

Minutes of the Regular Meeting of the Board of Trustees, of the Village of Montgomery, held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, January 2, 2024, at 7:30pm.

Present: Deputy Mayor Andolsek, Trustee Hembury, Trustee Picarello, Trustee Conero, Atty. William Frank, DPW Supt. Nelson, Chief Herlihy, Deputy Treasurer Delgado, Acquisitions Marketing Videographer Jose Rojas

Public Present: Don Berger, Amy Frisbie, Sue Hembury, Mary Lippincott, Cynthia Nokland, Nick Picarello

CALL TO ORDER – PLEDGE OF ALLEGIANCE

Deputy Mayor Andolsek opened the meeting with the Pledge of Allegiance to the Flag.

REQUEST TO MEET WITH THE BOARD

No Request.

MINUTES

MOVED by Trustee Picarello, Seconded by Trustee Hembury. The Board approved Minutes for December 19, 2023. **Motion Carried: 4 AYES, 0 NAYS**

ABSTRACT NO. 12-2023

MOVED by Trustee Hembury, Seconded by Trustee Picarello. The Board approved Abstract No. 12-2023. **Motion Carried: 4 AYES, 0 NAYS**

OLD BUSINESS

Trustee Hembury:

1. During the last meeting we all voted, and I think Trustee Picarello voted to abstain, we all voted to only have American flags and armed forces flags on Village owned property. People asked me if they can have a Notre Dame flag on their own property, of course they can. It's just for Village property. The American flag and the armed forces flag on any property that is Village owned. Yes, hopefully you can fly American flag, Notre Dame flags, you can do that.
2. The next thing we have with the audits with police and the courts. There was a slight bit of a bump in the road, I signed it with the understanding of the police took care of a minor problem which they did. They received a nice fingerprint machine from a grant, so the order is complete.
3. I met with the Senior Center at their meeting December 7th. It was a quick one because the memorial for Pearl Harbor – everything is underway. Buddy is taking care of things there.
4. We came across Chambers court down over Pleasant Ave. There is a complaint that there's a lot of garbage being put out in front of 195 Pleasant Ave. There was a lot of garbage and looked like a mess, an organized mess. The people who put it there didn't mean to do it; but it was put out there because they can't drive the garbage truck back on Chambers Court – why, because the Chambers Court is not a designated Village Road. Come on, these people pay taxes. One lady had a baby and she's dragging her garbage 300 feet out to the road. I went down there and would like input from our attorney here and the insurance man said we can do it. Buddy said we can do it. We are picking their garbage up. We can't plow the road, because it's like an extended driveway, so we can't do that until it's dedicated (road to the Village). We had this incident with Conroy many years ago, where the builder owed \$60,000 in taxes. The folks were paying taxes - but they couldn't get their road done - so what we did was we took a piece of that property, a piece of his vacant land, and held it as if it

was almost hostage, but we held it. We wound up getting the road designated to remove those folks' garbage. It got resolved.

5. Very positive news on the speed bumps. Very positive. Thank you, Deputy Mayor.

Trustee Picarello shared just to clarify; I did not abstain on the flag. I admit I didn't vote, and no one noticed. I had to correct the record, because I never voted on three things at that meeting, so that's what's reflected in the minutes. I abstained from the correction to the resolution at the next meeting because I never voted on the flags.

Trustee Hembury shared OK straightening out on the flags.

Deputy Mayor Andolsek said OK. Ok let's go to department reports. DPW is going first.

DPW Supt. Nelson said everybody probably knows by now that a snowstorm is coming. It's been probably nine months since we had a snowstorm; so, the street parking rules are to be in effect. I know Chief Herlihy is probably putting something out on Facebook, since we now have two municipal lots; hopefully, we don't have an issue. There should be plenty of parking for the residents.

Deputy Mayor Andolsek asked if around two inches expected, right Buddy?

DPW Supt. Nelson responded, two inches or more. That is correct. Let me see what else I have. That is the biggest one besides what we talked about picking up the garbage in Chambers Court. When do we start this, or do we need something in writing to do this from the owner of the property?

Atty. Frank responded, "I want to speak to the board during an executive session about this later."

DPW Supt. Nelson said, OK.

Atty. Frank asked, also Buddy did you want to we have a discussion on the new business about the bids, did you want to talk to the board about that right now, because it's on tonight's agenda?

Deputy Mayor Andolsek shared; she has a note about that.

DPW Supt. Nelson said, that's for the Senior Center. Lanc & Tully doesn't have the paperwork altogether right now, so it would be the February meeting for them to get all of that put together to have to put out the bid for you know the first meeting in February to be bid opens the first meeting in March. That's we're going to shoot for.

Trustee Hembury shared I understand you want to talk during the executive meeting on this, but I would like to have an answer tonight, so that it gets picked up. I don't want to push it to the next meeting, for the sanitation pickup down there at Chambers Court.

Atty. Frank said the Board can vote on it when we come out of executive (client attorney) session. Absolutely, I need to speak to the board about that. Thank you.

DPW Supt. Nelson shared other than that I think that's all I have.

Chief Herlihy shared I'll touch base on that *live scan grant*, so I tasked Sergeant Guarneri with filing for a DCJS or Division of Criminal Justice Services grant for our live scan machine. We were awarded found out two weeks ago \$30,000 for the purchase of it which are quotes are coming in right now 29,000. The only thing that we were trying to clarify with that was whether or not we would be able to be fronted the money in order to purchase it and unfortunately, we are not. We are probably going to postpone any purchase until next fiscal, because we essentially will have to pay out the \$30,000 for the equipment and then be reimbursed.

Trustee Hembury asked if we need it to test the audit?

Chief Herlihy said we do not need that machine to pass the audit. No. It's something that we wanted to add to. It was costly, so for us to be able to fund it through the Village would not be beneficial. Now that it's a grant that will fully pay for it, it is of greatness for the Village.

2. January 2, 2024 – Board of Trustees

Chief Herlihy shared I also wanted to bring up some *kudos to officer Sharma* on the morning of New Year's Eve he responded to a residence for an overdose unresponsive, no pulse. He administered two doses of Narcan and essentially brought that person back to life. Medical treatment was refused after that, which we can't force you to do and so be it.

Chief Herlihy shared unfortunately, we also are currently investigating a *burglary that happened to the jewelry store* over in the area here across from the Sunoco. Somebody went in through the salon and tried to drill through the walls into the jewelry store. The alarm went off and the officer just happened to be sitting across the street at the Sunoco station who responded. However, no one was in the area, so we have a couple of leads that we are following up on. We are asking the public to check their ring cameras or any cameras they may have in the immediate area, to see between the hours of 12:30 to 1:30 am on December 31st for any suspicious activity that may have been picked up on the cameras. We have gone around to all the businesses and residents trying to grab video and stuff. Other than that, we have been following the leads for now.

Deputy Mayor Andolsek asked the other board members if they had anything else?

Trustee Picarello shared yes. My monthly report is on the table next to the agenda and online, and the office has an electronic copy so if anyone wants a copy of them, they can ask for it to be sent via email. Fire, ambulance, Planning, AHRB and Zoning are nothing of real significance, just the same projects we have been working on. Final approval for Butler project was given. Senior Center we already discussed. On the Employee Handbook, we are waiting on one more thing to speak with Attorney Frank.

Atty. Frank said there are a couple of things. That's the major thing I'd spoke to you about.

Trustee Picarello said OK, so hopefully that will be in front of the board next week which will be awesome. Digitization and archiving, so we are currently uploading the public documents that are complete. What we have on the computer is online, so I have put it out there. I'll put it on Facebook and then I'll make sure that we have the correct link that we could post maybe on our website and our Facebook page; but it is already linked to the website. You can see E-Code for documents and provide feedback on the organization, as it can be modified. If you're going in to look for documents, Don Berger, and you do not find that it is user friendly the way it's organized – it's very simple to go in and reorganize them. The State Archives came in on the 12th of December and removed 100 boxes of inactive files and we've done about 8 hours of additional work sorting, and we'll finalize the office schedule with the clerk's office in coming months. We're in the process of applying for a grant of up to \$75,000 to be awarded in the fall for construction of an archive room and supplies. If we are unable to apply for both retention and digitization in this grant, we will apply for digitization and then phase two. Then we'll go over digitization on the second round. Working on fees and fine schedule with building inspector and water and sewer all of that. There are a couple of questions about the well. I think we can talk about that we're at about that offline. and the pickleball rules noteworthy updates; pickleball rules should be finished and up by mid-January. There's a project proposal to update the Veterans Memorial in the park and looking at quite a bit of work in coming years coming infrastructure in the park there. That's why I got this month.

Trustee Conero asked what is the name of the grant that you are applying for the archive room?

Trustee Picarello shared that we are applying for it through Millennium Strategies, and it is specific to record retention. We have actually applied for that grant and been awarded parts of it in the past, so we're going for the entire grant now. Buddy has a meeting about that to see if some things that the DPW needs can be applied for within that grant, whether it's separate, and which should take precedence.

Trustee Conero shared you know, I think the biggest thing in the Village right now is the water situation. The water moratorium is in effect. We need to release and move forward with the water exploration and to look for new sources of water. We need a game plan basically. I spoke with Darlene about this, and I spoke with Buddy about this. The last moratorium we had on the building moratorium – I spearheaded the group that worked on warehouse criteria and zoning changes. I would be more than willing to work with Buddy and Lanc & Tully and of course poll any feedback from the public, experts and well builders. I think we should establish that tonight. I don't want to wait any longer. If the board is ok with that, I don't mind doing that.

3. January 2, 2024 – Board of Trustees

Deputy Mayor Andolsek asked the attorney if we had to entertain a motion on that?

Atty. Frank shared it is to create a committee.

Deputy Mayor Andolsek commented that I thought there was a committee on that.

Trustee Picarello commented No. We have not discussed anything since we started the moratorium.

Atty. Frank shared it's up to you to decide on who to appoint whether it be Kevin, Buddy, or anyone else.

Trustee Conero shared I don't know if we need to bring anyone from the other boards Chair-people from Planning or Zoning. I think we can keep it to between the administrative branches of our government plus a Trustee; I think we can move forward.

Atty. Frank shared that I think you can move forward the way you want – it doesn't stop you from consulting with whoever you want and getting their feedback. I agree to move forward with it then.

Trustee Hembury shared without a doubt this is the most important thing right now – the water in the Village.

Atty. Frank asked if someone wanted to make a motion to create a committee of individuals from the Village to...
(Trustee Interjected)

Trustee Picarello commented on who are the people, what they are tasked with, when they should be reporting back, what should the goals be, and timelines for all that.

Trustee Conero shared we could establish all that and in the kickoff meeting. You know, we could talk about the goals, what our issues are, who we are going to bring in, funding. All of those things that we need to look into.

DPW Supt. Nelson added, your number one goal is to get the health department involved. Right now, we don't have enough water. Obviously, anything's going to be better than what we have, but you may want to look at future development and that's the goal for water.

Trustee Picarello asked if it's appropriate for Buddy to be the chair of such committee, so he can delegate to willing and capable people doing the work, so as to not end up putting any more work on your plate. You can say these are the things that need to be looked at, and we can cast with calling to look into that for you and reporting back and then reporting back to this board.

Atty. Frank commented that for purposes of this evening it may be best to task Kevin and Buddy to come up with a plan to present to the board at the next meeting. Procedural things, who's going to be on the committee, what are the goals, what are the timelines and the work, rather than just doing it all. You know, let them provide an analysis to the board of what they think would be the best thing/approach; then the board can decide who's going to do what. That would be my recommendation.

Trustee Hembury shared we have two things going on here; like I've mentioned before, we have our own moratorium but that means nothing as Orange County is our parent. We could say whatever we want. Orange County is the one that says no. Orange County is the one who gives us the blessing. They're the ones who shot us down. I don't want to go there. I don't want to beat a dead horse here.

Atty. Frank commented, you're right as that's in terms of when there is a capacity issue. As for the exploration and all of those other things they're going to leave for the Village to come up with. (Trustee Interjected)

Trustee Hembury shared absolutely, that's why we have to get this going. (Attorney Interjected).

Atty. Frank commented with that being said, Deputy Mayor you can task Trustee Conero to work with Buddy to start working on this and come up with a written outline presentation to give for consideration by the board at the next meeting to formalize. That would probably be the best way to go.

Deputy Mayor Andolsek asked can I just appoint him to do that?

Atty. Frank suggested you can task Trustee Conero for now to work with Buddy on this, yes.

Deputy Mayor Andolsek said OK.

Trustee Conero shared, so we'll get a plan going and come back, because I think we need to report back regularly about our progress, what our barriers are, what we're up against and I want to keep the public informed, as well as our board. I think maybe we can make the three-month deadline or six months. All right, thank you.

Deputy Mayor Andolsek said OK now we're on to new business.

Atty. Frank asked did we consider the record destruction all under the reports?

Deputy Mayor Andolsek asked yeah what is that?

Trustee Picarello shared that's additional records that need to be approved to be destroyed.

Deputy Mayor Andolsek asked has the second Trustee had a look at any of those records that have been destroyed?

Trustee Picarello shared the lead of the state archives department came in and stated (inaudible) and that's who was I was sent from the Comptroller.

Trustee Picarello shared they don't know what's in there.

Trustee Conero asked some of those records that were destroyed, are they old Planning Board minutes and stuff like that?

Trustee Picarello shared no. Nothing like that.

Trustee Conero said OK.

Trustee Picarello shared you have to go by a very strict Records Retention Policy, that we adopted a few years ago, prior to my tenure on the board. That should have been in place at that time. That has not been in place. We had about 20 years of not just inactivity, but files that you should not have had any more. Therefore, I called the NYCOM, who advised me to speak with the state Comptroller, who advised me that the highest authority on that is the State Archives Department. They sent the project manager down here, who spent the day here and went through the files to double check exactly what we were getting rid of - we had the right backup to justify - like the parent document to justify getting rid of notes for things. You are not allowed to get rid of a lot of that stuff.

Trustee Conero said right so the Retention policy we're following...

Trustee Picarello shared it's not subjective.

Trustee Conero said OK. I'm not familiar with that. I know that it was when I was on the Planning Board there was a project that I actually referred back to, like minutes from 2001, to get the idea of what the audience was of the participants and from the residents we're talking about.

Trustee Picarello stated minutes are all in a bound book and they get saved yearly. Some of them from about 2015 and forward are already online, so those you can find anytime. The ones that are prior are on paper; that's what the grant was for, so that'll unbind them, scan them into the system and then file them back because those have to be kept.

Trustee Conero shared I saw them on E-code the ones that were scanned by Carol Daley.

Trustee Picarello shared minutes are a permanent keep.

Deputy Mayor Andolsek shared that still didn't answer my question. We passed a motion that a second Trustee was to go over anything before it was discarded.

Trustee Picarello shared I don't think that was part of the motion, I think that was a suggestion and nobody wanted to.

Deputy Mayor Andolsek shared it wasn't, and nobody asked me. I'm a trustee just staying.

Atty. Frank asked so you want to do this or well what this is authorizing the list is authorization for 90's budget request, old NYCOM information, this lines newsletters, miscellaneous crap shoot sheets and duplicate newsletters, close the counts from 2006 to 2012, expired Hold Harmless agreements that were over six years old, and Old Council Village attorney notes from - I don't know - it doesn't say how old those are. Do you know how old those are Randi?

Trustee Picarello responded no; they span 7-8 years. I can put that on there I can add it before they're destroyed so that we know.

Trustee Conero asked if this is current list of what's being destroyed?

Atty. Frank shared it is up to the board, I have no concern if those records are destroyed.

Deputy Mayor Andolsek shared I will entertain a motion.

Trustee Picarello said I'll make the motion.

Deputy Mayor Andolsek asked anybody second?

Trustee Picarello shared if no one is going to second, I am going to comment for the record, because this is a project that's been grossly negligent on behalf of the clerk, who is out at this time. It was asked of me from the clerk directly because she did not want to do it. That should have been started over two years ago, so I would love help and welcome it, but it needs to be done and I'm almost done with the inventory of what we need to hand off in the next two weeks for the grant. If we don't finish it and we don't have a good inventory and we don't have a plan for what the path forward to store these records properly, and in keeping with the resolution that we passed in 2021; then we're going to miss out on \$75,000. The clerks need the space. It took up their lunchroom - they don't have a lunchroom anymore.

Deputy Mayor Andolsek shared they never had a lunchroom and they never used it, ever.

Trustee Conero asked so once he asked if the Clerk (MRF) was asking about this?

Trustee Picarello reiterated the Clerk (MRF) asked me to take care of it.

Trustee Conero shared OK yes, I'll second this.

MOVED by Trustee Picarello, Seconded by Trustee Conero. The Board approved destroying the records according to the Record Retention Policy.

Motion Carried: 4 AYES, 0 NAYS

Trustee Conero shared since I am the newest one here, so I have a lot of questions and had to wrap my head around it.

Trustee Picarello shared I'm happy to answer them at length.

Trustee Hembury apologized as the water and the sanitation is what I'm concerned about right now the lunchroom was not number one in my head, I apologize.

NEW BUSINESS

Deputy Mayor Andolsek shared OK now we're on to new business. Consider authorizing submission of a grant application to the New York State Department of Transportation for the 2023 transportation alternatives program and approval of a local match contribution.

Atty. Frank shared OK. I believe I sent everyone the information Millennium Strategies is working on a grant presentation application, a joint application with the Town and with the Village with regard to the pedestrian bridge over the Wallkill. The total project cost is anticipated at about \$1.4M. There's an 80% grant opportunity for the transportation alternatives program with DOT that Millennium is getting an application for. It requires a total of 20% local match between the two municipalities and that comes to \$140,908 from the Town 140,908 from the Village if this grant is if the application is approved. That's the maximum amount that could be had for this grant. The local match would obviously have to come down if the grant the project would have to be scaled a little bit and the match could also be in kind services. It doesn't necessarily have to be cash, so this is the resolution to approve the submission of the application and to acknowledge that there is a matching grant obligation on both municipalities. This is on the agenda for the Town tomorrow night.

Trustee Hembury asked attorney if there is anything else attached to this or is this just the grant for this bridge – it doesn't come with anything else the Village has to do within the Village?

Atty. Frank shared it's just for the bridge.

Trustee Hembury shared when the state gives us a grant – there is always something else.

Atty. Frank shared well there are reporting requirements and those types of things that Millennium helps us out with, but as far as how the money is allocated to the Village. It has to be for that purpose. It's not like if this grant is approved it can be taken for anything else. This is it. At this point it is just the application for the bridge.

Trustee Hembury shared I saw the governor just approved some requirements for grants and that would be something the Village folks would really have to look at.

Atty. Frank shared at we always have to observe you know, for example, public bidding requirements for any grant and things of that nature.

Trustee Hembury shared I am not giving my opinion here or there or something like that, but I do know they will give us grants for this; but you have that workforce housing, you have to have affordable housing. We need this and the. I'm not going either way on this; but I'm just educating the public on a grant and while you're at it get the Ginsu knives too.

Atty. Frank shared I know what you're saying. Those would come more potentially with the CDBG grant, like community development block grant. This is specifically a DOT program, so the DOT are not going to say - we will give you the money for this bridge, but you've got to fix 18 roads. You know, that's not what this is. That's not what this is for – it's for the bridge.

Trustee Hembury reiterated; you see where I'm going.

Atty. Frank confirmed yes, but I think/I hope that I answered your question.

Trustee Hembury confirmed yes.

Atty. Frank said this is just for the bridge, and they can't say we're not giving you the grant unless you do XY and Z. That is unrelated. This is for the bridge. CDBG sometimes has what are ancillary requirements that you have to live up to, in order to get that money and qualify for it. That is not this.

Trustee Picarello shared we opted into that like three or four months ago right. Didn't we get approved for this CDBG?

Atty. Frank said yes, we applied for that for I think it was it was 125.

Trustee Picarello shared yes - that was like 6 months ago.

Atty. Frank said right, that's for a different thing. Everybody applies to every municipality applies every year for CDBG grants, whether it's for sidewalks, whether it's for community projects or housing. As Mike said, anything like that. You get it sometimes and sometimes you don't.

Atty. Frank said right, and it's going to be the same thing with every grant. We applied for a bunch of grants. That is why the Village and the Town's the three Villages and the Town are paying Millennium for. They throw out/cast out the net, to see what grants are out there, see which ones everyone wants to apply for and sometimes the Village is the one to apply for one; but it's not something the Town wants to do or vice versa. Two of the Villages can make use of that money; but this particular one, is the Town of Montgomery/Village Montgomery, because they're the ones of course that have the bridge. Listen if there comes a time when this grant is approved, and they try and attach a condition to it, the Village can decide not to accept the grant. If there's some onerous condition, but that's basically the DOT grant paperwork is going to be like, ok you applied for the bridge. The Town and the Village applied for the bridge; the grant is approved. Go build the bridge. Here's your matching contribution requirement - have at it. Give us the paperwork, keep us apprised of your compliance with the state bidding requirements and all the other things that are associated with the grant, and you get the money.

Trustee Conero said, good. When do you anticipate the grant being awarded? Is it 2024/2025 or 2023/2024?

Atty. Frank said, "I don't really know but I will find out."

Trustee Conero shared need to because I don't find that there is an amount of money here that we'd have to allocate the Village has to allocate through taxes.

Atty. Frank shared right. The project itself is probably not going to be happening until 2025. That would be my guess, if the grant comes through; because then we have to go through all the processes, we have to go through the engineering, and the bidding and all that stuff. As for budget allocation, it's probably going to be in the 24-25 budget cycle at the earliest. It's not going to be this year's budget, currently.

Trustee Hembury shared this place will have to be lit up, because it there will be more graffiti and God forbid it has graffiti like the heritage trail down there. When you get to Monroe, the beautiful tunnels are filled with graffiti. They're always painting over it or out here by the tunnel in the Galleria we got a light that up with cameras and arrest.

Trustee Conero shared there are a lot of ideas that would have to be ironed out. The general idea of having a bridge across the walk of the Town is just a great idea.

Trustee Hembury shared absolutely.

Atty. Frank asked Deputy for a resolution, so I guess we need to get a motion and a second vote unless there's any further questions?

Deputy Mayor Andolsek shared can I get a motion?

MOVED by Trustee Picarello, Seconded by Trustee Hembury. Authorize submission of a Grant Application to the New York State Department of Transportation for the 2023 Transportation Alternatives Program and Approval of a local Match Contribution

Motion Carried: 4 AYES, 0 NAYS

Deputy Mayor Andolsek asked DPW Superintendent if the Bid Open Date for the Senior Center Addition is set for the first meeting in February?

DPW Supt. Nelson confirmed correct.

Deputy Mayor Andolsek shared consideration of approving the election resolution for Village election for officers to be held on March 19th, 2024.

Atty. Frank shared there's a couple of resolutions here. There's two. You've got the first one, Deputy Mayor, is of the election resolution itself to *hold the election on March 19th for Mayor and for Trustee*.

Deputy Mayor Andolsek shared that I need a motion on the first part of the resolution.

MOVED by Trustee Conero, Seconded by Trustee Hembury. Authorize the election resolution for the Village Election for Officers to be held on March 19, 2024.

Motion Carried: 4 AYES, 0 NAYS

Atty. Frank shared there's second resolution for the election registration of voters and there's also action inspectors right. Inspectors to make \$200 a day.

Trustee Picarello asked if we are trying to designate them now?

Deputy Mayor Andolsek shared it's just how many and how much they are going to get. I think we can do something now we know who they are, and do we need a separate motion for that?

Atty. Frank shared yes for this resolution. It says here that the Inspectors appointed within 10 days then we'll have to subscribe and take their oath. We're going to have to work on appointing the inspectors, but you can do the motion as it is now and affix compensation of \$200 per day and it's a later time you can go ahead and appoint the inspectors.

Deputy Mayor Andolsek asked if I could get a motion on that?

MOVED by Trustee Picarello, Seconded by Trustee Hembury. Authorize resolution for the election registration of voters and action to hire inspectors. Inspectors to make \$200 a day for election to be held on March 19, 2024.

Motion Carried: 4 AYES, 0 NAYS

Trustee Picarello shared, and this sets the registration day for **Saturday, March 9th at Village Hall from 12:00p.m. to 5:00p.m.** also.

Atty. Frank shared for March 9, 2024.

Deputy Mayor Andolsek shared I just have something that I wanted to read before the board, and this is a letter that I received. *It's been my pleasure to volunteer as events coordinator for the Village of Montgomery. I have enjoyed serving the Village that I love and grew up in. After much thought and consideration my husband and I have decided to retire. Please accept this as my resignation effective January 2, 2024. Thank you. Sincerely Stacy Brescia.* That's just information. We don't need to move, as she was a volunteer, and she will be missed.

Deputy Mayor Andolsek shared OK, now we have Village Office is closed January 15th in observance of Martin Luther King. January 21st is the Grand Montgomery Chamber Music Series. I think that is it. Do you have anything else Debbie?

Deborah Delgado confirmed no.

Deputy Mayor Andolsek shared so public portion and then come back out do it well we'll need to get finished with what's on the agenda then we'll go in there and then we'll come back out this one thing here on the agenda what we

Trustee Hembury asked if we can before we go into executive session first and come back out and then go into Public Session?

Deputy Mayor Andolsek iterated we will do public session and then go to executive session and then come back out.

Trustee Hembury said OK.

Don Berger asked, did you miss one thing here? Consider discuss Orange County Board of Elections to conduct Village Elections?

Atty. Frank shared it is being tabled.

Trustee Picarello also if I could just speak to something. I feel like there's a little bit of pushback about the records destruction and some discussion about creating a committee for the water board. I'm sorry for the water and sewer. I feel like I set up the last meeting or two meetings going we discussed the records retention, and I've expressed it a couple times. I'd love to be more active in the communication that we have, but there is none in between meetings. If we want somebody to double check or we want to work together as a team, that would be great, but there really isn't. I asked and said anybody was welcome and nobody ever communicated with me about looking into the records project or about looking into the grant. I've talked to Buddy. I've talked to the Police Department. I've talked to all the department heads, but there doesn't seem to be a lot of communication amongst this board. I hope that in the next couple of months that can change, and we can really work together; because we're at a pivotal point as you said - as you said - with the water the sewer, the truck bypass, and a lot of stuff to look at, and I hope that we can communicate better than we have been.

Trustee Hembury said I thought we communicate great.

Trustee Picarello shared well I guess our ideas of adequate communication differ, respectfully.

Trustee Hembury shared I kind of still feel people didn't take my advice nine months ago, when I said the water was the worst problem here and it was it was pushed aside. Well now it is, and I don't want to be six months from now saying we're drinking sulfur. I said this. How did I know, did I have crystal ball. No, I listened to these to the managers here.

Trustee Conero shared I think strictly we owe it to the community and to the Board that we work move forward with trying to solve this water issue as soon as possible. You have a lot of people that have projects that have already been approved who can't build. We have our residents who have lived here for many years who may have to deal with a possible water shortage in the summer. You know I think this is a good opportunity to get all the facts and let's plan and let's get going. Buddy has been talking about water issues for a long time, so now is the time now. We have a water moratorium. We have pause and no water hookups, so let's move forward with it.

Trustee Hembury shared the only reason we're forced to have a water moratorium because Orange County tells us we have to. Orange County shut us down. Otherwise, we keep building, building, and building.

Trustee Conero shared so I hope we with us and this committee, that we can report back on a regular basis, so we you know everyone has the information as we move forward.

Atty. Frank shared there's always room for communication improvement. Why not, always.

Deputy Mayor Andolsek shared OK. Can we go to public portion now?

Don Berger shared I'd like to talk about the speed hump that is on Weaver. I also received a lot of communications from the residents down around that area. One they were surprised to see it there. You know it did come quick. My

questions that I have and the residents that have called me about it; they're twofold and I know Mike you have spoken on that matter, but I think it needs to be clarified a little bit better. I think what the residents are asking for is that I live there.

Trustee Hembury asked if you live on River Street?

Don Berger shared I live on Waters Edge.

Trustee Hembury indicated, I don't know where you live, I know you live in that area.

Don Berger shared Chief I am sorry, but there is a real lack of police patrols down there. I mean just driving through the area. Now Mike, I know you talked about sitting there, I don't think the residents are asking for the police to sit there. I think we would like to see patrols. The problem I'm having is that you know at two board meetings, when you first brought it up and then when it was finally approved and put out I think on the 26th of December; it seemed that it we jumped into a speed hump, so I did a little research and the research I get out of they call it antiquated and knee jerk reaction to something. The other part, a number of years ago we bought a speed monitor, or whatever you want to call it. I don't know the proper name is. Where is it? Why wasn't it put on Weaver Street before the speed bumps were placed?

Deputy Mayor Andolsek iterated why don't we ask the chief.

Don Berger shared I'm supposed to direct it to the board.

Deputy Mayor Andolsek stated and I'm going to ask the Chief.

Don Berger share OK, the Chief.

Deputy Mayor Andolsek asked Chief would you like to respond?

Chief Herlihy shared, so we bought two devices. The first one we did a study back in August of 2022 until September 4th. It ran for eight days, 19 hours and a few minutes afterwards. Afterwards, I pulled the data from it. There were ~3600-ish cars that passed through the area over that time frame. Roughly ~531 violators throughout the entire 211 hours of monitor were over the 30 MPH speed limit. There was one that had a 44 MPH speed limit. The rest were between 32 and 38 mph, so when you break down the statistics of it, 531 vehicles over 211 hours is roughly 2 1/2 cars an hour. When the analysis came out it showed that there was a medium to low impedance about enforcement in the area. Now as much as I'd love to try to please everybody, I can't. For us to concentrate solely on one location within the Village, when there are many areas in the Village that have issues, would not be fair to the rest of the taxpayers that pay the same amount of money for the same amount of police service. I can guarantee over and over and over again, I know what my membership does on a daily basis, with the resources that we have in this Village, and we do our damndest to provide the best quality of service. I'm sorry that it is unfortunate that we can't spend every waking moment on a specific street. It would be unfair to everybody else.

Don Berger share OK. What does that kind of have to do with putting the speed board up?

Chief Herlihy shared, the speed board can be put up at any point in time.

Don Berger asked, so why didn't we do that prior to buying the humps? I know you had a meeting with the residents, some of the residents on Weaver Street?

Chief Herlihy confirmed correct.

Don Berger shared, all right. I know Mike has talked to some of the residents on Weaver and they have talked to me about it, and it just seems to me that just going out and purchasing speed humps, when we have two things that we've could have done prior to the speed humps. That is a simple patrol. I mean Chief, listen I know you don't have a lot of

people; Mike mentioned in the last meeting, sorry not you Mike. The Sergeant said, I forget his name, he said that all your policemen are not patrol officers. That was his answer, remember that.

Chief Herlihy confirmed that is correct.

Don Berger shared that's what he said. Not all his police officers are patrol officers. I was kind of stunned by that. You know, I all I think residents are asking, is that we see a more active on police cars going throughout the Village and certainly on Weaver, Waters Edge, on pleasant and Dunn. We never see a police car down there. The last time I had seen a police car down there was last Thursday at 2:00 in the afternoon. That was the last time. All right now look; you have a bunch of cars; I'm just saying drive through it and show a presence. If you're saying there was that many speeds on that you would think that hey maybe we should show a presence down there every once in a while. I really believe Randi went out and purchased that speed board for \$13,000 or \$15,000 whatever it might have been .

Trustee Hembury shared that's not how it worked.

Don Berger said, I know you did.

Trustee Hembury shared I will tell you how it came along. I wanted it. I didn't care if Medline or McDonald's paid for it. That's what I said. Steve the Mayor said get word Randi with Medline. Now you know, I have a problem with you want a warehouse - you don't want a warehouse - but you want to take their money. I didn't want to get involved at all. Like I said I didn't care if McDonald's or Burger King paid for it. That's how that was bought.

Don Berger said, I know how it went as I was there.

Trustee Hembury shared no individual stood here. None of us would take credit for that. The objective is just to slow them down. As far as the speed humps, 34 people came with a petition. 34 people from Weaver Street came with a petition, so you do with the residents ask. Now, going back and I hate bringing this up as I was a high-ranking police administrator: two things that do not really help common people/residents are foot patrols. You know you can have foot patrols downtown, that's great. That's great, as it was good for businesses, but if the cop is 300 feet from his car and somebody's having a heart attack - he's got to run back there to the car and get to the house. As well as they as much as they look good, they're not really that great.

Don Berger asked who said anything about foot patrol?

Trustee Hembury shared I'm just going into this. OK, you wanted some information. Now as far as running radar there, just like the Chief says, everybody deserves it. I have people speed up my street. We live right off Goodwill Road. That's a speedy place. We had a sign put up in there to slow them down. Goodwill Road compared to Weaver Street, who's helping us out. We had to fight to put sidewalks. Like the Chief said, you can't please everybody. I turned back the clock to years ago, I was sitting in that same spot as you. You can't please everybody, but they should do a good job and 34 people came here with petition. You listen to the people right.

Trustee Picarello asked, I am sorry – I need clarification. You (Chief) said you did this speed study and broke it down for us and to me I heard, correct me if I'm wrong, that there wasn't a significant enough need to control it nonstop. A speed hump in theory would be a happy medium to slow people down and not have control there. Is that correct what I heard?

Chief Herlihy confirmed that is correct.

Trustee Picarello asked my only question would be and I had discussed this a little bit with Will (Attorney), and I think maybe a good idea would have been or would be to have a pilot program. Where they are moved around to see where they are most effective/ most needed; in conjunction with using the radar device that we have, so we can look at where the need is and where it's the most effective.

Don Berger shared so getting back my topic. You know, I don't want to bust chops here. You know, I just think jumping into something like that without considering controls. The Board at board meetings – I am privy to anything

other than board meetings - never said anything to police, hey do you think you could make more patrols through there just driving. I'm not talking about sitting there. You keep implying I'm saying sitting there. I'm talking about just do a drive through, that's all. I'm talking about that takes a matter of what 2 minutes.

Trustee Hembury asked how do you know they don't drive through you there are you at the window?

Don Berger shared I see it and the residents I talk to say the same thing.

Trustee Hembury asked are the speeds humps really that big of a deal?

Don Berger said no. If you have seen my post on it, I didn't say that I'm against speed humps.

Trustee Hembury shared I am not online.

Deputy Mayor Andolsek shared this is public comment not a debate. Let's do comments.

Don Berger said I am answering Mike's question. That's all I am doing.

Trustee Hembury said whatever you say, Darlene.

Chief Herlihy shared I know we have directed patrols in all of the areas within the Village. There's a document down at the station that shows the directed patrols and when they're supposed to do it and the methods of what they're supposed to do. I know that. There's an officer that I hired specifically to do traffic enforcement. He does traffic enforcement. He does the courts, and he does any of the concert series that we have. He does not respond to calls unless we have a mass casualty incident and that he would be required to go. Otherwise, his job function is patrol for stopping motorists for vehicle and traffic infractions, as well as the courts, as well as the bandstand stuff that we have during the summertime. That is all his job description is. Yes, when Sergeant Guarneri said that we do have officers that are only traffic and not patrol function, he was correct in saying so. We tried to do as much as we could with the budget that we afforded - graciously afforded. We do the best job that we can.

Don Berger shared well know I think you do the best job. I'm not trying to imply things like that. I'm just asking for the method in which we went about doing it. It just didn't make sense to me. At the last meeting we weren't really given an opportunity to talk, because of this you know by then and you know I couldn't talk. I was criticized by some people - well why didn't I say something - because of the circumstances as it was Steve's last day. I'm bringing it up today. I promised people I would do that by bringing it up today.

Trustee Hembury added I don't have a problem with you doing so. Is it a big deal to go over a bump and slow down and it's not like having a double fence on a lion's gate.

Don Berger shared before being interrupted I am telling you that I made it very clear, I'm not against the speed hump.

Trustee Hembury shared OK.

Don Berger shared I made it very clear on my post of anybody has seen it. I'm sure Chief Herlihy, you have seen it. I made it very clear, alright. I just asked the method in which we did and why isn't that a speed control device out there. Why aren't we patrolling that area right just driving through. I don't know how many, one police officer allowed to give tickets. You know kind of doesn't make sense to me.

Trustee Conero shared but the Chief answered the question.

Deputy Mayor Andolsek shared the Chief answered everything you asked.

Trustee Conero shared I think he answered the question. He does have police presence in those areas, and he did put the speed radar system up, prior to they did the bumps.

Don Berger shared no he didn't.

Trustee Conero shared he has the data right there that shows it.

Don Berger shared I'm talking about the one the big one. He's talking about the one he puts on the pole. Make that clear, right.

Trustee Picarello shared the one for 2022.

Don Berger shared its 2022 by the way. I would just like to see that speed device a lot more.

Trustee Hembury said, me too.

Don Berger shared I want to see it out every week.

Trustee Hembury shared when I worked in Westchester County police it was out on a drag it on 287 out there. That's why I suggested it.

Don Berger shared the last time I seen that, was during the school first start - that was it.

Deputy Mayor Andolsek asked does anybody else have want to make any comments.

Don Berger shared sorry I'm boring you.

Deputy Mayor Andolsek said, you're not boring me, but we do try to maintain a limit and we're not going to keep talking the same running around the same circle.

Don Berger shared maybe when it gets solved, we stop talking about it.

Deputy Mayor Andolsek said it's not going to get solved right now.

Don Berger shared it's been years.

Deputy Mayor Andolsek asked did anybody else has anything you want to discuss or comments? Mary?

Mary Lippincott shared I just wanted to bring up, are we making any progress on the library sign. It was mentioned a couple of meetings ago and Steve said oh we're going to do it like parking lot sign or something. We really need to have a sign signage out there, because people don't realize it's in Village Hall.

DPW Supt. Nelson shared the sign that was taken down that one back up correct. I have to double check, but I think that one's up.

Mary Lippincott shared I didn't check today.

DPW Supt. Nelson shared I think it's up. I'll check it out tomorrow. I think it is the one that was down. It's just not on that 2 – 4x4's sticking up higher than the porch and I think it's attached to the porch in the front towards this side right - where the there's a sign for the court and then I think it is to the left of the court sign.

Mary Lippincott asked if anybody else.

Deputy Mayor Andolsek shared OK. I'll entertain a motion to go into executive session.

Atty. Frank shared attorney-client session.

Deputy Mayor Andolsek shared attorney/client privilege.

MOVED by Trustee Conero, Seconded by Trustee Picarello. Approved at 8:26pm to go into Attorney/Client Privilege Session.

Motion Carried: 4 AYES, 0 NAYS

MOVED by Trustee Picarello, Seconded by Trustee Conero. Approved at 8:40pm to come out of Attorney/Client Privilege Session.

Motion Carried: 4 AYES, 0 NAYS

MOVED by Trustee Hembury, Seconded by Trustee Conero. Authorize the Village and the appropriate Village department to commence pickup of residential garbage on Chambers Court provided that the developer of the subdivision executes a Hold Harmless Indemnification agreement with the Village with respect to Village vehicles traveling on the road to pick up the garbage and anything related thereto, which agreement will be subject to approval and form and content by the Village attorney prior to any pickups and the agreement be executed by the developer and to start immediately once following full execution of the document by the developer and authorizing the Deputy Mayor to execute any documents relevant to this that may be necessary.

Motion Carried: 3 AYES, 1 ABSTAIN (Trustee Picarello)

Trustee Picarello shared I'd like to have it on record that someone should speak to the Planning Board about changing the requirements immediately, so that this does not happen again; so, the developer must be required to take care of all garbage refuse until the road is dedicated and that's on them.

Deputy Mayor Andolsek shared that you are assigned yearly under the Planning Board.

Trustee Conero shared OK. I'll just send an e-mail to the engineer because I agree with that right now. I agree with you just long as we're covered whatever happened.

MOVED by Trustee Conero, Seconded by Trustee Hembury. Approved to adjourn at 8:43pm.

Motion Carried: 4 AYES, 0 NAYS

Deborah Delgado
Assistant Clerk