially blocking a heat duct. A section of that will be taken out and a higher cabinet will be made over the heating duct. The sections on the side will have shelves for storage. Someone that has a wood carving business by the Woolen Mill will be donating his time and skills to help Michael. The cabinet that he will be removing has no historic value and no holes will be put in the wall. Trustee Cantiello said there is only one question, if there would be any payment from the Village to build this project. Trustee Kiernan said Michael is trying to raise funds, but if he cannot get enough, will the Village help him out. Mayor Brescia said he thinks that would not be a problem. We usually don't do that but on occasions we have helped out with scout projects.

Eagle Scout Michael Mont presented pictures of what the cabinets would look like. The shelves will hold the old books. The shelves will not be attached to the walls so it can be moved if need be. Ken Betts is the woodworking guy that will be helping with the project. Letters asking for donations will be sent out after the Eagle Scout Board approves of the project. Mayor Brescia advised the Village can help with some supplies if he is unable to get enough donations to build the shelves.

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, the Board approved Eagle Scout Michael Mont's project to build shelving units in the Museum and supply material if needed. Motion carried 5-AYE, 0-NAY vote.

RE: GENERAL MONTGOMERY DAY

Mayor Brescia advised the General Montgomery Day Committee had a meeting last week to critique this year's event. The next meeting should be in March sometime.

RE: MONTGOMERY ESTATES II

Trustee Kiernan advised he had an opportunity to meet with Frank Nutt about Montgomery Estates II. This week he expects to enhance the retention pond by making it safer by putting a fence around it and he will be putting a railing up by the sidewalk. The last thing he is going to do is blacktop because more construction equipment will be going in and out to finish the last few houses. The residents should be happy with that. The biggest concern right now is the safety.

Mayor Brescia suggested increasing the bond to reflect the actual costs at today's prices. Trustee Kiernan advised he will see if Frank Nutt can sign a waiver so the Village can at least plow the roads. Mayor Brescia said we can't do that upon legal advice from Atty. Dowd unless it is an emergency situation. We would like to be able to do that, but it looks like we can't. According to Atty. Dowd having an agreement to pick up garbage is a different issue. Trustee Kiernan stated he will try to speak with Atty. Dowd during the week. Mayor Brescia said whatever he can do would make it better. But in the mean time, the building inspector will continue to hold up on the building permits because that is the main leverage the village has. Trustee Kiernan agrees saying something has to be done as it is not safe and it is an unhealthy situation over there.

RE: GENERAL VILLAGE ELECTION – WEDNESDAY, MARCH 18, 2009
To be held at Senior Center, 8:00 a.m. to 9:00 p.m.

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board Adopted a Resolution for the 2009 General Election to be held on March 18, 2009 designating office(s) to be filled & term as follows: Office - Trustee (2), Term – 4 years. Motion carried 5-AYES, 0-NAY vote.

RE: NEW YORK MAIN STREET PROGRAM GRANT

Mayor Brescia advised village businesses have indicated they are interested in participating in the grant. It is a 75/25 grant which the village administers. The village can also apply. Maybe the grates around the trees can be replaced or some of the trees or add more benches.

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board adopted a Resolution Authorizing the Village of Montgomery to Participate in a New York Main Street Program Grant and approved Planit Main Street, Inc. as the projects consultant. Motion carried 5-AYE, 0-NAY vote.

RE: LOCAL LAW NO. 2 OF 2008 - "VEHICLES AND TRAFFIC"

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board declared Lead Agency and adopted a Resolution of Negative Declaration (ATTACHED) declaring the adoption of Introductory Local Law No. 1-3 of 2008 entitled "VEHICLES AND TRAFFIC" will not have any adverse environmental impact. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Scheels, seconded by Trustee Kiernan, the Board adopted Local Law No. 2 of 2008 entitled "VEHICLES AND TRAFFIC" (ATTACHED). Motion carried 5-AYE, 0-NAY vote.

RE: D.A.R.E. Dance

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved to expend \$200 for the D.A.R.E. dance held on November 1, 2008 at St. Mary's Hall. Motion carried 5-AYE, 0-NAY vote.

O-I-C Luffman advised the dance was a success as usual. Trustee Kiernan said he spoke with O-I-C Luffman about having more teen dances. He would like to start a committee to see what activities would be of interest for teenagers. Trustee Cantiello said we tried it with ping pong on Friday nights which turned out great.

Mayor Brescia said we have spoken in the past about having a full time rec director but did not have the money for it. We are always amendable to more activities, DARE and PBA have had dances in the past. There is some money set aside for dances and events like that. Trustee Kiernan asked if anyone would like to volunteer to let him know. Mayor Brescia said he would try to put something in the next newsletter asking if anyone would like to volunteer to be on the committee.

RE: SENIOR CENTER ALARM SYSTEMS

Mayor Brescia and the Board discussed a fire and burglary system for the senior center. D-Ben Security Systems, Inc. submitted an overview to connect the fire panel (\$240 yearly monitoring fee) and the burglary alarm system (\$180 per year). Maybe the fire system should be considered now and hold up on the burglary system until we can check into it further. Probably at this time we should check into it further. We have to decide who will have the code for the burglary system and who will be the contact person if the alarm goes off, etc. Trustee Kiernan advised there may be a credit on the Village's insurance. Deputy Mayor Scheels said we can check with the insurance company to see what the savings will be on the policy. The Board discussed motion detectors and how sensitive they can be. Trustee Cantiello said we have them in the recreation center stating the deer has set them off and inside squirrels have set them off. Mayor Brescia and the Board agree the fire monitoring is important.

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board accepted D-Ben Security Systems, Inc. Monitor Agreement to monitor the fire system in the Senior Center. Motion carried 5-AYE, 0-NAY vote.

RE: SEWER TREATMENT PLANT – ROTOR(s) REPLACEMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board reset a Bid Opening for Sewer Treatment Plant Mechanical Aerator Assemblies (material only) on December 1, 2008 at 2:00 p.m. Motion carried 5-AYES, 0-NAY vote.

PUBLIC PORTION

Andy Roepe, 41 Union St., asked if the Village is going to be assessed by the town for police coverage because we do not have four full-time officers and because of that, the Town will have a full-time town police car in the village. Would the Village Board consider in lieu of the assessment to explore the possibility of having four full-time officers instead of the mandatory assessment the town wants to do? He also asked if the Police Commissioners would have counted toward the full-time positions.

Mayor Brescia advised we heard that we were but to date we have not received confirmation on it. I believe they had only 28 calls in the Village of Montgomery last year. Their budget went from about \$678,000 to almost \$1.6 million. They went full time and it appears they need ways to subsidize that and it's too bad they are trying to do that by involving the villages. OIC Luffman added that he has been reading into that 1951

law. It is very vague and he understands there may be a change on that because the Village has 24/7 coverage. He is waiting for paperwork from Albany with regards to that. We might not be touched because of the 24/7 coverage. Mayor Brescia stated the town board is talking about it and this board needs to get an opinion from Atty. Dowd on this issue. The town board is getting some heat from the town residents on probably what the budget is today and that they feel they should not have to pay for town police coverage in the Village of Montgomery. As far as the Village of Montgomery, the Board feels the police department handles what happens in the Village. OIC Luffman agrees. Deputy Mayor Scheels said we really do not need the town police. Trustee Kiernan said full-time officers are not the answer right now. Mayor Brescia advised he and OIC Luffman met with Chief Amthor, Supv. Hayes and Councilman Feller and talked about it to see if we were obligated to go along with it and covering the A-line shift (midnight to 6:00 a.m.). We talked about doing it between us and Maybrook at that time. Chief Amthor was suppose to get back to us with cost but never got back to us until after our budget was set. Trustee Kiernan said there is probably not much to discuss until the Town Board comes up with a figure and until the state has something mandating it. A few months ago it was \$37,800 (half of full time police officer salary).

Mayor Brescia advised the Police Commissioners was an advisory committee unlike some municipalities that were full time. They did interviews, background checks and helped with police rules and regulations. Trustee Kiernan was a police commissioner along with John Byrnes, Sr. and Joe Cardinale.

Michael Hembury, Madison Avenue, asked the Board if they have an estimate on the number of times the Village police have responded to an incident within the Town? Mayor Brescia advised the police are not suppose to go into the town unless they are called. OIC Luffman said a mutual agreement is being worked on by the attorneys. There were emergency situations last year the village responded to the town 28 times and town responded to the village 14 times. Mike Hembury said he has heard since the state police are moving into Maybrook they want to reduce the town police force. I can't see that happening. But, as a resident, he wants the police department to stay in the village. Mike thanked the Village Board for staying on top of it.

Mayor Brescia advised that it is Gov. Patterson's theme to downsize and consolidate. The Village of Chester is looking to consolidate with the Town and their police department is 34% of the budget. The Village's is just below 18% of our budget which I don't think is bad. Consolidation can work but it can also not work and it has not worked in a few places. Ellenville's police budget is about 37% of their village budget. Our police department has a 53 second response time and this village officers' has a lot more years of experience when compared to the Town's police department. Mike Hembury agrees saying this department has retired police officers, correction officers, fire marshalls, etc. Bottom line, the Village has an excellent force adding that his whole career was in the City of Newburgh and he will do everything to make sure the Village of Montgomery stays the way it is. Trustee Kiernan advised that he attends a lot of the Town board meetings to keep the Board and OIC Luffman up to date on what is happening.

Lisa Kimball, Conroy Avenue, thanked the Board for the upcoming stop sign on Conroy Avenue. After looking at the site plan for Montgomery Estates II and requirements for a retention pond and other things, it appears no fence was included around the retention

pond. She is looking for something to be done about it. She is concerned with paying taxes and not receiving the services.

Mayor Brescia said the Board is well aware of it and we are trying to work with Frank Nutt to get the fence up. Trustee Kiernan explained the reasons behind retention ponds. The village engineer on the project has tried to contact the former owner on several occasions. Unfortunately, the owners before Jamie Dressner did not do their job. . . the village cannot proceed and do the improvements with the amount of bond he has posted with the village. This Board has an obligation to the taxpayers of this village that everything has to be done before we can accept dedication of the streets. Mayor Brescia agreed saying it is unfortunate that it has gotten this far. We have had this with other developments and it was addressed as we went along. There was a situation with the retention pond in The Meadows and we had to use the developer's performance bond to correct it. Trustee Kiernan said he will be meeting with Frank Nutt and invited Lisa Kimball to the meeting. After the meeting, we will have a better time frame when and how the remaining improvements will be completed. Two weeks ago, the Village Board was made aware there was a safety issue. We are working on it. Mayor Brescia thanked Lisa and the other residents for bringing it to the Board's attention and assured Lisa that the improvements will be built according to Village specs, that includes all the improvements that need to be done.

RE: EXECUTIVE SESSION(s)

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered EXECUTIVE SESSION at 8:23 p.m. under Public Officers Law §7(e) to discuss P.B.A. Negotiations with Atty. Dowd, OIC Luffman and Village Clerk Thompson in attendance. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board went out of EXECUTIVE SESSION at 8:31 p.m. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 8:32 p.m. under Public Officers Law §7(d) to discuss pending litigations - Sasse v. Village and Reynolds v. Village with Atty. Dowd, OIC Luffman and Village Clerk Thompson in attendance. Motion carried 5-AYE, 0-NAY vote.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board went out of EXECUTIVE SESSION at 8:44 p.m. Motion carried 5-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board adjourned the meeting at 8:45 p.m. Motion carried 5-AYES, 0-NAY vote.

Village Clerk

Linda L. Thompson