

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, **May 20, 2008** at 7:30 P.M.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; Atty. Dowd; O-I-C. Luffman; Walkill Valley Times reporter

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

RE: MINUTES

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board approved the minutes of May 9, 2008 with Mayor Brescia, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan voting AYE, Deputy Mayor Scheels abstained (not present). The motion carried.

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board approved the minutes of May 13, 2008 with Mayor Brescia, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan voting AYE, Deputy Mayor Scheels abstained (not present). The motion carried.

RE: TIME WARNER FRANCHISE RENEWAL

Atty. Dowd will write a letter to Time Warner to initiate the franchise renewal.

RE: BIDS – SURPLUS EQUIPMENT

Mayor Brescia reported the following bids were received for surplus equipment:

1983 International Dump:	Ike's Homestead Truck - \$2,865.50 Pete Bitts - \$1,520.00
1989 Ford Tractor:	Ted Culkin - \$1,100.00 Anthony Thompson - \$251.50 Chambers Tractor Sales - \$1,726.00 Ike's Homestead Truck - \$552.00
1997 Mercury Sable:	Richard S. Gledhill - \$101.25 Ike's Homestead Truck - \$550.00.

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, awarded the following bids subject to DPW Supt. Nelson review: International Dump: Ike's Homestead Truck - \$2,865.50, 1989 Ford Tractor Chambers Tractor Sales - \$1,726.00, 1997 Mercury Sable: Ike's Homestead Truck - \$550.00. The motion carried by a 5-AYE, 0-NAY vote.

RE: WATER RATE INCREASE

Mayor Brescia and the Board reviewed DPW Supt. Nelson's request to increase the water rate as follows – increase by \$.13 to \$2.65/M for users up to 49,999 and add a higher rate for accounts using 50,000 gallons or more to \$3.25/M. A last water rate comparison with other municipalities was done and we seemed to be the lowest rate. The water rate increase was December 2001. In reviewing the surplus for the last few years, it seems to have decreased due to water system improvements made over the

years. Upon review, the Board was in favor to act upon the increase recommended by DPW Supt. Nelson.

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board increased the water rates effective with the December 1, 2008 billing period as follows:

Water: 4000 gallon minimum rate from \$10.00 to \$10.60 and any and all water metered above the 4000 gallon minimum up to 49,999 gallons will have a water rent of \$2.65 per thousand and 50,000 gallons and above will have a water rent of \$3.35 per thousand gallons used.

The motion carried by a 5-AYE, 0-NAY vote.

RE: COUNTYWIDE RECORDS MANAGEMENT SYSTEM

Mayor Brescia and the Board acknowledged County Executive Diana letter regarding the countywide records management system software. The Board would like to further review the agreement before making a decision.

RE: REQUEST FOR USE OF FACILITY

Mayor Brescia and the Board reviewed a letter from Paul Odendahl (Digital Defensive Driving) whereby he is asking if the Village has a facility to accommodate approximately 15-40 people to teach a driver safety class. A portion of the profits generated would be offered back to village. After a discussion, Mayor Brescia will contact him for further information before a decision is made.

RE: MEMORIAL DAY PARADE

The Memorial Day Parade will be held on May 26th. Line up is at 10:30 am and the parade kicks off 11:00 am. It has been advertised on the community bulletin board and a display ad in the Walkkill Valley Times.

Trustee Kiernan advised on June 1st, 2:00 pm at Valley Central School that Tim Dempsey will be holding a ceremony in honor of six former VC students killed in action in Vietnam.

RE: BUDGET TRANSFERS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorized Treasurer Benedict to make budget transfers as follows:

\$ 5,000 from F to Water Tank Repair Reserve (as in FY08 budget)
\$10,000 from F to Water System Improvement Reserve (as in FY08 budget)
\$30,000 from G to Sewer C & D Repair Reserve (as in FY08 budget)

And:

Increase both the income line for 3065A and the expense line for 1110.201A each by \$924.48 (court grant).

The motion carried by a 5-AYE, 0-NAY vote..

RE: FY 2007-08 END-OF-YEAR BUDGET TRANSFERS

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board authorized Treasurer Benedict to make all end-of-year budget transfers. The motion carried by a 5-AYE, 0-NAY vote.

RE: DPW RESIGNATION

Moved by Trustee Cantiello, seconded by Trustee Kiernan, the Board accepted the resignation of Michael Lake, Laborer B in the Department of Public Works effective June 1, 2008. The motion carried by a 5-AYE, 0-NAY vote.

RE: POLICE DEPARTMENT REQUISITION – POLICE CAR

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board approved the purchase of a new police vehicle on state bid. The motion carried by a 5-AYE, 0-NAY vote.

RE: SENIOR CENTER FUND RAISER

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board approved the Senior Center fund raiser – Farmers Market – pursuant to rules and guidelines by Cornell Cooperative Extension and NYS Agricultural Market. The motion carried by a 5-AYE, 0-NAY vote.

RE: KARAOKE NIGHT AT SENIOR CENTER

Jill Schmitt advised a karaoke night will be held at the senior center on May 30th for the whole community for all ages. There will be a fee of \$5 per person, \$10 per family, with refreshments available. It is a family night and community activity. Everyone is invited. It will be a fun night out.

RE: TAYLOR BIOMASS ENERGY PROJECT

Trustee Kiernan advised Taylor Biomass Energy will be making a public presentation on new developments in the biomass-to-energy project they are hoping to build at their Neelytown Road site. The presentation will be held at Valley Central High School on June 3rd at 7:00 pm. All are welcomed to attend.

RE: PUBLIC PORTION

Mayor Brescia turned the meeting over to Deputy Mayor Scheels because Frank Tyrell would like to comment on the proposed PDD project by Devitt Management, Inc.

Frank Tyrell, 128 Olsen Ct., reminded the Board members of their responsibilities when bidding on projects and stating in the Code of Ethic a conflict of interest exists if any board members had a personal interest in the project and referred to parts of the Code of Ethics that applies. Deputy Mayor Scheels advised that is why Mayor Brescia has and will recuse himself from this project. The conflict that Frank Tyrell feels Trustee Kiernan may have because he works for E.Tetz & Sons would not pertain to him until

such time the project is at that stage. The board is just looking at an application for a PDD . Frank Tyrell advised they realize the project can be developed but they would like to have say in it. Because they are concerned with the value of their homes not going down, they want to see single family homes with offices.

Deputy Mayor Scheels assured Marc Devitt is listening to their concerns and they are discussing other options that maybe they can come back to the table with and maybe would make the people feel a little more comfortable with the project. The site plan is not engraved stone. This Board has not accepted any application at this point.

Judy Noorlander, 97 Union St., asked if the alternate plans have been discussed in public. Deputy Mayor Scheels responded an application has not come before the Board. The site plans presented by Marc Devitt are only plans to get input from this Board. Right now, the board is listening to the public as well as Marc Devitt. He is in the preparation of preparing a plan that he can present to the Board for approval. He is not at the point to present a site plan to the Planning Board. Judy Noorlander asked Marc Devitt when we should anticipate seeing a plan? Marc Devitt commented saying right now they are still involved in the SEQRA process. A final EIS has to be submitted that takes into consideration the public comments and concerns. At that point, the Board will be asked to accept or reject the final EIS. Deputy Mayor Scheels advised that would only allow a planned development to go through the planning board process. Public hearings will be held so as to allow public input as to what gets put there.

Jeff Gleason, Olsen Ct., would like to comment that we are not against development but would like to make sure that it is a smart development and not have any impact on the neighboring homes. Deputy Mayor Scheels said all board members are residents of the village and we don't want to see anything change. Marc Devitt has proven to be a smart developer and feels with public input we can come up with something that will work for all of us.

Judy Noorlander advised that she would like the Village Board to stay on top of the expansion of the Orange County Airport and how that will have an impact on the Village and the development of commercial property that is left. Trustee Kiernan said the greatest impact may be with the Town of Montgomery because eventually the flight patterns may all be down along the Walkill River.

Frank Tyrell said he understands there is grant from DOT to repave Chandler Lane between Union Street and Cardinal Drive and if so, is there any kind of time frame to complete the work? There are also pot holes that need to be fixed. Trustee Cantiello advised the grant has been approved and it expires 2012. Mayor Brescia advised the pot holes can be taken care of now on Chandler Lane. Trustee Kiernan agrees and feels until we find which direction the PDD is heading in, we should not do anything there until we see what is happening, but of course taking in consideration when the work has to be completed to be eligible for reimbursement.

Deputy Mayor Scheels asked if there are any more questions on the PDD before turning the meeting back over to Mayor Brescia.

Trustee Kiernan said he would like to say something in defense of E. Tetz & sons. Every time a Tetz truck poured a yard of concrete for the Village of Montgomery, it was off state bid and the village saved \$6 per yard. In the last five years they have donated probably in excess of \$14-15,000 worth of salt and sand that he was able to get as a surplus Tetz had. They have been pretty good to the Village of Montgomery.

Mayor Brescia asked if there are any other questions other than the PDD. Judy Noorlander asked the Board if the Board made any decisions after coming out of executive session at the last special meeting. Mayor Brescia advised none were made only to adjourn the meeting.

Judy Noorlander asked how many current police cars there are and how frequently is a car purchased. Deputy Mayor Scheels responded saying the last car was bought in 2003 and in 2005 we got a grant for another car. Money was appropriated in 2007 and a new car is needed to replace a car that the engine blew up. The cars are purchased from state bid. OIC Luffman added the police department presently has eight cars including two marked.

Michael Casamassimo, 49 Wavey Will Ln., asked how often the park trails are patrolled. OIC Luffman advised every tour, every day. We usually use the electric car along with bike officers on patrol.

Robin Dambrot, 138 blue Bird Dr., asked if there is a possibility of putting pedestrian signs on Union Street at the entrance of park because it is hard to cross the street to walk on the trails. Mayor Brescia asked OIC Luffman to use the speed sign there and to use more patrols in that area.

Karin Roux, OC Land Trust Land Coordinator, has met with Mayor Brescia and Town of Montgomery Supervisor Hayes to discuss the possibility of putting in a pedestrian bridge across the Wallkill River to connect the village and town parks. It would be approximately 250' long and about 10' wide. It would help to make Montgomery more of a destination point as well as providing connectivity between the two parks. In terms of a large scheme, there is a preserve in the Town of Hamptonburgh (intersection of Rts.416 & 207) that will have walking trails. They want to connect that to the Wallkill River and the park in Montgomery. The ultimate funding is the question. DOT has the Transportation Enhancement Program (which closes at the end June) that funds projects similar to this. The cost for this project is about \$735,000 and DOT will fund about 80% and they were told to plan on 7% every six months in terms of rising costs. Given it may be close to two years for the project, it would be close to \$1 million. That would leave \$200,000 for the municipalities to share. A lot of that can come from in-kind services. Currently Eustance & Horowitz, PC will be donating some of his time to get the engineering going. There are some residents that have discussed getting together a friends of Montgomery group to fund raise. You never know there might be a local person who is in a very good mood one Christmas. The possibilities are endless. The topic is being brought up now for the Board to consider passing a resolution to apply for the grant as a joint effect. Next week she will be going to the Town and ask them for the same consideration.

Mayor Brescia advised that Trustee Kiernan was present at the meeting and ideas were tossed around. The only concern was the village does not have the local match. It sounds like a good idea. There is a concern with the only excess being down from the park which the village does not own and the amount of engineering. The Town and Village do not have a lot of money to set aside for engineering. Those number are needed soon. It sounds like a wonderful idea. Supervisor Hayes was against bonding. If we can apply for the joint grant, it does mean that we have to accept the grant. Supervisor Hayes said he does not like the idea of applying for a grant and not accepting it. Trustee Kiernan asked if a penalty would be involved if we applied for the grant and later determined that we could not do the project. In all, the project sounds like a good idea and feels it is something that will bring people to the area and contribute to the economy of the village.

Johanna Sweikata asked if the liability issues have been looked into. Karin said she will look into it too.

Ed Devitt said in time with the community's interest it could be a good project. Frank Tyrell suggested breaking it down per household how much it would cost so the people would know how much it would cost them.

After a discussion, Mayor Brescia asked for the cost for the engineering and for a grant writer for the Board to consider at the next meeting.

RE: POLICE DEPARTMENT – REQUISITION (CAR)

Moved by Deputy Mayor Scheels, seconded by Trustee Kiernan, the Board approved the purchase of one police vehicle from state bid. The motion carried by a 5-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting at 8:23 p.m. The motion by a 5-AYE, 0-NAY vote.

Village Clerk Linda L. Thompsopn