

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on February 15, 2022, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank, Atty. Joseph McKay, Village Clerk Rivera-Fernandez, Mary Ann Lindner, Don Berger, Randi Picarello, Skip Chambers, Tom Steed.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of February 1, 2022. Motion carried, 5-Ayes, 0-Nays.

RE: OLD BUSINESS

REVIEW AND CONSIDER UPDATING THE SCHEDULE OF FEES FOR THE VILLAGE OF MONTGOMERY

The Board held their decision to review and consider updating the Village of Montgomery Board of Trustees, Planning Board, and Zoning Board, Schedule of Fees, for the Meeting of March 1, 2022.

ROWLEY DEVELOPMENT REQUESTS THE VILLAGE BOARD TO CONSIDER APPROVING THE PROPOSAL FOR ON STREET PARKING AND ACCEPT THE DEDICATION OF THE PUBLIC PARKING LOT BASED ON THE TERMS

Engineering Properties regarding Rowley Development Corp. requests the Village Board to consider approving the proposal for on street parking and accept the dedication of the public parking lot based on the terms:

- a. The applicant being responsible for all grading, paving, and curbing for the public parking.
- b. The Village of Montgomery will be responsible for the associated lighting and landscaping of the proposed public parking lot.

Atty. Will Frank has recused himself from the Rowley project development on Railroad Avenue due to the applicant being a client of his firm. Therefore, Atty. McKay will be representing and advising the Board of Trustees regarding this applicant.

Atty. McKay introduced himself as the conflicting Attorney representing the Village Board of Trustees for the Rowley project, City Winery, and the Food Bank development. Engineering Properties representing Rowley Development on Railroad Avenue is not available to be in attendance this evening. They need to provide an accurate survey. The Board can perform an environmental review, phase one site analysis or other environmental review at the discretion of the Village Board.

Mayor Brescia asked if the applicant for the Food Bank is on the Planning Board agenda.

Atty. McKay replied yes. They did discuss the concept with the Planning Board and will revise the plans and come back with their presentation.

Atty. Will Frank said, the Food Bank applicant had also been before the Town of Montgomery Board, so the Board is aware, to present their proposal for the site. A grant application is in the process of being

submitted, and a public hearing had been set for Thursday night, of which the Town is administering the grant.

Mayor Brescia mentioned he had met with the Food Bank applicant. He said Brian Rivenburgh and Ross Winglovitz presented their proposal a few meetings ago, regarding dedicating the public parking lot to the Village. Atty. Will Frank referred the counsel to you on this project. The Board is familiar with the proposal to an extent, and are basically willing to accept the public parking lot and agrees to the applicant doing the paving, with a certain amount of parking spaces. There was a question of an easement with the Railroad. The conditions of the Village accepting the property that there are no easements with the Railroad.

Atty. McKay recommends that if the Board takes action tonight, would be to accept subject to legal review in the future.

Trustee Hembury asked how did the applicant get to this stage without the Planning Board?

Mayor Brescia stated it's the Village Boards decision to accept the property.

Atty. McKay said the proposal is to donate the property designated for the public parking to the Village, and for the Village Board to accept it as a municipal lot. The Planning Board does not have the authority to accept property on behalf of the Village. Therefore, that portion of the application is similar to accepting a road, or the Village purchasing a piece of property. He suggests submitting a letter from the Village Board, accepting the real property, the Attorney makes sure a title search is done, as well as, making sure there are no attachments to the property, no easements, or brown fields on the property, and performing a visual site inspection.

Trustee Hembury said he is just being cautious due to his experience of people coming before the Board. We have had people come before the Board with one proposal and doing another. He also wants to make sure nothing has been buried on the property, such as any hazardous items.

Atty. McKay said some type of environmental review should be done.

Mayor Brescia asked that be added to the resolution, along with the moving the telephone pole, as well as the lighting on the pole and the lighting on the side of the building, this should also be carried over to the Planning Board. Please make sure that it's not forgotten.

Atty. McKay said the lighting should be a Planning Board issue.

Mayor Brescia mentioned he said he wasn't going to install the light or the landscaping and we understand that.

Trustee Lindner stated that he agreed to add a light to the pole and onto the building. He also agreed to do the paving. This type of development, sidewalks have to be provided. (In audible – speaking over each other at the same time).

ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF AN IRREVOCABLE OFFER OF DEDICATION BY ROWLEY DEVELOPMENT CORP. SUBJECT TO CONDITIONS

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adopted a resolution authorizing acceptance of an irrevocable offer of dedication by Rowley Development Corp. subject to conditions. Motion carried, 4-Ayes, 1-Nays (Trustee Hembury).

Trustee Hembury stated his stance on the said subject, simply because the neighboring residents are not in favor of this project development.

Mayor Brescia moved to clarify a claim by Ms. Beltrametti of the Village fraudulently obtaining a various purpose bond of \$422,000.00.

Atty. Will Frank did say after his review of the proper paperwork on file regarding the bond in question was filed and posted correctly with the legal estoppel period and the certified affidavit of publication of the resolution from the newspaper in which the same was published.

Mayor Brescia read aloud for the record from the Bond filing paperwork:

Section 2. The objects or purposes to be financed pursuant to this bond resolution are as follows:

(a) truck for use by the Department of Public Works for construction and maintenance purposes, a specific object or purpose, at an estimated maximum cost of \$196,000; the plan for the financing thereof is by the issuance of the \$191,000 of the \$422,000 bonds authorized by this resolution and the application of \$5,000 current funds of the Village; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision twenty-eight of paragraph a of Section 1 1.00 of the Local Finance Law; the maximum maturity bonds authorized is limited to five years;

(b) the improvement of parking areas, including curbing, blacktop, paving, walls and fencing, a class of objects or purposes, at an estimated maximum cost of \$81,000; the plan for the financing thereof is by the issuance of the \$81,000 of the \$422,000 bonds authorized by this resolution; it is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision twenty of paragraph a of Section 11.00 of the Local Finance Law; the maximum maturity of the bonds authorized is limited to five years; and

(c) partial reconstruction of various Village-owned buildings, a class of objects or purposes, at an estimated maximum cost of \$124,000; the plan for the financing thereof is by the issuance of the \$124,000 of the \$422,000 bonds authorized by this resolution; it is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is at least ten years pursuant to subdivision twelve of paragraph a of Section 1 1.00 of the Local Finance Law; the maximum maturity of the bonds authorized is limited to five years; and

(d) the purchase and installation of a speaker system at the Village's Senior Center, a specific of object or purpose, at an estimated maximum cost of \$20,000; the plan for the financing thereof is by the issuance of \$20,000 of the \$422,000 bonds authorized by this resolution; it is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is five years pursuant to subdivision thirty-two of paragraph a of Section 11.00 of the Local Finance Law; the maximum maturity of the bonds authorized is limited to five years; and

(e) the purchase of office furniture for use at Village Hall, a class of objects or purposes, at an estimated maximum cost of \$6,000; the plan for the financing thereof is by the issuance of \$6,000 of the \$422,000 bonds authorized by this resolution; it is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years pursuant to subdivision thirty-two of paragraph a of Section 11.00 of the Local Finance Law; the maximum maturity bonds authorized is limited to five years.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said Village of Montgomery, Orange County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Montgomery, Orange County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manor of facsimile signature of the Village Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary in Wallkill Valley Times Community Newspaper, the official newspaper of the Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Mayor Brescia also stated the dump truck, invoice amount totaled \$195,635.94.

NEW BUSINESS

MONTGOMERY LITTLE LEAGUE OPENING DAY FESTIVITIES WITH A MINI PARADE USING A PORTION OF BACHELOR STREET AND BRIDGE STREET PLANNED FOR APRIL 2ND WITH A RAIN DATE OF APRIL 16TH.

Deputy Mayor Scheels mentioned meeting with the Montgomery Little League new board members and Montgomery Little League wishes to bring back their Opening Day festivities this spring with a mini parade using a portion of Bachelor Street and Bridge Street. Currently, opening day is being planned for April 2nd, with a rain date on April 16th.

The Board held their decision for the next meeting to obtain clarification on the parade route for the next meeting, of March 1, 2022.

VILLAGE HALL CLOSED IN OBSERVANCE OF PRESIDENTS' DAY

Village Hall is closed on Monday, February 21, 2022, in observance of Presidents' Day.

PUBLIC PORTION

Mayor Brescia asked Atty. Will Frank to provide clarification on the outdoor dining regulations during the COVID pandemic. The restaurant must obtain permission by the SLA, and provide the appropriate certificate of insurance to the Village and the proper seating ensuring the safety of all pedestrians and handicap individual to have ample space to enter and exit the establishment with ease.

Ms. Picarello mentioned bringing the Farmers Market to the Village once a month in the summer in conjunction with the Summer Concert Series.

Mayor Brescia said he will speak with Stacy and let her know. He also suggested not closing the lower end of Clinton Street for next Old-Fashioned Holiday. It is best to keep the street open.

Deputy Mayor Scheels said after meeting with the new Montgomery Little League Board, they would like to change the locks and purchase a new refrigerator for the Recreation Center as well as share the cost of security cameras for the building.

She also attended the Town meeting regarding the Town wide ambulance district to be established.

Trustee Andolsek suggested the Ambulance district set up in each Fire Department of the three Villages and work with their existing staff of whom are all trained. This would alleviate the need for a separate building.

Mayor Brescia said to have Montgomery Little League confer the with the Village Atty before any purchases are made, specifying ownership of property.

Atty. Will Frank spoke with Demetri from Medline regarding the truck traffic traveling through the Village of Montgomery. They will be training their new drivers and posting signs adverting them away from the Village. Demetri suggested providing photos of the Medline trucks traveling through the Village. This is ongoing and they are working on it.

Mr. Berger said he has a copy of the Medline NYS Environmental Quality Review Findings Statement. It clearly states in "section H. Traffic and Transportation on page 32 through to page 38 Mitigation of Truck Traffic into the Village of Montgomery." The third bullet at the bottom of the page, it states; "Medline further agrees to incur the cost of any Village or Town use of police resources to enforce the restrictions or to direct truck traffic in those instances where such direction may be requested or required."

Atty. Will Frank said they could be held for breach of contract. They claim to wanting to be good neighbors.

Mr. Berger expressed his concerns about the parking lot on Railroad Avenue and the business owners' employees parking in the municipal parking lot.

Mayor Brescia wished Skip Chambers an early Happy Birthday. He will be 89 on March 1st.

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of February 15, 2022, at 8:41 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk