

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, November 21, 2017 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd (arrived at 7:52 pm), Village Clerk Rivera-Fernandez, Police Chief Walsh, Maria Beltrametti, Don Berger, Johanna Sweikata, MaryAnn Lindner, Jaspreet Gill.

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

Deputy Mayor Scheels said on behalf of the Village Board, we would like to congratulate you Steve on being re-elected as the Orange County Legislative Chairman. Steve thanked the Board and congratulated John Vero for being re-elected also.

RE: MINUTES

Mayor Brescia called for a motion to approve the minutes of November 2, 2017.

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the meeting minutes of November 2, 2017. Motion carried, 5-Ayes, 0-Nays.

RE: APPROVED AND AUTHORIZED MAYOR BRESCIA TO ENTER INTO AN ANNUAL AGREEMENT WITH SESAC FOR A PERFORMANCE LICENSE, IN THE AMOUNT OF \$397.00 FOR 2017, FOR THE (SUMMER MUSIC SERIES), SUBJECT TO FURTHER LEGAL REVIEW.

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved and authorized Mayor Brescia to enter into an annual agreement with SESAC for a performance license, in the amount of 397.00 for 2017, for the Summer Concert Series, subject to further legal counsel review. Motion carried, 5-Ayes, 0-Nays.

RE: HOLIDAY HOURS

Village Hall will be closed on Thursday, November 23rd in observance of Thanksgiving Day and on Friday, November 24th for Black Friday.

RE: BOARD OF TRUSTEES MEETING RESCHEDULED

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board rescheduled, the Board of Trustee Meeting of Tuesday, December 5th to Monday, December 4th at 7:30 pm, held at the Village Hall Meeting Room. Motion carried, 5-Ayes, 0-Nays.

RE: ACCEPT THE 2018 FUNDING AWARDED BY THE ORANGE COUNTY YOUTH BUREAU BOARD IN THE AMOUNT OF \$5,000.00 FOR THE DARE PROGRAM FOR 2018, A CONTRACT WILL BE PROVIDED AFTER THE FIRST OF THE YEAR

Mayor Brescia thanked Police Officer Smith for working diligently on that along with the Police Chief's endorsement.

Moved by Trustee Lindner, seconded by Trustee Hembury, the Board accepted the 2018 funding awarded by the Orange County Youth Bureau Board in the amount of \$5,000.00 for the D.A.R.E. program, a contract will follow after the first of the year. Motion carried, 5-Ayes, 0-Nays.

RE: MONTHLY REPORT AND STATICS RELATIVE TO TICKETS ISSUED AND COURT REVENUE

Police Chief Walsh reported on the department completing Night Fire Firearms training in October, including certifying all of the patrol rifles. The Patrol Rifles have not be deployed yet, waiting on the bid, for vehicle racks. The third enforcement period for the stop DWI program, began November 1st runs through January 1st. This enforcement period, we received \$17,073 to be used for reimbursement of salaries for officers assigned to DWI Patrols. We will have officers assigned again this weekend and most weekends leading into the holidays for DPI patrols. Last week we also received an early upgrade to our body camera system. We were not due for an upgrade on some of the units until December of next year, however, since we called about a battery issue we were experiencing, the upgrade was offered at no additional cost to us. We have the latest and greatest cameras. The cameras look just a little different, they have better sound and picture quality and definitely a better battery life. Furthermore, Police Chief Walsh also reported on the departments statistics relating to tickets issued and court revenue, using the ticket statistics from IMPACT and conviction/fine data from the NYDMV Traffic Safety Law Enforcement and Disposition Program monthly reports. For the calendar year thus far, the police department has issued 1,204 tickets and the court has heard 1,068 traffic cases. Of those cased heard, the court convicted 459 defendants, levying \$19,869 in fines. The remaining 604 cases were dismissed with no fine levied. That's a 56.5% dismissal rate resulting in a potential revenue loss of \$26,147 (using the average fine levied of \$43.29 of those that were convicted). The fine levied amount can change from month to month. The report provided to the Board shows the month to month basis, the number of summonses issued, the cases heard, number of cases dismissed and convicted with a total of fines levied. \$19,869.00 in fines has been levied thus far and the Court Budget Revenue projected at \$31,000, at that rate, it is most likely going to come up short during the budget season, that trend holds true for the last two years. Mayor Brescia asked, the Police Chief Walsh to check with the neighboring Villages to find out what their rate is. Police Chief Walsh said, he has checked with the Village of Walden, their average fine levy is \$94.00 for October, and their fines were \$9,610.00, with 163 cases heard and 102 convictions, our fines were \$2,756.00 with 110 cases heard, and 53 convictions. They do have a higher court volume in the Village of Walden, but not by a lot. Mayor Brescia asked if Police Chief Walsh, knew of their dismissal rate. Out of 163 cases with 61 dismissed, it is less than fifty percent, we are generally at fifty five to sixty percent range. Mayor Brescia asked him to check with the Town of Wallkill and a few other Municipalities. Mr. Berger asked if we should be looking at ticket writing as revenue for the Village. Police Chief Walsh said, that is not the primary rule of the police department. During the budget season, you look at where you are and seeing a significant drop in revenue, you try to determine where that is coming from, and this is the result of that study. Mayor Brescia said, we are not just looking for revenue but the rate of dismissal has changed, it used to be in the thirties range and now it's above the fifty-five range, we like to cover the court expenses. Mr. Berger questions, being that there are three different branches of government that are all separate from each other, the judicial part the government is different than the executive part of government. He is trying to figure out the term the Police Chief is using, "Budget and Revenue". Mayor Brescia stated, that branch of government operates in connection with this branch of government, however, this branch funds that branch. When a large drop off in revenue is seen in that branch, it certainly affects this branch and the taxpayers of the Village of Montgomery. It is disconcerting to us. We look at that branch seriously and its expenses. Trustee Lindner said one option that was previously discussed, is the possibility of merging the Village Court with the Town Court, it is a fairly large

cost center here in the Village, maybe it is time to look at it and see if it is something that we can do or if it is possible. Trustee Hembury said, how about the fact that people are committing violations, talking on their cell phones, speeding, and blowing through STOP signs, and it's being dismissed, that is what I do not like. I am concerned about the revenue but I am more concerned about the violations being dismissed, officers wasting their time pulling people over and these things being dismissed. That is from a police point of view. Me as the cop, I am not worried about what fine it gets, what if you are caught on the phone and ran into kids at the Elementary School. Oh! It's dismissed, then what are they out there for. They are here to protect the Village that is what I'm concerned about. Mr. Berger asked the Police Chief Walsh, if he has a breakdown of what percentage of the tickets that are being dismissed. Police Chief Walsh replied, he could work on it, but it is all foil able information through NYDMV. Trustee Lindner said Kevin could probably clarify it for us, when he comes down shortly.

RE: EVENTS AND SERVICES

Leaf Pick Up began on Tuesdays October 31st through December 5th.

Movie Series features (Home Alone) Friday, December 1st, at the Montgomery Senior Center, the Concession Stand Opens at 6:30pm with Showtime at 7:00 pm.

Toys for Tots is on Sunday, December 3rd from 11:05 am to 11:50 am on Railroad Avenue.

RE: CLOSE OFF CLINTON STREET FOR TOYS FOR TOTS

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved to close off Clinton Street on Sunday, December 3rd for the Toys for Tots event, should the need arise. Motion carried, 5-Ayes, 0-Nays.

Pearl Harbor Remembrance Ceremony is on Thursday, December 7th at 11:00 am at the Parkland Pavilion by the Walkkill River.

Old Fashioned Holiday is on Saturday, December 9th from 11:00 am to 3:00 pm.

Santa is coming to Village Hall on December 9th, at 1 pm to 3:00 pm and Story Time with Mrs. Claus is held in the Court Room.

House Decorating is on Sunday, December 10th, 6:00 to 9:00 pm

Please be sure your house numbers are visible.

Trustee Lindner mentioned having someone designated to monitor the AED machines. Police Chief Walsh said the Police Department has two and they are checked at each shift change. It involves pressing the button to make sure the battery is charged.

RE: PUBLIC PORTION

Mr. Berger questions the Board action to hire the Village Treasurer on May 3rd, 2016, it seems that it was done during the Executive Session. He mentioned being confused, so you came out of Executive session and voted on it, Right. Dave Griffith and Peter Sullivan never signed in that they were here at the meeting. He again mentions being confused about what time Executive Session took place, it is recorded as beginning at 9:01 pm, he does not recall a meeting lasting that long. So the Boards action then becomes a resolution and why it isn't on the agenda. Mayor Brescia replied, no, the Board does not take action on appointments in Executive Session. The individuals

to be interviewed were not here for the meeting. The Board meetings do last that long at times. When the Board makes a motion like we do and votes, it is a resolution. The individual to be interviewed is never listed on the agenda. Ms. Beltrametti feels that it should be and why don't you say what you are going into Executive Session for. Mayor Brescia and the Board said in unison that the purpose and the section of the open meetings law for going into the Executive Session is stated aloud. Mr. Berger questions why Mr. Sullivan was hired. Mayor Brescia said he was hired as an Assistant Treasurer for training purposes.

Atty. Dowd mentions SESAC is one of the three licensing agencies for both Artists; Musicians and Writers, they are reaching out to us for payment of licensing fee, due to the various public concerts. However, they only license a certain number of Artists. We may need to pay another fee for a lists of artists that are not licensed with them to another agency or two, to cover the Village. I suggest that the Board issue an approval subject to further legal review.

Trustee Lindner mentioned to Atty. Dowd the statics relative to tickets issued and court revenue year to date. Atty. Dowd mentioned a defendant could have more one ticket for speeding and therefore, one could be negotiated as one plea and the others dismissed to obtain a plea. For example, a speeding ticket is reduced to a parking ticket, the maximum fine for a parking ticket is \$150.00 fine plus a \$25.00 surcharge that the State gets, the Village keeps the amount of the fine, the fine assessed is up to the Judge. Mayor Brescia said the fines are less than half of what the Village of Walden are. The Judge may reduce the amount of the fine that is at his discretion, the prosecutor has no to say about the fines, and again, it's solely up to the presiding Judge. Mayor Brescia said, you want to be reasonable and not gouge people obviously. Atty. Dowd said if everyone demanded a trial, instead of plea bargaining, the system would collapse under the weight of just trying to try them all, at times we have sixty cases on the calendar that is cases not tickets. Mayor Brescia mentioned when it is questioned what the prosecutor is paid and the Court Clerk and other personnel, we should be on par with other neighboring Courts as far as the fines are concerned, of which is out of our control. Atty. Dowd said there are cases that are violations for equipment, if proof is provided that it was fixed, and the Judge may dismiss it on his own account, because it was fixed within a certain amount of time. The prosecutor does not see that individual.

RE: ADJOURNMENT

Mayor Brescia entertained a motion to adjourn the meeting of November 21, 2017.

Moved by Mayor Brescia, seconded by Trustee Lindner, the Board adjourned the meeting of November 21, 2017 at 8:02 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk