

Minutes of the Public Hearing for Introductory Local Law I-2 of 2021, of the Board of Trustees, of the Village of Montgomery, was held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, NY 12549, on Tuesday, May 18, 2021, at 7:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Chrmn. Conero, MP Member Romano, Deputy Police Chief Arteta, MP Member Steed, Connor Linskey, Brian Rivenburgh, Darren Jellema, Bruce Kaufmann, Vincent Satriano.

OPEN PUBLIC HEARING

Mayor Brescia called for a motion to open the Public Hearing, so moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board opened the Public Hearing at 7:00 pm. Motion carried, 5-Nays, 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 for this public hearing to be held.

INTRODUCTORY LOCAL LAW I-2 OF 2021, THAT AMENDS THE ZONING LAW AND ZONING MAP FURTHERANCE OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE VILLAGE'S 2017 COMPREHENSIVE PLAN UPDATE

Mayor Brescia asked Atty. Dowd to provide a synopsis of the Introductory Local Law 2 of 2021.

Atty. Dowd said the Introductory Local Law 2 of 2021 is to be considered for adoption, amending the Zoning Law and Zoning Map in furtherance of the implementation of the recommendations of the Village's 2017 Comprehensive Plan Update.

Mayor Brescia opened the meeting to receive public comment from the public in attendance. No written comments were received by the Village Clerk prior to the meeting.

PUBLIC COMMENT

Property and business owner, Vincent Satriano voiced his concerns regarding the zoning changes. He owns the property on Factory Street, that is along the Wallkill River. He has a proposed development expansion of his current building. He has a lot of money invested on the design and development stages of his project and changing the zoning would directly affect him. His property is in high demand and receive applications daily for housing rentals. He has reduced the number of units that was originally proposed. He is currently addressing the DEC, as well as the Fire Departments requirements. Therefore, he asks the Board to reconsider as the changes in the zoning, again, will directly hurt his project and his business.

Trustee Lindner mentioned the zoning changes regarding the multi family zoning and the slope issues were brought up by the Village Engineer.

Atty. Dowd said nothing has been approved, there are issues with building on a slope as well as the any building affecting the Wallkill River, eagles, as well as the bats. In addition, the historic preservation of the close proximity to the National Register listed Crabtree house.

Mr. Satriano said he wanted to make sure he has been clearly heard.

Resident Darren Jellema voiced his concerns about the proposed development on Railroad Avenue. He does not approve of twelve apartments over small businesses. He suggested applying for grant money for the Train Building. He prefers a sports plex and does not want more traffic. In addition, we do not need another pizzeria or a coffee shop either. Railroad Avenue is a pleasant and quite street in the evening, which allows for families to walk and the children to ride their bikes without worry of heavy traffic coming and going. He feels the proposed project is going to ruin the quality of life he's grown accustomed too. Furthermore, it would obstruct his view from seeing the train going by. He wanted to let the Board know that he and his neighbors are of the same opinion with this development, and to voice his concerns. He urges the Board to reconsider the zoning changes on Railroad Avenue. He loves living here, and if this is built, he may consider moving.

Bruce Kaufmann also expressed his concerns with development in that area. He does not want to see warehouses. You don't know how quiet it is. We like the quiet.

Mayor Brescia said public hearings were held on the Planning Board level for this proposed project in question. He's aware of the quality of life living on Railroad Avenue, due to living on Railroad Avenue his entire life. He feels adding residential on odd side of the Railroad Avenue isn't going to change the quality of living on Railroad Avenue. It has been zoned industrial for as long time. He feels residential is far better than two large warehouses.

Marc Devitt is concerned with the PDD, the language in the zoning changes suggest that there is time cap on those PDD's and that they could revert back what they were originally zoned for. There is a three-year time cap on any new PDD's so if a PDD after this is adopted, a week later they have three years to build. If a PDD was approved a week ago, they would have one year to build. He has a problem with the time frame, you're looking at amending the zoning throughout the Village and there are no time limits on any of those projects. So, changing any of the zones whether its on 211 or Railroad Avenue there are no time limits placed them, it's strictly PDD's.

Mayor Brescia asked PB Chrmn. Conero do we normally have a time frame on the other zones.

PB Chrmn. Conero replied once the project is approved, they have six months to start the project. Then if they don't start it, they have to come to the PB to ask for a continuation or a waiver for another six months. We did this with the Pleave project for a long time, therefore, the PB voted to allow a six-month extension several times. There are definitely time limits placed on any projects in the Village that he knows of. Atty. Kevin Dowd can elaborate.

Atty. Dowd said the PB generally, commencement of development of the PDD, or the first phase if a phased PDD is approved, must occur within three years of the date that the final site plan of the PDD is approved. However, it is recognized that depending on the scale and complexity of the development, consideration may be made with respect to the reasonable time necessary for the applicant to obtain construction financing, insurance and bonds, executing construction contracts, and other such aspects involved in a development project. Thus, the Board of Trustees may modify the time period allowed for commencement of construction depending on the circumstances of each PDD.

Mayor Brescia said we are now proposing the time constraints for the PDD's that are not in the B2 zone, rather than an I-2 zone and the I-1 zone.

Atty. Dowd said it is due to the PDD being a special district in itself. What is being addressed happens to be PDD's that have been approved, that have been dormant for years with nothing being done. Therefore, an approved PDD's can go on for 100 years. The zoning changes the time constraints and states any PDD that has received final site plan approval by the Planning Board shall automatically

expire three years after such approval is granted if no substantial construction of the PDD has commenced. For the purpose of the subsection, “substantial construction” shall mean installation of 50% of the required infrastructure; whether intended to be public or privately owned. Upon expiration of a PDD, the Board of Trustees shall amend the zoning map to designate the Zoning District of the land encompassed by the expired PDD. In addition, any PDD existing as of the date of the adoption of the local law that has already exceeded the three-year expiration period stated herein shall have one year from the effective date of the local to complete “substantial construction” as that term is defined.

Marc Devitt said it seems from his prospective that it targeted to only two active PDD’s that now have a one-year time limit and everybody else has three years.

Trustee Lindner said the committee did recommend that the existing shall have three years from the start of the approval.

Marc Devitt said that is fine, it’s just not written in the law that way.

PB Chrmn. Conero said as Kevin Dowd said, it was so we don’t have stale PDD’s out there for a long time, in order to keep things moving. He was hoping Kevin would say, which he neglected to say the reason we have on subdivisions and any other projects, other than PDD is that we do not want projects to become stale with it just sitting there and nothing happens. If your project sits there for over six months and nothing has been done, then you don’t have the right to build it. We were trying to put reasonable limits on the PDD’s.

Marc also expressed his concerns on the limit of the minimum square footage the Board is considering, which he feels is low and it should be increased; such as 250 sq. ft. for a studio apartment, that is pretty small for a studio apartment, that’s the size of a studio apartment in Manhattan not in the Village of Montgomery. He suggests increasing the size or eliminating the studio apartment. He also suggests the 500 sq. ft for a one bedroom, be increased also. It adds expense on the developer to build a bigger apartment.

Atty. Dowd speaking (in audible) can not clearly hear.

Mayor Brescia suggested that the zoning committee reconvene one more time, taking into account the concerns brought up at the Public Hearing.

Atty. Dowd said the Board is not able to take action tonight, pending OC Dept. Planning recommendations, and any changes may be made as a result of public input.

ADJOURN AND CONTINUE PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW 2 OF 2021, THAT AMENDS THE ZONING AND ZONING MAP FURTHERANCE OF THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE VILLAGE’S 2017 COMPREHENSIVE PLAN UPDATE

Mayor Brescia called for a motion to adjourn the Public Hearing and continue on June 1st, at 7:00 pm, held at the Senior Center, 36 Bridge Street, so moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the Public Hearing and continue as said. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting of the Board of Trustees, of the Village of Montgomery, 133 Clinton Street, Montgomery, NY 12549, was held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, NY 12549 on Tuesday, May 18, 2021, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Chrmn. Conero, MP Member Romano, Deputy Police Chief Arteta, MP Member Steed, Connor Linskey, Brian Rivenburgh, Darren Jellema, Bruce Kaufmann, Vincent Satriano. Michele Ries.

CALL TO ORDER

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 May 4, 2021. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Michele Ries provided the Board with Electric Suppliers for the renewal. The suppliers pricing consists of:

- Smartest Energy: 13-months at \$0.06510, 25-months at \$0.06695, and 36-months at \$0.06923
- Constellation Energy: 13-months at \$0.06538, 17-months pricing at \$0.06688, and 25-months at \$0.06935, 36-months at \$0.07354
- Engie: 13-months at \$0.06581, 25-months at \$0.06696, 36-months at \$0.06863
- Direct Energy: 13-months at \$0.06380, 25-months at \$0.06500, 36-months at \$0.06750

OLD BUSINESS

None

ELECTRICITY SUPPLIER APPROVED FOR 36 MONTHS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Direct Energy as the Electric supplier for 36 months at \$0.06750. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH THE BOARD – UTC TELEPHONE SYSTEM PROPOSAL

Waliur Rahman with UTC provided the Board with a proposal for the telephone system. The telephone system presented is for 23 lines, connecting all of the departments together into one system which they will manage for us. There is a one-time cost of \$3,733.46 and a monthly charge of \$368.00 above the current charges for internet services provided by the existing providers. UTC will not provide internet nor are they responsible for internet services, they recommend having a dedicated and reliable internet service for an improved quality of service. Analog line for fax lines will remain as is, UTC will not provide fax lines. Cable TV service will remain the same, UTC will not provide cable TV service. Cable and connector cost are included, UTC will pay cable and connectors as required. Voice Service valid for USA 48 States coverages with unlimited minutes but international minutes not included.

In audible too many speaking over each other.

Deputy Police Chief said the Police Department is concerned with a slow connection with voice overriding the system. For instance, the computers operating at a slower speed due an incoming call taking precedence. The Department can not function properly if this is the manner in which the system will function.

Mayor Brescia suggested hard wiring the Police Department to alleviate any type of slow connection. He feels the cost is feasible.

SPECTRUM TELEPHONE SYSEM PROPOSAL

Spectrum representatives were not able to present their pricing in person. However, they have provided their pricing for the Board to review and are available to speak with Board and answer any questions. Their proposal pricing is a monthly recurring charge of \$978.00, and non-recurring charges of \$750.00, which breaks down to \$500.00 for installation per site, and \$250.00 for training, with a term of three years.

Deputy Police Chief Arteta said he would be able to review the proposals, as he has knowledge in this field, as it is his direct line of work.

PB Chrnm. Conero also offered his assistance to review the proposals, as its his direct field of work.

Mayor Brescia said the Board will review all of the proposals and make a decision in the very near future. He thanked them for their proposal and their time. We will be in touch.

Trustee Hembury said the radar unit by the Post Office is getting excellent reviews. It is slowing down the cars very well. Secondly, regarding Veterans Corner, he spoke with Mark Merring from the American Legion. They are going to put up four banners representing the different branches of the military, (Air Force, Army, Navy, and the Marine) as you approach Veterans Corner, two from the direction of Shop Rite and two from Washington Street. Furthermore, over the Roosevelt intersection, there will be an American Flag and the American Legion Flag. It is their hope to obtain these flags by Memorial Day. We will also be handing out the flags on Memorial Day before and during the parade.

APPROVE PURCHASE OF 2021 JEEP GRAND CHEROKEE LAREDO FROM ROBERT GREEN TRUCK DIVISION FOR THE DPW

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the purchase of a 2021 Jeep Grand Cherokee Laredo from Robert Green Truck Division in the amount of \$37,233.63 for the DPW. Motion carried, 5-Ayes, 0-Nays.

EVENTS

Events: Monday, May 31st, Memorial Day Parade steps off at 11:00 am.

ACCEPT THE RESIGNATION OF SENIOR DINING MANAGER

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board accepted the resignation of Becky Szabo, Senior Dining Manager effective as of May 14, 2021. Motion carried, 5-Ayes, 0-Nays.
REGULAR MEETING PAUSED

Mayor Brescia paused the Regular Meeting, for the Public Hearing, for Introductory Local Law 3 of 2021 at 8:00 pm.

Minutes of the Public Hearing for Introductory Local Law 3 of 2021, of the Board of Trustees, for the Village of Montgomery, was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, May 18, 2021, at 8:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Chrmn. Conero, MP Member Romano, Deputy Police Chief Arteta, MP Member Steed, Connor Linskey, Brian Rivenburgh, Darren Jellema, Bruce Kaufmann, Vincent Satriano.

OPEN PUBLIC HEARING

Mayor Brescia called for a motion to open the Public Hearing, for Introductory Local Law 3 of 2021, that amends Chapter 77 of the Village Code to set a new standards, regulations, and enforcement procedures for the control of noise throughout the Village. So moved by Trustee Lindner, seconded by Trustee Andolsek, the Board opened the Public Hearing as said. 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 of the paperwork has been filed to hold this public hearing.

Mayor Brescia asked Atty. Dowd to provide a synopsis of Introductory Local Law 3 of 2021.

Atty. Dowd said the Introductory Local Law 3 of 2021, is a law to be considered for adoption, that repeals Chapter 77 of the Village Code of the Village of Montgomery entitled, “Noise” and enacts a new Chapter 77 entitled, “Noise”, to set a new standards, regulations, and enforcement procedures for the control of noise throughout the Village.

PUBLIC COMMENT

Mayor Brescia opened the meeting to receive public comment.

Resident Sophia Romano asked what type of noise and how is it determined to be a nuisance.

Atty. Dowd said it is any loud noises that is a nuisance and disruptive to the adjoining or neighboring residents. The decimal sound is read by a meter that the Police Department will use to determine the severity and therefore enforce the standards, regulations, and procedures to control the noise.

With no further comments from the public in attendance or written comments submitted to the Village Clerk prior to the meeting, as advertised.

CLOSE PUBLIC HEARING

Mayor Brescia called for a motion to close the Public Hearing for Introductory Local Law 3 of 2021. So moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board close the Pubic Hearing as said. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Fernandez, Village Clerk

REGULAR MEETING RESUMED

ADOPT NEGATIVE DECLARATION AND DECLARE LEAD AGENCY

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a Negative Dec and declared themselves as lead agency, for Introductory Local Law 3 of 2021. Motion carried, 5-Ayes, 0-Nays.

ADOPT INTRODUCTORY LOCAL LAW 3 OF 2021

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board adopted Local Law I-3 of 2021 that amends Chapter 77 of the Village Code to set new standards, regulations, and enforcement producers for the control of noise throughout the Village. Motion carried, 5-Ayes, 0-Nays.

AMEND RESOLUTION DATED APRIL 6, 2021 TO RELEVY THE OUTSTANDING WATER/SEWER BILLS OF FY 2020 THROUGH 2021 RENTS AS INSTRUCTED BY NEW LEGISLATION SIGNED INTO LAW (S01453B) AND REDUCES IT BY \$33,688.30 FOR WATER

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board amended the resolution dated April 6, 2021 to re-levy the outstanding water/sewer bills of FY 2020-2021 rents, as instructed by a new legislation signed into law (S01453B), and reduces it by \$33,688.30 for water, for a total of funds in the amount of 45,519.13. Motion carried, 5-Ayes, 0-Nays.

APPROVE TOWN OF MONTGOMERY CONTRACT AGREEMENT TO PERMIT THE ADMITTANCE OF RESIDENTS OF THE TOWN TO THE RECREATION PROGRAM BEING PROVIDED BY THE VILLAGE DURING THE SUMMER OF 2021 AND TO ALLOW SAID RESIDENTS OF THE TOWN TO PARTICIPATE IN SAID SUMMER YOUTH RECREATION PROGRAM TO THE SAME EXTENT AS THE SAME IS ALLOWED FOR RESIDENTS OF SAID VILLAGE, AND ACCEPTS \$21,500 AS CONSIDERED COMPENSATION FOR THE EMPLOYEES NECESSARY TO OPERATE THE PROGRAM AND USE OF THE FACILITY

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the Town of Montgomery contract agreement, to permit the admittance of residents of the Town to the recreation program being provided by the Village during the summer of 2021, and to allow said residents of the Town to participate in said Summer Youth Recreation Program to the same extent as the same is allowed for residents of said Village. It is mutually agreed between the Town and the Village that \$21,500.00 mentioned consideration will be paid as part of the compensation of the employees necessary to operate the recreation program and the use of the facilities. The Town thereby agrees to pay the Village of Montgomery the consideration hereinafter recited on or before the 31st day of December, 2021. Motion carried, 5-Ayes, 0-Nays.

AMEND THE RESOLUTION TO LEVY FY 2020-2021 TAXES AS INSTRUCTED BY NEW LEGISLATION SIGNED INTO LAW (S01453) AND GRANT EXECUTION OF TAX WARRANT BY THE MAYOR AND THE CLERK

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board amended the resolution to levy FY 2020-2021 taxes as instructed by a new legislation signed into law (S01453B) and Grant Execution of Tax Warrant by the Mayor and the Clerk. Motion carried, 5-Ayes, 0-Nays.

APPROVE PURCHASE OF A 12' X 28' STORAGE SHED FOR THE SUMMER RECREATION PROGRAM AND PICKEL BALL STORAGE

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the purchase of a 12' X 28' storage shed for the Summer Recreation Programs and Pickle Ball Storage in the amount of \$7,043.50. Motion carried, 5-Ayes, 0-Nays.

APPROVE STRIPPING FOR DUFFY'S

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved stripping for Duffy's, not to exceed \$9,000.00. Motion carried, 5-Ayes, 0-Nays.

CHANGE BOARD OF TRUSTEES REGULAR MEETING OF JUNE 15TH TO JUNE 22ND

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved to change the Board of Trustees Regular meeting of Tuesday, June 15th to Tuesday, June 22nd at 7:30 pm held in the Village Hall, 133 Clinton Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

APPROVE THE PURCHASE OF WATER METER SOFTWARE FROM SCHMIDT'S WHOLESALE INC.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the purchase of water meter software from Schmidt's Wholesale, Inc. in the amount of \$14,830.07. Motion carried, 5-Ayes, 0-Nays.

PUBLIC PORTION

Darren Jellema again mentioned that he is against the zoning changes, allowing the development on Railroad Avenue. He feels it is not a good idea. He hopes the Board understand his point. He does not want to move. He cares of the value and quality of living over the value of his home, for his family.

Mayor Brescia said there will be another Public Hearing and there may be some changes. We are listening to you. He said he is more afraid of two or three warehouses than he is of residential.

Atty. Dowd mentioned NYS DOT is preparing to acquire properties needed for a culvert replacement project at various sites in Orange County and Ulster County. They have provided a map that describes a fee acquisition needed from the Village Montgomery (tax parcel 203-2-11) in relation to the project. It happens to be on the corner of the entrance of Montgomery Manor, in front of the waterworks building.

ADJOURNED

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of May 18, 2021 at 8:35 pm.

Monserate Rivera-Fernandez, Village Clerk