

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, February 19, 2019 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Maria Beltrametti, Don Berger, Johanna Sweikata, Laura Fitzgerald.

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

**RE: MINUTES**

Motion to be held on the minutes of February 5<sup>th</sup> until the next meeting of March 5<sup>th</sup>.

**RE: REQUEST TO MEET WITH BOARD**

Maria Beltrametti and Donald Berger request to discuss matters regarding the Village General Election.

Mr. Berger stated having sent a letter to the Mayor Brescia and the two Trustees requesting a debate and three emails of the same request. A response was not received.

Mayor Brescia stated we have no intent of having a debate.

Mr. Berger asked why?

Mayor Brescia replied, basically due to the way you have conducted yourselves towards us. Ms. Beltrametti sending nasty letters to the Wallkill Valley Times, which mentioned how he sat there grumbly at the Town Board meeting. Once she sent that letter, she forwent any change of me debating her. We debated her four years ago, he will not debate her this time. He will not elevate to her status and exposure. The people of the Village of Montgomery know him a long time and know the job that he does and the commitment he makes the Village of Montgomery. The same goes for these two ladies. Your letters to the editor are negative. They do not want to debate you for the same reason.

Mr. Berger asked that they speak for themselves.

Mayor Brescia replied, they certainly can if they want to.

Deputy Mayor Scheels stated she has no interest in debating. She has been on the Board for many years and thinks her record shows how she handles herself. She feels anyone that comes to the Board meetings and hears what goes on, she feels she does not need to debate anything.

Trustee Andolsek said she has no intention of debating at all. She feels there is no use for it. We just have different ideas on things. She likes positivity and the vibes she get from you are never positive.

Mr. Berger said, he feels it is a shame that we cannot give the Village residents the opportunity to see all of us and give our points of view on certain matters. With that being said, would you be interested in having a candidate's night or would you be open to allowing us to have a candidate's night.

Mayor Brescia asked at the Senior Center, he does not think so.

Ms. Beltrametti asked why not? We have rights as candidates.

Mayor Brescia stated have your own forum.

Mr. Berger said we are asking that you be there, if you are not going to be there, we would like to still have it.

Mayor Brescia said they will think about it and make a decision by the next meeting.

Ms. Beltrametti said we should have it by the 28<sup>th</sup> or the 7<sup>th</sup>, because Thursday nights are better for Karl.

Trustee Andolsek said we are not having a debate, so we do not need a moderator.

Ms. Beltrametti said to meet the candidates a moderator of some sort is needed.

Mr. Berger stated if we have a candidate's night we can moderate it ourselves. We can waive that part of it. He feels it would be nice, whether it be meet candidates or a debate, he would like to continue that.

Trustee Andolsek replied, she has never participate in a debate of any kind. She has lived here her entire life and everyone knows who she is and what she has done.

Ms. Beltrametti said a lot of people do not know who the Mayor is.

Mayor Brescia said there are a few people who do not know who I am, that is always going to be the case to some extent. The vast majority know us.

Trustee Hembury said he finds that hard to believe, we welcome all of the new residents. They do know who the Mayor is. He introduces himself.

Mr. Berger asks that you decide before the next meeting because time is of the essence.

Mayor Brescia replied we will communicate that to the clerk.

Ms. Beltrametti asked about the permissive referendum she has request to be place on the ballot.

Atty. Dowd stated in NY those kind of advisory referendum are not allowed. The only way you can do away with the Village Justice Court is when this Board takes an action either by local law or by resolution, that action would be to dissolve the Justice Court is subject to a permissive referendum. You have to go to referendum section of the Village law which tells you how much of the percentage of the registered voters, of the last election have to be on the petition to force that election. The voters do not have the right, to just put on the ballot a referendum on doing away with part of the Village Court. It rests entirely with the Village Board of Trustees. After speaking with the Village Clerk, when the request of a referendum was filed, there was a law passed in NYS, in 2010 that law was really for the dissolution of the Village governments or the consolidation of governments, Village and Towns. There is a procedure where the Board do not take action that the people can bring an action or a referendum to try get the people to force the Board to vote a dissolution or a consolidation issue. It is for the entire government entity, not for a piece of the entity. When you look at the law that was passed in 2010 by the State, they did amend the Village law and that amendment is in there, which is a different percentage in that case, one is twenty percent and the other is ten percent. It simply does not apply.

**RE: AUTHORIZE THE IMPLEMENTATION OF POSITIVE PAY FEATURE OFFERED BY ORANGE BANK & TRUST TO HELP ENSURE FRAUD PROTECTION AT NO CHARGE TO VILLAGE.**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board authorized the implementation of positive pay feature offered by Orange Bank & Trust to help ensure fraud protection at no charge to the Village. Motion carried, 5-Ayes, 0-Nays.

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

Move by Trustee Lindner, seconded by Trustee Andolsek, the Board approved budget adjustments as Treasurer Griffith has outlined. Motion carried, 5-Ayes, 0-Nays.

**RE: WATER/SEWER ONLINE PAYMENT PORTAL TO COMMENCE JUNE 1ST**

The online portal has been completed for water/sewer billing, it is to commence at the next billing cycle, June 1st.

**RE: WATER FILTRATION PLANT BOND HAS BEEN COMPLETED**

The Bond has been completed for the water filtration plant, at a competitive rate of 3.81 over the life of the Bond. The company Roosevelt & Cross purchased the Bond.

**RE: CREATE COURT OFFICE ASSISTANT POSITION**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board created the position of Court office Assistant. Motion carried, 5-Ayes, 0- Nays.

**RE: HIRE COURT OFFICE ASSISTANT**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board hired Trace Fluor as the Court Office Assistant, at the rate of \$15.00 an hour, for ten hours weekly. Motion carried, 5-Ayes, 0-Nays.

**RE: RESIDENT ASKS THE BOARD TO CONSIDER WAIVING THE WATER/SEWER PENALTY FEE**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board denied waiving the water/sewer the penalty fee of \$49.36, for the resident of 129 Mason Street. Motion carried, 5-Ayes, 0-Nays.

**RE: RESIDENT ASKS THE BOARD TO CONSIDER WAIVING THE WATER/SEWER PENALTY FEE**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board denied waiving the water/sewer penalty fee of \$14.00 for the resident of 144 Blackbird Lane. Motion carried, 5-Ayes, 0-Nays.

**RE: EVENTS**

Sunday, March 3rd, 3 pm; Grand Chamber Music Series presents, Jay & Lee Hochman performing a (Spanish Guitar Duo), held at the Montgomery Senior Center, 36 Bridge Street.

Atty. Dowd provided a brief summary in the IMA agreement, for about ten years of negotiation with Kathy Barnes, we have finally come to an agreement on a sewer agreement. The County will be entitled up to 20,000 gallons of sewage for use of the airport. They will build all of the infrastructure to get it from the airport to our line. They will pay the Village at total of \$440,000, payable in installments, the first installment being within 180 days of the execution, they will be pay us \$90,000

and subsequently after that, they will pay \$35,000 of ten years. They will also be paying the outside user rate to the Village, twenty and half times the village rate. They will be totally responsible for the construction and approvals as well as all other items that involve the building of the sewer line. They will also be entitled under this agreement, if and when we get water to hook up to our water system. The details of that, if it ever comes to fruition would be further negotiated at later time with no additional payment to the Village for the hook up for water. They will pay twenty and half times for the water.

**RE: APPROVE THE IMA WITH ORANGE COUNTY AIRPORT SEWER AGREEMENT**

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the IMA with Orange County Airport sewer agreement. Motion carried, 5-Ayes, 0- Nays.

**RE: PUBLIC PORTION**

Mr. Berger inquired as discussed at the public hearing, the time of operation, of the City Winery and so forth. He reads in the paper on how Catalano states, they will not have anything to do with the improvements of Factory Street. He does not recall him saying that at the meeting. He feels there are necessary improves to be made on Factory Street. He wants to know how the Board stands on that. He is leery about the safety on Factory, because of the school. His concern is that weddings are no longer held on the weekends, they have moved to week days and week nights.

Atty. Dowd stated they did agree to it as part of the SEQR process, they will be making improvements to the railroad crossing. As far as, widening of Factory or paving, they will not be doing that. If in fact that this project is successful to the point where they want to expand the number of days, they have to come back to the Village Board, and it would change the traffic counts and the impact. Before the Village Board would be able to approve that, or would approve that, they would be required to do another traffic study. At that point in time the DOT may require turning lanes on or off of Factory Street.

Mayor Brescia stated we do not plan to have Factory Street widened. There will be no parking on the Street. The historic nature of that street was discussed. These weddings will not be taking place during school hours.

**RE: ADJOURNMENT**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of February 19, 2019 at 8:02 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk