

Minutes of the 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, **November 18, 2008** at 7:30 P.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Kiernan; (Absent- Trustee Cantiello); Dpty. Vlg. Clerk Rosemarie Griffith; Atty. Dowd; O-I-C.Luffman; Johanna Sweikata; Master Plan Committee – Greg Gorton, Sophia Ramano, Elizabeth Weismann, Shane Daley, Charlie Wallace; Alan Sorensen (Planit Main Street); Andy Roepe; Lisa Kimball; Jennifer Watson; Wallkill Valley Times reporter.

**RE: MINUTES**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of November 3, 2008. Motion carried 4-AYE, 0-NAY vote.

**RE: FY-2008 GRANT – WALLKILL/RAILROAD AVES. WATERMAIN REPLACEMENT (SCHENLEY CONSTRUCTION INC. REQEUST FOR PAYMENT)**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved Payment Request No.2 for Schenley Construction, Inc. in the amount of \$120,580.90 for work on the Wallkill/Railroad Avenues Watermain Replacement (FY-08 CDBG Program) subject to approval by Village Engineer Lanc & Tully, PC and Office of Community Development. Motion carried 4-AYE, 0-NAY vote.

**RE: SENIOR CENTER RENTAL – BOY SCOUTS**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved for the Scouts annual blue and gold event to be held at the senior center and approved to waive the rental fee. Motion carried 4-AYE, 0-NAY vote.

**RE: MONTGOMERY BUSINESS ASSOCIATION**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved for the Montgomery Business Association to meet at the Village Hall the first Monday of each month. Motion carried 4-AYE, 0-NAY vote.

**RE: SMALL CLAIMS**

Mayor Brescia and the Board acknowledged a Small Claims filed against the Village by Steven Weigand. After a discussion, the Board agreed the Small Claims will be handled by the Village.

**RE: LIQUOR LICENSE RENEWAL – 88 CHARLES STREET**

Mayor Brescia and the Board acknowledged 88 Charles Street's notice of intent to renew their on-premises liquor license.

**RE: UPCOMING EVENTS**

The Village will be hosting the Orange County Association of Towns, Villages and Cities at the Senior Center on November 25<sup>th</sup>.

Santa Claus will be visiting the Village Hall on December 13<sup>th</sup>, 1-3 PM.

House Decorating Contest – judging will be on the evening of December 7<sup>th</sup>, prizes given at the December 18<sup>th</sup> meeting.

Friends of the Montgomery will be hosting A Holiday Afternoon at Montgomery Village Museum on December 24<sup>th</sup>, 2-4 PM.

**RE: MONTGOMERY NURSERY SCHOOL – REQUEST TO USE SENIOR CENTER**

Trustee Kiernan advised that he had a conversation with Amanda Dana (Montgomery Nursery School) concerning hosting a movie night at the senior center in January. Mayor Brescia asked if it is being run as fund raiser, a donation should be made to the Village to help cover the cost of the heat and lights at the senior center. After a discussion, Mayor Brescia asked for a proposal from the Nursery School for the Board to consider.

**RE: MONTGOMERY ESTATES II - CONROY AVENUE. & HASKIN COURT**

Trustee Kiernan advised that he had met with Frank Nutt to discuss the work that must be completed, i.e. street lights, retention pond, sidewalk, retainer wall. These are safety issues that are a concern for the residents that live there. The residents are paying taxes and not receiving the services they should. The performance bond on file will not cover the cost to complete the road and the other improvements. The sidewalk retainer area has been done and a fence around the retention pond wall. Atty. Dowd said they are receiving services such as garbage collection and police coverage. Mayor Brescia said he too has met with Frank Nutt and made numerous phone calls. The fence by the retention pond is up and Frank agreed to put in some type of shrubs. He agreed to keep the roads plowed. Also, the building inspector is continuing to work with Frank Nutt to get it completed. The main concern is getting the infrastructure done, probably the road work can be held off because the road only needs to be capped. It is important to get the lights up. Atty. Dowd was asked to see if there was some way the Village can go in and plow the roads (Conroy Ave. & Haskin Ct.)? Atty. Dowd said he has reviewed all the existing law on the issue and legally under NYS law, the Village cannot spend money on undedicated roads. The only exception is in a life and death emergency where you need to get an ambulance or a fire truck in there. So, you can not plow any roads or do any maintenance thereof.

Lisa Kimball (Conroy Ave.) thanked the Board for looking into the situation at Conroy Avenue. If the Board does not mind, she will continue checking with the Board until the improvements are completed. She appreciates the work that has been done by Frank Nutt and asked when the street actually will be dedicated to the Village. Trustee Kiernan said Frank Nutt knows now that the Village is serious and they will do their end of the deal. Lisa advised they also have a concern about the route of the power lines. It looks like the lines will be encircling Conroy Ave. and Purple Heart Way. Mayor Brescia advised the Board has meet with Central Hudson. They have asked Central Hudson to push the transmission lines outside of the Village to a less populated area. Trustee Kiernan said he thinks the lines will not touch any village property. Lisa said sometimes it is hard to get information on what is being done. . . Deputy Mayor Scheels advised Central Hudson has not decided where the line is actually going, but we did ask them to keep the lines away from the residents in our area. Sophia Ramano said they are not

taking any houses because they are concerned with easements. Mayor Brescia stated a resolution was sent to Central Hudson and the Town of Montgomery Planning Board stating the Village's concerns.

**RE: DRAINAGE: BOYD & MASON STREET; UNION STREET**

Trustee Kiernan advised there seems to not be any further water problems between Boyd and Mason Streets. It appears when the sidewalk was replaced on Boyd Street between Railroad Avenue and Walkill Avenue it helped that area too. Also, in front of 90 Union Street, it seems to be working with the work that was done by the D.P.W. Dan Byam (90 Union St.) sent the Board a letter thanking the Village and D.P.W.

**RE: COMPREHENSIVE PLAN**

Alan Sorensen (Planit Main Street) described the process to date for the Committee and the Board to be able to submit the final draft of the Comprehensive Plan for adoption. OC Department of Planning has provided their written comments prepared by John Czmsnske. The County Planning Department has commended the Village for undertaking the preparation of a new Comprehensive Plan. The plan identifies areas and aspects which the community seeks to protect and enhance while identifying areas and aspects that may be a positive influence in the future. It is a matter for local determination now. SEQRA has been done and now it is before the Board for adoption. The committee had tremendously contributed to the Comprehensive Plan.

Mayor Brescia advised there was a good cross section that served on the comprehensive plan committee and a lot input from the community. The Board is very pleased with the outcome. Trustee Kiernan suggested a plaque be given to the Committee recognizing them for their hard work. Mayor Brescia will put something in the next newsletter thanking the committee. A small sub-committee should stay on to follow through with the Comprehensive Plan as recommended by Chrmn. Conero. Maybe they can meet semi-annually to help keep the Village on track with the Plan. Deputy Mayor Scheels recommended some members of the Comprehensive Plan because they put it together and will be familiar with the Plan.

Atty. Dowd advised the Board has a request from the property owners on Factory Street for a zone change to possibly bring in new business to the Village and asked if the Board wanted to proceed with it. Mayor Brescia said the Board generally like the Kal Pac's plan. Atty. Dowd was asked to prepare the necessary paper work to proceed with the zone change. Atty. Dowd advised he will have it ready by the end of the year.

Mayor Brescia asked if there were any questions before the Board or Committee before the Board proceeds to adopt the Plan?

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, the Board adopted a Resolution to adopt the 2008 Comprehensive Plan for the Village of Montgomery, New York. Motion carried 4-AYE, 0-NAY vote.

**RE: POST OFFICE COLLECTION BOX**

Mayor Brescia advised the post office collection boxes has been removed from in front of Eddie's Deli and Mike's Deli. People have been complaining because of the

inconvenience it has caused and asked if there is something the Village can do. The post office has said the rationale is they wanted to see at least 50 pieces of mail a day and that was not the case. The Board was in favor of writing to the postal service asking for the collection box to be put back at least in front of Eddie's Deli for the convenience of the local businesses and residents. There are many people who do not have a car and have to walk to do errands.

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board approved a letter be forwarded to the US Postal Service requesting the postal collection box be replaced in front of Eddie's Deli in the downtown business district for the convenience of businesses and residents and for the betterment of the community. Motion carried 4-AYE, 0-NAY vote.

#### **RE: NEW PLAYGROUND EQUIPMENT**

Andy Roepe reported the Playground Committee has raised \$15,000 in donations to replace the playground equipment in the Park. The donation is a matching grant from OC Department of Planning. They also received \$2,500 from Assemblywoman Calhoun. Work should begin in the spring.

#### **RE: VILLAGE POLICE DEPARTMENT**

OIC Luffman reported the OC Business Association has donated 20 turkeys to the police department to be given to Montgomery Elementary School for needy families in the community.

#### **RE: TOWN POLICE COVERAGE WITHIN VILLAGE**

Johanna Sweikata (Bridge St.) referred to a recent article in the paper about the assessment the town wants to give to the three villages. Mayor Brescia advised he heard about being assessed \$9,200 as opposed to the \$12,000 that was in the paper. He is waiting for the numbers from the town. He and three trustees went to the Town Board meeting last evening to express the Village of Montgomery's displeasure of the assessment. It looks like in Town Law §150(1) they can do that. It really is not that clear. NYCOM tells us they might not be able to do that. We still are questioning it. Supposedly they had 99 calls in the Village last year which OIC Luffman wants to see it. There is a protocol in place that the town officers were given for calls for the Village of Montgomery even though the Village had coverage. There would be two village cops at the scene and one town cop. In fact, there was a town cop at a fire scene the other night for three hours that did not need to be there because there were two village cops there. Tickets issued by the Town police in the Village in 2003 was zero, in 2004 – 4, 2005 – 0, 2006 – 3 and 2007 – 4. The Town Board was told the Village probably does not need coverage because we are pretty much 24/7 since May. There was a little problem last winter, but there does not seem to be a problem since May. There budget went up from \$678,000 in 2004 to \$1.6 million in 2008. It just is not necessary. Quite a few people are upset and had called about it. OIC Luffman said the Village has been called out 24 times to the Town. You don't really want to stop responding when called. Mayor Brescia agreed saying mutual aid is important. The Board agreed. Trustee Kiernan stated a mutual aid agreement is important for liability purposes. OIC Luffman responded saying it is something that is being work on. Atty. Dowd has a copy and is reviewing an agreement. Trustee Kiernan asked when did we agree to go 24/7? Mayor

Brescia said it has been in the police budget before. OIC Luffman believes it has always been 24/7 and the only time it was not is during the winter months when it is very slow. It saves money in the budget also. Trustee Kiernan advised for budget purposes just as a reminder and to keep in mind the village is into 2 years of a potentially four year contract with the police union and the hourly rate could be considerably higher than what we are accustomed too. Two and a half years later you could run into a substantially higher amount of money. Mayor Brescia said we are aware that we are in a tight budget situation and realize we might have to pay retro salaries. The village's salaries are in the neighborhood of \$21, \$22 an hour and the Town's in the neighborhood of \$41 an hour with all their benefits, vacation time, etc. The Town Board was advised that the Village is not in favor of consolidating in the foreseeable future. We are happy with what we got. We have a 53 second response time. Trustee Kiernan said it may be an inevitable thing down the road, but right now it is okay if we can afford it without increasing taxes. The minute we increase taxes going 24/7, I think that we have to take a hard look at it. Mayor Brescia referred to a meeting he had last year with Chief Amthor about the town assessing the Village for coverage on the A-line shifts. He was supposed to come back with a proposal for the Village of Montgomery and Village of Maybrook. He never came back to us. We still don't know if the Town can assess the village. If we can fight it, we will fight it legally. Deputy Mayor Scheels said we have good officers and good coverage and generally speaking, we do not need the coverage. OIC Luffman added no doubt it is still important to have mutual aid when needed. Atty. Dowd stated technically mutual aid calls are not being transferred in the proper way. Charlie Wallace suggested countywide mutual aid the same as they have for fire calls. Mayor Brescia stated he has been pushing for that for a long time. They should have it because if they ever have the closest car concept, you really need that in place. It would help to prevent these turf battles the towns and villages are having. A few years ago when we had A-line shifts, periodically we would get calls to go into the town like three houses from the village line. This was a liability matter and we had to stop it. The Board agrees a mutual aid system should be in place.

**RE: EXECUTIVE SESSION**

Moved by Trustee Kiernan, seconded Trustee Andolsek, the Board entered EXECUTIVE SESSION at 8:24 p.m. under Public Officers Law §7(d) to discuss pending litigation, Village v. Wild, with Atty. Dowd and Village Clerk Thompson in attendance. Motion carried 4-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 8:37 p.m. Motion carried 4-AYE, 0-NAY vote.

**RE: ADJOURNMENT**

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, the Board adjourned the meeting at 8:38 p.m. Motion carried 4-AYE, 0-NYA vote.

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Village Clerk Linda L. Thompson