

Minutes of the Regular Meeting of the Board of Trustees, of the Village of Montgomery, held at the Village Hall, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, November 19, 2024, at 7:30pm.

Present: Mayor Hembury, Deputy Mayor Andolsek, Trustee Picarello, Trustee Conero (Absent), Trustee Wilbur, Atty. Will Frank, Deputy Village Clerk Murphy, Mary Lippincott, Jordan Marable, Ben Suchy, Matthew Grammer, James Kiernan, Margurite & Fred Flood, Claire & Walt Pahucki, Will Pahucki, Mark Palczewski, Anne Lavelle, Theresa Gabrynowicz, Rita Santo, Stacey Hillman, Judy Lozier, Jessica Albert, Don Berger, Emily Picarello, Rose Picarello

CALL TO ORDER – PLEDGE OF ALLEGIANCE

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

OLD BUSINESS

Trustee Wilbur: Update on the Building Department - Based on surrounding municipalities and after discussions with building inspectors and their personnel, our practices, standards and fees and fines are aligned with what theirs are with the size of our community and scope of our projects. There is no need to change anything at this point although there's always room for improvement.

Non-Compliance - Most people in non-compliance don't understand the importance of it. The building inspector and I, once a month, want to do a little snippet to share in support of the work he's trying to do, so if you get the knock on the door and your railings are out of compliance or something happened or a permit hasn't been closed or there's work done and it wasn't approved, you'll understand why. They are working together to help educate the residents. Assessing fines is in the code; \$250 a week or \$100 a day but that's not really the goal.

As promised, when the board approved that I could attend NYCOM training I'd come back with information for the board. I chose for tonight a session covering the First Amendment rights regarding government political public comment. Social media posts are especially interesting because it seems like technology has far outpaced any kind of legislation, guidelines or rules. We learned in the class that there's ongoing litigation from a case where a city official maintained a personal Facebook page and made comments about his family but also included comments about his official public role. A city resident went on and made a comment on the page, which was mildly derogatory, so he deleted it. He was sued by the resident. The resident claimed that the deletion of his posts was a violation of his First Amendment rights and initially, I believe he won. But then it was sidelined and was revisited. It is *Lindke v Freed*. From that initial court ruling, they decided that it would be good practice to maintain separate accounts, official campaign and personal, clearly delineated. For personal accounts, if a municipal topic is being discussed, it should be clearly prefaced by stating their comments on there are an opinion and are not authorized or made on behalf of the municipality or of leadership quality so there isn't confusion of official or personal or you can do a quasi-official page. People need to know where the information comes from and as far as the village, any accurate or timely or unbiased information regarding village information that needs to be disseminated or archived, can always be found at the villageofmontgomery.org and that is the official portal of any information that's needed. We know that Trustee Conero is working diligently to update all of that and make it a little bit more accessible. If we are using social media, be careful about it so you don't get yourself or the board into litigation.

Also, during the Illuminated Tractor Parade on December 14th, they will be collecting donations for the Walden and Middletown Humane Societies, the Food Pantry and Toys for Tots. Atty. Frank suggested having representatives from those organizations be part of it.

Trustee Picarello: Suggested adding a training line to the budget, making it specific. It was previously brought up about keeping a log of who goes to what training so that not one person is going all the time, and who's not doing any training.

She attended the town budget meeting and was impressed with the slide show they had and would like to do something similar during budget time. Also, she asked that before or after the Trustee meetings, discuss the budget, as self-audit and compliance.

It was discussed that when the meeting rules/decorum rules are added to the website that how to be put on the agenda and cutoff would also be included. Atty Frank has already provided a transcript to the Board regarding this, and when he receives feedback, will proceed.

NEW BUSINESS

ACCEPT THE RESIGNATION OF COREY BELLAROSA FROM THE BOARD OF ETHICS

Moved by Deputy Mayor Andolsek, seconded by Trustee Wilbur, the Board motioned to approve the resignation of Corey Bellarosa from the Board of Ethics effective November 4, 2024. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Conero).

APPOINT EMPLOYEE BRUCE YANCEWICZ SR. TO THE BOARD OF ETHICS

Moved by Deputy Mayor Andolsek, seconded by Trustee Wilbur, the Board motioned to appoint Bruce Yancewicz Sr to the Board of Ethics. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Conero).

ADOPT A RESOLUTION FOR FY 2026 FOR THE COUNTY OF ORANGE TO PROVIDE EXEMPTION FROM COUNTY TAXATION ON SBL 28-1-63 OF REAL PROPERTY LOCATED IN THE TOWN OF MONTGOMERY FOR USE OF THE VILLAGE WATER SYSTEM

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board motioned to adopt a resolution for FY 2026 for the County of Orange to provide exemption from County Taxation on SBL 28-1-63 of real property located in the Town of Montgomery for use of the Village water system. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Conero).

REQUEST TO MEET WITH THE BOARD (Discussion limited to 3 mins.)

Several residents had concerns and comments.

ADJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Wilbur, the Board motioned to adjourn the meeting at 8:07pm. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Conero).

Tina Murphy, Village Clerk