

Minutes of the Special Meeting, to adopt a resolution, establishing a temporary suspension of certain provisions of the Village Zoning to permit outside dining facilities for existing restaurants, of the Village of Montgomery is held at the Clinton Street Bandstand at 131 Clinton Street, Montgomery, NY 12549 on Tuesday, June 9, 2020 at 4:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Tracy Polumbo, Christa Wild, Paul Conroy, Yen Chan, Phillip Hopkins.

Mayor Brescia opened the meeting with a Pledge Allegiance to the flag.

OPEN SPECIAL MEETING

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board opened the Special meeting at 4:00 pm. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia thanked all in attendance for coming. He asked Atty. Dowd to provide a synopsis of the resolution to be adopted.

Atty. Dowd provided a synopsis of the resolution, that temporarily suspends certain provision of the Village's Zoning Law to permit outside dining facilities for existing restaurants and further temporarily permitting the use of Village sidewalks by existing restaurants subject to certain conditions and in accordance with Governor Andrew Cuomo's Executive Orders relative to the COVID-19 pandemic.

Furthermore, the outside dining required by law in the Village of Montgomery requires site plan approval by the Planning Board and or a special permit depending where you are located. To avoid that the Governor, whether he had the authority or not, it basically says that does not apply. However, this resolution is going to make certain that the Village is temporarily suspending its zoning law, regarding site plan approval for outdoor dining. Therefore, there is no misunderstanding between the Village, the restaurants, and what the Governor has said. This is the first thing that this is going to do. If you want to go off premises, onto the Village sidewalks, you can do so under this resolution, with certain conditions. Those conditions, are going to warrant what the SLA requires of your establishment, with social distancing, your server wearing masks at all times, separating tables no more than ten people at one table, and no standing service. Everyone must be seated somewhere, either at a table or a countertop. Secondly, if you want to use Village property a certificate of insurance is required to be submitted to the Village, naming the Village as addition insured. In case there is a trip and fall caused by your table and chairs, or your patrons falling. It should be very easy to acquire from your insurance broker. He does not feel there is a cost involved, if so, it maybe minimal. In addition to using the Village sidewalks, which is also in the SLA guidelines, you must clearly delineate where your tables are, in relation to a neighboring business of yours. You must map it out and keep it as such and provide it to the SLA, especially if you are serving alcohol. What you must do is to also leave space for pedestrian traffic to pass between the curb line and your tables. The pedestrians must not have to walk into the street to get around the tables. Leave passage for your pedestrians' patrons. Therefore, it is best to place your tables as close to your building as possible. Confine your table area to where your frontage is (Where your property is). Therefore, you are not supposed to go beyond your property line, into someone else's property line according to the standards of the SLA and Village as

outlined in the resolution. No music is to be played outdoors. Music is like a cabaret; people would then come to listen to music and stand around and not eat or drink. So there is no music unless your SLA license that allows for music. He urges the restaurant owners to check with the SLA first. We do not want to have any disturbances to neighbors, keeping in mind this is a residential area. You certainly do not want to be the cause of a nuisance to residents by having to listen to music through lunch, dinner, or whenever.

Mayor Brescia said if you do not currently have an SLA permit to serve alcohol, it does not open it up for those who don't have a permit to serve alcohol. He believes Dragon City and the Iron Café doesn't have an SLA permit; therefore, they cannot serve alcohol outside. Many of the businesses like the Ward's Bridge Inn, Copperfield's, Wildfire Grill already have outside seating. He is not sure how much they would want to do in front of their businesses. The Iron Café doesn't have much space on the sidewalk in front for a table, they probably could expand their seating out back. There is nothing stating what type of container to be used for serving alcohol, glass, or plastic. He suggests for tables on the sidewalks to use the proper precautions serving in glass containers. A certificate of insurance is required to be filed with the Village. It is best to get your certificates filed today or tomorrow. It's a simple rider on your insurance. He asked Phil (The Table) of his plans to serve on the sidewalk or in parking lot.

Phil said he we have three different scenarios' going; we would like to serve out in front. His concern in the writing of the law is that you can not have a fixed roof. If we serve under our overhang, we will not have to go into the sidewalk, but our sidewalk is very pitched. Therefore, it does not work for us to serve on the sidewalk.

Trustee Lindner said the legislation that he saw, to have an overhang as you do, would be ok.

Phil said if that is the case, he can seat twenty people under the overhang. Earlier he was with County Executive Steve Neuhaus at Limoncello's and it's the same scenario.

Mayor Brescia feels Phil will be ok at the Table. In addition, Ward's Bridge Inn has a tent, but the tents can not have sides on them. It can't be a permanent structure.

Trustee Hembury asked if this works out well, can it be continued?

Mayor Brescia said he is sure that it can be continued under.... (in audible) too many speaking at once, cut off Mayor Brescia.

Atty. Dowd said don't forget you have enacted the moratorium; this applies to most of the business zones. You would not be able to do anything until after the moratorium.

Mayor Brescia said there is an awful liability. We may be able to continue into phase three.

Atty. Dowd mentioned that this is a result of the Governor Executive Order states it is effective through July 6th. There is some confusion, because the SLA issued their guidelines through July, which was done prior to the Governor's Executive Order. Therefore, this resolution is through July 6th, keeping everything in place. If by that time if the Governor does not issue an extension, then this by itself goes away. However, if the Governor issues an extension then the resolution is also extended, and the Board doesn't have to take further action. Lastly, the tables and chairs must be

brought in at night, off the sidewalk. In case there is an emergency call, such as Ambulance or Fire. The village is not responsible for any lost or stolen items either. Please follow the Department of Health guidelines for your staff and patrons, for the wearing of masks. Your patrons can take off their masks only when seated. Your staff must always wear their masks. When the patrons leave an intensive cleaning required to prevent the spread of the virus.

Mayor Brescia asked if anyone plans on serving alcohol on the sidewalk, Paul, Christa, Phil? Alcohol can be served at a table, but they are not able to walk around with it in their hand. Are there any further questions? This is to help the businesses; and the guidelines are pretty much straight forward.

Building Inspector said the tents must be fire rated.

ADOPT A RESOLUTION, ESTABLISHING A TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF THE VILLAGE ZONING TO PERMIT OUTSIDE DINING FACILITIES FOR EXISTING RESTAURANTS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution that temporarily suspends certain provision of the Village's Zoning Law to permit outside dining facilities for existing restaurants and further temporarily permitting the use of Village sidewalks by existing restaurants subject to certain conditions and in accordance with Governor Andrew Cuomo's Executive Orders relative to the COVID-19 pandemic. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia said with no further questions, he calls for a motion to close the special meeting.

CLOSE MEETING

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board closed the meeting of June 9, 2020 at 4:14 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk