

Minutes of the Public Hearing, for K&M Wild, LLC, application to be considered for an exemption from the six month moratorium imposed by the adoption of Local Law No. 2 of 2020 so as to permit the owner to proceed with an amended site plan application to the Planning Board to allow permanent outdoor dining for the Wildfire Grill located at 74 Clinton Street, of the Board of Trustees, of the Village of Montgomery is held in the Senior Center 36 Bridge Street, Montgomery, NY 12549 on Tuesday, August 4, 2020 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief, Mary Ann Lindner, Nina Snyder, Steve Snyder, Ross Winglovitz, Krista Wild, Don Berger, K. O'Brien, Carol Daley, Nate Daley, Fred Mertz, Rev. Tom Jordan.

## OPEN PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board opened the Public Hearing. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez, if all the paperwork has been filed to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied, yes; all the paperwork has been filed.

Ross Winglovitz from Engineering & Surveying Properties provided a synopsis for the Public Hearing on behalf of their client Krista Wild, the owner of Wildfire Grill located at 74 Clinton Street; is applying for an exemption request or exception request from the moratorium to allow the Wildfire Grill to proceed to the Planning Board for sight plan approval of their outdoor patio. They are currently working under the Executive Order from the Governor of New York, for outdoor dining. They wish to formalize the approval moving forward, so, that in six months from now or next summer or when the Executive Order expires, they will be able to continue with the outside dining and continue with their liquor license as well. This is if she is allowed to proceed under the moratorium. We were before the Board of Trustees in July and now have amended the letter that was submitted at the end of July, regarding the hardship. Obviously, without the outside dining, it's a significantly impact to the business. Going forward, the vast majority of the patrons prefer outdoor dining from a health and safety prospective.

Mayor Brescia entertained comments from the public in attendance.

## PUBLIC COMMENT

Nina Snyder said she in favor of and supports Wildfire Grill's request. She hopes Krista and Jesus go forward with this for next year. She feels that the community is only as healthy as its vibrant small businesses and needs to be supported as its neighbor. She and Steve see how wonderful and careful the staff at Wildfire Grill have been in the back space, allowing them to stay open and continue their outdoor dining portion of their business. Again, she fully supports this and hopes the Board does too.

Don Berger said occasionally things come to our Village or Town that's a no brainer. It is very simple. Krista has been here an awful long time. He is in favor of allowing it, approves it and urges the Board to go for it.

Trustee Hembury mentioned passing through Monroe and he observed the outside dining. It is very common and is in favor of it.

Mayor Brescia said this is for outside dining in the back of the building. If there is no further discussion Mayor Brescia called for a motion to close the public hearing.

#### CLOSE PUBLIC HEARING

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board closed the Public Hearing at 7:20 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held at the Senior Center, at 36 Bridge Street, Montgomery, NY 12549 on Tuesday, August 4, 2020, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Herlihy. Mary Ann Lindner, Don Berger, Fred Mertz, Carol Daley, Nate Daley, Nina Snyder, Steve Snyder, Rev. Tom Jordan, K. O'Brian.

#### PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with a Pledge of Allegiance to the Flag.

#### MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of July 7, 2020. Motion carried, 5-Ayes, 0-Nays.

#### REQUEST TO MEET WITH BOARD

None

#### ABSTRACT – NO. 07 - 2020

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.07-2020 were audited and approved for payment with \$193,965.65 from the General Fund, \$17,798.13 from the Water Fund, \$17,256.35 from the Sewer Fund and totaling \$229,020.13. Check No: 77971- 78022, 1643-1664. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of July 31, 2020, as follows: General Fund \$3,166,878.66, Water Fund \$304,607.41, Sewer Fund \$550,233.05.

#### OLD BUSINESS

None

#### DEPARTMENT REPORTS – POLICE

Police Chief Herlihy stated business is as normal; with the COVID ongoing, we are doing the best that we can with the limitations and restrictions. We have received a lot of complaints of traffic issues on Goodwill Road. Therefore, we've been doing daily directive patrol details, once every shift. We have issued a number of warnings, some tickets issues, some gross violations, and some California rolls. The officers have been using discretion, and issued warnings or tickets accordingly. Last night there was a service call, for which he would like to point out that Sgt. Briere and Officer Blackford responded to at 211 and Canning Rd. It was a two-vehicle accident, one car smashed into the other car and pushing it into the Walkkill River. As the call came out it was a priority call which means its an immediate response. Sgt. Briere and Officer Blackford

responded to the location. Upon their arrival someone was screaming that someone was in the river. Sgt. Briere said he could hear the screams for help coming from the River. So, they went down to the river and saw three people, one very young child, estimated to be about four years old, and a male and female sitting on the hood of the submerged vehicle in the Wallkill River. The Officers ran back to get a throw bag, which we have for rescues. When they went down there, one of the fire department members arrived in their own personal vehicle. The three of them were able to successfully launch the throw bag to the people and tether them back to safety. No one was hurt.

Mayor Brescia asked what day did this occur.

Police Chief Herlihy replied it was last night.

Mayor Brescia said it was a good thing that it wasn't today, with the torrential rain from Tropical Storm Isaias.

Police Chief Herlihy replied true. He said it was a fast response. We were there within in a minute of the call-out. They went into action, with no concerns of anyone getting hurt. Everyone went home safe.

Clapping by all.

Mayor Brescia said the officers should receive a commendation. He will add it to the newsletter.

Police Chief Herlihy said he will write it up and add to their personnel folders. In addition, we had another protest on the 31<sup>st</sup>, with no issues, just a couple of disruptive moments during the course of the walk. We also had a protest march on Saturday morning for the Valley Central High School students. It too went well with no issues or concerns. He is certain there might be some community concerns about the marches. If anyone has questions, concerns, or issues his door is always open and his phone is always on, you can call me at any time of the day.

Trustee Hembury said good job.

Trustee Lindner complimented the Chief on the summary he wrote for the march concerning the High School.

Police Chief Herlihy said he just wanted to lay everything out from start to finish on how everything transpired.

Trustee Hembury said excellent. Again, good job.

Mayor Brescia thanked the Chief of Police Herlihy.

#### DEPARTMENT REPORTS – DPW

DPW Supt. Nelson reported working on the bid for the Village Hall Roof Replacement. He hopes to have everything ready by Thursday. However, he asks to set a bid opening date now and suggests September 8<sup>th</sup>, at 2 pm; there will be separate bids one for labor and two for materials.

## VILLAGE HALL ROOF REPLACEMENT BID OPENING DATE SET

Mayor Brescia called for a motion authorizing DPW Supt. Nelson to advertise for three separate bids, for the Village Hall Roof Replacement, one for labor and two for materials contingent on DPW Supt. Nelson fine tuning the specs with the engineer and Dennis Matthews. Setting the bid opening date for September 8<sup>th</sup> at 2 pm, held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549. So, moved by Trustee Hembury, seconded by Trustee Andolsek. Motion carried. 5-Ayes, 0-Nays.

## CONTINUED DEPARTMENT REPORT – DPW

DPW Supt. Nelson also mentioned being out of water meters.

Mayor Brescia mentioned issuing a water filters to JoAnn.

DPW Supt. Nelson said yes, it is due to putting the Park Wells back because of the drought. We are using seventy-five thousand gallons for outside water usage a day.

Mayor Brescia said the Montgomery Day Committee met last week; and we are not going to have the GMD parade. He would still like to have something small with music and fireworks. In addition, the Fireman's parade has been canceled. Furthermore, the Grand Marshals have been extended to next years events. He will make an announcement and post in the next newsletter as well. He isn't sure how or what can be done but he will be speaking with the Health Department. The Town is conducting the Farmers Market which is highly regulated.

DPW Supt. Nelson continued with his department reports and mentioned three residents have requested their water/sewer penalty be waived; due to receiving their mail late.

Mayor Brescia said we are going to waive the three requests but we are going to add a notice in the newsletter that due to the mail complications the residents get a one-time waiver only for water/sewer penalty. Everyone knows the water/sewer is billed twice a year, June 1<sup>st</sup> and December 1<sup>st</sup>. He asked DPW Supt. Nelson about the possibility of receiving chips money for paving.

DPW Supt. Nelson said he will let the Mayor know when it is scheduled, it should be coming up soon. He has to speak with Ross and Marc Devitt regarding Clinton Street. We will try to get in more curbing done during the paving period. And has nothing else to report.

Mayor Brescia thanked DPW Supt. Nelson.

## DEPARTMENT REPORTS – COMMITTEES

Trustee Hembury stated as soon as the COVID pandemic is over, he would like to begin welcoming the new residents again. He urges the Businesses to drop off anything they would like to add to the welcome packets. The Village welcoming team delivers packets to the new residents with a variety of information which includes operating hours, menus, business cards, coupons, upcoming events, and anything the businesses have provided. In addition to Village goods and services available. We've had up to 22 new residents on one of our welcoming events. We will issue a CodeRed announcement before the next event to allow the businesses who want to add to the packets, by simply dropping off their items at the Clerk's office at the Village Hall.

Secondly, letters have been issued to residents that have made positive improvement changes to their homes, letting them know their efforts have not gone unnoticed. He asked the residents to provide addresses of locations they feel should be recognized by contacting the Village Clerks office with the information.

Mayor Brescia said he will add a list of the positive changes to the newsletter as well. He also noticed a few items in the Senior Center that needs to be addressed and updated, such as the sconces they should all be matching.

DPW Supt. Nelson said he has been working on it and is not able to get the same type of sconces. They are no longer available. Therefore, he is looking to change all four sconces to have them all matching with the same type of finish.

**APPROVE AGREEMENT BETWEEN THE TOWN OF MONTGOMERY AND PERMITTING ADMITTANCE OF ITS RESIDENTS TO SUMMER RECREATION PROGRAM AND ACCEPTING FUNDS TO BE PAID AS PART OF THE COMPENSATION OF THE EMPLOYEES NECESSARY TO OPERATE THE PROGRAMS AND USE OF THE FACILITIES**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the agreement between the Town of Montgomery and the Village of Montgomery permitting the admittance of Town residents to the summer recreation program and accept \$21,500.00 to be paid as part of the compensation of the employees necessary to operate the program and the use of the facilities for 2020. Motion carried, 4-Ayes, 0-Nays, 1 abstention (Trustee Hembury).

**WATER/SEWER PENALTY WAIVED – AS A ONE TIME COURTESY ONLY FOR RECEIVING THEIR BILLS LATE**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board waived the Water/Sewer penalty for 229 Frieda Street in the amount of \$36.47, due to receiving their bill late. Motion carried, 5-Ayes, 0-Nays.

**WATER/SEWER PENALTY WAIVED – AS A ONE TIME COURTESY ONLY FOR RECEIVING THEIR BILLS LATE**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board waived the Water/Sewer penalty for 340 Angelo Drive in the amount of \$20.57, due to receiving their bill late. Motion carried, 5-Ayes, 0-Nays.

**WATER/SEWER PENALTY WAIVED – AS A ONE TIME COURTESY ONLY FOR RECEIVING THEIR BILLS LATE**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board waived the Water/Sewer penalty for 7 Tyler Street in the amount of \$27.12, due to receiving their bill late. Motion carried, 5-Ayes, 0-Nays.

## MONTGOMERY FIRE DEPARTMENT PARADE CANCELED

Mayor Brescia said the Montgomery Fire Department parade has been canceled due to the COVID-19 concerns. The current Fire Chief will be recognized along with the celebration that will be extended into next year's event.

## WILDFIRE GRILL PUBLIC HEARING ACTION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted Wildfire Grill Restaurant application, for their exemption from the moratorium, thus allowing them to proceed with a sight plan to the Planning Board. Motion carried, 5-Ayes, 0-Nays.

## PUBLIC PORTION

Don Berger expressed his concerns regarding the truck traffic coming into the village, using the side streets. He witnessed three dump trucks coming in to the Village, which are from the Amazon development project, not from Medline. They were flying through the Village. He recalls two officers were going to receive DOT training, what is the outcome? Is it possible to set another truck traffic monitoring with the DOT's assistance? By doing so, he feels there may be changes by hosting a truck check point again. Walden pulled over twenty-two tractor trailers on Thursday, after that the tractor trailers began traveling 17K and up Albany Post Road. Lastly, he asked if the St. Patrick's parade is still going to be held.

Police Chief Herlihy mentioned he addressed the email regarding the tractor trailers on the side streets. He suggested anyone witnessing these incidents to please call the Police Station immediately, as it is happening instead of waiting until after the fact. This way it can be addressed on the spot. Furthermore, due to the COVID pandemic all training has been on hold. As soon as, the training is available we will register. The DOT training is quite a lengthy process which includes three different phases. As soon as the truck stop begins, the truck drivers are on their radios advertising it and posting on social media.

Mayor Brescia said as of this moment the parades are on as scheduled. He also has not heard but will be in touch to confirm.

Mr. Snyder mentioned two things, the first regarding the truck traffic. He noticed about three weeks ago on his way up to Sullivan County, the State had scales set up by the firehouse. So, for a couple of days after that truck traffic slowed down, it is a major deterrent. Secondly, regarding the water in the Village, has anyone else had issues of discolored water? Is it a chemical change? We have noticed a change in the last month.

DPW Supt. Nelson said due to the drought the Park Well was put into service around July 1<sup>st</sup>, which has iron minerals in the well. Since the COVID pandemic Holt Well #5 usage has been high and has slowed down as of late. The filtration system has been working well, with not traces of Manganese. The sand media for the filtration system will have to be replaced in about twelve years. The cost for new sand media is approximately twenty to twenty-five thousand dollars.

Mayor Brescia said that sounds like a lot money for the sand media but the whole system cost was four hundred thousand dollars. He asked DPW Supt. Nelson to do what needs to be done expedite the discolored water issues. He noticed very early morning patrols on Railroad Avenue. He asked Police Chief Herlihy if it's because of speeding?

Police Chief Herlihy said the patrols are performing the directive patrols for traffic cutting through.

Trustee Hembury said he received a message from Pam Schembri on Elizabeth Street about a company using Jake brakes coming off of Ward's Bridge and noticed a truck approaching the turn at a slow speed and quietly pass over the Bridge without any noise and said he must have passed the word along. He is well aware the Police Department can not be everywhere, as he knows through his own experience. He has seen the Police Officer pulling people over and thanked the Police Chief Herlihy for what he is doing.

Mr. Mertz thanked Mayor Brescia for getting seismic graphs of the Medline blasting. The blasting shook the ground pretty good. He asked if there is a limit on seismic graph.

Mayor Brescia said he will ask. They moved the seismic graph as close as possible to the Village without going onto private property.

Mr. Mertz said he understands that. Is the blast plan still scheduled for Monday through Friday, from 12 noon to 2 pm? We are hearing blasts outside that time frame. He has brought this up to the Town Planning Board, they were surprised that it could be heard. As far as the water supply, he feels the blasts could be causing some type of sediment. (In audible) speaking too low.

Mayor Brescia provided Mr. Mertz with Jim Farr email address, [jfarr@farr-engineering.com](mailto:jfarr@farr-engineering.com).

Ms. Snyder said it is helpful for Mr. Mertz to have Jim Farr email but also wants the Village Board to be proactive in this, due the close proximity to the Village and more activity during the construction phase. She is not a water expert but has a sense that a ripple effect to the Wallkill River. The Village should receive reports from the Town about what parameters are regarding cement mixers, for what is potentially in store for traffic changes.

Mayor Brescia said it is his understanding that one of the facilities is going to have concrete on site. He is unable to recall which one at the moment. By the way a cement mixer is able to fit under the bridge on Route 416, he was mistaken earlier. Most of the dump truck traffic that has been coming through, has been with fill, one was going to Valley Avenue and other places here. Brain Maher sent him a text, to say they were also going to a site off Albany Post Road. We will try to keep on top of that.

Trustee Hembury said our streets were created during revolutionary war with dirt roads. The Town Highway Supt. DPW Supt. Nelson are going to move back the stop lines about twenty feet to allow for better turning. We are pretty much stuck; the State is not going to provide funding. On his CB radio he has heard the truck drivers talking about where to avoid the check points. He would like to have speed bumps added to slow them down. The problem is with GPS, it routes the unknow drivers onto the side streets. He also mentioned Garmin owns Magellan and Rand McNally and they will not change their programing because Route 211 and 17K are State Roads. Through his own experience speaking with the DOT, they aren't cooperative either. We are on own in this matter. The posted signs have been somewhat of a deterrent for the truck traffic.



## EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive Session at 7:57 pm, under the open meetings law § 7 (f) to discuss employment history of a particular individual with the Police Chief Herlihy, Atty. Dowd, and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

## EXITED EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board Exited Executive Session. Motion carried, 5-Ayes, 0-Nays.

## END PROBATIONARY PERIOD A MONTH EARLY FOR POLICE CHIEF WILLIAM HERLIHY

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board agreed to end Police Chief William Herlihy probationary a month early. Motion carried, 5-Ayes, 0-Nays.

## ADJOURNMENT

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting of August 4, 2020 at 8:36 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk