

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Village Hall, Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, August 2, 2022, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank, Atty, S. Midler, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy (absent), Sgt. Briere, Ross Winglovitz, Brian Rivenburgh, Maria Beltrametti, Don Berger, Recreation Director Taylor, Recreation Supervisor Jackson, Recreation Leader Donovan, Reuben Buch/Engineering Properties, Beth Blashka, Mary Ann Lindner, Randi Picarello.

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 Scheels, seconded by Trustee Hembury, the Board approved the minutes of July 5, 2022 and July 12, 2022. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Reuben Buch representing Rowley Development on Railroad Avenue project, request to modify the layout of the fourteen (14) on-street parking spaces along Railroad Avenue and discuss changes to the site plan. The previous proposal depicted curb islands on either sides of the residential parking lot entrance and one curb island at the corner of Railroad Avenue and Clinton Street. Since then and after discussing it with the DPW Supt. Nelson, it was suggested to reduce the size of the concrete curbs, to allow for ease of snow removal within the Village right-of-way by reducing the island curbing for Lot No. 8 and Lot No. 9. The curb islands extending into Railroad have now been reduced and flattened along the on-street parking area.

Mayor Brescia stated DPW Supt. Nelson mentioned the curb island along Clinton Street and Railroad, Lot No. 9 is to remain.

DPW Supt. Nelson said that is correct.

Mayor Brescia said with that clarification, you are requesting the Village Board approve the amended site plan as shared and then you will be going before the Planning Board with it.

Mr. Buch replied, correct.

Mayor Brescia asked the Board members if they have any issues with the request to amend the site plan with DPW Supt. Nelson recommendations.

Trustee Hembury said he abstains on the motion to approve the amended site plan. He abstained from the initial approval of the project development; because he would rather see single family homes instead of apartments.

APPROVE TO AMEND THE ROWLEY DEVELOPMENT SITE PLAN ON RAILROAD TO REDUCE THE CONCRETE CURBING FOR LOT No. 8, FOR THE EASE OF SNOW REMOVAL WITHIN THE VILLAGE RIGHT-OF-WAY

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the Rowley Development site plan on Railroad Avenue, to reduce the concrete curbing for Lot No. 8 for the ease of snow removal within the Village Right-of-Way. Motion carried, 4-Ayes, 0-Nays, 1-Abstain (Trustee Hembury).

ABSTRACT – NO. 07 - 2022

Moved by Trustee Lindner, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO. 07-2022 were audited and approved for payment with \$462,055.35 from the General Fund, \$1,952.51 from the Water Fund, \$36,186.37 from the Sewer Fund and totaling \$500,194.23. Check No: 79562 – 79631, 1917 - 1945. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of July 29, 2022, as follows: General Fund \$3,545,858.88, Water Fund \$295,489.42, Sewer Fund \$561,635.28.

## OLD BUSINESS

None

## NOISE COMPLAINTS OF BOOMING FIREWORKS AND CONSTRUCTION ACTIVITIES

Mayor Brescia mentioned Beth Blashka is not on the agenda but is here regarding a noise complaint. According to the Police Department, they never received a complaint.

Ms. Blashka said she called after 10 pm, the Policeman was very nice and there is nothing on file indicating when the fireworks are supposed to stop. It was so loud and thought she was in the Ukraine. She doesn't mind the lights and the roman candles but the boomers have to be controlled or issue a permit; so, you know who is firing them off. If its allowed, there must be a set time to stop. When the Police drive by whomever it is that's firing them off stops. Every now and then at night, she hears a boom. She is aware people can buy fireworks now and they are trying to use them up. The Village has grown exponentially in the last forty years since she settled here. We just can't have that kind of noise here.

Furthermore, on another day at 6 am four trucks pulled up to at my neighbor's house to remove and trim their trees. They began working at 7 am, which lasted five hours. Something should be formulated to notify the surrounding neighbors prior to work being done and noting the expected duration. She feels it's too early for the work crews to begin working and running machinery. What is the designated time for hired agencies to begin working?

Mayor Brescia said he has received complaints about the fireworks and we will address it to an extent. Please make it a habit to call the Building Inspector and the Police Department has a decimal meter to measure the sound.

He believes 7 am is the designated time for commercial work noise.

Ms. Blashka feels 7 am a bit too early for commercial work and suggests it be changed to 8 am. Again, people should be neighborly, advise their neighbors of work being done that may disturb the peace.

Mayor Brescia said he will add language in the next newsletter to remind the residents regarding the noise ordinance for the Village of Montgomery. Although, he's aware that roofer prefer to being working early in the morning to stay ahead of the heat.

Ms. Blashka asked if the Village has any legislation regarding specific periods that trees are not to be disturbed.

Mayor Brescia said a tree in the Village right-of-way can not removed without Village of Montgomery DPW approval.

DPW Supt. Nelson stated that is correct.

Mayor Brescia asked Atty. Will Frank to review the Village Code for the language regarding the removal of tree and if there are seasonal restrictions.

Atty. Will Frank mention there could be legislation regarding shade tree commission and trees within twenty feet of a public right of way, they have to get permission to remove it. This may be what she is referring to. (Inaudible: too many speaking in the background at once while Atty. Will Frank is speaking).

Mayor Brescia asked everyone to allow Atty. Will Frank to continue speaking he cannot hear what he's saying.

Atty. Will Frank said, it states in the Village Code §77-7 Permitted and regulated noises, (B) Construction activities.

Any building or construction activity, including the clearing and removal of trees or other site preparation work that is audible outside of a building or structure, is permitted only as follows:

Monday through Friday, except holidays, during daytime hours. The definition of day time hours is defined as being, 8 am to 9 pm.

RE: REPORTS

## SUMMER RECREATION

Recreation Director Taylor, Recreation Supervisor Jackson, Recreation Leader Donovan are here to provide the Board with the outstanding program. Recreation Director Taylor said he wanted to update everyone on this year's progress. We are still in session until the end of the week. Recreation Supervisor will continue from here and he will be following up with the closing report at the second meeting in September.

Recreation Supervisor Jackson said we registered 206 campers this year with 150 campers each week. We were restricted by accepting additional campers by the number of counselors we could get to work. The counselors we've used in the past have either retired or are school teachers. It's difficult getting people to work. However, our Nurses are RN's or nursing students which have been awesome. We've had a lot of medical issues that need to be addressed during the program. We had to turn away 25 to 30 kids due to staffing shortages. The activities including yoga by Jane Kirk, water slides, the weekly ice cream truck, bubble bus, face painting, hay rides, the Medivac landed their helicopter and did a presentation for the kids, in addition to the Sheriff's Department came with their SWAT team and K9 units, Safe Child also came and did over 100 cards and accommodated parents who asked for 4 cards. They came back the following day and did another 25 more cards. Carnival Day was strictly for campers. Finally, the DPW staff was wonderful and helped without delay. Police Officer Brian Briere came by to clear up some traffic. It was really a good program and she thanked everyone for their help and support.

Mayor Brescia said they do an outstanding job.

## DEPARTMENT OF PUBLIC WORKS REPORTS

DPW Supt. Nelson stated if it does not rain, he may have to call for a water emergency. He is checking the well closely for evaporation and productivity. Due to the lack of rain, it has allowed for the repairs to the culverts, (storm drains).

Mayor Brescia asked DPW Supt. Nelson if next year he has any plans to replace the paving stone on the Walden Savings Bank side along 211.

DPW Supt. Nelson said the paving stones are no longer available. So, you will have to choose a different color and size.

Mayor Brescia suggested looking for another type of surface, possibly a tile.

## POLICE DEPARTMENT

Sgt. Briere mentioned accepting the resignation of Officer Narain. In addition, the Department is working on the staffing for the upcoming events such as the Tractor Parade and General Montgomery Day.

ACCEPT POLICE OFFICER KATIRIA NARAIN RESIGNATION EFFECTIVE AS OF SEPTEMBER 13, 2022.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted Police Officer Katiria Narain resignation effective as of September 13, 2022. Motion carried, 5-Ayes, 0-Nays.

RE: NEW BUSINESS

## ADOPT A RESOLUTION SETTING THE STANDARD WORK DAY FOR THE ELECTED AND APPOINTED OFFICIALS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution setting the standard work day for the elected and appointed officials in accordance with the Office of the New York State Comptroller, New York State and Local Retirement System. Motion carried, 5-Ayes, 0-Nays.

#### SET PUBLIC HEARING DATE FOR BONDING, TO FUND THE INSTALLATION OF A LARGE DIAMETER PRODUCTION WELL (HOLT WELL 3-B AND FOR SEWER, HYDRANT SULFATE REMOVAL.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board set a Public Hearing date, to be held on September 6, 2022, at 7:00 pm, for bonding, to fund the installation of a large diameter production well (Holt Well 3-B) and sewer, hydrant sulfate removal. Motion carried, 5-Ayes, 0-Nays.

#### ADOPT A RESOLUTION FOR THE ADVANCE AGREEMENT, FOR ADVANCE PAYMENT WITH THE NYS DEPARTMENT OF TRANSPORTATION, OFFICE OF RIGHT OF WAY, FOR PROPERTY ACQUIRED BY APPROPRIATION INTEREST SUPPLEMENT TO AGREEMENT FOR, 239 WARD STREET, S/B/L 2032-11

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, adopt a resolution for the advanced agreement, for advance payment with the NYS Department of Transportation, Office of Right-Of-Way, for property acquired by appropriation interest supplement to agreement for, 239 Ward Street, S/B/L: 203-2-11. Motion carried, 5-Ayes, 0-Nays.

#### THE BOARD OF TRUSTEES MEETING RESCHEDULED

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board rescheduled the Village Board to be held on September 13, 2022 at 7:30 pm, held in the Meeting Room of the Village Hall, 133 Clinton Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

#### ACCEPT THE RESIGNATION OF ETHICS BOARD MEMBER EFFECTIVE IMMEDIATELY

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted the resignation of Ethics Board Member Nick Scarano, effective immediately. Motion carried, 5-Ayes, 0-Nays.

#### APPROVE VALLEY CENTRAL YOUTH FOOTBALL REQUEST TO USE BALL FIELD NO. 5 ON MONDAY THROUGH FRIDAY FOR THE MONTH OF AUGUST, FROM 6:00 PM TO 8:00 PM

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Valley Central Youth Football request to use Ball Field #5 on Monday through Friday for the month of August, from 6:00 pm to 8:00 pm, with the conditions of provided a certificate of insurance, listing the Village of Montgomery as the additional insured. Motion carried, 5-Ayes, 0-Nays.

#### APPROVE TOUR DE GOSHEN TO COME THROUGH THE VILLAGE OF MONTGOMERY VIA ROUTE 211, TO CHANDLER LANE, AND ONTO BEAVER DAM ROAD ON AUGUST 21, 2022

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Tour De Goshen to come through the Village of Montgomery via Route 211, onto Chandler Lane and onto Beaver Dam Road on August 21, 2022. A certificate of insurance, listing the Village of Montgomery as the additional insured has been provided. Motion carried, 5-Ayes, 0-Nays.

#### EVENTS

- Summer Concert Series presents the performances at the Clinton Street Bandstand at 6:30 pm to 8:30 pm, by Funk Junkies Band, on Thursday, August 4, 2022, Sass and Brass Band, on Thursday, August 11, 2022, Jerry the Bull Dog, on Thursday, August 18, 2022, Classic Rock Euphoria, on Thursday, August 25, 2022, and the Axiom Project Bank, on Thursday, September 1, 2022.
- First Responder's' Way: August 26<sup>th</sup>, at 6:00 pm, at the corner of Tompkins Road and Goodwill Road.
- Tractor Parade & Farm Day, Saturday, September 3, 2022, with the parade beginning at 12:00 noon (For more

information contact - Skip Chambers at 845-457-5579).

APPROVE INCREASING THE RENTAL CLEAN UP DEPOSIT FOR THE USE OF FACILITIES LOCATIONS AT VILLAGE HALL, PAVILION AND THE BALL FIELDS FROM \$25.00 TO \$150.00.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved increasing the rental clean-up deposit for the Use of Facilities located at the Village Hall, Pavilion, and the Ball Fields from \$25.00 to \$150.00. Motion carried, 5-Ayes, 0-Nays.

Mrs. Picarello asked if City Winery could extend their concert hours during the Triathlon, which is free to the community, beginning at 12:00 Noon to 5 pm.

CITY WINERY APPROVED FOR EXTENDED HOURS DURING THE TRIATHLON ON OCTOBER 16<sup>TH</sup>

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approve City Winery to extend the hours during the Triathlon on October 16<sup>th</sup> from 12:00 pm to 5 pm. Motion carried, 5-Ayes, 0-Nays.

#### PUBLIC PORTION

Asked why Trustee Hembury abstained on the Railroad Avenue amended site plan.

Trustee Hembury replied he abstained simply because he did not vote the project development and therefore will hold from voting on anything regarding the project.

Atty. Will Frank said Trustee Hembury is within his right to abstain if he so wishes.

#### ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of August 2, 2022 at 8:27 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk