

Minutes of the continued Public Hearing for the Introductory Local Law 2 of 2021, of the Board of Trustees, of the Village of Montgomery, 133 Clinton Street, Montgomery, NY was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, on June 22, 2021, at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Justice Court Clerk Nelson, Village Clerk Rivera-Fernandez, M. Beltrametti, Karen Gersch, Josiah Dearborn, Bruce Kaufmann, Don Berger, Chrmn Conero, Hayyim Danzig, Fred & Vicki Gorss, Marc Devitt, Sophia Romano.

Mayor Brescia asked the audience, for those who wish to speak, each is allowed three minutes. Please to come to the podium, speak into the microphone, and state your name for the record. There will be a few minor changes to the local law, therefore, the Pubic Hearing will be kept open until the first meeting in July. We have held two other Public Hearings on the introductory local law 2 of 2021. He asked anyone that has not already spoken previously to speak first now.

This is the continuation of the Public Hearing for the Introductory Local Law 2 of 2021, that amends the Zoning Law and Zoning Map in furtherance of the implementation of the recommendations of the Village's 2017 Comprehensive Plan update.

#### OPEN PUBLIC HEARING

Mayor Brescia called for a motion to open, the continuation of the Public Hearing, for the Introductory Local Law 2 of 2021, that amends the Zoning Law and Zoning Map in furtherance of the implementation of the recommendations of the Village's 2017 Comprehensive Plan update. So moved, the Board opened the Public Hearing as said. Motion carried, 5-Ayes, 0- Nays.

Mayor Brescia asked the Village Clerk, if all the paper has been filed to hold the Public Hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork has been filed to hold the Public Hearing.

#### PUBLIC COMMENT

Donald Berger is excited about the use of the podium. He said the Board has been at this for a long time, with a number of public hearings, for the residents to come forward and speak their minds. He thanked the Board for the meeting with the residents on Weaver Street. He feels it was a successful meeting. He expressed his concerns are for the Weaver Street area. We are pretty much in agreement, Steve, on how we want things. Moving forward, if that what's going to happen, everyone will be very happy. He hopes Steve agrees with him on the language in the local law regarding the buffer between the building and the homes on Weaver Street.

Mayor Brescia said he mentioned it to Atty. Dowd about extending the buffer to a greater distance.

Chrmn Conero said the committee met as a group, and it was agreed that 100 ft. buffer is appropriate for a commercial property in close proximity to a residential zone. Therefore, it was not changed. Atty. Dowd also mentioned by increasing the buffer any further, would cause properties to become nonconforming. So, it was left at 30 feet plus 70 feet, that allows for a minimum of 100 feet of a buffer.

Mayor Brescia asked, what was the previous buffer footage?

Chrmn Conero replied, 30 feet was the previous buffer. The way latest plans for KSH before the Planning Board on this property, it works out due to the natural vegetation that we all witnessed there. Some of the things Mayor Brescia requested were discussed and will be incorporated.

Mayor Brescia said he shares Don's concerns. At some point we have to put faith in the Planning Board to make sure the buffers are adequately in place with foliage to enhance the aesthetics of the property.

Don Berger said his overall concern which he previously stated at the last meeting, in the future, should there be Board personnel changes, the language is clearly stated.

Mayor Brescia said setting the language in the local law to make it happen.

Don Berger again, thanked the Planning and Village Boards.

Trustee Hembury suggested setting up a bank account, which is to be fully refundable drawing interest that we can use to fight the developer, should they not comply with the language of the local law. Therefore, we are not having to use taxpayer money to fight it. Once the developer begins doing what is not within the language of the law, we will be forced to use appropriated funds to ensure it's done to the letter of the law. It can be done.

Mayor Brescia said this is outside of the Planning Board. We have performance bonds and maintenance bonds to protect against that, as well as the approval process. The inspector is going to make sure they comply with what they are approved for. We can do it legally and on high ground doing so, and has no problems with it.

Trustee Hembury said there have been so many other municipalities that haven't had things go as agreed upon. He's cautious for the taxpayers and community not to suffer.

Bruce Kaufmann asked the Board when will they be voting to adopt the local law.

Mayor Brescia replied we would have voted to adopt the local law by now, but we've had more changes.

Bruce Kaufmann wants to make sure the entire Board is going to be present to vote at the adoption of this local law.

Mayor Brescia replied, the Board does not have planned vacations, and will be present unless a family emergency calls them away.

Bruce Kaufmann said there is another issue he would like to bring to light, which is the Village water source and sewer system. There are three projects before the planning stages that have not been completed. He feels the water supply shortage should be addressed, to his understanding we are at full capacity on both issues. Why is it that zoning changes are being proposed for additional housing, when it will tax the water/sewer systems. He feels it should be discussed more in depth. How are we going to be able handle this?

Mayor Brescia said we charge for the consumption of usage for water and sewage rents.

Atty. Dowd mentioned the Village can bond for capital improvements.

Bruce Kaufmann said we have development in the Village and we are currently maxed out. We do need something but not additional housing. He also feels the Board should pursue a better option, something that everyone would be in favor of, and that does not affect our services any further.

Mayor Brescia asked about the property on Dunn Road.

Trustee Lindner said for the time being it will remain as it is. We are waiting to see what the Town plans to do with their portion of the zoning for that area.

PUBLIC HEARING TO CONTINUE

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved to continue the Public Hearing, for Introductory Local Law 2 of 2021, on July 6, 2021 at 7:15 pm, to be held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting, of the Board of Trustees, for 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, June 22, 2021 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Justice Court Clerk Nelson, Village Clerk Rivera-Fernandez, M. Beltrametti, Karen Gersch, Josiah Dearborn, Bruce Kaufmann, Don Berger, Chrnm Conero, Hayyim Danzig, Fred & Vicki Gorss, Marc Devitt, Sophia Romano.

## CALL TO ORDER

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

## PRESENTATION OF PLAQUE

Mayor Brescia and the Board of Trustees presented Fred Gorss with a plaque in appreciation of his exceptional service and dedication to the Village of Montgomery as the Associate Village Justice from 2019 through 2021.

Fred Gorss thanked the Board for this recognition, its vey much appreciated. Furthermore, he thanked the Board for all they have done and continue to do for this wonderful community. He, like Mike Hembury, has stated he is staying here too.

Mayor Brescia and the Board wished Vickie Gorss a Happy Birthday.

## MINUTES

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the minutes of June 1, 2021. Motion carried, 5-Ayes, 0-Nays.

## REQUEST TO MEET WITH BOARD

Mr. Danzig from City Winery requests the Board of Trustees to consider extending concert hours from the current approved hours of 1:00 pm to 4:00 pm to be extended to 1 pm to 6 pm, without a change on the days for the concerts to occur.

Mayor Brescia mentioned the Village did adopt a law prohibiting the parking on either side of the Factory of its entire length. We are going to have it posted and enforced. Please let your customers know this and you should have ample parking for all attending your events.

Mr. Danzig said he received approval from Kal Pac for offsite parking for our staff, as needed. We are in the process of installing the overflow gravel parking lot, that was approved in the site plans.

Mayor Brescia said City Winery should consider having their own security detail for large events, to control the traffic as so forth without utilizing the Village of Montgomery Police Department. He asks if they reached out to the neighbors about extending the concert hours.

Mr. Danzig mentioned the general manager did provide the residents on Factory Street vouchers and invited them to the concerts.

Mayor Brescia reminded Mr. Danzig that City Winery neighbors do not just consist of the residents on Factory Street but also the residents at Loosestrife Fields. He suggests reaching out to all of them. In addition, what was to outcome of the sewer lines to the Bridal Suite.

Mr. Danzig said they hope to connect the Bridal Suite sewer line to the City Winery main sewer lines to the Village line in the winter months. For the meanwhile, it is hoped to repair the existing septic and reduce the occupancy at the Bridal Suite. We are waiting for the engineers and have submitted a building permit.

B/I Yancewicz said he received the permit application today and has not had enough time to review it as of yet.

Mayor Brescia suggested coming up with a viable plan before any approvals are sought, not just with the Building Inspector and the Engineers.

Don Berger mentioned the concern of disturbing of the Eagles, please keep that in mind.

Mayor Brescia said please be aware the Board always has the right to rescind this approval to its original approval.

#### CITY WINERY CONCERTS HOURS EXTENDED

Moved by Lindner, seconded by Deputy Mayor Scheels, the Board authorized extended hours for City Winery Concerts from 1 pm to 5 pm, in addition to a 10% allowing discounts for Village residents. Motion carried, 5-Ayes, 0-Nays.

Mr. Danzig asked how would they know who is a Village resident or not.

Mayor Brescia said the Village Clerk can provide you with the name of the Village Streets for this purpose.

#### OLD BUSINESS

None

#### NEW BUSINESS:

#### APPROVE ORANGE COUNTY VOLUNTEER FIREMEN'S ASSOCIATION TO HOST PARADE IN THE VILLAGE OF MONTGOMERY

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the Montgomery & Maybrook Fire Departments request to host the O.C. Volunteer Firemen's Association parade in the Village of Montgomery on September 25, 2021, ending at the Veterans Memorial Park, with restroom access, porta potties will be available, and to erect a 40X100 ft. tent on Friday, September 24<sup>th</sup> for use on parade day, with the proper certificate of insurance provided, listing the Village as the additional insured, and holding the Village harmless. Motion carried, 5-Ayes, 0-Nays.

#### HIRE SUMMER RECREATION STAFF FOR THE 2021 PROGRAM

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board hired Summer Recreation Staff, 15 Counselors, and 5 Counselors in Training, beginning on June 28<sup>th</sup> through August 6<sup>th</sup>. the 2021, as Director Taylor has outlined. Motion carried, 4-Ayes, 0-Nays, 1-Absention (Trustee Hembury).

#### CONSIDER A RESOLUTION FOR 219 CARDINAL DRIVE WATER/SEWER BILL

Resident of 219 Cardinal Drive received a water/sewer bill totaling \$1,223.70, a leak was detected and fixed. However, does not dispute the bill but asks the Board's for consideration on settling the bill.

**PAYMENT PLAN AUTHORIZED UP TO SIX MONTHS FOR 219 CARDINAL DRIVE WATER/SEWER BILL**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board authorized a payment plan up to six months, to be arranged with the Treasurer Griffith. Motion carried, 5-Ayes, 0-Nays.

**CONSIDER WAIVING THE SEWER PORTION OF WATER/SEWER BILL FOR 109 WARD STREET**

Resident of 109 Ward Street disputes the sewer bill of \$275.00 due to an exterior leak, since it didn't pass through the waste system and asks the Board to consider waiving this portion off the w/s bill.

**DECISION HELD ON 109 WARD STREET WATER/SEWER BILL UNTIL FURTHER INVESTIGATION FOR NEXT BOARD OF TRUSTEES MEETING**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board held their decision until the next Board meeting, to allow time for further investigation. Motion carried, 5-Ayes, 0-Nays.

**APPROVE REQUEST TO TURN THE TOWN TEAL IN SUPPORT OF OVARION CANCER AWARENESS**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved the request to tie ribbons in the downtown business district in support of Ovarian Cancer Awareness, "Turn the Towns Teal" beginning September 1<sup>st</sup> through September 30<sup>th</sup>. Motion carried, 5-Ayes, 0-Nays.

**APPROVE WSP USA INC. ENVIRONMENTAL CONSULTANTS FOR PHASE I GROUND WATER EXPOLORATION FOR NEW HOLT WELL FIELD FOR THE SUM OF \$7,825.00**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved WSP USA Inc., environmental consultants for the sum of \$ 7,825.00, for phase 1 ground exploration for new well at Holt field. Motion carried, 5-Ayes, 0-Nays.

**APPROVE SB CHURCH TO DRILL MONITORING WELL FOR THE SUM OF \$33,939.00**

Moved by Deputy Scheels, seconded by Trustee Andolsek, the Board approved SB Church to drill monitoring wells for the sum of \$33,939.00. Motion carried, 5-Ayes, 0-Nays.

**EVENTS**

Summer Concert Series begins with the, "Manaklin Bros." on July 1<sup>st</sup>, at 6:30 to 8:30 pm, held at the Clinton Street Bandstand.

**ACCEPT FUNDING AWARDED BY O.C. YOUTH BUREAU BOARD IN THE AMOUNT OF \$5,000.00 FOR THE DARE PROGRAM**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board accepted the 2021 funding awarded by the Orange County Youth Bureau Board in the amount of \$5,000.00, for the DARE program. Motion carried, 5-Ayes, 0-Nays.

**HIRE SENIOR CENTER FOOD SERVICE COORDINATOR**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board hired Christine Vetro, as the Senior Center Food Service coordinator effective as of July 9, 2021, at the rate of \$16.47, up to 19 hours weekly. Motion carried, 5-Ayes, 0-Nays.

## PUBLIC PORTION

None

## EXECUTIVE SESSION

Moved by Trustee Lindner, seconded The Board entered into Executive Session, under § (f) of the open meetings for the possible appointment of a particular individual, with Atty. Dowd, Justice Court Clerk Nelson, and the Village Clerk in attendance.

## EXIT EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board exited Executive Session at 8:47 pm. Motion carried, 5-Ayes, 0- Nays.

## HIRE SPECIAL PROSECUTOR FOR VEHICLE AND TRAFFIC INFRACTIONS AND OFFENSES

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board hired Marcello Antonio Cirigliano, Esq. as the Special prosecutor for vehicle and traffic infractions and offenses, effective immediately, at the rate of \$160.00/hr. Motion carried, 5-Ayes, 0-Nays.

## REINSTATE JUSTICE COURT CLERK LEAVE TIME UP TO 1.3 WEEKS PURSUANT TO FAMILY PAID LEAVE ACT

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board reinstated up 1.3 weeks of leave time, for Justice Court Clerk Nelson pursuant to the Family Paid Leave Act. Motion carried, 5-Ayes, 0-Nays.

## ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adjourned the meeting of June 22, 2021 at 8:48 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk