

Minutes of the Work Session and Regular Meeting of the Board of Trustees held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, June 17, 2008 at 6:30 p.m.

PRESENT: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan; Atty. Dowd; OIC Luffman; Vlg. Eng. O'Rourke; Planner Sorenson; Vlg. Historin Wild; Marc Devitt, Atty. Catalano, Eng. Bossolini for Devitt Management and Associates; Jen Watson; Sophia Ramano; Kevin Conero; Andy Roepe; Darren Doce; Johanna Sweikata; Carol Monroe; Jack Byrnes, Jr.; Karen Holbert; Scott Monroe, Frank & Lisa Tyrell Wallkill Valley Times Reporter.

WORK SESSION

RE: DEVITT MANAGEMENT PROJECT CHANDLER LANE/RT. 211 (213-1-1)

Deputy Mayor Scheels and the Board met with Marc Devitt and his consultants to review Vlg. Eng. O'Rourke's comments on the PDD application. The project proposes two alternatives for a mixed-use PDD development. Vlg. Eng. O'Rourke said basically the findings in the SEQRA documents have to be answered which is the purpose of this work session.

Atty. Catalano agrees stating the impact statement provides the Board with a document for the Board to make a well informed decision on the project. When the PDD is passed the Planning Board will know exactly what they are proposing. Vlg. Eng. O'Rourke had pointed out the Planning Board would not normally have design authority if it is not in an historic district. The local law asks for architectural drawings but we are suggesting if the Board approves a PDD they do so with conditions so it is in conjunction with the site plan review.

Trustee Kiernan asked how many different designs are being proposed. Marc Devitt said they are thinking about four different designs for the buildings with the idea of not getting the same design next to each other.

Trustee Cantiello asked Vlg. Atty. Dowd and Vlg. Eng. O'Rourke if they were satisfied with the replies since the last time they met?

Eng. O'Rourke said his biggest concern is the Planning Board has a road map to follow and what not to follow and if that is put in the finding statements and conditions for the PDD, he is generally satisfied. All the engineering issues can be resolved. It is just the matter of giving the Planning Board the authority to ask for them. You are creating a new zoning and the Village Board has to give the Planning Board specifics. There is no bulk table, it is important to come up with that. Alan Sorensen had suggested uses to be determined for a PDD as a guideline.

Atty. Catalano suggested using the existing tables as a guide for the mixed uses being proposed – commercial and residential. Vlg. Eng. O'Rourke said the number of commercial uses could have limits. For example, you don't want 200 doctor's offices or restaurants. Potential uses that affect your water usage or sewage uses must be look at

as well. The Board agrees. Trustee Kiernan added this is new for the Village, so we have to look at it carefully and then he asked what is the next step.

Atty. Catalano advised under the SEQRA law the Village Board has to have 10 days of no official Board action from the date of the public hearing. This has to be sent to all the involved agencies. The 10 days is called a "cooling off period." After that, a SEQRA statement of findings can be done. Once that is done, that will end the SEQRA process and then the Board gets to decide on the PDD application. It could be as early as the July 1st meeting.

Atty. Dowd said he has not seen the latest document but generally speaking if the Board finishes the SEQRA process and it is thorough and one of the basic principles is the Board does not segment the SEQRA process in any way. We have to take a hard look so that we are sure we are aware of all the potential impacts and that they are rectified at the end of the process. Sometimes things pop up and a supplemental EIS has to be done. But, my concern is you know you have people who are upset about this project and there may be potential litigants. As my job as your attorney, you must be in the most possible legal position with any action you take. The biggest issue of concern, the applicant gets to the planning board and there are many questions that have not been answered. When the PDD is passed, the Planning Board will know, from their perspective, how to review site specific issues – water, sewer, number of apartments, etc. The document must be complete and not based upon hypothetical issues. . .Deputy Mayor Scheels asked Atty. Dowd to review it from a legal aspect and get back to the Board? Atty. Catalano briefly summarized what has been done up to this point and he feels there is no issue that was not addressed. Part of the Board's conditions should be the EIS be followed. It would become an issue if we do not do what we said we would do. Vlg. Eng. O'Rourke advised the way the law is written is in two-steps – approval by this board and the planning board. Normally, when they are before the planning board they would be doing all the studies as they are doing the design. He feels as long as the studies are spelled out in the finding statements everyone will know what is required. Vlg.Eng. O'Rourke said the threshold of the document is to protect the Village of Montgomery. Deputy Mayor Scheels added we have to make sure everything that had been discussed is included in the finding statement. The Board agreed and the applicant as well. The finding statement will include the zoning issues too.

Trustee Kiernan advised he would like the mayor's input at some point. Deputy Mayor Scheels said the mayor cannot look at the project for input because of a conflict of interest.

In summary, the findings statement will be available for the public hearing on June 23rd.

REGULAR MEETING

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

RE: COMPREHENSIVE MASTER PLAN

Chrmn. Conero asked Alan Sorenson (Planit Main Street) to give a presentation to the Board on the progress made updating the Master Plan. Al Sorenson said included in the master plan are specific recommendations for natural resource protection and historic preservation efforts. There are recommendations related to transportation, economic

development and entire chapters devoted to land-use regulation policies. One thing at looking at the zoning districts, there are permitted uses that are antiquated, such as incinerators. We also have polices to encourage development within the downtown business district that will reinforce and strength the fabric of your downtown district and encourage new urbanism principles in the downtown. For example, historically there was an inn on the corner where the Bank of America is now. The inn was built near the sidewalk and the bank was not. It is sort of out of context with the historic downtown business district. The committee also looked at specific areas and included specific recommendations for those areas. In working with the well rounded committee, there were several public scoping sessions, which we encouraged. The committee feels it is a well rounded document which provides a blueprint, guide, policy, decisions and programs to help guide the village over the next five or ten years. As things change, the document should be revisited.

Al Sorenson advised the Committee is recommending the Village Board do a generic environmental impact statement that will discuss in a general context the potential impacts as well as benefits that encompass the plan from an environmental stand point. The subsequent action could be to declare your intent to be lead agency and issue a positive declaration just saying you are going to require a generic environmental statement to be prepared. The GEIS should be ready in a few days. Once that is accepted as complete, a public hearing can be set and the process can begin. The GEIS has to be referred to the County Planning Board and they have 30 days to review it and provide comment.

Mayor Brescia asked if there were any questions from the Board. The Village Board is pleased with the way the document turned out. The committee put a great deal of effort into updating the master plan.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board officially accepted the Village of Montgomery Comprehensive Plan dated May 22, 2008 prepared by the Comprehensive Plan Committee and Planit Main Street, Inc. with the intent to begin the SEQRA process for Lead Agency, declare a Positive Declaration and preparation of the GEIS. The motion carried by a 5-AYE, 0-NAY vote.

**RE: DEVITT MANAGEMENT PROJECT
CHANDLER LANE/RT. 211 (213-1-1)**

Deputy Mayor Scheels asked Atty. Catalano to give the Board a brief overview of the status of the project.

Atty. Catalano advised a final environmental impact statement has been submitted at the last meeting with two work sessions (6/9, 6/17) held since. The purpose of the work sessions was to review the final impact statements in order to determine if it is complete. The next step is for the Board to accept it or reject it. On behalf of Marc Devitt and Eng. Francis Bossolini, Atty. Catalano said they really appreciated the hard work the Board has put into reviewing this project. We feel with the help of your consultants, we have a complete document. The FEIS includes a complete transcript of the public hearing, all written comments from the Board and the public, detail comments from the Village's consultants (Alan Sorenson and John O'Rourke) and our responses to those comments. Thos responses address those issues that were raised. At this time we feel all the environmental issues have been addresses. With that being said, we are respectfully

asking the Board to accept the FEIS as complete and presented a resolution for consideration. If the Village Board accepts it, all involved agencies will be provided a copy as well as copies for the Village Hall and library and will work with the webmaster to post it on the Village's web site by the end of the week.

Deputy Mayor Scheels asked the Board if they had any questions or comments. It was the consensus of the Board to proceed with the acceptance of the FEIS.

Moved by Trustee Kiernan, seconded by Trustee Andolsek, the Board adopted a Resolution of Acceptance of the Final Environmental Impact Statement for the Chandler Lane Planned Development District Proposal with Deputy Mayor Scheels, Trustee Andolsek, Trustee Cantiello, Trustee Kiernan voting AYE and Mayor Brescia abstained. The motion carried.

Deputy Mayor Scheels reminded the Board and the public about the scheduled public hearing to be held on June 23rd at 7:30 p.m. at the Recreation Center. The purpose is to change the zoning from Industrial Park to a Planned Development District (PDD).

RE: ORANGE COUNTY LAW RECORDS MANAGEMENT PROGRAM

Mayor Brescia advised Craig Cherry, Deputy Police Comm. and police liaison for the county, is here this evening to address the Board concerning a countywide law enforcement records management system to allow all law enforcement agencies in the county to share data.

Craig Cherry introduced himself to the Board and spoke to the countywide law enforcement records management system. He has been working on the committee since 2004 to identify records management in Orange County. There were 30 police departments involved. There are two major concerns – departments wanting to have control over their data and also to participate in records management sharing that would allow information to them. Currently there are two basic systems in Orange County (SJS and IMPACT). The IMPACT is the software of choice basically because of the nature of the software. An outline was provided to the Board with some background information. This project will give you real time access to data sharing and benefit the municipality as a comprehensive management tool. It will provide management administrative capabilities, training logs, personnel records, vacation logs, orders of protection and family offense modules and many other modules that are good for the community. We feel the program is fair for the county and municipalities. It is part of a \$5 million capital project for Orange County. We will pay for each agency's records management upfront (vendor training and conversion of data). After twelve months or when a municipality goes live maintenance fees are due.

Mayor Brescia stated he feels this system is much more advanced and will help the village tremendously. OIC Luffman agrees saying SJS had promised a lot but feels IMPACT is something for the future. Mayor Brescia asked how many municipalities have signed on and what the future cost will be?

Craig Cherry advised the Town has signed and he has to meet with the villages of Maybrook and Walden within the next week. All three cities have signed on and mentioned all the other municipalities that have signed on. The system is very interactive

and provides a ton of information for the police departments. IMPACT is a 3-year contract. Each year's maintenance fee for the village is about \$5,670.

Mayor Brescia said the county has been working on this for a few years and most of the police chiefs are now on board with this. The Board was asked if they were in favor of the program.

Trustee Cantiello questioned if any of the village's police officers were trained on the IMPACT software? Deputy Mayor Scheels said 'no' but if the village goes to that, they will be.

Trustee Kiernan asked if the agreement is signed, is the village obligated? Craig Cherry said it is a 3-year contract and cannot speak to the capital project. Trustee Kiernan feels the Board should hold off with this because the police union negotiations are not yet settled. Not knowing what direction the police department is heading, we should not obligate ourselves. Mayor Brescia said he thinks it is good for the Village and it is not a big investment. This will help our officers do their jobs so much better. It will give them the tools to help with the recent burglaries the village has had. Trustee Kiernan again said he is not in favor of right now spending about \$17,000 and not knowing much about what is going to happen with the police department and the union. Trustee Cantiello said they had a meeting with the union this morning and they never showed up. Mayor Brescia explained the police department still has to be run and they have been working on the system for some time to bring it to fruition and said he feels there is no reason why they can't vote on it now. If there isn't a positive vote, then maybe we can discuss it down the road.

A motion was made by Trustee Kiernan, seconded by Trustee Cantiello to hold off voting on the Inter-Municipal Agreement between the County of Orange and the Village of Montgomery for the 2008 Law Records Management System and Data Sharing System until research can be done to find out about the future of the village and the police department with Trustee Kiernan, Trustee Cantiello voting AYE and Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek voting NAY. The motion failed by a 2-AYE, 3-NAY vote.

Moved by Mayor Brescia, seconded by Deputy Mayor Scheels, the Inter-Municipal Agreement between the County of Orange and the Village of Montgomery for the 2008 Law Records Management System and Data Sharing System was approved with Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek voting AYE and Trustee Cantiello and Trustee Kiernan voting NAY. The motion carried by a 3-AYES, 2-NAYS.

RE: TIME WARNER CABLE

Atty. Dowd had notified Time Warner Cable to schedule a convenient time to discuss the renewal of the franchise agreement.

RE: WASTEWATER TREATMENT EXPANSION

The proposal for the Waste Water Treatment Plant Facility Improvement Project prepared by Lanc & Tully, PC is a proposal to provide the Village with engineering and surveying services regarding an upgrade to the sewer treatment plant facility. The project encompasses the installation of improvements to handle 250,000 gpd of

additional flow to the existing sewer plant. The engineering services will include obtaining field surveys as required to prepare base mapping design for the internal process piping, treatment facility expansion and upgrades of controls; preparation of contract documents, drawings report, and specifications; submittal of applications to the regulatory agencies for permits; services for bid administration and bid evaluation for the project.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted the proposal for the Waste Water Treatment Plant Facility Improvement Project prepared by Lanc & Tully, PC dated October 26, 2007. Motion carried.

RE: SEWER TREATMENT PLANT ROOF REPAIR

The Board received proposals to replace the roof at the sewer treatment plant as follows: Mar-Key Exteriors \$4,200, Precision Building \$7,500, Vermilyea Construction \$9,250.

Moved by Trustee Kiernan, seconded by Trustee Cantiello, the Board accepted Mar-Key Exteriors Proposal in the amount \$4,200 to replace the roof at the sewer treatment plant. The motion carried by a 5-AYE, 0-NAY vote.

RE: 2008 SUMMER RECREATION STAFF APPOINTMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed the 2008 Summer Recreation Staff as follows:

Staff:

Thomas Taylor, Director	\$6,400
Jennifer Hembury, Asst.Dir.	\$3,400
Donna Jacke, Arts/Craft Dir.	\$3,400
Diane Savage, Counselor/CIT Sup.	\$3,200
Theresa Petrakis, Health Sup.	\$2,000
George Heffner, Sports Coord.	\$1,800

Counselors:

Kerry Steed	\$1,700
Christopher Mullarky	\$1,650
Elizabeth Schmidt	\$1,650
Tara Singh	\$1,700
April Armstrong	\$1,650
Erica Bartle	\$1,700
Nicholas Clair	\$1,650
Emily Davis	\$1,650
Michelle Hembury	\$1,700
Diana Kassiotis	\$1,700
Stephen Kassiotis	\$1,650
Jackie Matthews	\$1,700
Vincent Moscato	\$1,650
Joseph Oritz	\$1,650
Steven Savage	per/diem
Kerry Tyrrell	\$1,700

Brittany Walsh	\$1,650
Sheri Mead	\$1,600

And C.L.T's.: Franklin Angel, Storm Armstrong, Gabriella Fromets, Catlin Goff, Karissa Goff, Davie Leiter, Nicole Lentini, Jessica McClean, Kimerly Neubauer, Anissa O'Dell, Joseph Pucino, Nate Serrano, Ravi Singh, Kayleigh Madormo, Nicholette Roselli, Caitlyn Talarico, Nicole Speranzo, Taylor Pritchard, Cameron Vasta.

The motion carried by a 5-AYE, 0-NAY vote.

RE: SULLIVAN COUNTY FIRE PROTECTION (SENIOR CENTER)

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved to release Sullivan County Fire Protection final payment in the amount of \$3,970. The motion carried by a 5-AYE, 0-NAY vote.

RE: WHISPERING PINES INCORP. (SENIOR CENTER)

Moved by Trustee Cantiello, seconded by Trustee Kiernan, the Board approved to release Whispering Pines, Incorp. final payment in the amount of \$1895.43. the motion carried by 5-AYE, 0-NAY vote.

**RE: FY 2008 CDBG
WALLKILL AVE. /RAILROAD AVE. WATER MAIN REPLACEMENT**

Moved by Deputy Mayor Scheels, seconded by Trustee Cantiello, the Board set a Bid Opening on July 31, 2008 at 2:00 p.m. for FY 2008 CDBG Wallkill & Railroad Avenues Watermain Replacement. The motion carried by 5-AYE, 0-NAY vote.

RE: MUSEUM – PROPERTY INSURANCE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved to increase the property contents insurance at the Historic Museum located in Wesley Hall, 142 Clinton St., to \$100,000 for a \$343.73 yearly premium with Selective Insurance. The motion carried by a 5-AYE, 0-NAY vote.

RE: D.P.W -- LEAVE OF ABSENCE

Moved by Trustee Andolsek, seconded by Trustee Kiernan, the Board approved Kyle Crowley's (Laborer DPW) medical Leave of Absence for approximately six to eight weeks effective July 7, 2008. Motion carried by 5-AYES, 0-NAY vote.

RE: WATER WORKS BUILDING – HISTORIC MARKER

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved for the Historic Montgomery Association to install the historic marker at the Water Works Building on Ward Street subject to approval of location by the Village Board. The motion carried by a 5-AYE, 0-NAY vote.

RE: NOTICE OF LIQUOR LICENSE RENEWAL

The Board acknowledged La Mia Cucina, Inc., 112 Clinton Street, Notice of Intent to renew their on-premises liquor license.

RE: PUBLIC PORTION

Vlg. Historian Wild requested a neighborhood watch group be established in light of the recent burglaries in the Village. Mayor Brescia and the Board were in favor of it. OIC Luffman will be contacted to look into it and maybe it could be included in the next newsletter. She also spoke about the proposed mastodon museum. The gentleman that is proceeding with the mastodon museum in the Town has been invited to have his program at the village's museum so as to get the kids involved.

Jennifer Watson discussed new benches for the park and the possibility of making them permanent somehow. Also, there is a pothole in front of her house with standing water. She asked the Board if some blacktop could be put down.

Mayor Brescia advised he will speak with DPW Supt. Nelson to see what can be done. We have also noticed a little more vandalism in the park. As far as the blacktop, we will see what can be done as that is a state highway.

RE: ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting at 8:24 p.m. The motion carried by a 5-AYE, 0-NAY vote.

Village Clerk Linda L. Thompson