

Minutes of the Public Hearings, Regular Meeting and Annual Re-Organizational Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, **April 1, 2008** at 7:00 P.M.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek; Trustee Kiernan; Atty. Dowd; (Absent-Trustee Cantiello); DPW Supt. Nelson; OIC Luffman; Barbara Conroy; M/M David Holbert; Judy Noorlander; Johanna Sweikata; Sarah Roepe; Edward Roepe; Jason Doce; M/M Cook; Doug Hantusch; Wallkill Valley Times reporter.

**RE: FY 08-09 BUDGET PUBLIC HEARING**

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board opened the Public Hearing at 7:00 p.m. on the Tentative Budget for the fiscal year 2008-2009. The motion carried by a 4-AYE, 0-NAY vote.

Mayor Brescia noted the Original Notice of Hearing, Affidavit of Publication and Affidavit of Posting were present and ordered they be filed.

Mayor Brescia: I will read line by line and if anyone has a question, we will answer the question at that time. . . Legislative . . .

Trustee Kiernan: Steve. I, myself, would like to give back the \$300 increase this year because, in my opinion, we are going need some of that money. Thank you very much, Steve.

Mayor Brescia: Thank you, Bob. Under executive, finance, clerk, law . . . elections. Maybe we will consider increasing the election inspection. We should put \$200. . .

Trustee Kiernan: Roughly, what is under equipment for shared services.

DPW Supt. Nelson: Equipment for the museum and other buildings.

Mayor Brescia: What about the supplies for the new senior center and Wesley Hall?

DPW Supt. Nelson: That's under supplies for shared services.

Mayor Brescia: The increases for the police union contract are included in contingency.

Trustee Kiernan: That is what contingency is for?

Mayor Brescia: Yes. Also, in money-in-lieu-of parkland, there is about \$3,700 and a bill (about \$1500) will come in from Dennis Mathews for the fence around the senior center and the balance will probably be paid out of the contingency.

Trustee Kiernan: Can that number for contingency change at the end of this meeting or do we approve it now? What I am saying is, if we find any money, because

you know what I am going to be bringing up later, can that money go into the contingency?

Mayor Brescia: We don't have to adopt the budget tonight. Nothing here is carved in stone. We don't usually make that many changes. We can make changes. We have made changes. Anybody has that right to bring up suggestions. Now we are at the police department budget. There is nobody here from the public, but are there any questions?

Trustee Kiernan: I have a question. The police budget is \$408,900 and knowing that we are in the area somewhere of \$50,000 surplus with the PD, which incidentally is very good, and having mixed feelings about omitting the new car and DPW backhoe, but assuming there is that amount over in that budget, I am going to assume the bulk of that came out of personal service. What I did was roughly draw something up as far as hours and not taking any patrols or shifts away or anything else from the Village and allocated an extra shift 7/24 based on the decision of the chief as to when and how he wants to use it. In my mind, correct me if I am wrong, I come up with another \$45,000 or \$50,000 for the proposed personnel services that could be eliminated. You could take that and put it in the contingency fund for what looms on the horizon. That being, we have some negotiations and we don't know where that is going to take us. We have a situation with the Town, and I don't mean consolidation, other issues. I don't know how much that is going to be. So, with that in mind, and trying to keep the percentage of the tax increases down, knowing that we have \$50-55,000 surplus last year (FY07-08), why don't we, basically, take the same thing off this year (FY08-09) and I can explain that how I thought the hours could be utilized equal or better to what they have been. I left detective hours in, 600, and 500 court hours, 500 hours to DARE and allocated the chief's hours and I came up with 16,578 man hours. With this number, I came up with a personal budget around \$355,000 to \$360,000. In getting to that figure for personal services, which is roughly \$55,000 less than the proposed personnel services, it gives you police coverage, the five days per week that we have, two shifts and one additional shift to be used as they see fit per day in addition to DARE hours. The DARE hours could be allocated to man hours because of getting paid based on personal service. It also allows for weekends to have 24 hours coverage, two men on all the time and an additional shift on weekends as well, plus investigative hours of 600 and 500 court hours. This comes to, which I think is ample coverage, with the exception of Saturday and Sunday morning, one-man patrol rather than two-man patrol for 6 - 12 in morning. Without taking anything away, not taking any hours away, the projections for 2008 - 2009 would run along the same hours, spend the same hours, we would not be taking anything away. All we are doing is trying to get \$50-60,000 put back in contingency or surplus knowing what, once again, looms on the horizon.

Mayor Brescia: You are saying cutting the personal services line of \$408,900 to \$350,000? Is that what you are saying?

Trustee Kiernan: \$355,000.

Mayor Brescia: So, you are cutting about \$55,000.

Trustee Kiernan: That is what you did this year.

Mayor Brescia: The overall police budget is down \$18,000 . . .

Trustee Kiernan: I understand that, but we have a surplus in last year (2007-08) of \$55,000 and we bring that down to \$552,000 . . . I am looking to say some money, not cut anything.

Mayor Brescia: If we have that surplus, that helps us to balance the budget. This probably, Heather correct me if I am wrong, is the first time we have had a surplus in the police budget, which I believe, in more than ten years.

Treasurer Benedict: It's true. I have been here more than nine years. I can't speak to prior years.

Mayor Brescia: We have asked for certain things and we have asked for him to be prudent for this budget and he has certainly done that. Just because he comes in with a surplus, I don't think we should bare-bone this budget.

Trustee Kiernan: I'm not, but remember that budget from last year and the year before was based on what we sat down and talked about. It was based on 7/24, 365 and those were the hours allocated - 60 hrs./day, 30 days/mo. plus all the other things that I threw in there. It was 21,000 man hours based on that 60 hours per day. There are only 48 man hours on a two-man shift.

OIC Luffman: Mayor, I think at one of the meetings you had asked me to check on hours, I took December of 2007, January 2008 and February 2008 and just in those three months 33% of our calls were done on Saturdays and Sundays. So, I kind of disagree cutting hours on weekends. Also, there are six establishments within the Village that are licensed to sell alcohol and at least two of them are very active on weekends. There are bands in two of the establishments. Reducing the number of officers on those weekends would compromise the security of those officers as well as for the village. In addition, through a 2006 grant, the police department received a traffic unit grant which will be out once the weather gets better. The data captured from this unit determines where I put my manpower. Why would I not put it where it is needed. This indicates on weekends that it is well needed. This is currently how I determine where to put patrols.

Trustee Kiernan: That is why I'm putting in the rough draft the extra 6-hour shift to be used any day of the week you wanted. That is an extra tour.

OIC Luffman: You mentioned one officer on weekends.

Trustee Kiernan: Sunday mornings, six to noon time.

OIC Luffman: The problem with that is Saturday nights and from my experience, we need two officers especially on the weekends. The three months that I have checked, 33% of calls are on weekends.

Trustee Kiernan: I can understand that because of the bar rooms doing the business they do between the hours of eight o'clock at night and four o'clock in the morning, but I'm sure that 33% does not apply to six in the morning to 12 o'clock noon.

OIC Luffman: Sunday mornings are light most of the time . . .

Trustee Kiernan: I'm not talking about any other hours. I'm talking about six in the morning to noon to cut back one guy and that is twelve hours every week. Let's say that is \$25/hour and that would be \$300 per week and at the end of the year that would be about \$13,000.

OIC Luffman: I do cut back on certain things. There are times when it is quiet. If you want, I can check just on Sunday mornings.

Trustee Kiernan: That is just how if I feel, it does not mean that I am right. But that is a way to cut back on some hours and gain some money. Keep in mind when I say what looms in the future. I am not just talking about the police union. I am talking about a water tower that has to be built. I am talking about a \$1 million enhancements to the sewer plant. I mean, if we wait and not give you guys a car this year, but next year or in three years, we have to give you three cars. Now, we have to go for a hundred grand. If he does not get a tractor or backhoe this year and in two years he has no backhoe he may have to buy two backhoes. Now, we are talking two-hundred grand. I am just trying to go into this thing with a little more rational attitude looking at the future. We have a bleak future financially and I think now is the time to start bringing it down.

Mayor Brescia: We worked hard getting the budget down to a 4.5% budget increase.

Trustee Kiernan: Well, maybe this a way to get it down to a 2.5% increase.

Mayor Brescia: I don't think we can do that and put ourselves in a good situation for next year.

Trustee Kiernan: Let me finish this. We don't know what the numbers are for the union and we may get hit with a big number that we can't believe.

Mayor Brescia: If that does happen, we are going to have to take certain measures to deal with it such as we might have to cut back to one man a day on a Sunday. If we are getting 33% of the calls on a Saturday and a Sunday, I don't think that is the time to cut back, necessarily. Compared to other municipalities around being fiscally responsible, I think we are one of the best.

Trustee Kiernan: I'm not saying that we haven't been, I think some of it is accountability.

Mayor Brescia: Last year there was a 0% increase in the budget, the year before 3%, the year before 2% and this year is 4.5% increase. We have had a lot of expenses in the last year. The 4.5% increase reflects the new senior center because of the changes as we went along. We did go over budget which we acknowledged, but we made the changes as we went along and we all voted on it. We did not build the same building we set out to do. We spent \$90,000 on a bond to repair a wall at Wesley Hall. The union, we spent close to \$40,000 and we are not at the end of the year yet. We have spent more than \$50,000 on the master plan and will get about \$13,500 in grants. We did a lot of things in the last year. With the police department, I think this is a conservative budget. You know if you get a state of emergency and another situation where we have had to beef up the patrols, we are not going to be prepared if we cut more money out the budget. It is a matter of semantics, if you take the \$50,000 out of here and put it in the contingency, then if we have to put it back in the police budget, it makes OIC Luffman looks like he is not doing his job.

Trustee Kiernan: About OIC Luffman, that does not have to be out there.

OIC Luffman: Tours are needed for special events like Halloween, General Montgomery Day or even the Little League Parade when there are a lot of kids out there, I have to put men on duty.

Trustee Kiernan: I am certainly not looking to cut services. We have not bought the police department a new car in three years.

OIC Luffman: We did get one car last year through a grant, which is in great shape. Most of my fleet is in good shape right now. But, there is one vehicle . . . the Village office will be using and then one of the older cars will be a DARE car.

Mayor Brescia: The DPW got a new truck last year.

Trustee Kiernan: The next one is going to be a ten-wheeler truck. I don't know when, but we are going to need it.

Mayor Brescia: We can hold off to the next meeting to adopt the budget if you want to have a meeting with OIC Luffman. I feel comfortable, myself, but we will hold the budget over to the next meeting if you think you can do something different with the police budget.

Trustee Kiernan: I'm not looking to take the money away from the budget. I am just looking to put it into an area if we need it and if he (OIC LUFFMAN) does not need it, then we can buy him (DPW Supt. Nelson) a backhoe or fix one of the pipes down at the sewer plant. That enhancement on the sewer plant, you are probably looking at more than a million dollars because in the Dodge Reports the last three sewer enhancement projects for a municipality of this size were between \$1 million and \$1.5 million.

Mayor Brescia: What does the rest of Board think about adopting the budget?

Deputy Mayor Scheels: He is talking about emergencies and we would not know what money is available until the end of the year and whether or not we could buy a police car or backhoe. We could adopt tonight instead of waiting to the next meeting.

Mayor Brescia: We do know that we have to look at a water tower for water storage and we know we are going to have to look at sewer plant enhancements. There is a trunk line from River Street to the sewer treatment plant that is a major concern which has to probably be done within the next couple of years.

DPW Supt. Nelson: We may have solved the problem with the trunk line.

Trustee Kiernan: We may have a way around the sewer enhancements.

Mayor Brescia: Water and sewer improvements are supposed to come out the water and sewer budget.

Atty. Dowd: There are capital reserve accounts that you can start putting funds into it.

Mayor Brescia: We know we have to do these things and I think we are trying to prepare for them. We could be looking at a long time bond. We hope that project gets started over there. There are a couple of other projects that are looking to approach us and there might be something that we can talk to them about. We don't really look at outside users but if it is close by, it could be something good for the Village.

Trustee Kiernan: If it is done the way the Village at Goodwill was done, that would be the only way to go.

Mayor Brescia: So, what are we going to do about this police budget. . . I would like to adopt the budget tonight.

Trustee Kiernan: He kept under this year, so let's assume that he (OIC Luffman) will keep under next year. Then let's proceed.

Mayor Brescia: If he does then that is great, but if we need it, we have surplus in the police department. John was asked to cut his budget and he did cut it as close as he could when he was asked. Buddy cut some in the street department and the other departments as well. So, I feel comfortable with this budget. If we do have a little bit of surplus, we could look at a backhoe. We will continue going through the budget and if there are any questions we will answer them at that time. Under animal control, the new officer was asked to stay within the budget. Dave Holbert will continue as he has as animal control officer. Under the DARE program, an officer will be sent to school.

Trustee Kiernan: Do we need a new DARE car? The last one we had is over 15 years old.

OIC Luffman: What we are doing is taking one of the older cars and turning it into a DARE car.

Mayor Brescia: Any questions under the street department, snow removal . . . youth program is going to a full day and maybe we can negotiate with the Town to get more money. . . bonded indebtedness, estimated revenues . . . water and sewer any questions?

Trustee Kiernan: Under the water budget, is the Hyman Height district rate increased?

Mayor Brescia; No. It is the same as before, two and one-half times the village rate for water usage. I have asked Buddy to start working on the sewer plant enhancements. Any other questions before the public meeting is closed?

Judy Noorlander: I have questions. I apologize for getting to the meeting late. Can you identify one more time there is about \$1.2 million under contractual? Are these for contracts? If so, does anybody renegotiate these contracts? It is a substantial amount of money in our budget. I just wonder what it is because there is no place in the budget that explains what it is.

Mayor Brescia: When Judy comes to the village office, she can have access to what I have before me – a list of what is under each contractual line. Basically, I will give you a couple of examples now (see attached).

Judy Noorlander: Okay. Under treatment disposal what is that for because that is \$310,000?

DPW Supt. Nelson: We contract the sewer out and that is run by a firm which is around \$10,500 a month. When the sewer pump runs, you get rid of the waste and a contractor has to come in haul it away which is about \$150/ton.

Judy Noorlander: Okay. I just did not understand it because in some areas it is \$1,000 and other areas it is over \$100,000. It is a little difficult to understand it. I have one other question. What is under Home & Community Service under the water budget? I guess what my questions is, when I look at the staff salaries, are they split up amongst those areas of the budget or is it the total in the beginning where I see clerk and it is “x” amount of dollars or are other areas added to that?

Mayor Brescia: Most is out of the general fund. For example, Buddy’s is out of streets and he receives a little stipend out the water and sewer. The clerk, treasurer, deputy treasurer is done the same way because they spend a certain amount of time doing water and sewer business.

Judy Noorlander: So, I would be adding those numbers in the water and sewer to those numbers under administration for the clerk, treasurer, deputy treasurer, etc. I have another questions under shared services. Shared services are what?

Mayor Brescia: Shared service under contractual is mat cleaning, building maintenance, janitorial services, fire extinguisher’s upgrades, etc.



Judy Noorlander: So it is any services that are shared by other areas of the village.

DPW Supt.: Yes, like Wesley Hall, the senior center and village hall.

July Noorlander: And one other question. When I see under clerk on the same page (p/t 2) is the total I am seeing for two positions, not one? Am I correct? Is that split between two people?

Mayor Brescia: Yes. Any other questions? No, so the public hearing can be closed.

Moved by Trustee Kiernan, seconded by Deputy Mayor Scheels, the Board closed the public hearing at 7:42 p.m. The motion carried by a 4-AYE, 0-NAY vote.

## **REGULAR MEETING**

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

### **RE: ANNUAL APPOINTMENTS**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the ATTACHED lists of Annual Appointments for 2008/09 were approved with the exception of the one position on the Architectural & Historic Review Board that will remain open until such time an appointment is made by the Board. The motion carried by a 4-AYE, 0-NAY vote.

Sarah Roepe said her position on the AHRB was up for reappointment and asked if that position was still open or was she reappointed?

Mayor Brescia advised the Board has not appointed anyone to that position and that she will remain in the position until such time the Board makes an appointment. If you would like to discuss it, the Board can adjourn to an executive session to discuss it further. Sarah Roepe advised that she would like to come back later to discuss it with the Board.

### **RE: ABSTRACT NO. 04-2008**

Moved by Trustee Cantiello, seconded by Trustee Andolsek, all bills listed on ABSTRACT No. 04-2007 were audited and approved for payment with \$194,788.58 from the General Fund, \$14,196.28 from the Water Fund, \$45,636.30 from the Sewer Fund and totaling \$254,620.86. Check Nos: 36975-36990; 37849-37930. The motion carried by a 4-AYE, 0-NAY vote.

Treasurer Benedict reported a CASH BALANCE for the month ending March 31, 2007 as follows: General Fund \$984,212.86, Water Fund \$211,175.85 Sewer Fund \$375,257.87.

### **RE: MINUTES**

Moved Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted the minutes of March 18, 2008. The motion carried by a 4-AYE, 0-NAY vote.

### **RE: TOWN WATER CONTRACT**

Atty. Dowd advised it is his understanding the 5-year contact sits on the Town supervisor's desk waiting for action.

**RE: SUMMER RECREATION PROGRAM**

Deputy Mayor Scheels updated the Board on the summer recreation program. A majority of the survey that has come back, indicates the parents are in favor of a full-day program. An informational meeting will be held on April 21<sup>st</sup> at the senior center at 7:00 p.m.. We will go over what the program will entail for the full-day session. A decision can be made at the first meeting in May and then we will go from there.

**RE: ADVANCE AUDIT OF CLAIMS**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted following the Resolution.

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring or approving the claim is jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFOR BE IT RESOLVED:

Section 1. That the Boards of Trustees authorize payment in advance of the audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of trustees disallows

Section 2. That this resolution is effective immediately.

The motion carried by a 4-AYE, 0-NAY vote.

**RE: MILEAGE ALLOWANCE**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted the following Resolution:

WHEREAS, the Board of Trustees has determined to pay a fixed rate or mileage as reimbursement to Village officers and employees, who use their personal automobiles while performing their official duties;

NOW THEREFOR BE IT RESOLVED:

Section 1. That the Board of Trustee will approve reimbursement to such officers and employees at the IRS allowance per mile.

Section 2. That this resolution is effective immediately.

The motion carried by a 4-AYE, 0-NAY vote.

**RE: ATTENDANCE AT SCHOOLS AND CONFERENCES**

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board adopted the following Resolution:

WHEREAS there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal clerks; c) the New York State Conference of Mayors Public Works School, d) the county association meeting; and

WHEREAS attendance by certain municipal officials and employee at one or more of these meetings, conferences or schools benefit the municipality.

NOW THEREFORE BE IT RESOLVED:

Section 1. That officers and employees are authorized to attend the school;  
Section 2. That this resolution is effective immediately.

The motion carried by a 4-AYE, 0-NAY vote.

**RE: DESIGNATION DEPOSITORIES**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted the following Resolution:

WHEREAS the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;

NOW THEREFORE BE IT RESOLVED:

Section 1. the Board of Trustees designates the following institutions as depository of all moneys received by the village treasurer, clerk, and receiver of taxes: Bank of America, Orange County Trust.

Section 2. That this resolution is effective immediately.

The motion carried by a 4-AYE, 0-NAY vote.

**RE: PROCUREMENT POLICY**

Moved by Trustee Cantiello, seconded by Trustee Kiernan, the Board adopted the following resolution:

WHEREAS the Board of Trustees has established a policy governing the procurement of all goods and services which are not required to be purchased pursuant to the competitive bidding requirements of General Municipal Law §103;

NOW THEREFORE BE IT RESOLVED, that the Village of Montgomery does hereby adopt the attached procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

The motion carried by a 4-AYE, 0-NAY vote.

**RE: DATES FOR REGULAR MEETINGS**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted the attached Schedule of Meetings of All Boards for Fiscal Year 2008-2009 held at 133 Clinton Street, Montgomery NY 12549 noting the August meeting will be held on August 19, 2008. The motion carried by a 4-AYE, 0-NAY vote.

**RE: FY 2008-2009 BUDGET ADOPTION**

Mayor Brescia advised the budget must be adopted by May 1st, but if the Board is ready, we can adopt tonight. Deputy Mayor Scheels said she did not have a problem adopting the budget tonight.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Fiscal Year 2008-2009 Budget (ATTACHED) was adopted with a tax rate of \$11.03 per thousand of assessed valuation. Assessed Valuation – \$178,808,195; Total General Fund \$3,429,617, Total Water Fund: \$392,800, Total Sewer Fund: \$590,710; Total of all funds: \$4,413,12. The motion carried by a 4-AYE, 0-NAY vote.

**RE: FY-06 RT.17K WATER MAIN REPLACEMENT  
COLONNELLI BROS. INC. PAYMENT REQUEST NO. 1**

Mayor Brescia and the Board discussed Colonnelli Bros. Inc. request for partial payment. Payment request in the amount of \$289,02.15 is subject to approval by Community Development. Atty. Dowd advised he has been discussing liquidation of damages with the village engineers. After our conversation, a letter was sent to Mr. Colonnelli informing him the village has opted to assess liquidated of damages in the amount of \$20,250 (81 days x \$250/day) which will be deducted before payment is made.

Trustee Kiernan interjected saying he had an opportunity to introduce himself to Nino Colonnelli not aware of a letter that was sent to him by Atty. Dowd. Mr. Colonnelli sent me a copy of that letter with his response. His comments to me in a letter dated March 28<sup>th</sup> went as follows: "Attached please find the attorney's letter as far as the liquidation of damages in Montgomery. Please understand that November 21, 2007 was not final pavement completion. The water system was in service and a temporary pavement was completed and we demobilized on August 28, 2007. Also there were change order items that would add to the contract completion date that was not addressed. Obviously, I am not pleased with the way the job turned out, but we have very little cooperation and support from the engineers, the state and so forth. Please see if you can help. We really cannot afford a deduction on that job. Please review the attached material list." When I called him regarding this and asked him to be a little more specific on this, he said the working relationship on the job was not good. Whether they did not understand each

other's part, I did tell him that I would bring it to this Board tonight when the village attorney would be present.

Mayor Brescia advised he would like to hear the village engineer's response about the problems they had on the job. There was a problem with the DOT regarding the paving. DPW Supt. Nelson agreed there were problems from day one saying he feels the contractor was not aware of what the project involved. They did not have enough equipment nor the manpower. Mayor Brescia said he does not have a problem settling on the assessment for the liquidation of damages. Atty. Dowd said he thinks there were problems but it appears a substantial amount of the work was done by the contract completion date. The Board can authorize the payment less the liquidated damages and leave it open on the amount of damages to assess. I know Mr. Colonnelli says he could not get along with the engineers, but I have been copied on all the correspondence between the village's engineer and Colonnelli Brothers. There seemed to be no response on their part.

Trustee Kiernan asked DPW Supt. Nelson if he has everything documented as far as what you feel is non-professional practices not meeting their responsibilities and obligations? DPW Supt. Nelson stated the engineer/inspector on the job from Lance & Tully, PC has everything documented. There were some days they were there and Colonnelli Bros. never showed up. Because they were working on a state road, an inspector had to be there. If the contractor was not doing any work that day, they were suppose to contact our inspector to let them know not to show up that day. Trustee Kiernan stated what you are saying, the village's inspector would show up on the job and we had to pay him for his time. DPW Supt. Nelson said 'yes', whether it was one hour or two hours . . . Atty. Dowd added the money for the liquidated damages does not cover engineering costs. .

Mayor Brescia said when the village engineer responds each time, it cost the village money which is not covered through the grant. If the Board agrees, we will approve the request for payment less the liquidated damages. Right from the beginning Dawn Kalisky (Lanc & Tully, PC) has done her homework and has done a good job on this project. So, we will seriously look at it when we are negotiating the liquidated damages

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved Colonnelli Brothers, Inc. Payment Request No. 1, in the amount of \$289,022.15 less \$20,250 for liquidated damages subject to review and approval by Community Development. The motion carried by a 4-AYE, 0-NAY vote.

#### **RE: NEW YORK RURAL WATER ASSOCIATION**

New York Rural Water Association is honoring the Village of Montgomery as a twenty-year member. A Certificate of Award has been given to the Village.

#### **RE: AHRB DRAFT GUIDELINES**

Atty. Dowd gave the board proposed changes for Chapter 6 of the Village Code: Architectural & Historic Review Board and asked them to review the changes. These changes may help the AHRB.

Mayor Brescia advised Chrmn. Freeman is also working on some recommendations with the help of the ZBA's chairman's input. It is my recommendation to fine tune the guideline we have in place now. The Board agreed.

**RE: PUBLIC PORTIONS**

Judy Noorlander asked if there are going to be positions open on any of the boards and for this Board to take into consideration the option of putting the position out to the public before it is filled and added that she agrees with the Board's changes on the AHRB for harmonious piece.

Mayor Brescia advised that the Board will take that under consideration.

**RE: EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered EXECUTIVE SESSION at 8:07 PM under Public Officers Law §7(f) to discuss matters leading to the appointment with AHRB Chrmn. Freeman, Sarah Roepe, Atty. Dowd and with Village Clerk Thompson in attendance. The motion carried by a 4-AYE, 0-NAY vote.

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the board went out of EXECUTIVE SESSION at 8:36 p.m. The motion carried by a 4-AYE, 0-NAY vote.

**RE: ADJOURNMENT**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned at 8:40 p.m. The motion carried by a 4-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson