

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Village Hall Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on Thursday, June 29, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury (Absent), Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Chief of Police Herlihy, Maria Beltrametti, Marguerite Flood, John Tracy, Mary Lippincott, Bibi Latif, RJ Smith, Brian Maher, Lori Polesel, Acquisition Marketing Videographer Jose Rojas.

RE: CALL TO ORDER - PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the minutes of June 20, 2023. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE THE BILLS SUBJECT TO THE AUDIT COMMITTEE REVIEW

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the bills to be paid subject to the audit committee review. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

REQUEST TO MEET WITH BOARD

Nick Fitzpatrick and R.J. Smith to meet with the Board of Trustees regarding the Annexation Petition of the Town of Montgomery parcel, SBL: 36-1-2.12, to the Village of Montgomery.

RJ Smith on behalf of Aden Brook Farms, Nick Fitzpatrick, of which their farm is located on Route 416 with a little over one hundred and ten acres. The parcel has 27.0 acres in the Village and 87.7 acres in the Town. It is not an ideal situation, trying to plan out the use or venue with two municipalities and with each their own regulations. We would like to have the parcel in one municipality. Discussions have been on going for a year now regarding which municipality would be more favorable. Therefore, the proposal is to annex the parcel from the Town to the Village of Montgomery.

Mayor Brescia asked RJ what is the zoning in the Town regarding this parcel?

RJ replied that zoning is I-3.

Mayor Brescia asked RJ what are the allowed uses?

RJ replied that the allowed uses are Industrial.

Mayor Brescia asked RJ what is the maximum warehouse size?

RJ replied, the Town zoning for a warehouse size is measured by the amount of traffic, that anyone building could generate. Twenty-five truck loads per day, over an average of 45 days. You could have a million square foot building if you do not have more than twenty-five truck loads per day.

Trustee Picarello said it would not be likely to have with a million square foot building.

Mayor Brescia said he thought it was zoned much more for distribution.

RJ replied distribution is forbade, of which factory, distribution warehousing is a smaller building. Like the Village zoning is at a maximum of eighty thousand square feet for warehousing. However, we are

faced with this conundrum of a design for the site. We would like to be in the Village, and to work with the Village to connect to the water and sewer, as the Food Bank has. We have faced frustration with the FAA, therefore we had to redesign the lot and in doing so we have ended up with a crazy lot size, because of not wanting to straddle the property line. As it is the entrance to the Food Bank is in the Town and the building is in the Village, with the access road which becomes the public road to the Food Bank and Nick's building. For instance, the access is in the Town, into the Village, and back into the Town again. It is a nightmare working with two municipalities.

Mayor Brescia asked how and why is this advantageous to annex the property to the Village, for Water/Sewage and what else?

RJ replied, he has worked with the Town and the Village and relatively the use of the water/sewer. As Nick mentioned, the Town has all sorts of rateables; Medline alone this year paid 1.6 million dollars in taxes and once their 45-B has expired, they will be paying 2.5 millions in taxes to the Town, of which that does not include the other businesses such as UPS, Home Depot, Cardinal Health Care, UNFI, Do It Best to name a few. My point is that the Town is flooded with rateables. What are the best rateables in the Village; his guess is the apartment complexes. Therefore, it would be nice to have some rateables for the Village.

Mayor Brescia said in the past, Carl Holmstrom was always against annexation, it was thought they would lose the rateables. Everybody since then except for Brian Maher who was against annexation to the Village unless the couple of times that involved residential parcels. He spoke with Ron Feller, and he seems to be resistant to this.

RJ replied why because they are going to lose the rateables. There is this impression and perception that it is us and them, the Village vs the Town. The County should realize that the residents of the Village are residents of the Town. The Village residents pay taxes to the Town, and vote for the Town leaders, of which they should benefit from this. Who is most impacted by what happens along Route 416, the Town, Coldenham, Maybrook, Montgomery, or the Village? In his opinion, the Village is most impacted by it.

Mayor Brescia said of course.

RJ said to add the parcel as discussed to the Village within its boundaries with what ever happens there in the future, this is the first step of the plan as previously mentioned. He feels it would be disingenuous of the Town to not support it.

Mayor Brescia asked what was your vibe in the matter?

RJ said Ron Feller suggested the Village set a Joint Public Hearing with the Town.

Mayor Brescia said he does not want to set a Public Hearing if the Town is not amenable to this.

RJ feels a Public Hearing should be set to allow the Village residents to provide input. Furthermore, he also feels most of the Village residents would rather have the Village Planning Board, the Village Board, and the Zoning Board of Appeals to have control over what happens on the property as opposed to relegated to the municipality, to the Town.

Mayor Brescia said he would agree with that. He could vote in favor of it, as long as its on the surface without looking too far into it. He asked the Board members for their thoughts as discussed. Whereas the Village may wish to control the zoning and the revenue but will have to provided services. Setting up a Public Hearing whether it be pro or negative, at the end of the day the Town is not going to be amenable. Again, he asked how the other Board members felt about it.

Trustee Picarello said on the surface, she is open to hearing about it and is of the opinion that if it affects the Village, then the Village should have a say on everything that goes on there. It is what should have happened with Medline and at many times she has had many arguments with the Supervisor about it.

Whether or not the Town is for or against it, she is open to discussing it and deciding with some resident input on it.

Mayor Brescia said if its in the Village, the Board has a say with the Planning Board, the Village Board, ZBA, and potentially the AHRB with the guidelines and everything involved. On another note, he likes the new guidelines that are going being to be proposed.

RJ mentioned doing an annexation also in the Village of Maybrook.

Mayor Brescia said when a presentation is provided, he would like to see the various taxes that are generated for this parcel. He asked Deputy Mayor Andolsek her thoughts on the annexation. It a may be possible to have a public hearing in August, with a quick special meeting to set the Public Hearing date. He suggested RJ speak with the Town to set up a Public Hearing maybe in August, if not then in September. He thanked RJ for the presentation.

ABSTRACT – NO. 06 – 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved, all bills listed on ABSTRACT NO. 06-2023 were audited and approved for payment with \$413,441.79 from the General Fund, \$8,199.88 from the Water Fund, \$26,238.92 from the Sewer Fund and totaling \$447,880.59. Check No: 80311 - 80391, 2109 - 2121. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

Treasurer Palmieri reported a CASH BALANCE for the month of June 30, 2023, as follows: General Fund \$3,510,394.86, Water Fund \$304,7999.90, Sewer Fund \$495,380.87.

OLD BUSINESS

None

RE: REPORTS – DEPARTMENTS – BOARD – COMMITTEES

POLICE DEPARTMENT

Chief of Police Herlihy said for the next meeting he will have a list of items for surplus and potential candidates to be considered, one Full Time and Part Time.

DPW

RE: NEW BUSINESS

ACKNOWLEDGE THE VILLAGE OF MONTGOMERY COURT RECORDS AND DOCKET FOR FY 2022-2023 ARE AVAILABLE TO BE PRESENTED FOR EXAMINATION TO BE SCHEDULED AND COORDINATED WITH THE VILLAGE JUSTICE COURT FOR ITS COMPLETION AFTER JULY 2023

The Board of Trustees, of the Village of Montgomery, acknowledged and stated Trustee Hembury has been designated to complete the Village of Montgomery Court records and docket for FY 2022-2023 that are available for examination to be scheduled and coordinated with the Village Justice Court for its completion after July 2023.

APPROVE TOWN OF MONTGOMERY RECREATION CONTRACT FOR 2023, PERMITTING THE ADMITTANCE OF TOWN RESIDENTS TO PARTICIPATE IN THE SUMMER YOUTH RECREATION PROGRAM, THEREFORE ACCEPTING \$21,500.00 AS PART OF THE COMPENSATION OF THE EMPLOYEES NECESSARY TO OPERATE THE RECREATION PROGRAM AND THE USE OF THE FACILITIES AND TO BE PAID ON OR BEFORE THE 31st DAY OF DECEMBER 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved Town of Montgomery recreation contract for 2023, permitting the admittance of Town residents to participate in the Summer Youth Recreation Program, therefore accepting \$21,500.00 as part of the compensation of the employees necessary to operate the recreation program and the use of the facilities and to be paid on or before the 31st day of December 2023. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

CONSIDER APPROVING THE MONTGOMERY FREE LIBRARY & AUDUBON SOCIETY REQUEST TO USE THE VILLAGE HALL MEETING ROOM TO HOST THEIR “BIRDING FOR KIDS” WHY: BECAUSE SCIENCE IS COOL, FOR KINDERGARTEN THROUGH 6th GRADE AGED CHILDREN, HELD ON AUGUST 5th AT 10:30 AM, WITH THE CONDITIONS OF PROVIDING THE PROPER CERTIFICATE OF INSURANCE, LISTING THE VILLAGE OF MONTGOMERY AS ADDITIONAL INSURED

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the Montgomery Free Library & Audubon Society request to use the Village Hall Meeting Room to host their “Birding for Kids” Why: Because Science is Cool, for kindergarten through 6th grade aged children, held on August 5th at 10:30 am, with the conditions of providing the proper Certificate of Insurance, listing the Village of Montgomery as additional insured. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

THE NEXT BOARD OF TRUSTEE REGULAR MEETING IS SCHEDULED FOR TUESDAY, AUGUST 1, 2023, AT 7:30 PM

The next Village of Montgomery, Board of Trustee Meeting is scheduled for Tuesday, August 1st, at 7:30 pm.

HIRE KYLE WIKEL AS THE METER READER EFFECTIVE AS OF JULY 1, 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board hired Kyle Wikel as the Meter Reader, at the rate of \$3,500.00 expensing \$1,750.00 from water and \$1,750.00 from Sewer, effective as of July 1, 2023. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

EVENTS:

- Montgomery Free Library Summer Reading Program, “All together Now” on Wednesdays, July 5th, 12th, 19th, 26th, at the Village Hall Lawn for grades 1st – 6th, from 6 pm to 7 pm; and on Saturdays, July 8th, 15th, 22nd, 29th at Village Hall for ages 3 to 5, from 10:30 am to 11:30 pm.
- Summer Concert Series presents the performance of the “Manaklin Bros.” on July 6th, at the Clinton Street Bandstand from 6:30 pm to 8:30 pm.
- Osborn-Fitzsimmons American Legion Post 521, Annual Veterans Village Car Show, on Sunday, July 9th, at 9:00 am to 3:00 pm, held at the Veterans Memorial Park. The registration fee is \$20.00 and ends at 12 Noon. For additional information, please call Tony (845) 527-1507 or email: {HYPERLINK "mailto:asalta5497@aim.com"}

Summer Concert Series presents the performances of: “The Jon Bates Band on July 13th, “The Blackdirt Bandits” on July 20th, Roadhouse Rooster on July 27th; held at the Clinton Street Bandstand, from 6:30 pm to 8:30 pm.

Valley Central Alumni Pub Crawl Concert performance of, “Midnight Image, on July 28th held at the Clinton Street Bandstand from 6:30 pm to 10:00 pm.

APPROVE VILLAGE CLERK RIVERA-FERNANDEZ AND DEPUTY TREASURER DELGADO TO ATTEND THE FALL NYCOM TRAINING IN LAKE PLACID SEPTEMBER 18th THROUGH SEPTEMBER 22, 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the Village Clerk Rivera-Fernandez and Deputy Treasurer Delgado to attend the fall NYCOM training held in Lake Placid from September 18th through September 22, 2023, with the cost for training is \$1,090.00 and lodging is \$689.30 for each. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE THE BUDGET ADJUSTMENTS AS TREASURER PALMIERI HAS OUTLINED

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the budget adjustments as Treasurer Palmieri has outlined. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE THE COST OF TWO CORDLESS PHONES FOR THE DURATION OF THE CAMP PROGRAM AT \$195.00

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the cost of two cordless phones for the duration of the camp program at \$195.00. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE ALL NEW FENCING FOR THE PICKLE BALL COURTS TO BE EXPENSED FROM MILOP AT \$13,000.00 AND \$12,000.00 FROM ARPA FUNDS

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved all new fencing for the Pickle Ball Courts to be expensed from Money In Lou Of Parkland (MILOP) and \$12,000.00 from ARPA funds. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE PICKLE BALL RULES WITH ATTY. WILL FRANK AMENDMENTS

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the Pickle Ball rules with Atty. Will Frank amendments. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

PUBLIC PORTION

Mr. Berger suggested the Village have forms added to the Village Website for easy access. He also suggested the village official emails addressed be added to the website.

Mayor Brescia replied the forms are being added to the website. He will take the email addresses under advisement.

ATTORNEY CLIENT PRIVILEGE

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board entered Attorney Client Privilege at 8:39 pm, pursuant to § 87 (2)(a) of the Freedom of Information Law with Atty. Will Frank and Chief of Police Herlihy and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

EXIT ATTORNEY CLIENT PRIVILEGE

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board exited Attorney Client Privilege at 8:46 pm. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

APPROVE THE INCREASE OF THE SRO AGREEMENT SUBJECT TO FINAL REVIEW WITH ATTY.
WILL FRANK AMENDMENTS

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the increase of the SRO agreement subject to final review with Atty. Will Frank amendments for FY 2023-2024 between the Valley Central School District and the Village of Montgomery, authorizing Mayor Brescia, or his designee to sign. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

ADJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board adjourned the meeting of June 29, 2023, at 8:55 pm. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

Monserrate Rivera-Fernandez, Village Clerk