

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, September 18, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Recreation Director Tom Taylor, Assistant Recreation Director Jenn Jackson, Counselor/CIT Coordinator Michele Donovan, Planning Board member Tom Steed, Maria Beltrametti, Johanna Sweikata, Jim Taylor, John Vero, Don Berger, Theresa Espinoza, Jane Samuelson, Girl Scout Troop #331 members Sarah Samuelson, Stephanie Espinoza.

#### **RE: PLEDGE OF ALLEGIANCE**

Mayor Brescia opened the meeting with a Pledge of Allegiance to the Flag.

#### **RE: MINUTES**

Mayor Brescia called for a motion to approve the minutes of September 4, 2018.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of September 4, 2018. Motion carried, 5-Ayes, 0-Nays.

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

Rec. Dir. Taylor presented the Board with the 2018 Summer Recreation program, close our report. He pointed out a few changes for the 2019 program, due to the Valley Central School District calendar, camp will only be a six week program.

Mayor Brescia mentioned due to the change, your program expenses and revenue will be reduced accordingly. Rec. Dir. Taylor said he has that figured in.

Secondly, Rec. Dir. Taylor asked the Board to approve, allowing him to proceed with an online portal for online camp registration, thus allowing anyone to register via a computer or using their smart phones. Asst. Rec. Dir. Jackson said, the Basketball and Baseball program uses a similar program for their registration. The online registration involves everything beginning with the registration application, medical records, and payment.

Mayor Brescia asked if there will also be a registration day for those who are not able to register online. Asst. Rec. Dir. Jenn Jackson replied, a computer will be provided, they will still be able to make payments or pay all at once.

Rec. Dir. Taylor also mentioned purchasing a new television to be mounted on the wall and it would be only for the season, the cost is approximately four to six hundred dollars. If we purchase a smart TV, we can do away with the DVD player.

Mayor Brescia said going back to the subject of the number of weeks for camp, is seven weeks at all possible. Asst. Rec. Director Jackson replied, the problem is losing staff because our counselors go back to college.

Rec. Dir. Taylor also mentioned the security of the building, we have things that have to be secured. There are so many with keys to the building, there have been problems. What could be done? Is it possible to change the locks and limit the access?

Mayor Brescia said changing the tumblers maybe a more cost effective measure, than changing the locks. Deputy Mayor Scheels said once the tumblers are changed and ensuring that the keys issued cannot be duplicated might be the way to solve the problems. The Summer Recreation staff

have been accused of taking things out of the kitchen. On multiple days, during her presence and while maintenance of the fields were being performed, these individuals were coming in and out taking soda, water, snacks, and just leaving. Little League needs to speak with their own staff and have a policy in place for a record of their inventory.

Mayor Brescia is agreeable to a free standing small storage building. He does not like the aesthetics of the PODS.

Rec. Dir. Taylor said once camp is up and running, we do have a facility to lock up medications. We also have camp files that should be secured, unless we purchase a locking filing cabinet. Lastly, there is a major concern with the traffic, even with signs posted, it's not adhered to. He has nightmares of someone terribly happening. The arrivals and departures usually is completed within a half an hour. We have it arranged for a U turn and someone always seems to want to just come straight through. We had a near miss, T-bone accident the one morning and had to jump out of the way from hit by a car. It's unbelievable, the remarks we received have been, "we don't have anything to do with camp, and this doesn't apply to us".

Mayor Brescia asked, what are you asking us to do?

Rec. Dir. Taylor said, he's open to any type of suggestions. Possibly having a police officer stationed at the drop off and pick up sight for a half an hour at each interval, as a deterrent.

Mayor Brescia suggested using the temporary speed bumps that have been use for the concerts. Let's work on it, to come up with a solution. These are good suggestions.

Rec. Dir. Taylor also mentioned, it seems every year we have maintenance on the air conditioning. The system is aging.

Mayor Brescia said, we'll make a note to speak with Buddy on this.

Rec. Dir. Taylor said, lastly, he is aware that the park is open to the public. However, we've experienced people with dogs that come near the playground area, while camp is in session. We aren't sure how tolerable the animal would towards the camp children, it's a concern, that we aren't sure how to address correctly. How do I handle this issue?

Mayor Brescia said, let's talk to them about that, maybe we need to send a police officer to do a little policing. Once it's policed, it may not happen as much.

Atty. Dowd asked, if the dogs are on a leash?

Rec. Dir. Taylor said, yes they are on a leash, and however, we tell the counselors not to let the kids go near the dogs. These people go walking right through the playground area. Asst. Rec. Dir. Jackson said, usually they have a younger child that they are following. They want to stay close to their child. Rec.

Dir. Taylor said, Jenn usually coordinates our field trips, in the last two years we have cut down on them, due to the transportation costs. It is cheaper for us to bring in shows and arrange for onsite events. We will still have the movie field trips and try to have a field trip once a week.

Mayor Brescia asked if the field trips are all day and what is furthest distance you gone.

Rec. Dir. Taylor replied, most of the trips are half day. The furthest we traveled has been to Poughkeepsie.

Att. Rec. Dir. Jackson mentioned, they have brought in Mad Science, and look to bring in more companies.

Rec. Dir. Taylor mentioned getting through the season with the heat and humidity. We also had a first time incident, which was handled exceptionally by our staff, a 911 call was needed for an allergic reaction to a bee sting. The parents were unaware of this type of allergic reaction. The nurse on staff, who is now a register nurse, passed her course. It was fantastic, the camper was back at camp in two days.

Trustee Hembury asked if the Board of Health stopped in at all this year.

Asst. Rec. Dir. Jackson replied, yes, the Board of Health was a former camper. We had a few things that needed attention, otherwise, everything was fine. We did have some issues with the boy's bathroom and floor tile.

Mayor Brescia stated, we will help you work on those issues. Especially if we receive money in lieu of parkland. He thanked them for the update.

### **RE: GIRL SCOUT TROOP #331, BRONZE AWARD PRESENTATION PROJECT**

Stephanie Espinoza, Girl Scout with Troop #331, said we are trying to earn our Bronze award, this is our last step in the process. We request to put signs up throughout the Village to bring awareness about the prehistoric creature, Monty the Mastodon, who was found right here in Montgomery. I would like to introduce, Sarah Samuelson to give further details.

Sarah Samuelson, Girl Scout with Troop #331, said hello, and thank you for your time this evening. We would like to put yard signs around the Village. The locations we would like to post them would be in front of the Senior Center, in front of the Village Hall, near the entrance of the walking path, and in front of the Walden Savings Bank, (we know we have to ask the bank also). We would like to put the signs in clusters of two to three and ten to fifteen feet apart in the mulched areas. Samples of posters were presented to the Board.

Mayor Brescia asked, if the signs are going to be temporary or permanent?

Girl Scout Sarah Samuelson replied, the signs will be temporary. Thank you and do you have any questions.

Mayor Brescia asked, yes, you would like to begin when. Where was the Mastodon found, up by the High School?

Girl Scout Sarah Samuelson replied, the Mastodon was found by the Dollar General, across from the High School.

Mayor Brescia asked, the skeleton is where, in Germany or here? It was at O.C.C.C for a while too, I do believe.

Jane Samuelson stated, she believes the Mastodon is in Germany.

(In audible) speaking too softly, no name stated to determine who is speaking either.

Mayor Brescia asked, where are the signs and how much are they?

Jane Samuelson stated, the signs have to be priced out. They have earned \$121.00, and plan to talk with Fusion Graphics.

Mayor Brescia suggested speaking with A Sure Sign, Dicky Baxter, and or Printeks.

Trustee Hembury stated, it is a great thing that you are doing. His daughter Michelle is a Gold Award recipient, for those of you that are not aware, the Gold Award is like the Eagle Scout for Girl Scouts. My daughter is now a mother and school teacher. We are a big scout family.

Mayor Brescia also mentioned the gazebo at the Veterans Memorial Park was a Girl Scout Gold Award project, and was recently refurbished as an Eagle Scout project.

**RE: GIRL SCOUT TROOP #331, REQUEST APPROVAL TO POST MASTODON DISCOVERY AWARENESS SIGNS THROUGHOUT THE VILLAGE**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved Girl Scouts Troop #331, Bronze Award project request to post Mastodon Discovery Awareness signs throughout the Village, in front of the Senior Center, in front of the Village Hall, near the entrance of the walking path, and in front of the Walden Savings Bank (knowing they will ask the bank also). Motion carried, 5-Ayes, 0-Nays.

**RE: WAIVE THE CURRENT THE TBE-MONTGOMERY, LLC; "TAYLOR" MUNICIPAL SOLID WASTE AGREEMENT AND APPROVE THE AMENDED AGREEMENT**

Jim Taylor mentioned that Taylor Recycling is back up at bat again at the fourth quarter of year. It seems that's when Wall Street makes all of their big decisions. We are looking at a possible closing date, sometime around Thanksgiving to December 1<sup>st</sup>. We still have more construction to be completed, we should have concrete going into the ground on March 15, 2019, assuming everything goes as we have envisioned. One the things the lenders have required is that we get a fresh termination date on all of our waste agreements, power purchase agreements, and with an inter-connection agreements with a date of April 30, 2021, of which we have to up and running into the grid, producing electricity. The project is now legally qualified under the public service commission, part public service as a re-hold energy project. Bio-mas has been a battle for the past five years since the inception of the clean energy program with the public service commission. Taylor was the sole applicant that went through the process to establish the rules and regulations for the new clean energy program, allowing and accepting an approved process of Bio-mass fuel, fee stock or renewable energy generation. No changes are being entertained with the exception of the termination date modified, all other terms and conditions in original agreement remain.

Mayor Brescia asked, at the start up our tipping fee is going to be the same, as it was initially?

Atty. Dowd had a couple of questions, the agreement with the Village has expired.

Jim Taylor said, that is the first right, either party has the right to send a thirty day notice, terminating the agreement.

Atty. Dowd asked, is the Village of Montgomery the first you are approaching? Has anyone else signed on?

Jim Taylor replied, no, we have approached everyone and no one has rejected or accepted the amended agreement. However, you are the first to have a public meeting.

Mayor Brescia mentioned the language states the price in our agreement is sixty six dollars a ton and is about twenty three percent lower than prevailing rates in the region. Would probably be more than that today, right?

Jim Taylor replied, you can still get rid of waste locally here for about eighty five dollars a ton. It has not changed, it's probably going to ninety in the near future.

Mayor Brescia stated, we do not go to the County, we use another route that is cheaper. We have been waiting for you to get things going, it would be a shorter distance using your facility than it is to the transfer stations, we would save on transportation and man power.

Jim Taylor stated that all of the power is sold to New York Power Authority and New Jersey, for their customer, Stewart Airport. It's a two part puzzle, the energy is sold the day ahead at the stock market which the Port Authority guarantees a contract for the differences. They guarantee a megawatt hour price and we sell it into the grid.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved the same agreement, extending the terminated contract agreement through April 30, 2021, contingent upon the Village Atty. Dowd reviewing the conditions are satisfactory. Motion carried, 5-Ayes, 0-Nays.

#### **RE: ACCEPT ZONING BOARD OF APPEALS MEMBER RESIGNATION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted Zoning Board of Appeals member Gillon McAdam resignation, effective immediately. Motion carried, 5-Ayes, 0-Nays.

#### **RE: CONSIDER ADOPTING A REGULATION GOVERNING THE USE OF SHORT TERM RENTALS (AIRBNB'S) IN THE VILLAGE OF MONTGOMERY AS THE VILLAGE OF GREENWOOD LAKE AND THE TOWN OF WARWICK HAVE DONE**

Mayor Brescia mentioned two sample laws (Village of Greenwood Lake and the Town of Warwick) on the use of short term rentals (Airbnb's) regulations. We will have Atty. Dowd review them before rendering a decision to adopt a similar regulation for the Village of Montgomery. Therefore, we will table a decision until the next meeting on October 2<sup>nd</sup>.

Atty. Dowd mentioned he has started to review them and suggest the Board also review the sample laws, they are both similar. He knows of several properties in the Village that are being advertised as Airbnb's, which are illegal and are not approved under the zoning code. One of the issues to think of is, how will this be administer and how much time it's going to take, as Airbnb's become more popular for rent on a short term basis of houses and apartments. The building inspector needs to inspect these locations, ensuring all the permits are filed and done by the zoning, building and fire codes. Again there are a couple of locations already in the Village that have been involved renting illegal rooms or illegal apartments, other individuals are also looking at these short term rentals, (Airbnb's).

Mayor Brescia said, we definitely want to consider adopting a policy.

#### **RE: DISCUSSION ON THE VILLAGE OF MONTGOMERY ZONING CHAPTER § 122-7.1 B, SENIOR CITIZEN DEVELOPMENT OVERLAY DISTRICT**

Trustee Lindner requests a discussion on the Village of Montgomery Zoning Chapter § 122-7.1. B, Senior Citizen Development Overlay District, in relation to the Alden Link property now owned by Israel Freidman.

Mayor Brescia stated the Board will adjourn to counsel on this request for a discussion.

#### **RE: VILLAGE HALL CLOSED**

Village Hall is closed on Monday, October 8th, in observation of Columbus Day.

## **RE: EVENTS**

September 23rd, Clinton Street Car Show, 10:00 am to 3:00 pm

September 23rd, Grand Montgomery Chamber Music Series concert, held at the Montgomery Senior Center 36 Bridge Street, 3:00 pm

October 6th, Village Wide Yard Sale Day, 10:00 am to 5:00 pm

October 8th, Columbus Day

## **RE: APPOINT DPW LABORER**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board appointed David K. Lynn as a laborer at the rate of \$35.00, effective immediately. Motion carried, 5-Ayes, 0-Nays.

## **RE: ADOPT GOVERNOR CUOMO NEW SEXUAL HARASSMENT POLICY**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted Governor Cuomo New Sexual Harassment Policy. Motion carried, 5-Ayes, 0-Nays.

## **RE: PUBLIC PORTION**

Ms. Beltrametti mentioned listening to the tape of the June 5<sup>th</sup>, at the Mayor's encouragement and feels that the tape was different and spliced. She was wondering why Trustee Andolsek was there. She has written letters to both newspapers, the Comptroller, the Attorney General and the Bar Association. She cannot believe the nerve of pulling of these kinds of charades and making her to falsify records to cover you. Why are you in such a hurry to enter into these bonds? You have not held a public hearing, like you are supposed to do.

Mayor Brescia stated all of the proper procedures have been followed for the bonds.

Trustee Andolsek stated being in the office at the time Ms. Beltrametti was listening to the recording of the Village Board meeting and listened to recording as well, there was nothing wrong with the recording. She also stated being in the office to conduct official business.

Mayor Brescia asked if there were any other questions from the public present.

Mr. Berger feels the Board misunderstood his thoughts on what he was trying to convey, about the three Villages and the Town getting together to discuss shared services. After his discussion with Dennis, there was no recollection of a collaborative meeting on shared services. He feels the Villages and the Town should be getting together to discuss the tax rate, simply because of the escalated costs of everything. He suggests conducting training together instead of taking on the burden for your only staff and thus creating a bond amongst all.

Mayor Brescia replied that is correct, he was not able to attend a few meetings but was well represented by the Deputy Mayor and Trustee Andolsek. The shared services topics discussed involved the collaborative effort on the Night Out against Crime and the Opioid crisis that they have been working on.

Deputy Mayor Scheels stated the Village DPW and the Police Department have collaborated together and Shared Services with our neighboring Villages as well as the Town of Montgomery.

Mayor Brescia stated a meeting was held in this office with John Vero present, with the Village of Montgomery, the Town of Montgomery and the County of Orange to discuss shared services and

that's one of many meetings. In addition, to the Association of Towns, Villages and Cities meetings held once a month, we are very well represented.

John Vero mentioned shared services also being discussed at the Association of Mayors and Supervisor's meetings.

Mayor Brescia said he will always present a budget with a healthy fund balance. If we deplete the fund balance, we are going to be in a worse situation in the subsequent years. The County realized this five years ago, when John Vero came in the Legislature, the fund balance was reduced by twenty one million. In the last four years the County has raised the fund balance, if we try to reduce it, it will hurt our mood's rate. Keeping a healthy fund balance is the taxpayer's savings account and it helps to keep the taxes stable every year. A one and half to a two percent tax increase is not unacceptable to the residents of the Village of Montgomery. Deputy Mayor Scheels, Trustee Lindner, Village Clerk Fernandez and I went to a seminar in the City, the gentleman from the State Comptroller Office said every municipality worries about staying below the tax cap each year, inevitably you have to go above the tax cap by seven or eight percent; it happens sooner or later.

Mr. Berger said his request on the fund balance is going by what the State has suggested it should be. He fears a mass exodus out of the State, the main reason is due to the taxes.

Trustee Lindner stated, first of all the State suggests that it should not be too low or too high but never suggests what it should be. During the seminar, looking at the literature, the consensus is that the fund balance should be around sixteen to twenty percent of the budget.

(In audible: too many speaking over one another)

Mayor Brescia said, the problem stems from the State issued mandates that they do not help us with the fund for them. When we go door to door, we hear from the residents, they love the Village services. Is that the reason why you moved here?

Ms. Beltrametti asked Trustee Lindner if he was at the Planning Board meeting where the two warehouses along with senior housing.

Trustee Lindner replied, yes.

Mayor Brescia said the previous owner also presented senior housing, the Board was willing to consider a small portion as residential as long as the commercial is done first. The Board will be reviewing it, our concerns are the same as most of everyone else's is.

Ms. Beltrametti also voiced her concerns regarding the lights on the Dunn Rd building not being installed, it was supposed to have been done.

Atty. Dowd stated it was an FAA requirement and to his understanding nothing has progressed with the facility.

## **RE: EXECUTIVE SESSION**

Mayor Brescia called of a motion to enter into Executive Session under section § 7(f) of the open meetings law to discuss the employment history of a particular individual with Atty. Dowd, Village Clerk Fernandez and Treasurer Griffith in attendance.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board entered into Executive Session at 8:40 pm under section § 7(f) of the open meetings law to discuss the employment history of a particular individual with Atty. Dowd, Village Clerk Fernandez and Treasurer Griffith in attendance. Motion carried, 5-Ayes, 0-Nays.

**RE: EXITED EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board Exited Executive session at 8:56 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNED TO ATTORNEY CLIENT PRIVLEDGE**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned to Attorney client privilege at 8:57 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: RECONVENED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board reconvened at 9:15 pm. Motion carried, 5-Ayes, 0-Nays

**RE: SPECIAL MEETING WITH PLANNING BOARD SET**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board set a special meeting with Planning Board on October 2, 2018 at 6:30 pm to discuss the proposed, KSH (King Service Holding, Inc.) Route 211 development project for two warehouses/Senior housing, at the Friedman/Link property, SBL: 211-1-29.22. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNED**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting of September 18, 2018 at 9:16 pm. Motion carried, 5-Ayes, 0-Nays.

---

Monserate Rivera-Fernandez, Village Clerk



