The regular semi-monthly meeting of the Board of Trustees of the Village of Menands was held on Monday, March 6<sup>th</sup>, 2023, and was called to order by Mayor Megan Grenier at 6:00 P.M.

### PRESENT:

Megan Grenier, Mayor Diane Foley, Trustee Seth H. Harris, Trustee Timothy Lane, Trustee Brian Marsh, Trustee Donald Handerhan, Village Clerk Chief Ryan St. Gelais, Police Dept Chief David Ognan, Fire Dept

# ABSENT:

Stephen Rehfuss, Village Attorney

Also attending: Bill Garvey, Nicole Ognan, Matt Rogers, Brian Saboda, Steve Boulet, Nick Daniels, Bill Nevins, and Mike Mackey

The mayor led the Pledge of Allegiance

#### Open Forum:

TO: All Menands Village Board Members

From: Bill Garvey Jr.

- 4 times in last 2 weeks vehicles parking in fire lane between bldgs. G & H at Village One Apts.
- 2 Supports Daughters of Charity senior housing units for seniors.
- 3 Streetlight on Harts Lane is not always on.
- 4 Inquiring about 2022-2023 paving. How many streets, etc. will be paved?
- 5 Concerned about the condition of steel high voltage towers on the east side of Broadway.
- 6 Support Resource Officer at Menands School.
- 7 Discussed planting new trees in Gasner Smith & Polk Switzer Parks.
- 8 Supports Trustee Lane's requested the clerk to contact Cornell Cooperative Extension to look at trees in Polk Switzer Park.
- 9 Revenue resources to pay for park and playground improvements:
  - a. Special conservation trust funds.
  - b. Individual money donations.
  - c. Fundraising events.
  - d. Sale of trees to civic groups.

Steve Boulet asked if anything was being done regarding the crows. The Clerk advised that he has been in contact with both the DEC and the Department of Agriculture. A meeting is being set up with Menands, Watervliet, and the Department of Agriculture within the next few weeks.

#### Resolution Number 230151

Trustee Foley made a motion to accept the minutes of the February 27<sup>th</sup>, 2023, Board Minutes, seconded by Trustee Marsh.

# ADOPTED:

Trustee Foley	voting	Abstained
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

#### Resolution Number 230152

A motion was made by Trustee Lane to approve payment for the following, seconded by Trustee Marsh.

#### WARRANT # 19:

GENERAL	totaling	\$ 4	18,204.09
WATER	totali	ng	\$ 57,154.2

SEWER totaling \$ 59,249.03 TOTALS \$164,607.40

<u>PAYROLL # 20:</u> totaling \$ 99,322.89

(02/10/23-02/23/23)

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

# Resolution Number 230153

A motion was made by Trustee Marsh, seconded by Trustee Lane, to accept the following resolution:

RESOLVED, that the Treasurer be, and hereby is, authorized to make the following Budget Transfers

**Account** Account

From Acct: A.3410.0424 Fire To Acct: A.3410.0208 Fire Description Communication Repairs Equipment / Misc.

\$200.00 \$200.00

Misc equip

# WATER FUND

From Acet: F.1990.0400 To Acet: F.8340.0430

Description Contingent Account Outside Contractors

Amount: \$10,000.00 \$10,000.00

Water Break - Bway

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

#### Resolution Number 230154

The Treasurer requested a resolution authorizing him to transfer \$130,000 from the ARPA Savings Account to A.0000.0200 General Checking to cover the cost of the new Fire Truck, that was approved for purchase by Resolution #230105.

After a discussion Trustee Lane moved the following resolution which was seconded by Trustee Foley; a resolution authorizing the Treasurer to transfer \$130,000 from ARPA savings to A0000.0200 General Checking and to amend the 2022-2023 Village Budget - Account # A.3410.0208 Equipment Miscellaneous by \$130,000 the cost of the new fire truck.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Nicholas Daniels from Hershberg & Hershberg continued a discussion regarding the subdivision of 444 Broadway from the February 27<sup>th</sup>, Board Meeting. Due to the Drive-thru window, there have been adjustments made to the subdivision paperwork. Due to the property being on Broadway, the subdivision paperwork must be sent to Albany County Planning Board for their approval. Discussion followed. After a discussion, the application was deemed complete.

#### Resolution Number 230155

Trustee Marsh made a motion to hold a Public Hearing on March 20, 2023, regarding the subdivision of 444 Broadway, second by Trustee Lane.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Nicholas Daniels from Hershberg & Hershberg and Trustee Brian Marsh continued a discussion regarding the property line adjustment of 51 Irving (also known as 339 Broadway). there have been adjustments made to the paperwork needed for the property line adjustment and a merger of the property. Discussion followed.

#### Resolution Number 230156

After a discussion Trustee Marsh made a motion to approve the boundary line adjustment of 51 Irving (also known as 339 Broadway) and a merger of the property, second by Trustee Lane.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Matt Rodgers from LaBella led a discussion regarding the approval of Local Law #1 of 2023, Zoning Law. Discussion Followed.

# VILLAGE OF MENANDS RESOLUTION NEGATIVE DECLARATION FOR LOCAL LAW 1 OF 2023 ZONING LAW OF THE VILLAGE OF MENANDS

WHEREAS, the Village Board of the Village of Menands has been considering adopting proposed. Local Law #1 of 2023 "Zoning Law of the Village of Menands," repealing Existing Chapter 169, "Zoning Law of the Village of Menands;" Chapter 30, "Planned Development Districts;" Chapter 100, "Gasoline Stations;" Chapter 140, "Site Plan Review;" and Chapter A172, "Site Plan Review Regulations," and replacing with a new Chapter 169, "Zoning Law of the Village of Menands," of the Menands Village Code; and

WHEREAS, the Village Board of the Village of Menands accepted Local Law #1 of 2023 "Zoning Law of the Village of Menands" on January 17, 2023; and WHEREAS, the Village Board declared themselves as Lead Agency on February 6, 2023, in accordance with State Environmental Quality Review Act (SEQA); and

WHEREAS, the Village Board reviewed Parts 1 and 2 of the Full EAF and has determined that no significant adverse environmental impacts are anticipated as a result of the adoption of Local Law #1 of 2023 "Zoning Law of the Village of Menands".

#### NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION 1: The Village Board of the Village of Menands hereby issues a Negative Declaration regarding the adoption of Local Law #1 of 2023 "Zoning Law of the Village of Menands".

#### Resolution Number 230157

Trustee Marsh made a motion to hereby issue a Negative Declaration regarding the adoption of Local Law #1 of 2023 "Zoning Law of the Village of Menands, second by Trustee Harris.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

# VILLAGE OF MENANDS RESOLUTION ADOPTION OF

LOCAL LAW NO. 1 OF 2023, ENTITLED A LOCAL LAW OF THE VILLAGE OF MENANDS, ALBANY COUNTY, NEW YORK, REPEALING CHAPTER 169, "ZONING LAW OF THE VILLAGE OF MENANDS" AND REPLACING IT WITH A NEW CHAPTER 169, "ZONING LAW OF THE VILLAGE OF MENANDS."

WHEREAS, the Village Board of the Village of Menands has been considering adopting proposed Local Law #1 of 2023, repealing Existing Chapter 169, "Zoning Law of the Village of Menands;" and replacing with a new Chapter 169, "Zoning Law of the Village of Menands"; and

WHEREAS, the Village Board of the Village of Menands accepted Local Law #1 of 2023 "Zoning Law of the Village of Menands" on January 17, 2023, and scheduled a public hearing for February 6, 2023; and

WHEREAS, on January 24, 2023, the Village of Menands forwarded the public hearing notice to the Clerks of the Town of Colonie and the City of Albany pursuant to New York State Village Law § 7-706; and

WHEREAS, on February 3, 2023, the Village of Menands referred Local Law #1 of 2023 "Zoning Law of the Village of Menands" to the Albany County Planning Board pursuant to General Municipal Law §§ 239-1 and 239-m; and

WHEREAS, the Village Board of the Village of Menands conducted a public hearing on February 6, 2023, with no comments provided; and

WHEREAS, the Village of Menands received a response from Albany County Planning Board dated February 16, 2023, with a recommendation to notify all adjacent municipalities pursuant to New York State Village Law § 7-706;

WHEREAS, the Village of Menands previously complied with New York State Village Law § 7-706 referral requirements and has therefore satisfied Albany County Planning Board's Recommendation; and

WHEREAS, the Village Board issued a Negative Declaration regarding the adoption of Local Law #1 of 2023 "Zoning Law of the Village of Menands", pursuant to the State Environmental Quality Review Act on March 6, 2023; and

WHEREAS, Local Law #1 of 2023 "Zoning Law of the Village of Menands" has been on the desks of the members of the Village Board for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Village Board of the Village of Menands adopts attached Local Law 1 of 2023, "Zoning Law of the Village of Menands", and

Section 2. The Menands Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting, shall file the Local Law with the Secretary of State, shall publish a summary once in the official newspaper, and post a copy of the Local Law at or near the main entrance to office of the Village Clerk.

# Resolution Number 230158

Trustee Marsh made a motion to adopt attached Local Law 1 of 2023, "Zoning Law of the Village of Menands", and The Menands Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting, shall file the Local Law with the Secretary of State, shall publish a summary once in the official newspaper, and post a copy of the Local Law at or near the main entrance to the office of the Village Clerk, second by Trustee Foley.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Mayor Grenier led a discussion regarding a Tax Exemption for firefighters. Discussion followed. Trustee Lane read Local Law # 2 of 2023.

#### Local Law No. 2 of 2023

# Repealing Local Law 153-6

Article III

Volunteer Fire Fighters Real Property Tax Exemption

# (Adopted 1-7-1980)

§ 153-6 Grant of exemption.

The provisions of §466 of the Real Property Tax Law be and they are hereby declared adopted, and said the exemption is hereafter in effect in this Village upon due application therefor and approval thereof by the Village Clerk in accordance with the law.

A Local Law Replacing Chapter 153-6 of the Code of the Village of Menands Enacting a 10% Property Tax Exemption for Volunteer Firefighters and Ambulance Workers

# Pursuant to Section 466-a of the Real Property Tax Law

#### Section 1.

A new Article III of Chapter 153-6 of the Code of the Village of Menands entitled "Volunteer Firefighters and Ambulance Workers Exemption," is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

# Article III Volunteer Firefighters and Ambulance Workers Exemption

#### Grant of exemption.

An exemption of 10% of the assessed value of the property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Menands, as long as eligibility requirements are met.

#### Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- **B.** The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes; (If a portion of the property is used for other purposes, the exemption would be prorated accordingly)
- **D.** The volunteer firefighter or ambulance worker resides in the Village of Menands and the Village of Menands is served by such an incorporated volunteer fire company or fire department or incorporated ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority

- having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- **F.** The volunteer firefighter or volunteer ambulance worker meets the minimum service established by the Village of Menands, which is hereby established as two years.

#### Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Village of Menands, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Village of Menands must maintain written

guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

#### Certification.

The Village of Menands must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members (including fire police) who are certified to meet the minimum service requirement. Such a list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence. (The years of service are in effect from the date of enrollment into the fire service).

# No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

#### Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction, including another municipality within the same county) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of Menands. (All time served would qualify irrespective of whether the time is continuous or not).

#### Un-remarried spouse of an enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

# Un-remarried spouse of a deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and unremarried spouse had been receiving the exemption at the time of his or her death.

**Section 2.** If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

**Section 3.** This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

#### Resolution Number 230159

Trustee Lane made a motion to hold a Public Hearing regarding Local Law #2 of 2023, Tax Exemption for firefighters on March 20<sup>th</sup>, 2023, second by Trustee Marsh.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE

Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

A discussion was held regarding overriding the 2% Tax Cap

Trustee Harris introduced Local Law #3 of the year 2023 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

LOCAL LAW # 3 OF THE YEAR 2023 Village of Menands, County of Albany

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

#### **Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of Menands to adopt a budget for the fiscal year commencing June 1, 2023, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

#### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Menands, County of Albany, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### Section 4. Severability

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.

#### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

# Resolution Number 230160

Trustee Marsh made a motion to approve holding a Public Hearing on March 20<sup>th</sup>, 2023, for Local Law #3 of 2023 authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, seconded by Trustee Lane.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Chief David Ognan led a discussion regarding the LOSAP that has been posted for the past 30 days.

#### Resolution Number 230161

After a discussion Trustee Lane made a motion to approve the 2022 LOSAP for the Menands Fire Department, second by Trustee Marsh.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

The Clerk led a discussion regarding moving the June 20, 2023, Board Meeting due to Village Elections being held that day.

#### Resolution Number 230162

After a discussion Trustee Lane made a motion to move June 20<sup>th</sup>, 2023, to June 26<sup>th</sup>, 2023, due to Village Elections being held on June 20, 2023, second by Trustee Marsh.

#### ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

Deputy Clerk/Treasurer Nicole Ognan gave an update on the Water Meter Project.

The water meter project is at 99% for what could successfully be completed.

East National is going to come back to finish the remaining few in the late Spring. They align coming here with Saratoga Lake meter installations - the Spring will be when more of those seasonal homes open up.

The remaining accounts are various nonstandard installations (22 total remaining without new meters/radios), including 2 notices of violations that were sent out on 12/15 by Lyle. Five of those 22 are curb stop-related issues that the DPW is aware they need to work on – also waiting until it's a bit warmer out to exercise the valve.

We discovered 12 Lead Lines during the project.

The ability to Data Log has been a tremendous help in explaining usage along with the flags for continuous/intermittent consumption and finding a leak/ running toilet in a home.

DPW Foreman and I read the radios in the Village to make sure everything was working properly on February 1<sup>st</sup>, and it took 38 minutes. The next full water meter reading will be done Monday, May 1.

Trustee Harris advised the Board that the Baseball field needs to have repairs made to the grass. DPW Foreman Mike requested quotes for the work to be completed from 4 different companies. Only 2 companies replied. The quotes are as followed.





(518) 465-6074 laurie@clnurseries.com

Estimate		
Date	Estimate #	
2/10/2023	9210	

Name / Address

Village of Menands
250 Broadway
Menands, NY 12204

			Project		
			Village of Menands	Field Work	
Item	Qty	Size / UM	Description	Rate	Total
Removal Removal Removal	5 10	hours hours	Strip existing infield - Operator Strip existing infield - Laborer Equipment - 2 sod cutter and skid steer Subtotal	120.00 95.00 300.00	600.00 950.00 300.00 1,850.00
Topsoil	20	cu. yds.	Supply and install	65.00	1,300.00
Sod	4,000	sq. ft.	$60 \times 60$ infield + $10\%$ supply and stall	0.90	3,600.00

Prices are good for 60 days.	Subtotal	\$6,750.00
General Contractor to supply topsoil, maintenance and protection	Sales Tax (8.0%)	\$0.00
from traffic. Clover-Leaf Nurseries, Inc. is not responsible for theft or damage.	Total	\$6,750.00

# Resolution Number 230163

Trustee Harris made a motion to approve George's Nursery to repair the grass area of the Baseball Field at a cost of \$5,390.00, second by Trustee Marsh.

<u>ADOPTED:</u>

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

At 6:42 P.M. Trustee Marsh made a motion to enter into Executive Session to discuss three legal matters and one personnel matter, seconded by Trustee Harris.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

The regular meeting reconvened at 7:30 P.M.

Mayor Grenier appointed Lyle Darmetko as the Fire Inspector for the Village of Menands at a salary of \$30,000.00 per year and a Fire Inspector Contractor at a rate of \$30.00 per hour.

#### Resolution Number 230164

Trustee Lane made a motion to approve Lyle Darmetko as the Fire Inspector for the Village of Menands at a salary of \$30,000.00 per year and a Fire Inspector Contractor at a rate of \$30.00 per hour, second by Trustee Foley.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

# Resolution Number 230165

Trustee Marsh made a motion to authorize Chief Ryan St Gelais to sign the agreement for the Body Cameras, second by Trustee Lane.

#### **ADOPTED:**

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

# Resolution Number 230166

Trustee Marsh made a motion to purchase up to \$45,976.00 for cybersecurity equipment and its installation out of the ARPA account and to purchase a 3-year agreement for cybersecurity monitoring at a cost of \$20,054.00 to be taken out of the surplus account, second by Trustee Foley.

#### **ADOPTED:**

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

A motion was made by Trustee Marsh to adjourn, seconded by Trustee Harris.

# ADOPTED:

Trustee Foley	voting	AYE
Trustee Harris	voting	AYE
Trustee Lane	voting	AYE
Trustee Marsh	voting	AYE
Mayor Grenier	voting	AYE

The meeting was duly adjourned at 7:35 P.M.

Donald Handerhan Village Clerk