

Minutes of the Regular Meeting of the Board of Trustees, of the Village of Montgomery was held in the Court Room, at 133 Clinton Street, Montgomery, NY 12549, on Tuesday, February 2, 2021 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner (absent), Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson (absent), Police Chief Herlihy, Steven Green, Bruce Kaufmann, John S. Vero, Jim DiSalvo, Chris Dul, Susan Hembury, Don Berger, John Kitchenman, Tyler Briere, Conner Linskey, Stacy Brescia Spreer, Tom Steed.

RE: PLEDGE OF ALLEGIANCE

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

RE: MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of January 9, 2021. Motion carried, 4-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

None

RE: ABSTRACT NO. 01-2021

Moved by Trustee Andolsek, seconded by Trustee Hembury, all bills listed on ABSTRACT NO.01-2021 were audited and approved for payment with \$106,512.13 from the General Fund, \$9,161.51 from the Water Fund, \$19,045.30 from the Sewer Fund and totaling \$134,718.94. Check No: 78358 – 78418, 1711 - 1714. Motion carried, 4-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of January 29, 2021, as follows: General Fund \$1,501,138.21, Water Fund \$307,552.00, Sewer Fund \$524,124.83.

RE: REPORTS – DEPARTMENTS – BOARD – COMMITTEES

Trustee Hembury reported on welcoming thirteen new residents to the Village. Our presents was well received. Two of the homeowners weren't home one answered using a door-cam smart feature. The new owner couldn't believe it and wanted to invite us for coffee and cake in the near future. The second house was under construction. The packets provide the new owners with information about the Village and anything the businesses submit to be added, such as menus, discounts, coupons, business cards. However, on all occasions we asked them why they've chosen to live in the Village of Montgomery; their responses were the same, due to low crime and it being a safe place to live. They have done their research and were smart shoppers. Two new residents said during the process of purchasing their home, it was a price war and had to up their offer. They also asked what other homes are up for sale, because they want their friends and family who are looking to live here too.

Secondly, he reported on Veterans Corner, the sign will be posted at the corner of Roosevelt Avenue and Goodwill Road. The dedication will be held on March 6, 2021 at 12:00 noon. He's invited the American Legion and several other former servicemen to be in attendance for the unveiling of the sign. The location is where he and his family have given out flags to anyone

who's welcome to receiving one, in honor of our present and former servicemen and women that have served our great nation. The Pole will be decorated on several occasions throughout the year, such as Veterans Day, and on Memorial Day.

RE: POLICE DEPARTMENT REPORTS

Police Chief Herlihy reported on preparing for the open meeting on executive order 203 to be held tomorrow at the Montgomery Senior Center, at 36 Bridge Street, Montgomery, NY 12549, at 6 pm. Its open to the public for a question-and-answer session regarding the Police Department. He's also working on his budget prep.

RE: ACCEPT POLICE OFFICER GERAINIE RESIGNATION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board accepted Police Officer Kyle Geraine resignation, effective as of January 22, 2021. Motion carried, 4-Ayes, 0-Nays.

RE: APPROVE PURCHASE OF WATER METER SOFTWARE

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the purchase of Water Meter Software from Schmidt's Wholesale, Inc. in the amount of \$12,960.72 administered by Badger Meter (Beacon AMA Mobile and Fixed Network). Motion carried, 4-Ayes, 0-Nays.

RE: EVENTS

Village Hall is closed on February 15, in observance of President's Day.

RE: PUBLIC PORTION

Mayor Brescia said at the next meeting Trustee Lindner will be able to provide a report on the Master Plan Sub-Committee. In addition, several work sessions are being planned with Brian Rivenburgh regarding his plan, which is a little aggressive for the area. He is aware of some concerns on one side of the street, whereas on the other side there is no problem keeping it zoned as an I-2. He's agreeable to keep the Western side of the Railroad Avenue as is. In the recent past across the street there were recommendations for the area to be a B2 zone with some commercial and some residential; much less residential. Two story duplexes with some apartments with them being a municipal parking lot to the Village. We will have a discussion with them, with a member of the Planning Board there as well.

MP Sub-Committee member Romano stated the B1 zone encompasses smaller warehouses. There was a discussion about more businesses and getting away from the I-1 zoning district totally. It's going to be hard to do, but most of us feel it should be that way.

Mayor Brescia understands, it's nice to have some rateables. We are concerned with the size of the warehouses. The developer on Route 211, next to the Hoeffner's property may be amenable to talk about some residential, such as upscale condominiums or something of that nature.

Planning Board member Steed said trying to find a balance being a small village... (inaudible speaking too low and too far from microphone).

Mayor Brescia said there needs to be adequate buffering as well, especially on Weaver Street. This has been discussed previously, it hasn't been forgotten.

Mr. Bruce Kaufmann is concerned about any type of zoning change on either side of Railroad Avenue, specifically speaking of residential zoning. For instance, it could be said zone it for duplex's and so forth; however, once the zoning is changed to residential, the owner may have a change of mind and not want it. We've all seen the proposed plans on those two parcels. In the last fifteen to twenty years that he's attended the meetings, we have to very careful not to allow the zoning to be changed. He's spoken to six to seven of his neighbors today due to the storm. So, he is here on behalf of the residents on Railroad Avenue. They are all against the zoning changes for Railroad Avenue and are for the zoning to staying as it is now. Its currently zoned commercial, of which they have every right to build there. At the Planning Board level other options were said to be approved ten years ago, with shops on the lower level and business on top, and another building for shops, for an electrician, a plumber, and a carpenter. It was all done; the plans were great. He applauded it. They stopped it due the recession of 2006 and 2007.

He wants the Board to be aware that he and his neighbors oppose the zoning on Railroad Avenue to residential. Please be mindful of what's there and how it should be developed in the right manner. He wants people to realize that at 5 pm what a nice lane that is from Boyd Street down to Clinton Street. People come out to ride their bicycles or walk with their children, with an ease of mind that there isn't heavy traffic along the lane.

He suggested the owner build a replica of the former train station. Again, keep in mind that changing the zoning to residential could destroy that part of our village. There aren't many places in the Village where people can build for small businesses, this is area that can be utilized. Furthermore, in the downtown business district there is limited parking; it could be another option for Village Municipal parking.

Mayor Brescia said you do realize that a large warehouse could be built there.

Mr. Kaufmann said he aware of others being against warehouse, such as Medline and Amazon. He understands this, but what people do not recognize that a parcel of land is zoned in a particular manner, they have every right to build what they want to build. However, they have to go through the process of the Planning Board, and pass environment standards, the engineers have to be consulted. A huge warehouse in the Village of Montgomery just does not fit. The set backs off the property for the Railroad itself, will not allow for tractor trailer to travel in and out of there (inaudible speaking to rapidly). Look out your window on 416, what do you see. Furthermore, we have control in the Village.

Mayor Brescia said the Board will be amenable to it. He should not think of what was proposed a few years ago with fifty-five or plus units on that side of the street. You're going to have a B2 with some residential, to subsidize it. We will have work sessions to discuss the options. A few duplex's may be possible, with a few apartments over businesses, if that's the route we follow. We are certainly going to be amenable to that side of the street.

Mr. Bruce Kaufmann said he would like to be informed of any meetings, so he can attend.

Mayor Brescia clarified with Atty. Dowd about adding restrictions to the B2 zone or the second B2 zone if it still becomes that. Certain restrictions can be added to the zoning, such as a PDD. For instance, it could be said that houses or duplexes or new commercial to be done with a

historic flavor of the Train Station, or Brescia Lumber, or what ever it was before Brescia Lumber. It can have a historic integrity.

Mr. Bruce Kaufmann said we are going to have the right to agree or disagree. At this point he doesn't want any changes to the zone. He is here once again, to raise my hand and state his thoughts.

Mayor Brescia thanked Mr. Kaufmann.

Mr. Don Berger said the last meeting requested that the Village have a meeting with residents. He feels it is valuable, he feels the meeting should not be held after the Public Hearing, but done prior to the Public Hearing. He has not heard when the meeting will be held.

Mayor Brescia replied we are not at that point yet to have a public hearing. He told Mr. Berger that Board would consider it and certainly will.

Mr. Don Berger questions the proposed Master Plan Sub-Committee recommendations.

Atty. Dowd replied the memo that you have is a composite of suggestions, recommendations, opinions of the committee, looking for some guidance from the Village Board; nothing has been written in concrete; there is no local law that is finalized. There will be ample public hearing on that local law, as the law requires. Ultimately, the Board can either accept it, or reject it, or amend it. To be talking about what is in that memo, your drawing conclusions before there has been any discussions of any kind of finalization of the thought pattern of the Village, the Board, and as well as the community itself. The Board has not met. He recommended the Board go into Attorney Client Privilege to discuss some issues before giving guidance to the committee as well as what will be put in the local law. Therefore, he feels Mr. Berger should not start picking at any of the three recommendations, is it really an exercise that may give a false perception and insight a reaction from the public. Furthermore, it does not target one particular property; it involves all of the zoning relating to the I-1 zone. The Board has to determine what they believe is in the best interest of the Village.

Mayor Brescia said the public hearing can be held open after the question-and-answer session, for further review. We are going to look all three recommendations before it is put into law.

RE: EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive session at 8:03 pm, under the open meetings law article 7 §(f) for matters leading to an appointment with Police Chief Herlihy, Atty. Dowd, and the Village Clerk in attendance. Motion carried, 4-Ayes, 0-Nays.

RE: EXITED EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board Exited Executive session at 8:13 pm. Motion carried, 4-Ayes, 0-Nays.

RE: HIRE PART-TIME POLICE OFFICER

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board hired Tyler Briere as a Part Time Police Officer, under the provision of the CBA. Motion carried, 4-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of February 2, 2021 at 8:16 pm.

Monserrate Rivera-Fernandez, Village Clerk