

ingMinutes 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 October 20, 2015 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Police Chief Walsh, Lieutenant Herlihy, Village Clerk Rivera-Stanley, Maria Beltrametti, Don Berger, Rich Paltridge, Ron Feller, Johanna Sweikata, Anthony Tolve, James Coscette, Paul Rodriquez

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

#### **RE: MEETING MINUTES**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved the meeting minutes of October 6, 2015. Motion carried, 5-Ayes, 0-Nays.

#### **RE: REQUEST TO MEET WITH THE BOARD**

Ron Feller and Rich Paltridge the Little League Vice President presents the Board with a proposal for a water meters to be installed at the Veterans Memorial Park. The purpose is to water the ball field's one, two and three to keep the dust down and the growth of grass; at no expense to the taxpayers. George Hammer maintains the fields. The system as I have indicated will consist of a garden hose hook up to the existing spigots, of which one is at the bathhouse, the other is at the Recreation Center. The spigots will have a removable toggle key installed, which George will have the key. The meters will be installed by a local licensed plumber; who is donating his services. The estimated cost is two hundred dollars and a certificate of insurance has been provided.

Moved by Trustee Andolsek, seconded by Trustee Deputy Mayor Scheels, the Board approved Little League's proposal for a water meter to be installed for the maintenance of ball field's one, two and three at the expense of Little League for the water usage and installation with the conditions of the DPW Supt. Nelson approval. Motion carried, 5-Ayes, 0-Nays.

#### **RE: VILLAGE BOARD MEETING RESCHEDULED**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved to reschedule the Village Board Meeting on Tuesday, November 3<sup>rd</sup>, to Wednesday, November 4<sup>th</sup> at 7:30 pm. Motion carried, 5-Ayes, 0-Nays.

#### **RE: BUDGET ADJUSTMENTS**

Deferred to the next meeting of Wednesday, November 4<sup>th</sup>, Treasurer Benedict did not receive responses from the department heads in time to provide the information needed.

#### **RE: APPROVED DIRECT ENERGY ONE YEAR EXTENSION, RATE 6.459 PER KWH**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the Direct Energy one year extension rate of 6.459 per kWh, beginning November, 2017 to November, 2018 which includes the capacity pass through. Motion carried, 5-Ayes, 0-Nays.

#### **RE: PATRICIA ZANG-DECLUE REQUESTS A LETTER IN SUPPORT OF CHANGES IN TRAFFIC REDUCTION OR A TRAFFIC SIGNAL AT THE CROSSWALK LEADING TO THE DOLLAR STORE ON ROUTE 17K FROM THE VALLEY CENTRAL MIDDLE SCHOOL AND HIGH SCHOOL**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved to provide a letter in support of changes in traffic reduction or a traffic signal at the crosswalk leading to the Dollar Store on Route 17K from the Valley Central Middle and High School. Atty. Dowd will draft a letter with Pat's and the Boards concerns for the safety of our children and everyone traveling through this intersection. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE THE CENTRAL HUDSON CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT TO GOVERN THE EXCHANGE OF CERTAIN INFORMATION FOR THE PURPOSE OF EVALUTATING, NEGOTIATING AND/ OR CONSUMING A PROJECT RELATING TO EMERGENCY PREPAREDNESS AND GAS SAFETY PUBLIC AWARENESS**

Atty. Dowd asks the Board of any pending projects with Central Hudson that is a result of this request.

Village Clerk Rivera-Stanley states, there are no current projects.

Atty. Dowd advises the Board that this is a five year agreement that imposes liability on the Village if we disclose information. Whereas, we are subject to the FOIL law. I do not want to expand the Village liability by signing a five year agreement; that I do believe maybe in part in violation of the FOIL law.

Mayor Brescia and the Board deferred their decision to the next meeting in order for Atty. Dowd to obtain clarification on the request of this agreement.

**RE: OLD FASHIONED HOLIDAY WEEKEND IS SATURDAY, DECEMBER 12<sup>TH</sup>**

Santa will to be escorted by the Montgomery Fire Department at 12:00 Noon and arrive at the Village Hall at 1:00 pm. Santa will meet and greet the Children from 1:00 pm to 3:00 pm at the Village Hall. Mrs. Claus is having a story time book reading from 1:00 pm to 3:00 pm, in fifteen minute intervals; upstairs in Court Room of the Village Hall. The Maybrook Boy Scout Band will be playing Christmas music at the Clinton Street Band Stand from 12:00 pm to 1:00 pm.

**RE: TOYS FOR TOTS TRAIN ARRIVES ON SUNDAY, DECEMBER 13TH**

The Toys for Tots train is scheduled to arrive on Sunday, December 13<sup>th</sup> at 11:20 am to 12:05 pm. We will have DJ Eric and refreshments, as well as a Food Vendor, Ed's Deli and an Ice Cream vendor. The vendors will obtain a peddler's permit from the Village Clerk, if they do not already have one on file.

**RE: VILLAGE CONSULTANTS MEETING AND REVIEWING THE CHANDLER LANE PDD DSEIS**

Atty. Dowd addresses the four Board members, excluding Mayor Brescia of the upcoming meeting with the Village consultants to finish the review of Chandler Lane DSEIS with the applicant's consultants. This will allow for discussion, comments and answers before addressing the Board. An invitation is extended to the Board with no more than two of the four attending if you wish. The meeting is scheduled for October 30<sup>th</sup> at 2:30 pm, at the Village Hall. Deputy Mayor Scheels and Trustee Lindner will be able to attend.

**RE: PUBLIC PORTION**

Mr. Berger asks the Board if the Department of Health has approved the water permit. Secondly, has anything been done about the letter in support of the Monroe annexation with Kiryas Joel? In addition, I would like to know what the process is on how the meeting minutes are done and why they are not up to date on the website.

Mayor Brescia is not certain about the DOH water permit, I will ask Buddy. I intended to speak with Buddy to have any answers for today's meeting, however, time did not allow for it.

We will obtain copies from the other municipalities regarding the annexation and mirror theirs with no funds committed. We will check with the Town of Crawford and the Town of Chester. We are favorable to passing a resolution to that affect.

Village Clerk Rivera-Stanley states, the meeting minutes are forwarded to an outside contracted source to be published to the Village website. The meeting minutes are available for review and you can FOIL them at twenty five cents a page. However, there is no charge once they are published online.

Mr. Berger states, why would I have to pay for the minutes, if I do not have access to it them?

Atty. Dowd states, the minutes are available at the Village Hall for review at no charge. If you want a copy you have to FOIL the minutes, as it is the law at twenty five cents a page. Once it is on the website you do not have to pay either.

Mayor Brescia states, our contracted website source is not fast with having things posted. It is not easy for this process to be done. I have her formulate our newsletter as well and I want a fast turnaround too. I know the County has problems getting information on the website also.

Trustee Lindner states, it is possible to have another individual on retainer publish to the website post the minutes for us.

Mr. Berger states, the minutes are an important tool for him as citizen of the Village.

Mayor Brescia states, if you want to come in and see how the minutes are done, you are welcome to do so.

Village Clerk Rivera-Stanley states, you can come in and sit down to watch me transcribing the minutes to understand the process.

Mayor Brescia states, we will try to improve on getting the minutes posted to the website. Jim do you have someone here with to discuss what transpired on September 12<sup>th</sup>?

Paul Rodriguez addresses the Board that he was present on General Montgomery Day into the evening. I observed the Buntings and the Flags further down by Copperfield's.

Mayor Brescia states the reviewing stand was right out here, right out here you saw this? You saw the Buntings or the Flags?

Mr. Rodriguez states both. They looked really bad. I asked Jim, whatever they are going to with them. If I could have them for the American Legion. I am a member of the American Legion in Middletown, Post 151. I thought it would be a good idea to have them for events, pancake breakfasts, spaghetti dinners.

Mayor Brescia asks, about what time was this?

Mr. Rodriguez states, I am not sure it was later in the evening. It was already dark.

Mayor Brescia states, seven o'clock, eight o'clock?

Mr. Rodriguez states, I am not sure of the time.

Mayor Brescia asks, you asked if he could obtain the Buntings and the Flags. Ok, is that all you want to say about it.

Mr. Rodriguez states, it would have been good to use them at the American Legion. I did not know it was going to be an issue.

Mayor Brescia states, I do not blame you for asking for them. You did not know they were Village property.

Mr. Rodriguez states, it was raining and they were being ruined. I figured we could put them to better use.

Mayor Brescia asks, did you see them on the ground?

Mr. Rodriguez states, I saw some.

Mayor Brescia states, some on the ground and some on the reviewing stand.

Mr. Rodriguez states, yes.

Mayor Brescia states, Okay.

Mr. Rodriguez states, if it is an issue; I would be glad to return them.

Mayor Brescia asks, you have them. If you could return them, we would appreciate it. We do use them for General Montgomery Day, even if they are ripped, they can probably be sewn.

Mr. Rodrigues states, not a problem.

Mayor Brescia states, Thank you Paul. Thank you for coming in. Jim I do not want to discuss too much out here. There is a question about Executive, we are probably going to discuss it. Do you have anything to say out here? No.

Jim states, the incident that happened.

Mayor Brescia states, yeah.

Jim states, I have no problem. That night, if anyone does not know me, my name is Jim Coscette currently working for the Montgomery Police Department. That night, it was raining off and on all night. It was late at night, I met Paul and a few others. I was assigned to the bar area, the Clinton Street area. He engaged in a conversation and asked about the Buntings and the Flags. I said, yeah; you want them. I knew he was with the American Legion. His daughter just has a party there a few months ago. I said, sure why not. My goal was not to take or steal anything from the Village. I was giving something. I thought it was a pretty good idea at the time and that was it. I gave them to him. I took them off the reviewing stand, some were on the ground. I know there is one that was kind of ripped or kind of shredded a bit. I am not sure. I actually told him about it. They were really wet. But I gave them to him. I said, here you go and that was it.

Mayor Brescia states, that was about what time?

Mr. Coscette states, it was late, like I said it was a long day. I was working on a fourteen or fifteen hour day with General Montgomery Day so far. Montgomery Day is kind of long, I am not sure. I know it was late.

Mayor Brescia states, eight o'clock, nine o'clock.

Mr. Coscette states, I honestly, if I told you a date, a time. You could tell me no it was this night, I would be ok sure.

Mayor Brescia states, ok. We are going into Executive for an interview. I do not know if we are going to have Jim come into Executive or not. It is the Board pleasure on that.

Mr. Coscette states, I would not mind speaking more in depth, it is totally up to you.

Mayor Brescia asks, what the Boards pleasure on this is. Do we want Jim to come in? We are going into Executive to talk about it.

Trustee Hembury states, I feel we should talk about it amongst ourselves first.

Mayor Brescia states, maybe just stay close by Jim.

Mr. Coscette states absolutely.

Mayor Brescia states this is all over the Village, of what has happened. Comments were made that things are trying to be concealed or covered up. Most of the Village knows that you took the buntings and the situation. This is why I do not mind stating this at a public meeting. I do not want anyone to think there is a cover up. You took the buntings, your story is that you gave them to the Legion. A gentleman just stated that. We will take that into account.

Mr. Coscette states I do have this, I am sorry my printer blew out. If you just want to look at this. I am sorry there is only two.

Mayor Brescia states ok.

Deputy Mayor Scheels states we can share.

Mayor Brescia opens for questions from the public present.

**RE: EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board entered into EXECUTIVE SESSION at 8:07 pm under section §7(f) of the Open Meeting Law for matters leading to an appointment of Police personnel and of what was just discussed in the public portion. The Police Chief Walsh, Atty. Dowd and Village Clerk Rivera-Stanley were invited into the executive session. Motion carried, 5-Ayes, 0-Nays.

Moved Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board went out of Executive Session at 8:49 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: APPOINTMENT OF POLICE PERSONNEL**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board appointed Anthony Tolve as a Part Time Police Officer with an eighteen month probationary period at the rate of \$21.55 an hour. Motion carried, 5-Ayes, 0-Nays.

**RE: ACCEPT RESIGNATION OF POLICE PERSONNEL**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board accepted the resignation of Police officer James Coscette effective immediately. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board adjourned the meeting of October 20, 2015 at 8:51 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Stanley, Village Clerk