

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Court Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, February 5, 2019 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Don Berger, Johanna Sweikata, Dickie Baxter, Carol Huba, Angela Demaris.

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

RE: MINUTES

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the minutes of January 15, 2019. Motion carried, 4-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

Jenn Bissinger, Montgomery Little League President stated they will not be having the Food Truck & Tent event as previously planned in the spring. Due to time constraints, it was too much to organize by May. However, opening day is scheduled for April 20, 2019.

Noel Cabrera, Boy Scout with Troop 41 presented the Board with proposal of installing Bat Boxes along the Village of Montgomery park trails. He mentioned his project will also include the Village of Maybrook and the Village of Walden as well. His project is to install the Bat Boxes in the local parks. (In audible) not speaking clearly enough. Therefore, he is hoping to begin with his installation at the Veterans Memorial Park by April 31st. Mayor Brescia mentioned DPW Supt. Nelson is ok with this. He was not aware of the usefulness of bats. Noel stated over the winter, the bats go back to their caves. The females came back here to their boxes to raise their young, and in the fall they go back the cave to mate. The male bats just go to their pads, which is called the bachelor pads. Mayor Brescia mentioned looking at the map, it looks like the proposed location for the bat houses, is where our solar field is to be located. The entrance to Tice's old property, an area could be cleared out a little bit which would be ideal and more tranquil, Bachelor Street Extension. He asked Noel to keep the Board apprised of the progress.

RE: APPROVE BAT BOXES TO BE INSTALLED AT THE VETERANS MEMORIAL PARK

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Boy Scout Noel Cabrera, to install bat boxes in the Veterans Memorial Park. Motion carried, 4-Ayes, 0-Nays.

RE: DEPARTMENT REPORTS – POLICE DEPARTMENT

Police Chief Walsh reported that Officer Bricker recently resigned to accept a position with the NYS Police, he is currently attending the police academy in Albany. This month, he will be meeting with the Board to conduct interview replacement candidates. Mayor Brescia mentioned wanting to speak with him in the executive session regarding this matter. This week he will be attending the monthly Chief's association meeting, on the agenda there is an update on the County wide radio system. We currently pay NYCOMCO \$16,000 a year for the radio system. This County radio system is to replace our current system. It leads to a potential savings of \$16,000 a year. There may be some things we may need to add, he will find out more about at the meeting. However, it will change the landscape of the emergency response personnel across the county. He has also met with Chief Holmes and Chief Amthor following the Chief's meeting to discuss this

years, National Night out against Crime. The Board attended last year, it was a great event. We will also be discussing some of the projects that Chief Amthor has begun, to possibly bringing it to Walden and Montgomery, such as Hugs and Hands Cuffs, and Coffee with Cops program. These programs are meant for the public to sit down with a police officer and chat about what's happening around the neighborhood over a cup of coffee. Mayor Brescia urged the Chief to launch CodeRed announcements on the scams that the seniors are being hit with, there are quite a few of them out there.

RE: APPROVE SOUND AND AUDIO/VISUAL SYSTEM AT THE SENIOR CENTER

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the Sound and Audio/visual system at the Senior Center. Motion carried, 4-Ayes, 0-Nays.

RE: ABSTRACT NO. 01-2019

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.01-2018 were audited and approved for payment with \$113,474.00 from the General Fund, \$20,246.52 from the Water Fund, \$22,428.54 from the Sewer Fund and totaling \$156,149.06. Check No: 76630 – 76698, 1334 - 1342. Motion carried 4-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of January 31, 2019, as follows: General Fund \$1,366,750.72, Water Fund \$180,518.40, Sewer Fund \$458,625.74.

RE: ADOPT A SEQR RESOLUTION, TYPE ONE ACTION, DECLARING A NEGATIVE DECLARATION NOT TO HAVE ANY ADVERSE ENVIRONMENTAL IMPACTS FOR LOCAL LAW 1 OF 2019,

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a SEQR resolution, type one action, declaring a negative declaration not the have any adverse environmental impacts for Local Law 2 of 2019. Motion carried, 4-Ayes, 0-Nays.

RE: ADOPT A RESOLUTION TO APPROVE THE LOCAL LAW 1 OF 2019 TO AMENDS CHAPTER 122 OF THE CODE OF THE VILLAGE OF MONTGOMERY ENTITLED “ZONING” TO PERMIT PLANNED DEVELOPMENT DISTRICTS IN THE RM-1 DISTRICT UNDER CERTAIN CIRCUMSTANCES AND AMENDS THE ZONING MAP TO AUTHORIZE A PLANNED DEVELOPMENT DISTRICT FOR A 20-ACRE SITE LOCATED AT THE TERMINUS OF FACTORY STREET.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved amends Chapter 122 of the Code of the Village of Montgomery entitled “Zoning” to permit Planned development Districts in the RM-1 District under certain circumstances and amends the Zoning map to authorize a Planned development District for a 20- acre site located at the terminus of Factory Street. Motion carried, 4-Ayes, 0-Nays.

RE: ADOPT A RESOLUTION DECLARING THE VILLAGE AS LEAD AGENCY UNDER TO SEQR AND DECLARING NEGATIVE DECLARATION FOR LOCAL LAW 2 OF 2019.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution, declaring the Village as lead agency under the SEQR and declaring a negative declaration for local law 3 of 2018. Motion carried, 4-Ayes, 0-Nays.

RE: ADOPT A RESOLUTION TO APPROVE THE LOCAL LAW 2 OF 2019 AMENDS CHAPTER 122 OF THE CODE OF THE VILLAGE OF MONTGOMERY ENTITLED “ZONING” TO MODIFY CERTAIN PROVISIONS OF THE REGULATIONS REGARDING SENIOR CITIZEN DEVELOPMENT OVERLAY DISTRICTS AS ENACTED BY LOCAL LAW NO.1 OF 2003.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a resolution, amending chapter 122 of the code of the Village of Montgomery entitled “zoning” to modify certain provisions of the regulations regarding senior citizen development overlay districts as enacted by local law no.1 of 2003. Motion carried, 4-Ayes, 0-Nays.

RE: APPOINT ELECTION INSPECTORS FOR THE VILLAGE GENERAL ELECTION HELD ON MARCH 19, 2019.

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board appointed election inspectors (Linda Osterhout, Gertrude Greene, Carol Athanas, Judith Lozier, Thomas Steed, Bibi Latif, Eileen Steed (alternate), Frank Pettine (alternate), George Treutle (alternate), for the Village General Election on Tuesday, March 19, 2019, from 8 am – 9:00 pm, held at the Senior Center 36 Bridge Street; with registration day on Saturday, March 9, 2019, from 12:00 noon to 5:00 pm held at the Village Hall 133 Clinton Street. Motion carried, 4-Ayes, 0-Nays.

Mayor Brescia read the proposed resolution opposing Governor Cuomo’s proposal to eliminate aid and incentives to Municipalities.

RESOLUTION OPPOSING GOVERNOR CUOMO’S PROPOSAL TO ELIMINATE AID AND INCENTIVES TO MUNICIPALITIES (AIM).

WHEREAS, Governor Andrew Cuomo has proposed eliminating AIM funding to ninety-one (91%) percent of Towns and Villages in New York State as part of his 2019-20 budget proposal; and

WHEREAS, the Governor’s proposed elimination of AIM to thirty-eight (38) of the forty-two (42) municipalities in Orange County will definitely impact the financial well-being of those thirty-eight (38) Towns and Villages; and

WHEREAS, the Towns and Villages are already dealing with a 2% tax cap in their budgets while the cost of relative products and services continue to rise; and

WHEREAS, New York State continues to issue mandates to be instituted by local governments with no financial relief to pay for them; and

WHEREAS, many of the Towns and Villages in Orange County have already adopted their budgets for 2019 and the elimination of this funding will necessitate that said budgets will have to be amended and it will be difficult, if not impossible, to meet their fiduciary responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Montgomery hereby strongly objects to the Governor’s proposal to eliminate AIM funding to 91% of the Towns and Villages in the State due to the severe and negative financial impact it will place on every Town and Village in Orange County and the rest of the State; and it is

FURTHER RESOLVED, that the Board of Trustees authorizes the Village Clerk to send a copy of this resolution to Governor Cuomo as well as to State Senator James Skoufis, State Senator Jennifer Metzger, Assemblyman Karl Brabenec, Assemblyman Colin Schmitt and Assemblyman Jonathan Jacobson.

RE: ADOPT A RESOLUTION OPPOSING THE GOVERNOR'S PROPOSAL TO ELIMINATE AIM FUNDING FOR 480 VILLAGES IN EVERY COUNTY OF THIS STATE.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a resolution opposing the Governor's proposal to eliminate AIM funding for 480 Villages in every county of this state. Thereby sending a letter to the Senate and Assembly in opposition of the Governor's proposal in the 2019-20 Executive Budget. Motion carried, 4-Ayes, 0-Nays, 1-Absent.

RE: APPROVE LANC AND TULLY ENGINEERING AND SURVEYING, PC SERVICES FOR THE CLINTON STREET DRAINAGE IMPROVEMENTS DESIGN, PROJECT BIDDING, PRINTING AND REPRODUCTION COST ESTIMATE AND HOLDS IT DECISION ON THE CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION ESTIMATED COST

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved Lanc and Tully Engineering and Surveying, P.C. services for the Clinton Street Drainage Improvements, 2019 CDBG program project design and contract documents, estimated cost of \$6,800.00, the project bidding, estimated cost of \$2,500.00, the printing and reproduction estimated cost of \$1,500.00 and the Board holds its decision on the construction observation and contract administration, estimated cost of \$10,880.00. Motion carried, 4-Ayes, 0-Nays.

RE: APPROVE LANC & TULLY ENGINEERING AND SURVEYING, PC RECOMMENDS PAYMENTS #3 AND PAYMENT #4 TO CATALYST CONSTRUCTION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved Lanc & Tully Engineering and Surveying, P.C. recommendations to pay to Catalyst Construction, LLC payment #3 in the amount \$28,500.00 for the Union Street Curb Replacement and payment #4 in the amount of \$6,706.26, for the Maintenance Bond which is five percent of the total contract cost. Motion carried, 4-Ayes, 0-Nays.

RE: VILLAGE HALL CLOSED IN OBSERVANCE OF PRESIDENT'S DAY

Village Hall will be closed on Monday February 18th in observance of President's Day.

RE: AUTHORIZE THE ACCEPTANCE AND ADOPTION OF THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE FOR ORANGE COUNTY, NEW YORK

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorize the acceptance and adopt the Multi-Jurisdictional Hazard Mitigation plan update for Orange County, New York. Motion carried, 4-Ayes, 0-Nays.

RE: PUBLIC PORTION

Ms. Beltrametti asked where the money for the Clinton Street drainage project come from. Mayor Brescia stated the funding for Clinton Street Drainage is through the Community Development Block Grant.

Mr. Berger stated wanting to clarify something, he asked Mayor Brescia about recusing himself from the Medline project, was that because you are an IDA member at the County? He mentions attending the IDA meetings at the Town. It seems that there will a Town IDA taking over the Medline project. He questions the Mayor if he will consider recusing himself. Mayor Brescia said no, he will not recuse himself now, with any other dealings with the project, if they are not going to come the Orange County IDA.

RE: HEARING OF AN UNSAFE BUILDING OF 145 WARD STREET

Mayor Brescia asked Atty. Dowd to provide a summation of the unsafe building at 145 Ward Street.

Atty. Dowd stated a structure fire occurred at 145 Ward Street on January 31, 2018. Notice was issued by the Building Inspector that action has to be taken regarding the building. To remove all of the belongings for mold not to grow. It is our understanding, from the Building Inspectors report in spite of receiving two notices on February 12th and October 22nd, nothing has been done to rectify the problem.

Ms. Huba said that is correct.

Atty. Dowd stated the Village Board is now taking action by stating the building is to be demolished and therefore they are ordering you to do so. Unless you have some continuing circumstances you want the Board to hear.

Mr. Huba said she want to have a voice here. She is aware of two meetings without her being able to represent herself. She states not being informed that her property was going to be discussed or voted on. First of all, did you all receive a copy of the letter she wrote, in response to the letters she received? She provides the Board with pictures of the front porch and the deck that was mandated put on. She asks for Board for additional time, due to not being able to represent herself at any of the meetings regarding her property. She explains that she is an emotional person. I believe that the question for all of us to ask and to thank god for life. What did I do today to become a better version of myself?

Mayor Brescia asks Carol to address the Board.

Ms. Huba continues to read, what did I do today to become a better version of myself, physically, emotionally, intellectually and spiritually? Happiness is an old standby embracing the present moment. This is the present moment. I want to tell you, I really don't want to be here but I am going to embrace it. So I'm grateful for this opportunity, it is impossible to be grateful and I am happy at the same time. Anything that helps me become a better version of myself, makes me happy even it is difficult and painful. You are all aware that on January 31, 2018 I had a fire at my home, destroying my dream opening a store there. It was my home. All of my personal belongings were there. It has been a very painful experience. I am usually a very private person but I feel all of my armor has been removed. I am grateful for this experience. I think, I have been in denial for a long time because I was very frightened. I wasn't a train wreck waiting to happen. I was a train wreck. I have learned something very precious from this experience. I have learned that I need very little to survive. I basically live now in my summer home with no heat or water. I live in a 10 by 10 bedroom with a tiny heater. This experience has developed a very strong empathy in me for people who do not have much. I am not gray anymore and hope I become a more authentic person. An authentic person is one who acknowledges that she is not perfect. She is open and honest and vulnerable about her imperfections. She is committed to striving to overcome those imperfections

and certainly not using them as an excuse. I have been very humbled by this experience. I have been called a hoarder, I have been called crazy and worse. I beg to differ. I admit, had and still do have an ex-sorbent amount of stuff. A hoarder is someone who wants to keep it all, that is not my desire. My written business plan stated that I want to share what I had through the venue of a store. This dream was thwarted on very level. I love to shop and I only buy second hand or recycled merchandise. One of the owners of second hand store, I shopped at was a mentor for me. When customers asked him what the price of something was, he would always say, whatever make you happy, within reason that is. Customers always offered a little bit more. I wanted to model my store after his. My friends all gave me advise before coming here tonight. They all told me to be tough don't let them think you are weak, that is not my way. I want to be a peace maker. A peace makers characteristic are gentle, considerate, cooperative, empathetic, emotionally engaged and intuitive. I tried very hard to make dream of a store happen, however, I feel I was not supported in this effort. In the book, how to get to heaven without really dying, it states, if you haven't found a community that supports your spiritual evolution and your creative expression, keep looking or start one yourself. Then all you need to do is simply love the people in front of you. I have three books, I am going to read these for the Village, which I will donate to the Village. The first one is called Renewing American Compassion, she wants to read from chapter three.

Mayor Brescia said Carol.

She asks to let her have this, she goes on to read....she states having been through a traumatic experience. When the pilgrims came to the new world in 1620 they saw before them a tedious and desolate wilderness in the words of William Bradford, government of the Plymouth colonies. The colonial era of the American history was a time of conveying, a time of journeying into the wilderness and turning that wilderness into neighborhoods. Good neighbors not only worked hard and cared for their families, but also exercised compassion. Individuals and churches cared for widows, orphans and others who suffered destitution or disaster. (I am a widow, a 75 year old widow).

Mayor Brescia stated we are not heartless Board here. I looks like you did some work on the project but you need to do a lot more.

Ms. Huba stated she's in financial constraints at the moment. The improvements she made before the fire cost her \$26,000 and in June she had to pay Village taxes. She does not have use of the property anymore what happens if she hadn't paid it. I would get fined every day. She received letters of possible fines up to \$1,000 a day to rectify the building.

Atty. Dowd mentioned the neighboring property owner is have problems of vermin and the smell of mold. Everything is sitting there wet for all of this time. It has become a public hazard.

Ms. Huba states she has been living without heat or hot water, basically surviving. She does not want to get sick, she has never been sick a day in her life. The day of the fire, it happened at 8 o'clock, she was not able to get to her daughters until 11:30, again it was January 31st. It was freezing ice, and she was barefoot with pajamas and a bathrobe. No one asked if I wanted a pair of shoes or boots. She had to stand there and to talk with everyone. I basically don't know why there was a small fire in the kitchen, the fire department didn't get there for thirty minutes and the two top floors were gone. She has no contention against that, they are volunteer fireman which she commends them for that. I lost my home and my dream of having a store. There was not one ounce of compassion. She heard from two people, from the Village of Montgomery who said, I am sorry to hear about the fire.

Mayor Brescia asked did you not have insurance to cover this.

Ms. Huba stated she did not have insurance. She explains owning the building with her sister together and she passed away. She bought the building from her son, she did not take out the insurance. She had the insurance on the building. Five days before the fire, she called to see if she could get the insurance reduced because of not being able to open the store. So she thought, she could obtain residential insurance. She was informed of having \$10,000 worth of contents, liability and the building wasn't covered. She asked for the building to be covered immediately, they did get back to me. They contacted me by email the day before the fire, stating that it would be \$300 extra. She did not have internet to reply, thinking they would call her back. I have not insurance.

Atty. Dowd states understanding her economic predicament, so how do you propose to fix up the building?

Ms. Huba said, after hearing she had to say, she has three things to add. I want a little bit more time because of getting through the winter just to live. My friends rallied around me, they will help me clean out the place. She wants to rent out a U-Haul and rent a storage unit and get things out of there that are salvageable. She was told that it is all junk. She would have to pay to have it boarded up at a tune of \$900.00. She would have to pay to have all of the debris taken away. At first they said the Village would do it, but it was too much. It would cost me \$2,600.00 to have it taken away.

Mayor Brescia stated it would not cost that much to have the Village take it away. We charge a very reasonable fee. (In audible) speaking over the Mayor. It's been a year, if you had done a week bulk pick up, it would have been done. We need to see some action.

Ms. Huba said ok, she is willing to do that. She wants to wait for the warm weather. Her friends will help. She wants to sell the property, it is prime commercial property.

Mayor Brescia said we are reasonable here, but we need to see some action within the next month.

Atty. Dowd mentioned the neighboring property owner has been complaining for a year about the smell of mold and now vermin.

Trustee Lindner asked if she is acknowledges that the neighbor has a horrendous situation.

Ms. Huba states no, she did not see the details of what was going on. Again, she mentions moving around from house to house for survival.

Mayor Brescia asked if she sought help from the County, from Honor or any other agency. If you can get things out to the curb we will charge a nominal fee to pick it up, curbside.

Ms. Huba said she explained I am financial destitute but in debit. She has a high credit rating and is able to borrow money. She keeps getting deeper into debt now.

Atty. Dowd stated the problem is who every goes in there has to be very careful because of the mold, which has been growing for a year now. Everything is wet, especially if it is furniture with cushions and things of this nature. For this purpose the building was ordered to be demolished. The Building Inspector has stated that due to the water damage, it is not going to be salvaged. It would have to be totally gutted.

Mayor Brescia stated a thirty day extension may be possible, he asks Atty. Dowd if it could survive an extension. If a reasonable punch list that is not going to cost an arm and a leg, to get some of that clean up with Clorox or whatever.

Atty. Dowd said he is not certain being he is not the Building Inspector. He feels the first thing that probably has to be addressed is the debris inside. Whatever it is has to be removed and then potentially the Building Inspector may want to go in with a structural engineer to see whether or not this is salvageable. If the walls have to be torn down, between the fire damage and the water damage the structure of the building is not safe. It cannot be saved.

Ms. Huba said talking about vermin, she is in a house, a summer home with no heat or water. No one would want to be in the position that she is in.

Mayor Brescia told Ms. Huba to leave her number with the Clerk and he will see about what type of help may be available at the County level, through social services. He is not certain that there is.

RE: 30 DAY EXTENSION GRANTED FOR 145 WARD STREET UNSAFE BUILDING, TO GUT THE PLACE

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board granted a thirty day extension to 145 Ward Street of an unsafe building to gut the place with some resolve between now and then and to be revisited at next meeting of March 5th at 7:30 pm. Motion carried, 4-Ayes, 0-Nays.

RE: EXECUTIVE SESSION

Moved by Trustee Lindner, seconded Deputy Mayor Scheels, the Board entered into Executive Session at 8:15 pm, under section 7 §(f), of the open meetings law, to discuss the employment history of a particular individual with the Police Chief Walsh, Atty. Dowd and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 4-Ayes, 0-Nays.

RE: EXITED EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board exited executive session at 8:29 pm. Motion carried, 4-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of February 5, 2019 at 8:30 pm. Motion carried, 4-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk