

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, **June 3, 2008** at 7:30 P.M.

Present: Mayor Brescia, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; Atty. Dowd; (Absent- Deputy Mayor Scheels) O-I-C.Luffman; DPW Supt. Nelson; Vlg.Historian Wild; Master Plan Committee-Chrmn. Kevin Conero, Members Beth Weissman, Sophia Ramano, Paula Frissora, Charlie Wallace, Shane Daley; and Boy Scout James Zock; Ed & Marc Devitt; Atty. Catalano; Randy Wilbur, Lisa Kimbal; Joe Neumann; Richard Neidermeyer; Mr. Rodiquez; M/M Tyrell; Jill Schmidt; Donna Jackke; Krista O'Brien; Carol Monroe; Walkkill Valley Times reporter.

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

RE: MINUTES

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board approved the minutes of May 6, 2008 with Mayor Brescia, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan voting AYE, and Deputy Mayor Scheels abstained (not present). The motion carried.

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board approved the minutes of May 20, 2008. The motion carried by a 5-AYE, 0-NAY vote.

RE: ABSTRACT NO.6-2008

Moved by Trustee Cantiello, seconded by Trustee Kiernan, all bills listed on ABSTRACT No. 6-2008 were audited and approved for payment contingent upon review by Trustee Kiernan with \$193,437.02 from the General Fund, \$63,638.75 from the Water Fund, \$64,590.34 from the Sewer Fund and totaling \$321,666.11. Check Nos: 37005-37022; 38023-38116. The motion carried by a 5-AYE, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending May 31, 2008 as follows: General Fund \$815,930.85 , Water Fund \$138,279.32 Sewer Fund \$288,531.84.

RE: VILLAGE AND TOWN PARKS – BRIDGE

Karin Roux, Orange County Land Trust, is before the Board to further discuss the proposed pedestrian bridge across the Walkkill River that would connect the parks in the village and town and to ask the Board to consider adopting a resolution to submit a joint application for funding. The engineering cost is about \$60,000. Eustance and Horowitz Engineering has donated about \$1100 of their professional services. Construction cost is about \$1.2 million. They are presently looking for a grant writer. The Village's grant writer, Kerron Barnes, cannot do it because he is too busy at this time, but Donna Jackke said she can write the grant. Another issue is the liability costs. The Friends of the Parks' Harmony Bridge (FPHB) has been established to serve as a support group.

Mayor Brescia suggested placing a cap on what it would cost to submit a grant. Trustee Cantiello said she would like to see some kind of an idea of what the insurance would be on the part of the Village and at what point there would be no commitment. Karin said

she has spoken with the village's insurance agent, Joe Neuman. Joe Neuman said the underwriter was contacted. In general, she was not overly thrilled about it. The liability is tremendous for a bridge over a river so she would like to have more information. Issues like wetlands, questions like how will it be patrolled, snowmobiles in the winter time, does it close at night and who closes it, etc.

Mayor Brescia stated by supporting the application with a resolution does not commit the village. Trustee Cantiello said it is a good idea, but she is still concerned on the part of the village taxpayers, as to what kind of an insurance burden will be put on us. Mayor Brescia feels that is a legitimate concern, but we always have the right to decline the grant. If the grant is approved, all those questions, insurance, liability and cost, will have to be answered with hard figures. There is a question as to whether or not the Town has adopted the resolution. Karin Roux answered saying the Town will be discussing it at their meeting this week. Atty. Dowd advised if the grant is accepted, there is a SEQRA process to follow as there are wetlands involved. Mayor Brescia said that is another thing that must be researched before accepting the grant. After a discussion, the Board was in favor to apply for the grant and not expend over \$1,000 to submit an application.

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, the Board adopted a Resolution to Submit a Transportation Enhancement Program Application for the purposes of seeking funding to create a bridge to link the Village of Montgomery Veterans Memorial Park and Town of Montgomery Benedict Farm Park across the Wallkill River subject to application fees not exceeding \$1,000. The motion carried by a 5-AYE, 0-NAY vote.

RE: PDD PROJECT – CHANDLER LANE/RT.17K

Mayor Brescia turned the meeting over to Deputy Mayor Scheels. Deputy Mayor Scheels asked Atty. Catalano to address the Board concerning the Chandler Lane/Rt.17K PDD project.

Atty. Catalano advised the next step is the submission of the final environmental statement (EIS) which the Board will review and then accept. Tonight is the submission of the final EIS that includes the comments received from the involved agencies during the public comment period including a complete written transcript of the public hearing and written comments. He explained how it was put together including cross references. The only comments not included in the document are the comments by the village engineer and planning consultant which should be completed this Friday or Monday at the latest. The supplements that can be attached without changing the original document. With that being said, the Board was asked to review the responses to the comments received. When the Board accepts the final draft of the EIS, you are accepting that they are adequate. If the Board would like to have a work session before the next meeting they are agreeable.

Atty. Dowd explained what should be done is the applicant should respond to the supplements from the village's consultants. Once that is done, the consultants will then review it and then the Board can meet with them to go through their comments and respond accordingly. Alternately, this document will lead to the end of the SEQRA process. Trustee Kiernan advised that he prefers the public hearing be held before the summer to allow input from the public. Atty. Dowd said he believes it is better to act on a

complete document before setting the public hearing because the Board is just getting it tonight and will want to take the time to go through it before deciding to set a public hearing.

Atty. Catalano explained as a point of clarification the Board held the SEQRA and the PDD public hearing on April 15th. There is no legal reason to hold off the next public hearing. The SEQRA process just requires you to finish that process before the Board makes a final. With respect to the final EIS, he respectfully asks the Board to review the responses that are drafted and then use your consultants if they have any questions. The comments that were made at the public hearing really did not address the environmental issues. They were more to the site issues such as apartments, mixed uses, etc. Eng. O'Rourke's comments are really more addressed to specifics and final site plan issues, which we are not there for the most part. So, he respectfully disagrees with Atty. Dowd in the sense that the Board can be reviewing the final impact statement to let us know what the trustees feel about this and how the trustees want to have these responses handled and said he feels a work session can be set on June 17th before the meeting. He agrees with Deputy Mayor Scheels to hold a public hearing before the summer to give the people a forum to speak.

Trustee Kiernan asked what the difference in ratables would be if there was a change from apartments to condos? Atty. Catalano responded saying there might be a very slight decrease in ratables because he believes apartments are assessed at a higher rate than single family.

Frank Tyrell asked the environmental impact on sewer capacity in the village and how upgrades will be handled and who would have to pay for that? Trustee Kiernan said if there were anymore units built in the Village, other than this PDD, the STP would have to be upgraded. DPW Supt. Nelson agrees. Atty. Catalano advised their engineers concluded there is sewer capacity that can accommodate the plan as proposed or modification of the plan if the Board's decision is to eliminate some apartments or all apartments. Doug Hantausch asked if the sewer capacity study included the Village at Goodwill or after accepting the sewage from the Village at Goodwill? Deputy Mayor Scheels answered saying the Village at Goodwill has not been addressed because we are not at that point yet. Trustee Kiernan updated the Board on the last meeting he and Mayor Brescia had with the Village at Goodwill. Deputy Mayor Scheels added that the Village at Goodwill does not have anything to do with the PDD project. Before the Village at Goodwill comes in, there has to be upgrades to the sewer plant because we do not have the capacity to take the Village at Goodwill on. They have to address the capacity and upgrades. But, there is capacity for the PDD project. Atty. Dowd advised the Village at Goodwill will be giving the Village \$2 million for that purpose. Trustee Kiernan said plus 2.5 times the user rate. It is a win, win situation. Eventually, the sewer rate will have to be raised for the Village users too. But, the applicants for PDD project will be donating two of the three wells that are on their property. Atty. Catalano confirmed that and spoke about expansion to the village's water supply by almost 50%. That is included in the final DEIS.

Deputy Mayor Scheels asked what is the Board's pleasure on setting a special work session to review the additional comments and the possibility of setting a public hearing? After a discussion the Board agreed to set a work session on June 9th and said it is important for public input and maybe a public hearing should be held the last week in

June if the Board feels the final DEIS is complete. A public hearing can be held on June 23rd at the Teen Center because the senior center and court room are not available.

Atty. Catalano explained the change of the actual zoning (industrial to PDD) will be done by a local law and a public hearing will be held. Deputy Mayor Scheels advised the next step would be for the project to go to the planning board for site specific review and public hearings will again be held for the project.

Moved by Trustee Andolsek, seconded by Trustee Cantiello, the Board set a Work Session/Special Meeting on June 9, 2008 at 1:00 P.M. to discuss the final DEIS for the PDD Project – Chandler Lane/Rte.17K project with Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan voting AYE and Mayor Brescia abstained. The motion carried.

RE: BOY SCOUT PROJECT – VILLAGE MUSEUM

James Zock, Boy Scout Troop #386, said he helped to organize the Scouts to help Vlg. Historian Wild to move historic items from the Village Hall to the museum. He plans to landscape and plant trees in the lot next to the new museum and the project must be completed by late August. Before the project is planned, he asked when the outside of the building next to the lot will be painted, if mark outs for utilities could be done before he starts landscaping and who is responsible for the picket fence and the chainlink fence.

Mayor Brescia advised he believes the painting can be done and asked James to contact him in two week to see when it can be done. DPW Supt. Nelson will help with the utility mark outs. And the fence is owned by the Village. Mayor Brescia and the Board commended James on the project he selected and wished him the best with his Eagle Scout project.

RE: MASTER PLAN COMMITTEE REPORT

Chrmn. Conero reported the committee has been working on the master plan since November 2006. A series of public input meetings were held. The consultant, Alan Sorensen, is unable to make the meeting so he went on to explain the document. He thanked the Board for allowing the committee to work on the master plan that was last adopted in 1986. Both public meetings held were well received by the public. Several changes were made to the draft master plan. He recommends the Board read through it paying particular attention to the recommendations in the back. Alan characterized them putting them in priorities, short term, long term and immediate. The committee all agreed on the priority of them. Alan is doing the GEIS and has a time table for the SEQRA process and the public comment period.

Deputy Mayor Scheels advised all the comments at the public hearings were addressed and are included in the document that will be given to the Board. Chrmn. Conero said one of items the committee feels is important is to encourage guidelines for improvements made in the downtown business district that is not in the historic district so the building would fit in with the adjacent buildings that are. General traffic conditions were discussed and traffic by the school was discussed as well. The committee agreed to let the school district and DOT handle the traffic by the school. Other issues are sidewalks and the need for guidelines for the planning board and architectural and

historic board. They can be very useful during the planning process. Deputy Mayor Scheels said we will put that in to make sure any project fits into the village. Chrmn. Conero went on to say in the mean time copies of the final draft will be given to the Board and Alan Sorenson can address any concerns which the Board may have.

Mayor Brescia stated the committee was very thorough and a lot of assets were identified in the Village that we want to preserve. Some of things are a little aggressive such as sidewalks as they are hard to maintain. But, the Board will try to do everything possible with the funds available. Chrmn. Conero advised the committee understood that too, but thinks that is part of why people are attracted to the Village because of the walking type of a community.

Committee members present (Beth Weissman, Sophia Ramano, Charlie Wallace, Paula Frissora, Shane Daley) reiterated what Chrmn. Conero was saying that they feel the document is complete and ready to be presented to the Board for review and finalization. Chrmn. Conero summarized saying the committee also feels it is important if the Board would consider having the committee meet periodically to see that the master plan is followed. Mayor Brescia and the Board agree that would be a good idea and suggested as an Ad Hoc committee they could meet twice a year. The Board totally supports the Master Plan Committee and the master plan you updated. Deputy Mayor Scheels and Trustee Cantiello agree as committee members they enjoyed serving on the committee and thanked the whole committee for a remarkable job that was done. The committee again thanked the Board for allowing them to serve on the Master Plan Committee. The document will be on-line for anyone who wishes to look at it.

Atty. Dowd advised because the final document is not before Board this evening, the Board should delay taking Lead Agency status on the GEIS. Then Chrmn. Conero requested they be placed on the next agenda and a copy of the Master Plan GEIS will be given to board as soon as possible.

RE: DEFENSIVE DRIVING CLASSES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Paul L. Odendahl (Empire Safety Council/American Safety, Inc.) request to use the Village Hall meeting room for the purposes of teaching driver safety classes, subject to providing a certificate of insurance naming the Village as additional insured, scheduling with the Village office and giving a donation to the Village. The motion carried by a 5-AYE, 0-NAY vote.

RE: COUNTYWIDE RECORDS MANAGEMENT PROGRAM

Mayor Brescia advised he spoke with the police liaison from the County and would like him to be at the next meeting to discuss the countywide records management program. If the village signs on, the cost would be nothing for this fiscal year. Next fiscal year the cost would be about \$5600. It sounds like a worthwhile endeavor as it would allow us to share information with all the police municipalities in Orange County. OIC Luffman said for example if a robbery goes on anywhere in Orange County or the surrounding areas the police department would know. It will be placed on the agenda for the next meeting.

RE: SENIOR CENTER RENTAL

The Board is reviewing the rental agreement for the new senior center. Mayor Brescia asked the Board to consider a reduced rental fee for people who want to use the new senior center for wedding ceremonies only. The Board did not have a problem with that. Trustee Kiernan suggested a village resident be charged less than a town resident because it is the village taxpayers that pay for the upkeep of the building. The Board agreed. Trustee Cantiello advised, in addition, the Board should also look into a policy for non-profit organizations that want to use the Rec Center as there is a request from a soccer league. Mayor Brescia said they could rent the recreation/teen center for \$250 as with any other organization that requests to rent it. The museum committee was concerned about renting the museum at Wesley Hall. The rental use should be compatible with the museum. We agreed that rentals for Wesley Hall would be \$250, with the museum keeping \$175 and the Village getting \$75.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved rental of the new senior center for day-time wedding ceremonies of less than two hours as follows: Village residents - \$250, Town residents - \$300. The motion carried by a 5-AYE, 0-NAY vote.

RE: INSURANCE RENEWAL

Trustee Cantiello met with Joe Neumann to go over the policy. Joe Neumann said the proposal being submitted this evening represents an increase over last year's premium. They have been very successful in obtaining a competitive renewal quote from the existing carrier, Selective Insurance, noting an almost \$7,000 increase. There is a question concerning the contents of Wesley Hall because the museum is now occupying the building. Joe Neumann discussed how the museum has been covered under the building contents. The historic items in the policy are covered generically because nothing has been spelled out . . . to have a value they must be appraised and with itemization. They can be insured on that and the other question is, are the items at replacement value. Because there are showcases, etc. in Wesley Hall, the insurance company will need a value on that.

Doug Hantusch (Museum Committee) advised Kathy LaRocca, a retired librarian, will be categorizing the items in the museum. At this point, the value and content would be for the showcases, computers, furniture, etc. In the mean time, a video of the contents can be done so there would be a record of what was there if something should happen. Trustee Cantiello said, we need to put a number on the contents for insurance purposes. Joe Neumann said \$50,000 worth of contents will not change the proposal that is before the Board this evening. After a discussion, the Board was in favor to accept the proposal and work on categorizing the contents of the museum.

Moved by Trustee Cantiello, seconded by Deputy Mayor Scheels, the Board accepted the Selective Insurance proposal in the amount of \$135,582.54 to renew the Village's Liability Insurance, Police Professional Liability Policy and Public Officials including a \$4 million Umbrella Policy, effective June 30, 2008 through June 30, 2009. The motion carried by a 5-AYE, 0-NAY.

RE: WALLKILL AVENUE WATERMAIN REPLACEMENT

The plans for the Wallkill Avenue Water Main Replacement project have been approved by the Orange County Department of Health on May 23, 2008. Upon approval of the contract documents by the Office of Community Development a bid opening can be set.

RE: REQUEST FOR SIDEWALK – MONTGOMERY MANOR (SENIOR HOUSING)

The Board acknowledged the request for sidewalks from a resident in Montgomery Manor senior housing to downtown Montgomery. Mayor Brescia advised it would be cost prohibited because of the need for drainage. After speaking with DPW Supt. Nelson, it would cost over \$40,000 just for the drainage. Mayor Brescia will speak with her.

RE: DPW APPOINTMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed Gregory Jackson to the position of full-time Laborer B subject to a six (6) month probationary period at the rate in the Agreement between the Village of Montgomery Department of Public Works and Transport Workers Union of America A.F.L.-C.I.O. and its Local 225 June 1, 2006 to June 1, 2009. The motion carried by a 5-AYE, 0-NAY vote.

RE: REGISTRAR OF VITAL STATISTICS APPOINTMENTS

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board reappointed Linda L. Thompson to the position of Registrar of Vital Statistics, term of expiration April 2012. The motion carried by a 5-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board reappointed Rosemarie Griffith to the position of Deputy Registrar of Vital Statistics, term of expiration April 2012. The motion carried by a 5-AYE, 0-NAY vote.

RE: VILLAGE OFFICE

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board approved to change the position of deputy treasurer from 35 to 40 hours per week, effective immediately. The motion carried by a 5-AYE, 0-NAY vote.

RE: SUMMER RECREATION FEE REFUND

Moved by Trustee Cantiello, seconded by Trustee Andolsek, the Board refunded Kristi Kramer the summer recreation fee in the amount of \$50.00. The motion carried by a 5-AYE, 0-NAY vote.

RE: WASTE WATER TREATMENT PLANT IMPROVEMENTS

DPW Supt. Nelson asked the Board to proceed with the wastewater treatment facility upgrade because it is a two to three year process. A proposal had been submitted by the village's engineering firm, Lanc & Tully PC for engineering costs. Mayor Brescia agrees the village needs to start as soon as possible because the Village at Goodwill will be starting on the infrastructure soon.

The board asked for clarification on the scope of work to be performed, billing, who is responsible for inspections, etc., and chronologically on how it will be built. DPW Supt. Nelson stated he will have an expansion schedule for the Board by the next meeting.

RE: MUSEUM GRAND OPENING

Vlg. Historian Wild said since the museum is now at Wesley Hall, she is getting a proposal for a security system. There are historic artifacts that are of value in the museum. Also, Valley Central School has plans to donate a number of computers to the museum to be used for research and educational purposes. Another thing they will need is a safe for the museum and will see if a grant is available. OC Historian Ted Sly said his office will try to give a small grant also. Mayor Brescia advised the police department has increased patrols because there have been several burglaries in the village recently and said he was sorry to hear about the burglary at her house. Doug Hantusch did say there is a concern for the safety of the building and for the things that are in museum. When they leave they make sure the doors are always locked. Mayor Brescia advised presently, NAS has a security system at the teen center and asked Doug to contact them for a quote and maybe include the Village Hall and library.

Mayor Brescia commended Vlg. Historian Marion Wild on the Village of Montgomery's Museum Grand Opening that was held on May 31st as well as Trustee Cantiello, Trustee Kiernan, Doug Hantush, Donna Jackke and all the volunteers who helped to make it a success. Trustee Kiernan agrees and said it is definitely a step in the right direction for the Village of Montgomery.

RE: GENERAL MONTGOMERY DAY GRAND MARSHALL

Mayor Brescia announced that Larry Marshall will be the Grand Marshall for the 20th General Montgomery Day parade that that will be held on September 6, 2008.

RE: PUBLIC PORTION

Frank Tyrell asked if Olsen Court cul-de-sac could be repaved because it is in bad shape. Mayor Brescia said it is not budgeted this year, but it could possibly put on the schedule for next fiscal year.

Lisa Kimball, Conroy Ave., advised that she attended a public hearing in the town for the proposed upgrade of CHG&E transmission lines. It will have an impact on that neighborhood even though those lines are not going to go through the village. According to the maps, the lines will go behind Conroy Avenue and onto the school property. She understands that there is a need because it is a growing community but it seems like an aggressive response to dense population at this point. As a community could the Board see what they can do? One last question, there is a concern with the retention or runoff pond. Most of the time there is standing nasty water and it is unfenced. . . at this point with the development being about 90% done, there is a concern because a lot of children live there now.

DPW Supt. Nelson advised the pond is a retention pond for the drainage. Mayor Brescia asked if money can be taken out of the developer's performance bond to correct this? Atty. Dowd advised there is nothing in the plan that the retention pond must be fenced

in. Trustee Cantiello said this is similar to the drainage pond in Viking Heights which is not fenced in. Trustee Kiernan asked if now there is water there? Lisa said she is not sure at this time, but there is a safety issue. Mayor Brescia advised that he will have the building inspector as well as the department of public works superintendent check on this to see what can be. The Board can't promise much can be done there because it is not on the site plan, but if there still is an unsafe situation maybe we can get the developer to do something.

Mayor Brescia said he would like to see a copy of the CHG&E map to see exactly how close it is to the village and we will look into the fence around the retention pond in Montgomery Estates on Conroy Avenue.

RE: EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 9:30 p.m. under Public Officers Law §7(f) to discuss department of public works personnel with DPW Supt. Nelson, Atty. Dowd, Deputy Vlg.Clerk Griffith and Vlg.Clerk Thompson. The motion carried by a 5-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 9:39 P.M. The motion carried by a 5-AYE, 0-NAY vote.

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board entered EXECUTIVE SESSION at 9:40 p.m. under Public Officers Law §7(f) to discuss police department personnel with OIC Luffman, Atty. Dowd, Deputy Vlg.Clerk Griffith and Vlg.Clerk Thompson. The motion carried by a 5-AYE, 0-NAY vote. (Trustee Kiernan left the meeting at 10:14 p.m.)

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board went out of EXECUTIVE SESSION at 10:20 P.M. The motion carried by a 4-AYE, 0-NAY vote.

RE: POLICE DEPARTMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved to pay Officer Jerome Lomangino call-in time of three hours and replace the lock on his locker. The motion carried by a 4-AYE, 0-NAY vote.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting at 10:21 p.m. the motion carried by a 4-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson