Minutes of the Public Hearing for Introductory Local Law I-4 of 2021, of the Board of Trustees, of the Village of Montgomery was held in the Senior Center at 36 Bridge Street, Montgomery, NY 12549 on Tuesday, September 7, 2021, at 7:00 pm.

Face Masks and Social Distancing is required if not vaccinated for the Corona Virus.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Police Chief Herlihy, Deputy Police Chief Arteta, DPW Supt. Nelson, Chrmn. Conero, Susan Hembury, Don Berger, Maria Beltrametti, Sophia Romano, John Lavelle, Mary Ann Lindner, Karen Tipton.

CALL TO ORDER

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

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

Mayor Brescia called for a motion to open the Public Hearing for Introductory Local Law I-4 of 2021.

RE: OPEN PUBLIC HEARING FOR INTRODUCTORY I-4 OF 2021

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board opened the Public Hearing for Introductory Local Law, Introductory I-4 of 2021. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Attorney Dowd to provide a synopsis for the Public Hearing.

Atty Dowd said the Introductory Local Law 4 of 2021, is for the Board of Trustees to consider its adoption that amends Chapter 118 of the Code of the Village of Montgomery entitled "water" to change the due date for payment of water bills and to amend the language for the assessment of penalties for late payments.

PUBLIC COMMENT

Mayor Brescia opened the public hearing to received public comments.

No public comments.

Mayor Brescia said with no public comments received he called for a motion to close the Public Hearing for Introductory Local Law I-4 of 2021.

CLOSE PUBLIC HEARING

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board closed the Public Hearing for Introductory Local Law I-4 of 2021 at 7:05 pm. Motion carried, 5-Ayes, 0-Nays.

Minutes of the Public Hearing for Introductory Local Law I-5 of 2021, of the Board of Trustees, of the Village of Montgomery was held in the Senior Center at 36 Bridge Street, Montgomery, NY 12549 on Tuesday, September 7, 2021, at 7:05 pm.

Face Masks and Social Distancing is required if not vaccinated for the Corona Virus.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Police Chief Herlihy, Deputy Police Chief Arteta, DPW Supt. Nelson, Chrmn. Conero, Susan Hembury, Don Berger, Maria Beltrametti, Sophia Romano, Tom Steed, John Lavelle, Mary Ann Lindner, Karen Tipton.

CALL TO ORDER

Mayor Brescia asked 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 to hold this Public Hearing.

Mayor Brescia called for a motion to open the Public Hearing for Introductory Local Law I-5 of 2021.

RE: OPEN PUBLIC HEARING FOR INTRODUCTORY I-5 OF 2021

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board opened the Public Hearing for Introductory Local Law, Introductory I-5 of 2021. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Attorney Dowd to provide a synopsis for the Public Hearing.

Atty Dowd said the Introductory Local Law 5 of 2021, is for the Board of Trustees to consider its adoption that amends Chapter 96 of the Code of the Village of Montgomery entitled "sewer" to change the due date for payment of sewer bills and to amend the language for the assessment of penalties for late payments.

PUBLIC COMMENT

Mayor Brescia opened the public hearing to received public comments.

No public comments.

Mayor Brescia said with no public comments received he called for a motion to close the Public Hearing for Introductory Local Law I-5 of 2021.

CLOSE PUBLIC HEARING

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the closed the Public Hearing for Introductory Local Law I-5 of 2021, at 7:12 pm. Motion carried, 5-Ayes, 0-Nays.

Minutes of the Joint Public Hearing conducted by the Village of Montgomery and the Town of Montgomery was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, on September 7, 2021 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Town Supv. Maher, CNCL Feller, CNCL Brown, CNCL Melick, CNCL Voss, Atty. Frank, Police Chief Herlihy, Deputy Police Chief Arteta, DPW Supt. Nelson, Chrmn. Conero, Susan Hembury, Don Berger, Maria Beltrametti, Sophia Romano, Tom Steed, John Lavelle, Mary Ann Lindner, Karen Tipton, Sylvie Rainaldi, Richard J. Smith, Kelly Naughton, Michael Aiello, John S. Vero, Eric Butler, Todd Zwigard, Doug Hantusch, Jim Sweikata.

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

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

Atty. Frank suggested a presiding officer shall be establish for the Joint Public Hearing.

CALL TO ORDER

RE: OPEN JOINT PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board opened the Joint Public Hearing with the Town of Montgomery. Motion carried, 5-Ayes, 0-Nays.

Moved by Councilwoman Brown, seconded by Councilwoman, the Board opened the Joint Public Hearing with Village of Montgomery. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Atty. Dowd to provide a synopsis for the Joint Public Hearing, to hear testimony and receive evidence and information concerning (1) whether the proposed annexation to the Village of Montgomery of certain land as described below in the Town of Montgomery is in the over-all public interest, and (2) the property of the Petition of Michael Aiello, Jr. requesting such annexation, as received by the Village of Montgomery and Town of Montgomery.

Further Notice: The property located in the Town of Montgomery is proposed to be annexed to the Village of Montgomery is represented by the Petitioner as comprising approximately 11.013 acres, as is described by the Town of Montgomery Tax Map as Section 28, Block, 1, Lot, 13.22, being part of the land now or formerly owned by Michael Aiello, Jr.

ESTABLISH PRESIDING OFFICER BY VILLAGE BOARD AND THE TOWN BOARD

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board established Mayor Brescia as the presiding officer for this Joint Public Hearing with the Town. Motion carried, 5-Ayes, 0-Nays.

Moved by Councilman Melick, seconded by Councilwoman Voss, the Town Board established Mayor Brescia as the Chairperson for this Joint Public Hearing with the Village of Montgomery. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked Atty. Dowd to provide a synopsis for the Joint Public Hearing.

Atty. Dowd said pursuant to General Municipal Law §705.1 the purpose for this public hearing is for both boards to hear testimony and receive evidence and information which may be presented concerning the petition and the question of whether the annexation is in the over-all public interest, including but not limited to testimony, evidence and information concerning the following:

- a. That a person signing the petition is not qualified therefore, or
- b. With respect to a petition, other than one purporting to be signed by owners of a majority of the assessed valuation or real property, that the person signing such petition do not constitute twenty per centum of the persons residing within such territory qualified to vote for officers of the city, town or village, as the case may be, in which the territory is situated, or
- c. With respect to a petition, other than one purporting to be signed by at least twenty per centum of persons qualified to vote for local officers, that the persons signing such petition do not represent the owners of a majority in assessed valuation of the real property in such territory assessed up the last proceeding assessment roll of, or utilized by, the local government or governments in which the territory is situated, or
- d. That the petition does not otherwise substantially comply in form or content with the provisions of the article, or
- e. That the proposed annexation is or is not in the over-all public interest (1) of the territory proposed to be annexed, or (2) of the local government or governments to which the territory is proposed to be annexed, or (3) of the remaining area of the local government or governments in which such territory is situated, or (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed.

So, basically have a petition before you by Michael Aiello, Jr. who he represents that he is the sole owner of the property which consist of 11.013 acres; he wishes to annex from the Town of Montgomery into the Village of Montgomery. The question is whether that petition is in proper form, whether he in fact is the sole owner of the property and the overall annexation of the property from the Town to the Village is in the overall public interest of both communities involved; that is what testimony of the public is to be about, if there are any challenges to that, or if there is any information that we need to know about the property and whether or not the petition is proper and that this is not in the overall public interest. Therefore, that is what this public hearing is set to be for.

Atty. Frank said that essentially sums it up, this what this public hearing tonight is about. Eventually both Boards will have to make a determination whether the petition are in proper form and the SEQRA has been taken care of this prior to decisions being issued. Tonight, is to hear from the petitioner, from the public, and from both Boards to be in a position to ask relevant questions with regard to the petitioner whether anything relating to the petition.

Mayor Brescia said on the surface though the criteria have been met. (In audible – speaking too low).

Atty. Dowd said he believes the petition has been filed in proper form and we have certification from the accessor stating that the sole owner of the property is Michael Aiello, Jr. This is the basic criteria here, unless some information from the public would contradict coming forth.

Atty. Frank said correct, in addition to which it is required by the statute; the school district was notified by mail the existence of the public hearing by both the Village Clerk and Town Clerk, and there being no objections by the school district as far as he knows. The Public Hearing has been properly noted and at

which time it is the appropriate to proceed with questions and agrees with the Attorney Dowd that the petition is in proper form.

Mayor Brescia said assuming all of the criteria is met properly with no adverse objections, the Village Board would like to take action two weeks hence. He is not sure what the Town Board schedule is.

Town Supv. Maher replied, it would be next Thursday, and after that it would be the first Thursday in October; which he believes is to be October 7th.

Mayor Brescia asked if there is anything else before we move to public comment. Public comments will be taken and limited to three minutes, please.

Atty. Frank said Mr. Mayor perhaps you like to hear from the petitioner first, allowing them to give their presentation.

Mayor Brescia said OK, he asked RJ Smith if he is giving the presentation.

RJ Smith representing for Michael Aiello, this property is located at the end of Dunn Road. (In audible – speaking to low). The Town and Village line offset this property we effectuated a lot line change that renders this property more usable. The property consists of eleven acres which is behind the Romer property. There are several reasons for the annexation, the first is for the development of the site with the added services, especially for water and having a fire sprinkler system, not having a well on site, obviously we would have a holding tank. Secondly, the Village is set with their comprehensive plan and its zoning, whereas the Town is still working through theirs and are months away from completing the zoning and its final adoption. Lastly, there has been an effort and ongoing collaboration with the Village and the owner of the property at 416 and 211, which is the gateway into the Village. To relocate the business to that site and have the site redeveloped, is more palatable and aesthetically pleasing gateway into the Village. Nevertheless, in all sincerity this property impacts the Village far more than it does to the Town, from the Village standpoint, the Village has more control over the zoning for the site.

Mayor Brescia asked Atty. Dowd if the Village did come up with a standard of construction limitations for the zone.

Chrm. Conero said warehouse criteria have been set in the I-zone, for the size. He believes this is a special zone change for the industrial park zone in the Village Code.

Mayor Brescia said he believes Mike Aiello is aware and Eric Butler is as well. We are trying to promote the new I-1 regulations.

Kelly Naughton said she wanted to make some bullet points for them to know what the ultimate standard is met by the standard annexation for the Town. (In audible – speaking too low). More convincible will they be able to get municipal water and sewer for the property to be developed, to take advantage of those services. (In audible – speaking too low).

PUBLIC COMMENT

Mr. Berger expressed his feelings regarding this annexation is that he is favor of the annexation. The Village Board has gone to great lengths with its comprehensive plan on how they want to gateway to Village to look. Moving the business to Dunn Road, now it becomes an aviation gateway. Ensuring the size of the building and the appearance, he sees what is on 416 and does not want anything like that here.

He hopes what was discussed at many meetings does come true with the landscaping and making it pleasant coming into the Village.

Sylvie Rainaldi, Town resident asked what happened at the Town of Montgomery level regarding this site plan for this property and where they ended up before this annexation came up.

Mayor Brescia said this is not a question-and-answer session but to hear public comment for the annexation.

Sylvie Rainaldi feels the Town should provide the recent history of the property.

Town Supv. Maher said the Planning Board asked the Town building department for an opinion and they were given opinion and further asked the Zoning Board for their opinion, therefore, the Zoning Board gave them a different opinion and it stopped the project and that is pretty much it.

Mayor Brescia said it was discussed moving the facility to Dunn Road. The Masterplan committee was very much in favor of it. He believes there was no dissention or dissent at all from the Village Board.

Ms. Rainaldi mentions the site be proposed for the outdoor construction storage, which is not in the I-1 zoning. She feels the intent is to get around what the Town, Planning & Zoning Boards ruled on.

Town Supv. Maher said the intent to do what is in the best interest of the Town and the Village of Montgomery. He believes this would fall into the high-tech aviation zone.

Ms. Rainaldi feels the property owner is circumventing the system so they can do what they want. She is all for the Village having a pleasing gateway into the Village.

Mayor Brescia thanked Ms. Rainaldi for her comments and called for a motion to close the public hearing with no further comments presented.

CLOSE PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board closed the Joint Public Hearing for the proposed annexation of the Aiello property from the Town to the Village of Montgomery. Motion carried, 5-Ayes, 0-Nays.

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, on September 7 2021, at 7:49 pm.

Face Masks and Social Distancing is required if not vaccinated for the Corona Virus.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Deputy Police Chief Arteta, DPW Supt. Nelson, Chrmn. Conero, Susan Hembury, Don Berger, Maria Beltrametti, Sophia Romano, Tom Steed, John Lavelle, Mary Ann Lindner, Karen Tipton, Sylvie Rainaldi, Richard J. Smith, Kelly Naughton, Michael Aiello, John S. Vero, Eric Butler, Todd Zwigard, Doug Hantusch, Jim Sweikata, Mickey & Jeanne Conboy.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

PRESENTATION OF PLAQUE

Mayor Brescia and Trustee Hembury presented Michael "Mickey" Conboy with a plaque to acknowledge his achievements with the FDNY and show our pride in him as a neighbor and resident, from Mayor L. Stephen Brescia, Deputy Mayor JoAnn Scheels, Trustee Darlene Andolsek, Trustee Michael Hembury, Trustee Walter Lindner, and Town Supv. Maher.

Mickey Conboy thanked the Board for their acknowledgment and humbly accepted the plague with pride and a smile. He received a standing ovation by all present.

MINUTES

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the minutes of August 3, 2021. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

None ABSTRACT – NO. 08 - 2021

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the Abstract No.08 - 2021, Motion carried, 5-Ayes, 0-Nays.

OLD BUSINESS

Approve 6" Well test at Holt Well, (decision held over from August 3, 2021). The Board held their decision for the next meeting of September 21, 2021; to pursue funding options.

RE: REPORTS – DEPARTMENTS – BOARD – COMMITTEES

DPW PUBLIC WORKS

DPW Supt. Nelson mentioned the black top on Clinton Street has been done, and the stripping will be done soon.

POLICE DEPARTMENT

Police Chief Herlihy he is planning a busy month with the upcoming events.

RE: NEW BUSINESS

ADOPT NEGATIVE DECLARATION, TYPE II ACTION PURSUANT TO THE SEQRA PROCESS FOR INTRODUCTORY LOCAL LAW 4 OF 2021

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a Negative Declaration, type 2 action pursuant to the SEQRA process for Introductory Local Law 4 of 2021. Motion carried, 5-Ayes, 0-Nays.

ADOPT INTRODUCTORY LOCAL LAW 4 OF 2021 THAT AMENDS CHAPTER 118 OF THE CODE OF THE VILLAGE OF MONTGOMERY ENTITLED "WATER" TO CHANGE THE DUE DATE FOR PAYMENT OF WATER BILLS AND TO AMEND THE OF THE ASSESSMENT OF PENALTIES FOR LAE PAYMENTS

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted Introductory Local Law 4 of 2021, that amends Chapter 118 of the Code of the Village of Montgomery entitled "water" to change the due date for payment of water bills and to amend the language for the assessment of penalties for late payments. Motion carried, 5-Ayes, 0-Nays.

ADOPT NEGATIVE DECLARATION, TYPE II ACTION PURSUANT TO THE SEQRA PROCESS FOR INTRODUCTORY LOCAL LAW 5 OF 2021

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a Negative Declaration, Type 2 action, pursuant to the SEQRA process for Introductory Local Law 5 of 2021. Motion carried, 5-Ayes, 0-Nays.

ADOPT INTRODUCTORIY LOCAL LAW 5 OF 2021, THAT AMENDS CHAPTER 96 OF THE CODE OF THE VILLAGE OF MONTGOMERY ENTITLED "SEWER" TO CHANGE THE DUE DATE FOR PAYMENT OF SEWER BILLS AND TO AMEND THE LANGUAGE FOR THE ASSESSMENT OF PENALTIES FOR LATE PAYMENTS

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adopted Introductory Local Law 5 of 2021, that amends Chapter 96 of the Code of the Village of Montgomery entitled "sewer" to change the due date for payment of sewer bills and to amend the language for the assessment of penalties for late payments. Motion carried, 5-Ayes, 0-Nays.

ADOPT A RESOLUTION ACKNOWLEDGING THE COMPLETION OF THE ANNUAL AUDIT CHECKLIST FOR THE VILLAGE OF MONTGOMERY JUSTICE COURT RECORDS

The Board held their decision for the next meeting of September 21, 2021, due to the absence of the Court Clerk due to an illness.

ADOPT A RESOLUTION ESTABLISHING THE STANDARD WORKDAY FOR ELECTED AND APPOINTED OFFICIALS

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a resolution establishing the standard workday for elected and appointed officials – Mayor L. Stephen Brescia, 8.72 days per month, Planning Board Chairman Kevin Conero, .50 day per month, and Planning Board Member Thomas Steed, .50 per month, to report the days to the New York State and Local Employees' Retirement System based on the record of activity results that are maintained and submitted to the Village Clerk. Motion carried, 5-Ayes, 0-Nays.

HIRE GENERAL MONTGOMERY DAY PER DIEM STAFF

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board hired the General Montgomery Day per diem staff: Daniel Blaney, Jr., Daniel Blaney, Sr., Barry Estep, Christine Lupinski, Michael Vermilling, Joshua Narian, Alisha Fernandez, Giovanni Velez, as Street Crossing Guards, at the rate of \$15.00/hr., on September 11, 2021, to September 12, 2021. Motion carried, 5-Ayes, 0-Nays.

APPROVE THE PURCHASE FROM NEW YORK SECURITY SYSTEMS FOR SURVEILLANCE OF THE PICKLE BALL COURT

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the purchase from New York Security Systems, Inc. in the amount of \$13,440.00, for a closed-circuit surveillance system of the Pickle Ball Court. Motion carried, 5-Ayes, 0-Nays.

PROMOTE KYLE CROWLEY LABORER A TO MEO 2

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board promoted Kyle Crowley Laborer A to MEO 2, effective September 13, 2021. Motion carried, 5-Ayes, 0-Nays.

EVENTS:

September 11th, <u>General Montgomery Day</u>, begins at 7:45 am with the 8K-Run/Walk at Veterans Memorial Park, the Parade Line up is at 9:30 and steps off at 10:30 am, Remembrance of 911 at 11:30 am at the Reviewing Stand, and so much more, and ends with Fireworks at 8:30 pm.

Trustee Hembury mentioned that he and his family have 2000 US flags that they will be handing out on behalf of the Village of Montgomery on General Montgomery Day.

September 12th, <u>*Ride for Kids*</u> begins at 10 am, held at 110 Bracken Road, Montgomery, NY. (Rain or Shine).

September 19th, *Clinton Street Car Show* begins at 10 am to 3 pm.

PUBLIC PORTION

Mr. Berger asked where the security surveillance system is going to be expensed from.

Mayor Brescia said it may possibly be expensed from contingency. It is an investment and they do not want it to be affected by any vandalism.

Mr. Berger thanked the Board for their support for the Ride for Kids event. The advertising and show of support were greatly appreciated.

Mr. Zwigard representing for City Winery Hudson Valley asked the Board of Trustees to consider amending the PDD to allow for multiple events to occur at the site.

Mayor Brescia and the Board asked if any of the issues brought earlier to the Village Board attention have been addressed.

Mr. Zwigard replied no, however, we are in the process of addressing them as he had been instructed by the Planning Board and Lanc & Tully just last week and were referred by the Village Board to seek an amendment for the site.

Atty. Dowd said that is correct. However, you have not submitted the proper documentation for the Board of Trustees to render a decision based on a verbal request.

Mr. Zwigard said he has documentation with him for the Board of Trustees regarding their request.

Chrm. Conero mentioned to the Board that the issues at City Winery have not been addressed and they were asked to address them all and provide the Planning Board with a more defined rendering of the changes they are proposing from was originally approved.

Mayor Brescia said the Board will not consider entertaining any changes to the PDD until all the issues have been addressed and resolved. The Village Board went out of their way to push through the PDD for City Winery. What has been accomplished is amazing and the preservation is remarkably beautiful. However, what has been happening as of late is in direct violation of the resolution agreement. A stop work order was issued due to work being done without permits. As well as problems with the sewage at the bridal suite. Again, be sure to address and resolve all the issues and when the Planning Board is satisfied with the amended site plan, only then may be amenable to consider amending the PDD.

Trustee Hembury said you must request to be on the agenda and provide sufficient documentation for any decision to be made in advance if you are expecting the Board to vote on any changes for City Winery.

EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board entered Executive Session at 8:43 pm, under the open meetings law section 7 (f) for the matters leading to the possible appointment of a particular individual, with Atty. Dowd and Chrm. Conero and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

EXITED EXECUTIVE SESSION

Atty. Dowd exited executive session at 8:53 pm.

EXITED EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board Exited Executive Session at 10:01 pm. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of September 7, 2021, at 10:02 pm. Motion carried, 5-Ayes, 0-Nays.