

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Court Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, May 12, 2020 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Police Chief Herlihy, William Ibberson.

MOMENT OF SILENCE

Mayor Brescia asked all in attendance which consists of the Police Chief, Village Clerk, Village Attorney, and the Village Board, to stand for a moment of silence for the victims of the COVID-19 and the 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 Andolsek, the Board approved the minutes of April 7, 2020. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

None

RE: ABSTRACT NO. 04-2020

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.04-2020 were audited and approved for payment with \$128,653.74 from the General Fund, \$3538.29 from the Water Fund, \$19,001.75 from the Sewer Fund and totaling \$151,193.78. Check No: 77775 – 77846, 1622 - 1628. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of April 30, 2020, as follows: General Fund \$1,183,059.54, Water Fund \$210,631.51, Sewer Fund \$435,956.65.

OLD BUSINESS

None

DEPARTMENT REPORTS – POLICE DEPARTMENT

Police Chief Herlihy said the Department remains busy and vigilant during the pandemic, keeping the Village safe as well as the themselves. Regardless of the constraints of the pandemic, we have been actively patrolling throughout the Village by vehicle and on foot. We have been responding to calls for service accordingly, for the safety and wellbeing of the residents, community members, business owners, and visitors of the village remain our upmost concern. We continue to monitor hot spot traffic in the Village daily, including the side roads and the closer of Goodwill Road. Hopefully we will have some relief from this pandemic and get back to some sort of normal conditions. He would like to take a moment to thank a few people for their contributions to the members of the Village Police Department.

He thanked Patty Kosher of Norcross, Georgia, Cindy Cole of Warwick, Edna Torres-Ortiz and her daughter Christina Ortiz of Montgomery NY, along with Butler Construction Group; for their generous donations of homemade facemasks to the members of the Village Police Department. He also thanked CYA Fire for their donations of masks and hand sanitizer as well.

On another note, they are in the process of creating a Village of Montgomery Police Department Facebook page. If you are on Facebook, he invites everyone to like their page. In addition, to the CodeRed announcements made to the Village Residents, he hopes to add informational videos in the future about upcoming events and notices to the residents of the Village. He reminds all the Police Department is available twenty-four hours a day, seven days a week, and can be reached at 845-457-3666; no matter how small the residents may feel the issue or problem is, please do not hesitate to call.

Mayor Brescia thanked Police Chief Herlihy. He regrets to say the Memorial Day Parade has been canceled.

Trustee Hembury said he and his family will be handing out US flags to Village and Town residents, to the passing vehicles at the corner of Goodwill Road and Roosevelt Avenue, on Saturday, May 23rd at 11 am until there supply lasts. In doing so, we are honoring our countries fallen service men.

Mayor Brescia thanked Trustee Hembury, it is a very nice gesture.

DEPARTMENT REPORTS – SUMMER RECREATION DAY CAMP

Deputy Mayor Scheels said Summer Recreation personnel have been making arrangements and plan to have the camp program ready, if it is allowed to open. It depends on the Governor Cuomo executive order, through the immediate directive from Mayor Brescia on the opening of Summer Recreation Day Camp in the Village of Montgomery.

Mayor Brescia said the registration is scheduled for May 30th, online, with a five-week program beginning July 6th through August 7th. He is hopeful a decision could be made by the next Board meeting of June 2nd on whether or not the Summer Concert Series will be held. The Public Hearing for the Moratorium held at the Senior Center, if possible.

APPROVE FORTE CONTRACT AGREEMENT FOR THE PROCESSING ONLINE TAX PAYMENTS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Forte contract agreement for processing the Village of Montgomery tax payments online by credit card or by echeck. Motion carried, 5-Ayes, 0-Nays. 5-Ayes, 0-Nays.

VIRTUAL MEETING – SENIOR CENTER STANDBY GENERATOR BID OPENING

The Senior Center Generator Bid Opening (virtual meeting) is scheduled to be held-on May 14th at 10 am, at the Village Hall.

DEFER LEAD AGENCY TO NYSERDA FOR CITY WINERY AWARDED GRANT TO ACHIEVE NET ZERO ENERGY

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board deferred Lead Agency to NYSERDA for the grant awarded to City Winery to achieve NetZero energy consumption for their facility. 5-Ayes, 0-Nays.

CITY WINERY TRANSFORMATION

Mayor Brescia commented on how beautiful the City Winery facility has been transformed.

PUBLIC PORTION

Mayor Brescia asked anyone viewing the meeting via live stream, if there were any comments or questions; please texted 845-629-4329.

MAY VILLAGE WIDE YARD SALE DAY CANCELED – FALL YARD SALE DAY IS EXPECTED TO BE HELD AS SCHEDULED

The May Village Wide Yard Sale Day has been canceled. He is hopefully that the October 10th, Village Wide Yard Sale Day will be held as scheduled.

2020 GENERAL MONTGOMERY DAY GRAND MARSHALL ANNOUNCED

Mayor Brescia announced the 2020 GMD Grand Marshall to be is Anthony (Tony) Marrano.

NEXT BOARD MEETING HELD AT THE SENIOR CENTER

The next Village Board Meeting is scheduled to be held on June 2nd at the Senior Center. If it's not feasible by then, it will be moved the Court Room.

MEMORIAL DAY FLAGS DISTRIBUTION – SATURDAY, MAY 23RD

Trustee Hembury expressed his feelings for honoring the fallen on Memorial Day although the parade has been canceled. He and his family will hand out flags on Saturday, May 23rd at 11 am, on the corner of Goodwill Road and Roosevelt Avenue; by placing a flag on the owner's vehicle windshield wipers, who express an interest of receiving a flag, in honor of our Veterans. A CodeRed announcement will be issued regarding the details.

SUMMER RECREATION PLANS TO OPEN UNLESS ADVISED OTHERWISE

Deputy Mayor Scheels mentioned Summer Recreation is making arrangements to open, should it be allowed to open. This year the program has been reduced to five weeks.

SYNOPSIS OF MORATORIUM

Mayor Brescia asked Atty. Dowd to provide a synopsis of the proposed moratorium. Atty. Dowd replied, the purpose of this Local Law is to enable the Village to prevent the submission and processing of any applications for Land Use Approvals within the Village for a reasonable time following the Village Board's completion and adoption of an update to the Plan.

It is further the purpose of this Local Law to fulfill the Village's constitutional, statutory and legal obligations to protect and preserve the public health, welfare and safety of its citizens as well as to protect the value, use and enjoyment of property in the Village by temporarily prohibiting the submission and processing of applications for Land Use Approvals within the Village.

The Village Board finds that the following concerns must be considered with respect to the Plan and present land use regulations of the Village and the possible adoption of regulations with respect thereto:

The Village has completed its 2017 Comprehensive Plan Update and, in order to ensure that new development is conducted in conformity with its provisions, it is necessary to briefly halt proposed new development until the land use provisions of the updated Plan can be implemented through new legislation.

The regional and national economic environment has changed since the adoption of the Plan as last amended, as have the Village's residential and commercial markets.

Since the adoption of the Plan as last amended, development in Orange County has increased substantially and it appears that additional large development projects are being proposed in the region which collectively creates a risk of increased traffic, unanticipated school district impacts and incompatible land uses.

Given the volatile economic climate in the region since the adoption of the Plan as last amended, the Village's current infrastructure and utility capacity may not be adequate to accommodate approved and future potential land uses.

The issue of commercial development in the Village and surrounding Town has come under scrutiny and requires re-evaluation of the uses permitted and encouraged in the Village's various zoning districts.

The natural resources of the Village may not be adequately protected by the Plan or current land use regulations.

The scenic and aesthetic attributes of the Village as they relate to the use of land in the Village for residential, recreational and tourism purposes and the potential negative impact thereon by certain uses currently permitted under the Plan and the Code should be considered.

The Village Board desires to protect the aesthetic and scenic resources as well as real estate values within the Village. An up-to-date Comprehensive Plan is essential to protecting the long-term health, safety and welfare of the Village residents.

That the submission and processing of applications for Land Use Approvals within the Village without first addressing the above factors may have a permanent, significant and substantial negative impact on the nature and quality of life in the Village and on the health, safety, general welfare and comfort of its residents.

That to preserve the resources and character of the Village, to consider further the concerns of the residents and property owners of the Village and to address further the needs of those residents and property owners, the Village finds that it requires time to study the impacts, effects and regulation of development within the Village.

The Village Board hereby finds that a moratorium of six (6) months duration, coupled with a hardship waiver procedure and mechanism for persons seeking Land Use Approvals within the Village, will

achieve the balancing of interests between the public need to safeguard the resources and character of the Village, the health, safety and general welfare of its residents and the rights of individual property owners, persons, or businesses engaging in various development activities during such period.

PUBLIC QUESTION

Beverly Mertz asked if there are any issues with the Holt Well.

Mayor Brescia replied there are none that he is aware of. However, he asked Beverly text him at 845-629-4239 and he will find out, through the DPW Supt. Nelson, if there are any issues. Again, there are none to his knowledge.

If there are no further questions, Mayor Brescia moves to a brief Executive Session.

EXECUTIVE SESSION

Mayor Brescia called of a motion to enter into Executive Session under section § 7(f) of the open meetings law to discuss the employment history of a particular individual with Atty. Dowd, Village Clerk Fernandez and Police Chief Herlihy.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board entered into Executive Session at 7:50 pm under section § 7(f) of the open meetings law to discuss the employment history of a particular individual with Atty. Dowd, Village Clerk Fernandez and Police Chief Herlihy in attendance. Motion carried, 5-Ayes, 0-Nays.

EXIT EXECUTIVE SESSION

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

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of May 12, 2020 at 8:02 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk