

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, November 6, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Walsh, Virginia Moore, Gloria Santora, Robert Greene, Mary Greene, Lois Kelder, Pat Bauman, Fred Bauman, Peggy Harrigan, Betty Stuhmer, Ray Stuhmer, Maria Beltrametti, Mary Ann Lindner, Janice Cornell, Shirley Morea, Johanna Sweikata, Don Berger.

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

RE: MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of October 16, 2018. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

Mary Greene, president of the New Horizons Senior Club requested to meet with the Board regarding the use of the piano located at the Senior Center.

Over the past several years there have been numerous acts of theft and vandalism at the Senior Center. We have asked for an alarm system and a video camera many times to avail. The recent damage to the Baldwin Grand piano is devastating to all of us.

Additionally, we are greatly troubled that some people feel it was a senior who was responsible. Why would we damage an instrument that provides such joy to our meetings? Also, having to pay a fee for its use and going for and returning the key to the Village Hall is an additional hardship and we believe, punitive. The Key protects only the keyboard, not the exterior finish or the hammers and strings within.

Therefore, we petition the Village Board to improve security at the Montgomery Senior Center as soon as possible and return use of the piano to us with no fee required so that we can continue to enjoy music at our meetings.

Mayor Brescia stated the piano was purchased and donated to the Grand Montgomery Chamber Music Series. It is mainly to be used for the Chamber Music Series. Whoever uses the piano and something goes wrong with it, someone will have to be responsible, it will not be the Village or the Grand Montgomery Chamber Music Series sponsors. If you would like to take on that responsibility for the piano, if damage is caused by a senior that is Ok.

Trustee Lindner stated when the damage to the piano was discovered, the Village Office called the Senior Center to talk with Trish. When we looked into it, it appeared as though the damage was caused by some alcoholic beverage. He explained this to the Board and the Village Clerk that the damage was not caused by the seniors. He feels it was caused by someone who rented the Senior Center. Since then he has spoken with DPW Supt. Nelson, one of the things that was not done in the past was to look under the cover of the piano. We have rooms upstairs of the Senior Center that were also never checked and broken into by renters. Now the locks have been changed and the cleaner is conducting a thorough inspection after each rental occurs. He feels whoever dropped the alcohol, did not do it maliciously, they may have thought it was a waterproof cover, it is a dust cover. The whole issue regarding the key, after speaking with the Village Clerk, she did not say

you were going to pay \$100.00 any time you want to use the piano. She simply said, the New Horizons Seniors as well as the Senior Center could help pay for the tuning of the piano. We could certainly look into doing that, but there was no fee. He told the Senior Center Director Trish that as far as the key is concerned, the New Horizons Senior Club president should have a copy of the key to the piano. Mayor Brescia also does not have a problem with that either, it should be locked. It should not be available to anyone renting the Center.

Ms. Virginia Moore, Spokesperson for the New Horizons Senior Club elaborated on their concerns and provided a petition in support of their request. She has played her piano at home for 65 years and it is still in wonderful condition. Pianos do not need to be tuned after every use, once or twice a year should suffice. Therefore, she cannot see why a \$100.00 fee for every use is justified, unless it is a purely punitive fee designed to discourage the use of the piano.

In the past month two members of the community have come forward to share their experiences, both telling similar stories. These citizens, independently, came to the Center on more than one occasion seeking information, entered the building through unlocked doors and found not a single soul in the building. These incidents happened in the morning and the afternoon, sometimes before the building was even officially open for the day. We know there are regulations in effect to secure the building because Mrs. Flood explained them to us at their October meeting. In a perfect world these regulations would be adhered to. But, alas, humans do make mistakes. But it seems whenever a problem arises, we seniors are accused. Better security and event supervision is needed.

She provided the Board with a list of thoughts and comments shared by the New Horizons Club members explaining what their music program means to them. Seniors must cope with the often unpleasant effects of aging and the other frustrating events of daily life. To be able to listen to music from their youth brings back wonderful memories, calms the mind, and restores the soul, even if it is only a couple of times per month.

Our Christmas Party is on December 11th, only one of the six days in the year we are allowed to have the Senior Center to ourselves. We would like to invite the Montgomery Elementary School Chorus to sing holiday tunes for us, as is our custom. We need to know if we will have use of the piano before we make arrangements with the school.

Ms. Moore feels privileged and honored to be asked to play the piano for the Veterans Luncheon on November 8th, at the Senior Center. She will be playing patriotic songs as well as tunes that were popular during the various war years and hopes to see some of you there. Thank you for accepting our petition of 45 signatures.

Mayor Brescia stated not being aware of the seniors getting accused of anything at the Senior Center. The Board does not feel the seniors caused the damage to the piano. Nobody is on trial here. He believes that this can be worked out informally with Walt and possibly giving a donation to help pay for the tuning of the piano. Personally, he does not have a problem with the seniors using the piano, however, it needs to be secured after each use. Furthermore, since the grand opening of the Senior Center, eleven years ago, there have been very few incidents at the Senior Center. We will look into an alarm system, if it is affordable. The Senior Center will continue to be rented with a better system of review after each rental.

Ms. Moore stated that the key only locks the piano keys, it protects nothing internal action, springs or the hammers, so anyone that has it in their minds to damage the piano, locking the keys is not going to deter them at all.

Ms. Greene stated the piano bench has also been damaged.

RE: ABSTRACT NO. 10-2018

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.10-2018 were audited and approved for payment with \$149,7758.79 from the General Fund, \$28,846.20 from the Water Fund, \$39,657.80 from the Sewer Fund and totaling \$218,279.79. Check No: 76378 – 76452, 1284 - 1296. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of October 31, 2018, as follows: General Fund \$2,257,106.86, Water Fund \$131,280.83, Sewer Fund \$354,351.82.

RE: OLD BUSINESS

The Board tabled adopting a short term rental policy, Airbnb's, pending the Attorney receiving AHRB Chairman Freeman's comments and suggestions.

RE: DEPARTMENT REPORTS – POLICE DEPARTMENT

Police Chief Walsh reported received \$1,682.00 through Orange County STOP DWI for the upcoming enforcement period that started on the 1st of November and runs through January 1st, for the holiday season. STOP DWI money is County funds utilized to pay for overtime for Police Officer's specifically targeting DWI.

Officer Kolvenbach recently completed his field training officer school which certifies him to field train new recruits per the DCJS guidelines, he will be the fourth officer that is certified. We had several officers attend, "Alter Two", training held in the Village of Walden and instructed by the Sheriff's special operations group. Alert Two is a tactical training focused on police officer patrol response to active shooters, it is an update of the Alert One training, obviously. Officer Smith also completed school resource officer training giving by NYS Juvenal Officers Association, held in Chester. Officer Smith is the one you see at the Elementary School and in the parking lot, two to three days a week, as well as conducting the 5th graders on the D.A.R.E. program.

RE: CREATE A FULL-TIME POLICE OFFICER SERGEANT'S POSITION

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board created a Full-Time Police Officer Sergeant's position. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Police Chief Walsh to provide the Board with a recommendation to hire a second Court Officer at the request of OCA, for security purposes. Police Chief Walsh said he certainly will and mentioned attending the security analysis that was conducted of our Court Room, some suggestions made which Court Clerk Nelson immediately implemented. The only thing that we are light on is the second Court Officer that they recommend.

RE: DEPARTMENT REPORTS – DEPARTMENT OF PUBLIC WORKS

DPW Supt. Nelson mentioned the Orange County Landfill fees are going up from eighty five dollars to a hundred and four dollars a ton, in the new contract. He is currently working with IWS; they were awarded the contract for the Transfer Station, and are hoping to give us a lower price. If our price goes up to nineteen dollars a ton, it will be twenty seven dollars a year. If the price goes up to twenty four dollars a ton, it could be thirty four dollars extra in the budget. He will be short in this year's budget by fifteen thousand, already due to this unforeseen increase, which is effective as of November 8th. This will affect every County resident, therefore, we need to raise

the bulk pick up fees from twenty dollars to twenty five dollars with a minimum of five hundred pounds increments to cover the cost, effective Thursday, November 8, 2018.

RE: BULK PICK UP FEES INCREASED EFFECTIVE NOVEMBER 8, 2018

Moved by Trustee Lindner, seconded Trustee Andolsek, the Board approved to increase the Bulk Pick Up fee's from twenty dollars to twenty five dollars, with a minimum of five hundred pounds increments, effective Thursday, November 8, 2018. Motion carried, 5-Ayes, 0-Nays.

RE: CONTINUED DEPARTMENT REPORTS – DPW

DPW Supt. Nelson mentioned the Prospect Water Storage Tower (lower half) painting has been completed. He will try to get the before and after pictures for the Board. The after pictures have been hard to take due to the rainy weather. It looks great!

Last Wednesday, the water main breaks re-started at Prospect Terrace, if it doesn't stop raining soon with the cold temperatures coming, this is going to be a trend; much like we had in 2011 with the hurricane's, which resulted in twelve water main breaks that year. The way things are going so far, it does not look good. There is no telling what the culprit is, the fill was not the best back in the day. There is so much ground water by the time we are done digging, the water table is approximately three feet on Prospect Terrace. It is so saturated it is running out into the Post Office parking lot. After shutting off the water mains, we are having to use pumps to drain the ground water, to work on the water main break. In addition, this is holding us up from continuing the work at the Holt Well. Also, the River is three feet away from the roadway going to the well. He is having to dig seven feet deep and will be four feet lower than the river. He will have to keep pumping it out, to install man holes in and pump chambers in and pour concrete on the floor. It is a very trying time of the year with the weather and snow is predicted for next week.

Mayor Brescia mentioned the railing for the retaining wall is going to be similar to the railing of the Bandstand.

RE: BID RESULTS UNION STREET (NYS ROUTE 211 CURB REPLACEMENT, ALERTNATE WORK ITEM FOR CURB INSTALLATION WITHIN THE VILLAGE HALL PARKING LOT

Bid results Union Street (NYS Route 211) Curb Replacement, Alternate Work Item for Curb Installation within the Village Hall Parking Lot.

a.	Boyce Excavating Co. Inc.	\$56,000.00
b.	CMC Construction Group, Inc.	\$44,800.00
c.	Catalyst Construction LLC	\$30,000.00

RE: AWARD ALTERNATE WORK ITEM BID FOR THE CURB INSTALLATION WITHIN THE VILLAGE HALL PARKING LOT

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board awarded the Alternate Work item for the Curb Installation within the Village Hall Parking Lot to Catalyst Construction LLC in the amount of \$30,000.00. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson stated a preconstruction meeting is scheduled for tomorrow, November 7, 2018 with NYSDOT, Lanc and Tully Engineering and the Village of Montgomery DPW to discuss the replacing the existing curbing on Route 211.

RE: APPOINT DPW LABORER

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board appointed Josh Henry as a Laborer B at the rate of \$20.71 an hour, effective November 7, 2018 with a probationary period according to the Collective Bargaining Agreement between the Village of Montgomery DPW and the Transport Workers Union of America. Motion carried, 5-Ayes, 0-Nays.

Trustee Lindner asked the DPW Supt. Nelson if he has had received any communication from Central Hudson about Boyd Street. DPW Supt. Nelson replied meeting with Central Hudson. They are having a problem with the railroad tracks, between the Railroad Company and how far they have to dig under the tracks. This is the hold up at the moment. They are going to have to re-pave Boyd Street; it is very sad on how they installed the pipeline.

RE: TOYS FOR TOTS – OPERATION TOY TRAIN

Trustee Hembury mentioned moving along with the Toys for Tots, the DJ was hired, Monse is going to have a flyer done for the elementary schools Thursday folders, a CodeRed announcement will be launched. Toys for Tots is on Sunday, December 2, 2018 from 10:55 to 11:45 am, held at the old lumber yard on Railroad Avenue.

Trustee Hembury explains the Toys for Tots – The US Marines come to the Village of Montgomery on a Restored Vintage Passenger Train cars, box cars, and mail cars from the twenty's with Santa, instead of giving presents to the kids, they collect unwrapped toys for kids. It is very heartwarming with the Polar Express music playing and the out pour of generosity for the less fortunate children. It is all done by volunteers, giving of their time. The train travels through Campbell Hall, Chester, the Village of Montgomery, Warwick and Walden. Bring your grandchildren, get your pictures taken with Santa, and make suggestions to the DJ to play your favorite holiday songs. Last year was our smallest turnout with four hundred people. The train is privately owned and was at the Grand Central Station for the 100th anniversary. Skip Chambers is gracious to give hay rides. The Police Department and Montgomery Fire Department are there also.

RE: ADOPT A RESOLUTION AUTHORIZING THE CHANGE OF THE TERM OF OFFICE FOR THE VILLAGE JUSTICE SO THAT IT COINCIDES WITH THE BIENNIAL VILLAGE ELECTIONS PURSUANT TO SECTION 3-302 OF THE VILLAGE LAW

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adopted a resolution authorizing the change of the term of office for the Village Justice so that it coincides with the biennial Village Elections pursuant to section 3-302 of the Village Law. Motion carried, 5-Ayes, 0-Nays.

RE: ADOPT AN ELECTION RESOLUTION, DESIGNATING OFFICES TO BE FILLED AT THE VILLAGE ELECTION OF MARCH 19, 2019

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board Adopted an Election resolution, designating offices to be filled, "Mayor, Trustee, Trustee, and Village Justice" all at a four year term, at the Village Election of March 19, 2019. Motion carried, 5-Ayes, 0-Nays.

RE: DESIGNATE A PERSON OR OFFICE AS A POINT OF CONTACT FOR ANY SEXUAL HARASSMENT COMPLAINTS, IN ORDER TO BE COMPLIANT WITH THE NEW SEXUAL HARASSMENT POLICY.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board designate Treasurer David A. Griffith as a point of contact for any sexual harassment complaints, in order to be compliant with the New Sexual Harassment Policy. Motion carried, 5-Ayes, 0-Nays.

RE: MONTGOMERY CUB SCOUT PACK 30 REQUEST USE OF THE SENIOR CENTER TO HOST THEIR EVENTS IN 2019

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved Montgomery Cub Scout Pack 30 request to use the Senior Center at no charge to host their annual Events; Pinewood Derby with set up on February 8th, Pinewood Derby on February 9th, with a snow date of February 10th, Halloween party on October 27th, and Holiday Party on December 6, 2019; with the proper certificate of insurance provided, listing the Village as the additional insured. Motion carried, 5-Ayes, 0-Nays.

RE: WALDEN AMBULANCE CORP. DBA TOWN OF MONTGOMERY AMBULANCE ASKS FOR A CONTRIBUTION TO THE AMBULANCE CORP, HELPING THEM TO CONTINUE TO UPGRADE AND IMPROVE TO BETTER SERVE US

The Board is not at liberty to contribute with this request, it is privately funded.

RE: EVENTS

Village Hall will closed on November 12th in observance of Veterans Day,

November 22nd in observance of Thanksgiving Day and on November 23rd for Black Friday.

Leaf Pick Up: Begins on November 20th through 12/18/2018 on Tuesday's must be bagged & placed curbside by 7:00 am, or residents can also bring their leaves to the DPW compost site behind the garage.

RE: ST. MARYS THANK YOU LETTER

Mayor Brescia reads the thank you letter from Holy Name of Mary-Assumption Parish.

Dear Mayor and the Village Board,

On behalf of all in our parish I want to express our sincere gratitude to you for having helped to make our celebration of the 150th Anniversary of the building of Holy Name of Mary church a safe and joyous event.

Your contribution to our day's experience helped to verify Cardinal Dolan's observation – "what a nice community"!

Again, many thanks.

Gratefully yours,

Reverend Daniel M. O'Hare
Administrator

Mayor Brescia thanked the Village of Montgomery Police Department for offering assistance for this event and doing an excellent job.

RE: PUBLIC PORTION

Mr. Berger asked the Board about the possibilities of requesting a traffic study that will certainly affect the Village with the three proposed development projects such as Chandler Lane, the Friedman/Link property of two warehouses and senior housing, and the pharmaceutical plant (Medline Warehouse Distribution). The impact to the Village will be great, it's tough on a Friday night trying to find parking. The one stop light will not be sufficient. What can be done to get a step ahead on this?

Mayor Brescia mentioned that he and the Board are very concerned. We can certainly look into a traffic study, traffic is always a concern in the Village of Montgomery. Medline Warehouse is going to be two to three shifts, this is across County Route 99. The trucking traffic for Medline is not going through the Village, he imagines if at all. They would most likely be traveling County Route 99 to Route 84 and onto the Thruway, in either direction. In fact we received an email from David Church from the Planning Board about height restrictions, because of what happened at the entrance to the Orange County Airport and the concerns with the height of that building. We are asking in the immediate flight path review of 7640-1, and the County Airport is in the process of hiring an engineer that will provide more of a definitive recommendation. They height restriction is currently 35 feet and there is talk about reducing it to 25 feet. We will talk with the County Planning Board Department and meet with them and see what we can do with respect to a traffic study and other SEQR concerns.

Atty. Dowd stated the onus is on the applicant to request the proper studies that satisfy the SEQR review and in doing so, they have to take into consideration not just the impasse of their project, but of the Devitt project, as well as Freidman project, and the Medline project, along with anything else that is potentially on the horizon in the area. Due to Route 211 belong to the State DOT, the State DOT has the ultimate approval over the project as far as entrance ways, sight distances, traffic, traffic lights, intersections and the lines. The applicant must provide us with a study that takes the impact of the Devitt project. We already know what was based on their SEQR review and the DOT is aware of as well, but now what is this going to add to it for the Chandler Lane intersection, plus the where the car wash is for the senior housing. Again, all of these studies have to be done at the obligation of the applicant and reviewed by the Village, DOT, and everyone else involved in the SEQR process to find out whether those quotes are accurate and what the remedy will be.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive Session at 8:17 pm under the open meetings law section 7 § (f) to discuss the employment history of a particular individual with the DPW Supt. Nelson and the Police Chief Walsh afterwards, Atty. Dowd, and the Village Clerk Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

DPW Supt. Nelson exited the Executive Session at 8:24 pm.

Police Chief entered into Executive Session at 8:25 pm.

RE: EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board exited Executive Session at 8:45 pm. Motion carried, 5-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned the meeting of November 6, 2018 at 8:46 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk