

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, March 5, 2019 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 (absent), Police Chief Walsh, B/I Yancewicz, Maria Beltrametti, Richard Procak, Robert M. Flynn, Jr., PB Mbr Steed, Don Berger, John Vero.

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

## **RE: MINUTES**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the meeting minutes of February 5, 2015 and February 19, 2019. Motion carried, 5-Ayes, 0-Nays.

## **RE: ABSTRACT NO. 02-2019**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.02-2019 were audited and approved for payment with \$224,081.19 from the General Fund, \$181,054.37 from the Water Fund, \$19,050.10 from the Sewer Fund and totaling \$424,185.66. Check No: 76699 – 76769, 1346 - 1363. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of February 28, 2019, as follows: General Fund \$1,222,581.53, Water Fund \$116,220.94, Sewer Fund \$442,567.21.

## **RE: OLD BUSINESS – STATUS OF THE UNSAFE BUILDING AT 145 WARD STREET**

Mayor Brescia asked on the status of the Unsafe Building located at 145 Ward Street. The Building Inspector has submitted photos that indicate very little progress has been done, as requested by the Board. Atty. Dowd mentioned at the end of the last meeting, Ms. Huba was approached by Angela Demaris, who offered her assistance to help clean out the residence, and the help was denied. Mayor Brescia asked Atty. Dowd, what the next step is and how do we proceed?

Atty. Dowd stated the Board has declared the building unsafe, and to be demolished. The Board then gave the property owner the opportunity to appeal for an extension, to take action, at the prior meeting. Therefore, a thirty day extension was approved. The action taken by the property owner was not conducted significant enough. Today, the Boards action is to affirm the order that was originally passed, finding that 145 Ward Street is Unsafe as stated in the original notice and order it to be demolished within the period of time that you set, as of today. If the building is not demolished with a certain period of time, the Board of Trustees will authorize the Building Inspector Yancewicz to do what is necessary to get it done, by hiring a contractor and whatever costs that the Village incurred would be rolled onto the taxes, to pay for the Villages costs. Trustee Lindner said from his understanding, that 145 Ward Street building is connected by a common wall to the neighboring building. Atty. Dowd replied, that is his understand as well. Trustee Lindner asked if Building Inspector Yancewicz had any thoughts on the how the demolition is happen with this in mind. The owner of the neighboring building is here. Building Inspector Yancewicz stated the common wall of the existing building that is exposed after the demolition, would have to be redone, re-sided, and reinforced. Mayor Brescia asked if the Building Inspector agrees with the assessment. B/I Yancewicz replied yes. The owner of the adjoining property asked once the demolishing is completed, will it be a buildable lot. Mayor Brescia stated he feels it will be after it is mitigated. The owner of the site will have to apply for a building permit, subject to getting plans that would have to be submitted to the Building Inspector, to ensure it is done properly. Mayor Brescia asked if there were any further questions. The adjoining property owner mentioned it is going to be a major inconvenience for him. Mayor Brescia stated the Board has given owner

of the said property enough opportunity. Atty. Dowd mentioned it has been over thirteen months since the fire. The Board approved an addition 30 days, when the last public hearing was held, and there is still not enough action and mentioned it is only going to get worse. Mayor Brescia stated it has been an inconvenience to you as it is, demolishing it would probably not be much more of an inconvenience. The adjoining property owner agreed. He mentions just have completed renovations on his side of the property. Trustee Lindner asked Atty. Dowd about the legal process and sending a letter to the owner. Atty. Dowd stated once the Board passed the resolution, give the property owner a said amount of time in which to hire her own contractor to take the building down. A letter stated these conditions would be mailed to her properly and post the building unless, she does not see the mailing or doesn't get her mail. If no action is taken, the Board has gone from anywhere ten days to thirty days. The idea is to get the demolish permit and start moving on it. Mayor asked Atty. Dowd to draft the letter for the Building Inspector. What does the Board feel is a reasonable amount of time, ten days to get demolition permit, and thirty days to take the structure down. Ten days from tomorrow and thirty days to start demolition. The adjoining property owner asked what if someone wants to buy the building in the meantime, would still have to be demolished. Atty. Dowd said if anyone wants to buy the property, they would have to come back to the Board of Trustees and do what has to be done to the property. Mayor Brescia asked the adjoining property owner if he was interested in purchasing the unsafe building. He then replied, she wants too much money for it. Mayor Brescia said once it is ordered to be demolished, if you come back with a reasonable offer and expedite and get it done quickly, it is something the Board would consider a bit of a delay to get it cleaned up. You would work that out privately and the Board is not to get involved in the matter.

**RE: RESOLUTION AFFIRMING A CERTAIN BUILDING LOCATED AT 145 WARD STREET IN THE VILLAGE OF MONTGOMERY TO BE AN "UNSAFE BUILDING" AS DEFINED IN SECTION 44-1(D, E AND I) OF THE VILLAGE CODE, ORDERING SUCH BUILDING TO BE DEMOLISHED.**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a resolution affirming a certain building located at 145Ward Street in the Village of Montgomery to be an "Unsafe Building" as defined in section 44-1(D, E and I) of the Village Code, ordering such building to be demolished, beginning ten days from tomorrow to obtain a demolition permit and thirty days to start the demolition. Motion carried, 5-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION INDICATING POLLING PLACE, HOURS POLLS ARE OPEN, NAMES AND ADDRESSES OF CANDIDATES, TERMS OF OFFICE, AND ABSTRACT OF ANY PROPOSITION.**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board adopted a resolution indicating polling place, hours polls are open, names and addresses of candidates, terms of office, and abstract of any proposition. Motion carried, 5-Ayes, 0-Nays.

**RE: REQUEST TO WAIVE WATER/SEWER PENALTY FEES**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board denied the request to waive water/sewer penalty fees for the resident of 129 Mason Street, in the amount of \$49.00. Motion carried, 5-Ayes, 0-Nays.

**RE: PROVIDE TAE KWON DO CLASSESS AT THE SENIOR CENTER FOR VILLAGE RESIDENTS AND THE GENERAL PUBLIC**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the request to provide Tae Kwon Do classes at the Senior Center on Monday evenings at 6:30 pm, open to the general public and with the conditions of offering a reduced rate to the Village residents. The fee is \$40.00 per night payable to the Village of Montgomery, providing a certificate of insurance, listing the Village as the additional insured and indemnification to the Village. Motion carried, 5-Ayes, 0-Nays.

**RE: REQUEST USE OF THE BANDSTAND AT THE VETERANS MEMORIAL PARK FOR A WEDDING CEREMONY**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the request to use the Band Stand at the Veterans Memorial Park for their wedding ceremony on October 5, 2019, weather permitting, as they will be renting the Senior Center for their reception, with the conditions of providing a certificate of insurance, listing the Village as the additional insured. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE CITY WINERY HUDSON VALLEY, LLC 30 DAY ADVANCE NOTICE TO SERVE LIQUOR**

Approve City Winery Hudson Valley, LLC 30 day advance notice to serve liquor, wine, beer and Cider at 23 Factory Street Restaurant as well as the patio or deck areas. The Board of Trustees has no objections. No action taken.

**RE: APPROVE THE FIRST ANNUAL SALUTE TO VETERANS RIDE SPONSORED BY ROLLING THUNDER NY CHAPTER 3 TO BE HELD ON JUNE 23, 2019, CONCLUDING AT THE MONTGOMERY VETERANS MEMORIAL PARK**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the First Annual Salute to Veterans Ride sponsored by Rolling Thunder NY Chapter 3 to be held on June 23, 2019, concluding at the Montgomery Veterans Memorial Park, where participants will be fed a lunch of hot dogs, hamburgers, and salads and desserts. No alcohol will be served or allowed on the premises, followed by a patriotic service honoring veterans, with the conditions of providing certificate of insurance listing the Village as the additional insured. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE TWO BENCHES FOR 94 CLINTON STREET, DUFFY'S ICE CREAM & SWEETS**

The Board has agreed to pay for only one bench to be placed in front of the new business establishment of 94 Clinton Street for Duffy's Ice Cream and Sweets.

**RE: ACCEPT THE RESIGNATION OF POLICE OFFICER ROBERT STACK**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted the resignation of Police Office Robert Stack, effective as of March 12, 2019. Motion carried, 5-Ayes, 0-Nays.

**RE: EVENTS**

St. Pat's Grand Marshal Mass at Holy Name of Mary - Assumption Parish, March 10<sup>th</sup> at 11:30 am with a cocktail reception at the Table following.

Rainbow Dash (kids Race) March 23<sup>rd</sup>, 9:40 am - Ages 8 & under \$5.00, if T-shirt wanted its \$15.00.

Run for the Gold Race – March 23<sup>rd</sup>, 10 pm.

St. Pat's Ramble Village Parade – March 23<sup>rd</sup>, 1 pm

## **RE: ACCEPT THE RESIGNATION OF PLANNING BOARD MEMBER**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted the resignation of Planning Board member Amy McKenna, effective immediately. Motion carried, 5-Ayes, 0-Nays.

## **RE: DEPARTMENT REPORTS – POLICE DEPARTMENT**

Police Chief Walsh stated as a reminder the D.A.R.E. graduation is on March 22<sup>nd</sup>, at 10 am, held at the Montgomery Elementary School, of which the Board does attend. The Police Department is all set for the St. Pat's Ramble Parade and Run for the Gold 5K. We also received the IMA with the County regarding the Stop DWI funding, this enforcement period runs from March 15<sup>th</sup> through May 28<sup>th</sup>. We received five hundred dollars more than we have in the past, for a total of \$21,063.00. We will have extra DWI patrols out on St. Patrick's Day weekend, which will be covered by this grant money. Sgt. Briere will be attending the required supervisor training on April 4<sup>th</sup> through the 26<sup>th</sup>, at the Orange County Police Academy. Officer Sherma and Blackford will also be attend a drug interdiction vehicle stop training program offered in Putnam County by HIDA on April 2<sup>nd</sup> and 3<sup>rd</sup>. Furthermore, you know Officer Sherma is a member of the Army Reserve unit in Bullville, he will be away for military training for two weeks. There is also a strong possibility that he will be deployed for up to eighteen months, later this year. If that happens, that is something we will have to consider for the Full Time requirement. We will address it, when more information is available. It would be a matter of covering the patrol. You may also know Officer Narain has been out on an extended sick leave. Officer Morrissey has been out on maternity leave. Officer Rios has been out with an injury, which he received on his secondary employment. We do expect all of them to return by the end of March.

Trustee Hembury mentioned the Board went out to welcome twenty one new residents, out the twenty one, four were not home. The folks who we were able to personally welcome were very happy. We welcomed them to the neighborhood, they were pleased to receive information on the participating Village Businesses and the gifts provided by those businesses as well. It would be nice to have more businesses participating but we cannot force them too. The new residents have mentioned doing their research on the area and all we have to offer.

## **RE: PUBLIC PORTION**

Mr. Berger is hoping the Board would consider the recommendations on the Orange County Department of Planning on the Factory Street railroad crossing, being rehabbed and the turning lanes, as well as the general improvements on Factory Street. Secondly, a few months ago it was mentioned that the filtration plant being completed hopefully by the end of February. Could you tell me when you feel it might be done? Mayor Brescia stated knowing they were waiting on a part to come in last week. It is moving along but this is where is has progressed to. He will try to have an update by the next meeting. Mr. Berger inquired on what the Board position is on the Medline project. Mayor Brescia stated his stance on the Medline project, he is concerned about the traffic in the Village and the concerns on the Planning Board level. The property is zoned industrial whether it realized or not, if you buy industrial property, you have the right to build a project on that property. Both properties have been zoned industrial for more than thirty years. If someone wanted to change the zoning in the Village of Montgomery, we should have heard about it, in the last few years. He is not crazy about a warehouse that is 200 thousand square feet but unfortunately, that developer has the right build within the zoning requirements. He hopes that at the Planning level, they require a fifty foot buffer with mulch and huge evergreens. He has been told that the forklifts are going to be on one side of away from the residences. The traffic patterns can be controlled at the Planning Board level and the same goes for the Town of Montgomery. We have expressed our concerns, like it or not that project is going to come. The same goes for the Village of Montgomery, the zoning requirements have to be adhered too. He takes solace in the fact that the farmer that sold that piece of property is moving his operation closer to the Village of Montgomery, which will enhance the farm land and aesthetic view leading to the Village of

Montgomery. In addition to the fact that the individual also brought up two other farms in the community. Karl Hellstrom and Lou Heimbach years ago has a vision to create that corridor on County Route 99, to push industrial development out to that zone. This is what has been done for more than thirty years. It preserves farm land in the rest of the Town as well as the peace and tranquility in the rest of the Town. You have an industrial corridor that should be developed. This all he has to say on it. He is concerned about the traffic as much as you are, he has lived here all of his life. Keep in mind a lot of the farms are leaving. It is the way things are proceeding. Regardless of whether you are for it or against it, again, it is zone industrial. They did not pay seventeen million dollars for the property not to develop it.

Mr. Berger mentioned his concern with Mayor Brescia holding two positions, one as County Legislator and the Mayor of the Village. He feels the roles are conflicting.

Trustee Lindner agrees with Mayor Brescia, the Village has stated their concerns on the project, to have the least traffic impact on the Village. Steve's number one priority is with the Village of Montgomery.

Mayor Brescia said he is strong advocate for ratable in the Town of Montgomery and the County of Orange. Don you have pushed against the school budget and you did rightfully so, it was the first one that was defeated. In the same token, the County corridor on 99 pays ten millions of dollars in property tax, which saves us all on school tax revenue. So you cannot have it both ways. You moved to the Village five years ago and have complained about the taxes since then.

#### **RE: BOARD OF TRUSTEES REGULAR MEETING RESCHEDULED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board rescheduled the meeting of Tuesday, March 19, 2019 at 7:30 pm to Wednesday, March 20, 2019 at 7:30 pm, and will hold a budget work session also. Motion carried, 5-Ayes, 0-Nays.

#### **RE: EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered into EXECUTIVE SESSION at 8:00 pm, under the open meetings law, under section §7 (f) for matters leading to appointment, to conduct an interview, with the Police Chief Walsh, Atty. Dowd, and the Village Clerk Rivera-Fernandez. Motion carried, 5-Ayes, 0-Nays.

#### **RE: EXITED EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board EXITED EXECUTIVE SESSION AT 8:16 pm. Motion carried, 5-Ayes, 0-Nays.

#### **RE: PART TIME POLICE OFFICERS HIRED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board hired Andrew R. Cockburn and Richard J. Procak as part time Police Officer with a one year probationary period, at the rate of pay in accordance with the CBA, effective immediately. Motion carried, 5-Ayes, 0-Nays.

#### **RE: ADJOURNMENT**

Moved by Trustee Andolsek, moved by Deputy Mayor Scheels, the Board adjourned the meeting of March 5, 2019 at 8:22 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk