

Minutes of the Public Hearing for Introductory Local Law 7 of 2021, of the Board of Trustees, of the Village of Montgomery was held in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on December 6, 2021 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (arrived at 7:18 pm), Trustee Lindner, Atty. Will Frank, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy, Mary Ann Lindner, RJ Smith, Randi Picarello, Tom Steed, Don Berger.

RE: CALL TO ORDER

Mayor Brescia called for a motion to open the Public Hearing for Introductory Local Law I-7 of 2021.

OPEN PUBLIC HEARING

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board opened the Public Hearing for Introductory Local Law I-7 of 2021 to consider opting out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments within the Village of Montgomery. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Hembury).

Mayor Brescia asked Atty. Will Frank to provide a synopsis of Introductory Local Law No. 7 of 2021.

Atty. Will Frank said, due to the Local Law being advertised to be held on Tuesday, December 7th, the Board will take public comments this evening, and at the next meeting as well. The public hearing will be kept open and re-advertised to be held on the Board of Trustees meeting, on December 21, 2021, at 7:15 pm.

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The Introductory Local Law I-7 of 2021, is a law for the Board to consider its adoption, of Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments within the Village of Montgomery. New York State legislature has afforded Municipalities until December 31, 2021 to decide on whether to opt out. The Municipality can opt out of either retail dispensaries and or on-site consumption facilities for cannabis or both. The ability to opt out lasts until December 31st, if you opt out by December 31, you can opt in afterwards. If the Board chooses not to opt out, the Village forgoes the right to opt out permanently. There will be after action ramifications the Village will not share, if the Village chooses to opt out, they will not get a higher percentage share of the tax revenues, and sales tax from the cannabis sale within the Town, however, you will get a small portion.

Mayor Brescia asked, what is the differential percentage in tax revenue and sales tax?

Atty. Will Frank replied, he does not think that a differential has been established as of yet. It will be a reasonable amount of money. There are places that are opting out and others are not. Again, there will be retail sales and on site-consumption facilities.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

The local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with

the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

PUBLIC COMMENT

Mr. Berger expressed his concerns regarding the posting of the meeting change, the village website does not reflect the change on the calendar and inferred that the Village maybe trying to do something underhanded.

Mayor Brescia was upset with Mr. Berger's comment and expressed his thoughts on Mr. Berger's constant negative tone regarding the village operations. The notice was posted on the village website.

Mr. Berger continued with his comment regarding the Introductory Local Law No. 7 of 2021,

Mayor Brescia asked, if there were any further comments to be presented regarding this Public Hearing? With no further comments, he called for a motion to continue the Public Hearing on December 21, 2021 at 7:15 pm.

CONTINUE PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board agreed to continue the Public Hearing for Introductory Local Law No. 7 of 2021, to be held on December 21, 2021 at 7:15 pm.

Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting of the Board of Trustee's, of the Village of Montgomery, was held in the Meeting Room, at 133 Clinton Street, Montgomery, NY 12549, on December 6, 2021, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy, Mary Ann Lindner, RJ Smith, Randi Picarello, Tom Steed, Don Berger.

RE: CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the minutes of November 5, 2021 and November 16, 2021. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

None

ABSTRACT NO. 11-2021

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.11-2021 were audited and approved for payment with \$~~507,111.08~~ from the General Fund, \$~~10,895.46~~ from the Water Fund, \$~~22,103.96~~ from the Sewer Fund and totaling \$~~540,110.50~~. Check No: ~~79006 - 79074, 1830 -1838~~. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of November 30, 2021, as follows: General Fund \$~~1,814,653.39~~, Water Fund \$~~153,871.44~~, Sewer Fund \$~~426,236.55~~.

OLD BUSINESS

DEPARTMENT REPORTS – DPW

DPW Supt. Nelson reported on the need for bonding on Holt Well #3, it is not producing as much as it has in the past. Therefore, it is his hope the Holt Well #3A will replace Holt Well #3. Furthermore, the Jacobson Street Well needs the sulfur removed to be able put it into service. He hopes to be able to work with Atty. Will Frank regarding Bond Counsel and obtaining funds to get these projects completed. He also mentioned reminding the residents of the parking after a snow fall.

Mayor Brescia asked the Village Clerk to launch a CodeRed announcement regarding the parking after a snow fall.

Police Chief Herlihy mentioned No Shove raised \$250.00 that was donated to the food pantry and sponsored three families with full dinner by two agencies.

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Furthermore, 4 members are scheduled to attend CIT & CITY training in February. The next E0203 meeting is to be held on Wednesday, December 8, 2021 at 6 pm, at the Senior Center. The Department is also working on a Chaplin program and continues working on the Accreditation process with Lexipol.

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NEW BUSINESS

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ADOPT NEGATIVE DECLARATION, TYPE II ACTION PURSUANT TO SEQR PROCESS FOR INTRODUCTORY LOCAL LAW NO. 7 OF 2021

The Board held their decision for the meeting of December 21, 2021, at 7:30 pm.

ADOPT LOCAL LAW 7 OF 2021

The Board held their decision for the meeting of December 21, 2021, at 7:30 pm.

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APPROVE BUDGET ADJUSTMENTS

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Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved budget adjustments as Treasurer Griffith had outlined. Motion carried, 4-Ayes, 0-Nays, 1-Absention (Trustee Hembury).

APPROVE MONTGOMERY BRICK CHURCH CUB SCOUT TROOP USE OF THE RECREATION AND SENIOR CENTER

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Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board approved Montgomery Brick Church Cub Scout request use of the Recreation Center on Friday, December 31, 2021 to host their annual holiday Party and use of the Senior Center on Saturday, March 5, 2022 to host their annual Blue and Gold advancement ceremony at no charge, with the proper certificate of insurance listing the Village as the additional insured provided. Motion carried, 5-Ayes, 0-Nays.

VILLAGE HALL CLOSED FOR EMPLOYEE LUNCHEON

The Village Hall will be closed on Tuesday, December 21st, from 12:00 Noon to 2 pm for the Annual Employee Luncheon held at the Senior Center, 36 Bridge Street.

VILAGE HALL CLOSED FOR CHRISTIMAS AND NEW YEARS

The Village Hall is closed at noon on Thursday, December 23rd, closed all day on Friday, December 24th, in observance of Christmas Eve and Christmas Day, and closed at noon on Thursday, December 30th, closed all day on Friday, December 31, 2021, in observance of New Year's Eve and New Year's Day.

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EVENTS

Old Fashioned Holiday in the Village of Montgomery, Saturday, December 11th, held on the Clinton Street. (Visit the Village website at villageofmontgomery.org for more information regarding the day's events).

Annual House Decorating, Sunday, December 12, 2021, 6:00 – 9:00 pm.
(The House Decorating Contest Awards are presented at next Village Board meeting on Tuesday, December 21st, at 7:30 pm).

Christmas Tree pickup will begin on Monday, December 27, 2021 thru January 31, 2021.

(To be placed curbside by 7 am with no tinsel/garland or ornaments).

Grand Chamber Music Concert Series presents the performance of the Neave Trio, by Anna Williams, Violin; Mikhail Veselov, Cello; & Eri Nakamura, Piano, on Sunday, January 9, 2021, at 3 pm held at the Montgomery Senior Center 36 Bridge Street.

PUBLIC PORTION

Mr. Berger expressed his concerns regarding the Medline Trucks driving through the Village of Montgomery. He feels an agreement should be drawn up with the Town and the Village for Medline truck traffic. He suggested the Medline signage should be removed at the end of their driveway.

Town Supervisor Maher said he is working on it and its on everyone's radar.

Trustee Hembury said let's not poke the Bear, through his calls and conversations with the DOT he was reminded they can change the location of Ward's Bridge without much notice. As he has mentioned before, the problem is with Garmin and GPS, navigation systems leading the truck drivers through the Village and to avoid truck stop inspections.

ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting of December 6, 2021, at 7:59 pm. Motion carried, 5-Ayes, 0-Nays.

RECONVENE

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board reconvened at 8:00 pm. Motion carried, 5-Ayes, 0-Nays.

SET A JOINT PUBLIC INFORMATION SESSION FOR THE AMBULANCE DISTRICT WITH THE TOWN AND THE VILALGE OF MONTGOMERY

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board set the joint public information session with Town and the Village of Montgomery, for the Ambulance District to be held at the Town Hall on December 13th at 7 pm, at the Senior Center. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of December 6, 2021, at 8:03 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk

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EXECUTIVE SESSION

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