

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 January 10, 2023, 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Joseph McKay, Atty. Will Frank, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy, William Ibberson, Ross Winglovitz, MaryAnn Lindner, Maria Beltrametti, Randi Picarello, Don Berger, PB Mbr. Steed, Johanna Sweikata.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the minutes of December 20, 2022. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Ross Winglovitz with Engineering & Surveying Properties representing for Rowley Development Corp., 21-29, 33- 39,41-49 Railroad Avenue, SBL: 202-13-1.123, 202-13-5.21 & 202-13-5.22, seeks approval from the Village of Montgomery Board of Trustees for the said referenced project. Per section 122-52 of the Village Code, the Board of Trustees must approve any project that includes four or more dwelling units. Their project proposes the construction of a new mixed-use building with commercial space on the first floor and six new dwelling units on the second and third floors. Additionally, their project proposes the construction of seven new duplexes. The project received preliminary approval from the Planning Board during the December 2022 meeting and requires approval from the Board of Trustees for final approval.

The Board of Trustees held their decision for further review by Atty. McKay of any property easements and to verify that nothing has been buried at the site.

ABSTRACT – NO. 12 - 2022

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO. 12-2023 were audited and approved for payment with \$182,478.10 from the General Fund, \$8,972.51 from the Water Fund, \$19,678.97 from the Sewer Fund and totaling \$211,129.58. Check No: 79920 – 79985, 2011 -2039. Motion carried 5-Ayes, 0-Nays.

Treasurer Palmieri reported a CASH BALANCE for the month of December 31, 2022, as follows: General Fund \$1,923,876.40, Water Fund \$253,421.59, Sewer Fund \$460,651.63.

OLD BUSINESS

RE: DEPARTMENT REPORTS

BOARD OF TRUSTEES

Trustee Hembury commended and thanked the DPW for their quick response to his call on repairs to the Veterans Corner sign.

Mayor Brescia and the Board wished Trustee Hembury a Happy Birthday. Trustee Hembury thanked everyone.

pOLICE DEPARTMENT

Police Chief Herlihy mentioned the next EO-2 Meeting is scheduled for Thursday, January 12, 2023, at 5:30 pm, held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549. He urged the community to be aware, although this is a safe community to live, don't be complacent, lock your doors, cars, garages, and sheds. There have been a number of car break-ins. Do not leave anything to chance, the perpetrators are targeting easy access. If you have surveillance cameras, make sure they are working, as they may help the department. Stay safe and please lock your doors.

At the next Board Meeting, he will present the possible acquisition of two (2) leased vehicles through State Bid with a \$1.00 buyout at the end of the lease.

DEPARTMENT OF PUBLIC WORKS

DPW Supt. Nelson mentioned a watermain break that occurred on December 24th, and thanked his staff for responding quickly. Greg Jackson is obtaining his water license, which is a great asset to the department and assisting Jake. He's doing an excellent job. Furthermore, Central Hudson has moved the pole on Goodwill Road, allowing for installation of the sidewalks. He is now waiting on Frontier to do the same. He has lifted the water restriction for now and is hopeful the well gets drilled soon.

In addition, the utility bill has doubled and plans to meet with Central Hudson.

Mayor Brescia suggested it may be time to revisit the solar field for energy savings.

NEW BUSINESS

VILLAGE HALL CLOSED IN OBSERVANCE OF MARTIN LUTHER KING DAY

The Village Hall is closed on January 16, 2023, in observance of Martin Luther King Day.

APPROVE CYBER LIABILITY POLICY PROPOSAL

Approve a Cyber Liability Policy proposal from: a. Hiscox at \$7,305.00 or b. Lloyd at \$3,191.00, with the recommendations of Frank Dunne.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Lloyd Cyber Liability proposal at \$3,191.00 with Frank Dunne recommendations and suggested improvements to be completed, for a one-year term, effective as of January 25, 2023 through January 24, 2024. Motion carried, 5-Ayes, 0-Nays.

APPROVE CONTINUED USE OF THE RECREATION CENTER BY THE GIRL SCOUT, HEART OF THE HUDSON TROOPS 403 AND 692 FOR THE 2023 CALENDAR YEAR WITH THE USUAL CONDITIONS OF PROVIDING A CERTIFICATE OF INSURANCE, LISTING THE VILLAGE AS THE ADDITIONAL INSURED.

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the Girl Scout Heart of Hudson Troops 403 and 692 requests, for continued use of the Recreation Center, to conduct their weekly meetings, for the 2023 calendar year, with the usual conditions of providing a certificate of insurance, listing the Village as the additional insured. Motion carried, 5-Ayes, 0-Nays.

ACCEPT THE RESIGNATION OF DEPUTY POLICE CHIEF PAUL ARTETA

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted the resignation of Deputy Police Chief Paul Arteta, effective as of December 31, 2022. Motion carried, 5-Ayes, 0-Nays.

EVENTS AND SERVICES

WATER RESTRICTION LIFTED

Village of Montgomery water restriction has been lifted, effective as of January 1, 2023.

PARKING AFTER SNOW FALL OF TWO INCHES

- Be mindful of parking after snow fall of two inches, adopted in the Village of Montgomery Code. <https://ecode360.com/13325836?highlight=after,inches&searchId=32830602387027003> It shall be unlawful for any person to place, park or leave any automobile, truck or other vehicle on any public road or street, except a New York State highway, within the corporate limits of the Village of Montgomery, New York, after a fall or precipitation of snow of two inches of snow or more, and thereafter until the snow has been removed or cleared from such public road or street unless such automobile, truck or other vehicle is at all times attended by and in charge of a person capable of operating it. All other vehicles will be towed away by the Police Department at the owner's expense.

ANNUAL SEXUAL HARASSMENT TRAINING

Annual training held at the Recreation Center, 60 Bachelor Street, Montgomery, NY 12549, on Thursday, January 19, 2023, at 1:00 pm, \$5.00 pp for all members of the Municipalities and \$10.00 for non-members. Sign up online at threevillages.org

APPROVE THE BUDGET ADJUSTMENTS FOR THE POLICE DEPARTMENT AS OUTLINED

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the Budget adjustment for the Police Department as outlined by Treasurer Palmieri, by moving \$20,000 from Police Department Personal Service, A0-3120-120 to Police OT A0-3120-102. Motion carried, 5-Ayes, 0-Nays.

RECENT STATE LEGISLATION TO CREATE A TAXING JURISDICTION TO BE CONSIDERED FOR ADOPTION THAT'S OPTIONAL, OFFERS TAX EXEMPTION UP TO TEN PERCENT TO VOLUNTEER FIRE FIGHTERS AND AMBULANCE WORKERS

Atty. Will Frank mentioned, the State legislation has created a taxing jurisdiction that is optional for municipalities to consider adoption by Local Law, (it's not mandatory) that offers property tax exemption up to ten percent, to volunteer firefighters and volunteer ambulance workers must transition to a newly authorized statewide exemption within three years, and must be their primary residence in the Village of Montgomery. Mayor Brescia said the Board may consider it.

PUBLIC PORTION

Mr. Berger mentioned have two items to discuss. The first, what is the status of the Village/Town sewage treatment plant?

Mayor Brescia there has not been any further discussion. The Town is possibly looking to apply for a ten-million-dollar grant. No decisions have been made; the Village will move forward if its advantageous for the Village.

Secondly, Mr. Berger expressed his concerns regarding the proposed 211 warehouse, of which are seeking a height variance and have mentioned if it's not approved, they will have to move the footprint closer to the Weaver Street properties, into the berm, thereby increasing the size of the buildings.

Mayor Brescia said he has not heard any discussion regarding as Mr. Berger has mentioned. They are allowed to build 80,000 sq. ft. The berm area should be protected. He asked Atty. McKay to relay that to the applicant.

January 10, 2023

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ATTORNEY CLIENT PRIVILEGE AND EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board entered into Attorney Client Privilege at 8:06 pm, under the Open Meeting Law §7 (h) for matters concerning the possible acquisition of real property (99 Clinton Street), with Atty. Joseph McKay, DPW Supt. Nelson, Village Clerk Rivera-Fernandez in attendance. Motion Carried, 5-Ayes, 0-Nays.

EXITED ATTORNEY CLIENT PRIVILEGE

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board Exited Attorney Client Privilege at 8:15 pm. Motion Carried, 5-Ayes, 0-Nays.

EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board Entered into Executive session, under the Open Meetings Law §7 (f) for matters regarding the possible appointment of a particular individual, with Police Chief Herlihy, and the Village Clerk Rivera in attendance. Motion carried, 5-Ayes, 0-Nays.

EXITED EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board Exited Executive Session at 8:20 pm. Motion carried, 5-Ayes, 0-Nays.

HIRE PART TIME POLICE OFFICER

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board hired William Prosia, as a Part-Time Police Office, effective immediately, with an 18 month probationary period, pursuant to the CBA with the Village of Montgomery and the Village of Montgomery Police Department. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of January 10, 2023, at 8:25 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk