

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, May 1, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Walsh, Michele Reis VPO M&R Energy Resources Corp, Mary Ann Lindner, Maria Beltrametti, Don Berger, Howard Garrett, Judith Garrett.

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

#### **RE: MINUTES**

Mayor Brescia called for a motion to approve the minutes of April 3, 2018.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the meeting minutes of April 3, 2018. Motion carried, 4-Ayes, 0-Nays.

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

Michele Ries Vice President of Operations with M&R Energy Resources Corporation presented the Board with an updated renewal of Electric supplier pricing for the Village of Montgomery with the following bidders:

East Coast Powers - 12 months \$0.06266, 24 months \$0.06234, and 36 months \$0.06252.

Direct Energy - 12 months \$0.06515, 24 months \$0.06590, and 36 months \$0.06762

Constellation – 12 months \$0.06511, 24 months \$0.06510, and 36 months \$0.06700

Engie – 12 months \$0.06463, 24 months \$0.06437, and 36 months \$0.06546

All with (UCB) Utility Combined Billing, (ZEC) Zero Emissions Credit – Clean Energy Act, and (RES) Renewable Energy Standard – Clean Energy Act.

Mayor Brescia asked the Board member their thoughts and unanimously they all agreed on the East Coast Power bid of 12 months at the rate of \$0.06266. He also asked Ms. Ries to keep him informed of a drop in the pricing to possibly extend the terms further. Ms. Ries replied, I will keep you informed of any changes.

#### **RE: ELECTRIC SUPPLIER PRICING RENEWAL**

Ms. Reis mentioned of also obtaining a renewal pricing for the Natural Gas that is due to expire December 2018. She is pleased to say M&R Energy was gracious to continue with current pricing.

M&R Energy – 12 months \$0.42900 for 12 months

City Power & Gas - 12 months \$0.51080

Blue Rock - 12 months \$0.45000

All with (UCB) Utility Combined Billing.

#### **RE: APPROVED 12 MONTH ELECTRIC RENEWAL RATE**

Mayor Brescia called for a motion to rescind the previous motion of the three years pricing and approve the Electric bid pricing of East Coast Powers for 12 months at the rate of \$0.06266.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board rescinded the previous motion of the electric bid pricing of three years and approved the electric bid pricing of East Coast Powers for 12 months at the rate of \$0.06266. Motion carried, 4-Ayes, 0-Nays.

## **RE: APPROVED 12 MONTH NATURAL GAS RENEWAL RATE**

Mayor Brescia called for a motion to approve the natural gas renewal rate for 12 month with M&R Energy Corporation at the rate of \$0.4290.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the natural gas renewal rate for 12 months with M&R Corporation at the rate of \$0.4290. Motion carried, 4-Ayes, 0-Nays.

## **RE: ABSTRACT NO. 04-2018**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO. 04-2018 were audited and approved for payment with \$108,392.04 from the General Fund, \$9,505.56 from the Water Fund, \$20,679.44 from the Sewer Fund and totaling \$138,577.04. Check No: 75841 – 75877, 1171 - 1180. Motion carried 4-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of April 30, 2018, as follows: General Fund \$1,221,693.45, Water Fund \$274,777.49, Sewer Fund \$370,815.10.

## **RE: DEPARTMENT REPORTS - POLICE DEPARTMENT**

Police Chief Walsh reported on the D.A.R.E. Bike Rodeo coming up on May 12<sup>th</sup>, held at the Senior Center from 9 am to 12:00 pm; with a child seat safety inspection station, four technicians will be on hand to facilitate more than one vehicle at once. If you have a new grandchild, child, niece or nephew, have them bring their car down to make sure the seat is fitted properly. The Thursday flyer is going out the school and a CodeRed will be done prior to that. Deputy Mayor Scheels, Trustee Andolsek, and I attended the seconded Town wide opioid round table meeting in Maybrook, it was very informative presentation by the director of the Tri County Community partnership which is the Grassroots Awareness Organization, out of the Pine Bush School District. It encompasses Sullivan, Orange and Ulster Counties. She describes her organizations efforts in the Pine Bush School District to increase the awareness of the risks of tobacco and drugs use. Hopefully as time goes, Montgomery can come up with a similar organization. She is holding a fundraiser in June, it's a Kayak Paddling beginning from the Orange County Park and ends at the Benedict Park, a five mile paddle competitive race with a Kayak or a Canoe. It also involves corporate teams, more information can be found on their website: TriCountypartnership.org. It sounds very interesting, I'm considering doing it myself! Mayor Brescia said that's good. During the meeting, we also discussed and confirmed with the Valley Central School District, the Nation Night out this year will be held on the High School grounds on August 7th. Members from all four Police Departments participating and organizing; the plan is to form a separate committee with the four Police Departments. We will replicate the template, the Village of Walden has organized for the event in the past, and the only difference is the location. Mayor Brescia stated the Village will contribute \$1,000 to the event. Police Chief Walsh mentioned the other jurisdictions at the meeting said they will contribute \$1,000 as well.

## **RE: DEPARTMENT REPORTS – DEPARTMENT OF PUBLIC WORKS**

DPW Supt. Nelson provided an update on the status of the Holt Well filtration system. The DOH comments have been received, as I understand it now; Dawn has answered all of the comments with AdEdge. If you had read one of the DOH comments, #2 basically states the plans were ahead of schedule for them and it reads. "The testing requested by the Orange County Department of Health was to be completed prior to final design of the Manganese removal system in case filtration for groundwater under the direct influence of surface water (GWUDI) needed to be incorporated into the final treatment design." However, after three tests, Lanc and Tully and I knew that forth test was most likely going to pass too, that is why we had all of this done. They were not prepared

for this and they have added a few things to the well which will increase the price a little. We have an updated price from AdEdge, it increased by \$1,000.00. The filter price is \$232,000.00 without freight. I have a breakdown of the costs for Atty. Dowd, with the concrete block, the size of the building, the roof, the electric, the doors and the piping for the back wash to the sewer system; we are at \$145,000 to hook up the filter and build the building, and then we have to add on the filter. We can work on some of piping and the building as soon as we receive the "Okay". Mayor Brescia asked they are almost to that point, where they are going to give you the okay, right. DPW Supt. Nelson replied we will have to wait and see what their response is. Mayor Brescia asked how long it takes AdEdge to fill the order for the filters. DPW Supt. Nelson stated being able to get the filter within six to eight weeks from AdEdge. We can have the building up and done, you want to house the filter as soon as possible, they should not be left outside when we take the delivery. The \$145,000.00 is with the in house labor work force doing most of the work, with very little contract work. We may have to add some contract work in though. I can work on the final numbers, if we can get together sometime late this week. Atty. Dowd stated what has to happen, is by doing a bond resolution that is going to subject to permissive referendum since its more than five years. Only when the permissive referendum period of time passes without a problem, you are then authorized to order. However, you cannot start encumbering funds without the authorization that you are going to bond. DPW Supt. Nelson asked we cannot start that until we have an approval that we can actually do the project. Atty. Dowd stated if you can provided the numbers, I can have a bond resolution for you by the next Board meeting. Therefore, the permissive referendum would be into the middle of June. Mayor Brescia stated once we pass the bond resolution, it is subject to a permissive referendum of thirty days. Atty. Dowd said yes, then there is an estoppel period after that but if there is not petition, you still have to wait to borrow the money; as long as the bond resolution is not challengeable by anyone. Mayor Brescia said hopefully a petition will not be filed. However, there is still going to be a hefty water rate increase. The water rate increase is possibly going to be twenty percent. DPW Supt. Nelson stated it could possibly be a twenty percent increase, our water rate are low as they are. The rate increase can be figured, borrowing \$450,000.00 over a twenty year period with interest. Atty. Dowd asked if any of the current Village funds are going to be used to fund this project. DPW Supt. Nelson replied, no. Atty. Dowd asked, of the new DPW truck, Village Hall and the Municipal parking lots, rebuilding the retaining wall and the fencing of the Village Hall employee parking lot, and the Wesley Hall roof is not going to part of this bond? DPW Supt. Nelson replied no, it will be a separate bond of five years at approximately \$400,000. He is waiting on the final estimates to come in. Mayor Brescia mentioned adding two in the two windows for the Village Hall into the five year bond. Atty. Dowd said as long as I have the numbers, I can have the resolution within two weeks. Mr. Berger asked about the water rate increase, it is possible to establish an industrial rate and a residential water rate. DPW Supt. Nelson stated that is already in effect for properties that use over 50,000 gallons, they pay a higher rate after that amount of usage. Are you speaking of industry or commercial? Mr. Berger said commercial. DPW Supt. Nelson said that is something to discuss. Mr. Berger stated you are talking about increasing the water rate. DPW Supt. Nelson the increase will be across the board for everyone. Atty. Dowd mentioned most industries and warehousing facilities use very little water. Trustee Lindner asked if there are many residents that have water usage over 50,000 gallons. DPW Supt. Nelson stated yes we do, with a six month billing cycle and homes with a large number of family members. He also reported on an ongoing problem with the drainage on Erin Crowley and Tracy Pine's properties. He will contact Lanc and Tully to address Erin Crowley property, she has been waiting a long time. It is not fair the way the drainage goes across her entire property. Now she wants to put up a fence. Mayor Brescia asked Kevin to work with Buddy on this. Atty. Dowd mentions speaking with Erin, that this is for John O'Rourke and Buddy have to work on how to solve the problem. She is willing to give an easement to do the work. Mayor Brescia said the same for Tracy Carmichael property. DPW Supt. Nelson mentioned much like we did the people on Wallkill Avenue. We put a camera into the pipe that goes underneath all of those properties and it has collapsed in her drive way; it is holding all the water there and the water is

going into her basement. We have to take ownership of this pipe, and it is undetermined as to who put it in or when it was installed. You know the story on that going back about twenty plus years. The problem with Tracy driveway, it's all blacktop drive, it is all caved in and it is clear visible where the pipe goes. The driveway has collapsed six to eight inches. Furthermore, the Town of Highlands is closed down one of their wells and they have an air stripper, it takes hydrogen sulfite out of the well. Our Jake Street well #4 cannot be used because is it all hydrogen sulfite, that is the only thing that is wrong with it. The end result is to take sulfur smell out of the well. The Town of Highland is willing to give it to us. I just have to write them a letter requesting that we will take it. The system is about twelve years old, they are now running on Village water instead of Town water. Mayor Brescia asked if Pat we have been told it would help a lot. DPW Supt. Nelson said the price for this particular unit is \$40,000.00, we are smart to take it. He spoke with Pat, he has said for as long as he has been there as their Water Super, they have been on Village Water. It took care of it. Steve Gagnon from the Health Department, mentioned overseeing it and it worked fine for their hydrogen sulfite. It pumps 77,000 gallons a minute and it will not cost us anything accept the piping to hook it up. We will also have to build a small building to house the unit. Mayor Brescia said as long as no one has any objections to it, he is all for it. The Board all agree unanimously.

The Street sweeper has been out on rainy days, but not as much as he would like. The inmates are coming the second week in May, to clean up the brush in the park. Mayor Brescia mentioned the trails are hard to walk through, the brush should be trimmed back every year with the chipper. The Sycamore tree behind the Village Hall is going to be moved to the park, in an attempt to preserve it a little longer. Trustee Hembury stated, the one with General Montgomery on top. DPW Supt. Nelson said with all the work that has to be done at the Village Hall employee parking lot, it most likely be knocked down. It is rotten. Lastly, the Basketball court repairs have been done with all new back board and rims. Mayor Brescia mentioned the basketball hoop closest to the Senior Center is leaning, could you straighten it up. DPW Supt. Nelson stated it was straighten out about a month ago. He will check it out just to be sure. As a reminder, the New York State Municipal Workers' Compensation Alliance training is being held at the Senior Center tomorrow, May 2<sup>nd</sup>, with two sessions, the first beginning at 9:00 am to 11:30 am and the second beginning at 12:20 pm to 3:00 pm. This training is required annually by PESH and State mandated.

#### **RE: APPROVE BUDGET ADJUSTMENTS AS TREASURER GRIFFITH HAS OUTLINED**

Mayor Brescia called of a motion to approve the budget adjustments as Treasurer Griffith has outlined.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the budget adjustments as Treasurer Griffith has outlined. Motion carried, 4-Ayes, 0-Nays.

#### **RE: TREASURER GRIFFITH SUGGEST CLOSING SEVERAL SMALL ACCOUNTS AS OUTLINED**

Mayor Brescia called of a motion authorizing Treasurer Griffith to close several small accounts as outlined: Police Retro, Memorial Gifts, Memorial Day, Montgomery Village Playground, and Village Bandstand.

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board authorized Treasurer Griffith to close out the Police Retro, Memorial Gifts, Memorial Day, Montgomery Village Playground, and Village Bandstand bank accounts. Motion carried, 4-Ayes, 0-Nays.

**RE: AUTHORIZE POLICE CHIEF WALSH TO GO INTO CONTRACT WITH FORD MOTOR CREDIT FOR THE LEASE OF TWO VEHICLES FOR THREE YEARS, OF THREE PAYMENTS IN THE AMOUNT OF \$32,680.94 A YEAR; AT THE END OF THE LEASE THE VILLAGE WILL PURCHASE THE TWO VEHICLES FOR \$1.00**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board authorized Police Chief Walsh to go into contract with Ford Motor Credit for the lease of two vehicles for three years, of three payments in the amount of \$32,680.94 a year; at the end of the lease the Village will purchase the two vehicles for \$1.00. Motion carried, 4-Ayes, 0-Nays.

**RE: DISCUSS THE ZONING ON DUNN ROAD**

Discuss the zoning on Dunn Road, concluding by authorizing the correction of the Orange County Airport flight pattern in the Village zoning, and thereby updating the Village Map and Zoning book.

Trustee Lindner mentioned at the Planning Board meeting held last week, the Planning Board had to approve the project on Dunn Road, despite the fact that the applicant did not adhere to the requires he outlined originally. Due to the zoning being what it is, other than taking them to court, which we would have lost, they had to approve it. The zoning of the structure is within the limits of the code. It was unfortunate but the Planning Board had no choice. He suggests that we look at the zoning and the future flight patterns. The zoning states the height requirement is less than 35 feet. Mayor Brescia asked what we're looking to lower it to. Atty. Dowd stated what the Planning Department is suggesting and have said they will help us with the process, including fixing the map and making an amendment to our zoning code. Due to the flight path and you have the arterial part that is the progression. Depending on where that shows up on our map, it may be somewhere it is 30 feet and somewhere it is 20 feet and other at 35 feet. Once we find out exactly where these paths are and what properties in the Village it goes through, we can then amend our code appropriately. These are one of conditions the Planning Department put on the Planning Board, that we must change our code to have a map reflect the proper paths. Mayor Brescia stated it is work in progress, fairly quick work. Trustee Lindner also mentioned the map of the landing area pattern is not correct, this map is from the County. Atty. Dowd said and again the expansion of transitional fields, if you vary outside of that exact path, it goes up as you go further out. Mayor Brescia asked they are going to help us design airline and public safety and so on and so forth. The applicant is going to be required to put lights on the top of the building. Atty. Dowd replied, yes, it is required by of the FAA. The Assistant County Attorney was here, he helped with the process and said as soon as the Board is aware to move forward, they would help by contacting David Church. Atty. Dowd asked the Board for their approval and authorizing him to start the process. The Board agreed unanimously. Trustee Lindner addressed his concerns about the property owner wanting to build additional structures in the future. Atty. Dowd stated this parcel is the last parcel in the Village and the remainder of the property is in located in the Town. The Town is aware, if not he will be sure to inform them that their maps are not correct. We should be correcting our maps and zoning codes together.

**RE: AUTHORIZE FINAL PAYMENT NUMBER THREE TO SITA CONSTRUCTION CO, INC. AND RELEASE OF RETAINAGE FOR THE 2017 CLINTON STREET WATER MAIN REPLACEMENT IN THE AMOUNT OF \$13,281.28.**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board authorized final payment number three to Sita Construction Co., Inc. and release the retainage for the 2017 Clinton Street Water Main Replacement in the amount of \$13,281.28. Motion carried, 4-Ayes, 0-Nays.

NYCOM provides the information on the Authorization to Establish a Charitable Gifts Reserve Fund and Property Tax Credit Program by adoption a Local Law.

Atty. Dowd mentioned it is the Governors and the Legislatures infinite wisdom to get around the new tax law that limits the amount of state tax deductions allowable on the local property income tax. It is very complicated that NYCOM has asked to have a meeting on how they are going to do this. It is authorizing every municipality in the state to form a charitable foundation and if the property owner donates to that fund, in the equivalent of its tax liability, the municipality is authorized to give a dollar for dollar tax credit and the property owner would then be taking the credit off of their Federal Taxes, as donation to a charitable cause. Trustee Lindner asked how the money comes out of a charitable donation to the Village. Atty. Dowd mentioned that is not explained in the information provided thus far. The other thing that they are assuming is the US Treasury Department and the IRS is going to accept this façade. Mayor Brescia suggested waiting to have more information provided in the future.

### **RE: EVENTS**

May 6th, 3:00 pm the *Grand Montgomery Chamber Music Series* presents Greg Michalak, pianist - held at the Montgomery Senior Center, 36 Bridge Street. A special thanks to Shop-Rite for supplying the refreshments at intermission. Bid Howard farewell and thanks as it's his last concert.

May 12th, 9:00 am to 12:00 Noon – *D.A.R.E. Bike Rodeo* is held at the Montgomery Senior Center with the ORMC on hand to assist with the child seat inspection for proper installation.

May 19th, *Montgomery Village-Wide Yard Sale* is from 10:00 am to 5:00 pm.

May 28th, Memorial Day Parade line up is at 10:30 am, at the Orange County Firefighters Museum and steps off at 11:00 am.

### **RE: PUBLIC PORTION**

Howard Garrett mentions the article in the May Canvas issues on the Grand Montgomery Chamber Music Series and it explains how the program began. He invited everyone to attend concert on Sunday, May 6<sup>th</sup> at 3:00 pm at the Senior Center. In addition, he was informed by the Treasurer Griffith that his budget line is short by \$700.00 and asked the Board for their support to fund his last concert. Judy Garrett also mentioned that Shop Rite has been very generous to us for the program. They have reached a point of their contributions now.

### **RE: GRANT MONTGOMERY CHAMBER MUSIC SERIES FUNDING APPROVED**

Mayor Brescia entertained a motion to approve \$800.00 for the Grand Montgomery Chamber Music Series concert of May 6<sup>th</sup>, 2018.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved \$800.00 for the Grand Montgomery Chamber Music Series Concert on May 6<sup>th</sup>, 2018. Motion carried, 4-Ayes, 0-Nays.

Mr. Berger expressed his concerns of the Senior Center Director being discharged from her duties. Through his experience with her, she was outstanding and brought life to the Senior Center. Trustee Lindner stated that this is not a case to be heard in a public meeting, it is a personnel issue that is not to be discussed in an open meeting. However, I can say the Senior Center Director is not a Village employee, the individual is hired by the Wesley Hall Senior Advisory Board.

Ms. Beltrametti addressed her concerns regarding the Dunn Drive zoning change. Atty. Dowd state action was taken and the structure meets the zoning code and was approved by the FAA. The applicant applied for a site plan amendment. The building was not built as presented but it does meet our zoning code requirements. Mr. Berger is also concerned that the building was not built as presented in the plan. Mayor Brescia mentioned that the owner hired the Amish and Mennonite as his builders and through his experience, they work very fast. They began building on Friday and it was enclosed by Monday. Mr. Berger feels this was done in bad taste. Mayor Brescia stated that the Board is happy about it.

**RE: ADJOURNMENT**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of May 1, 2018 at 8:32 pm. Motion carried, 4-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk