

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery, was held in the Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on February 7, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Will Frank, Atty. Joseph McKay, Police Chief Herlihy, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, AHRB Chrmn. Freeman, PB Mbr. Romano, PB Mbr. Steed, Helen Budrock, William Ibberson (Videographer), Maria Beltrametti, Don Berger, Mary Lippincott, Sandra Tice, Johanna Sweikata, Kathy LaRocca, Charles LaRocca, Jeff VanZandt, Randi and Nick Picarello.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

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 January 10, 2023 and January 17, 2023. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Helen Budrock discussed the suggested amendments, to the Village Zoning, Law designed to codify the design guidelines for new construction in the gateway area, not under the AHRB jurisdiction.

Ms. Budrock said what has been presented to the Board of Trustees, is an amendment to Chapter 6 of the AHRB Law, which it's the first of three deliverables that the committee that has been working on design guidelines, for the historic district and the Village as a whole. The edit to chapter six is the first in the process, the second is codifying changes to the zoning law, as described on the agenda for this evening. The third set is to take the design guidelines and put them into an illustrated guide book for the developers and home owners, to assist them with what the design guidelines mean, with pictures and illustrations.

The changes to chapter six has three main changes, the AHRB has had design guidelines that have never codified into law, they have been using an informal document adopted by the Board; they are guiding principles and design guide lines but were never incorporated into chapter six of the Village Code.

Mayor Brescia asked Ms. Budrock with the two historic districts there are guidelines but there is no adopted law to affect those guidelines?

Ms. Budrock said there is an adopted law which is Chapter six but the guidelines that the AHRB has been using are not legally incorporated into that law; so they are legally binding. They are in informal policy. We want to make sure this is corrected and codified into law.

The second bullet on the handout, incorporated the existing historic district design guidelines into the local law. We have made a few suggested minor changes, ninety percent of it is what is currently being used. The minor changes were suggested by the Historic Preservation Consultant, that the Village has retained to help with the reviews on the historic district.

Mayor Brescia said this should also include the areas outside of the historic district as well, correct?

Ms. Budrock replied, yes. The Historic Preservation Architect has reviewed those areas as well. She was specific on materials, such as vinyl siding is a no but in some cases aluminum clad windows; a distinction between acceptable materials and in architectural terms. This is one of the major differences. It also expands on the definition of what is an affected area. Current in Chapter six, it states any property in the historic district, any property that is individually listed on the historic register whether it's in the historic district or not, and adjacent properties need to go to the AHRB for review. If there is a street in between, it does not count. So you can have a historic building that is in the district and across the street you have a power solar property. The definition has been changed of what would trigger an AHRB review. Its been defined as an affected area, which includes if its on the register, if its in the district, if its adjacent, and if its in line of sight. (Visible from the historic site). This was also a

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recommendation in your comprehensive plan update of seven years ago. Therefore, that is where the map comes in, that I've provided. As it was, it was open to interpretation. In addition to changing the definition, we added a map.

Mayor Brescia said he has no questions and that it is very good. It protects the integrity of the historic district.

PB Chrmn. Conero said it also aligns up with SHPO recommendations.

Ms. Budrock said it's consistent and not open to interpretation. The third big change is the existing design guideline that the AHRB has been operating under focuses a lot on renovations to existing structures, which makes sense having structures that are two hundred plus years old in the historic district. The only section that addresses new construction, addresses residential construction. Again, focusing on the historic district. Due to not having large apartment buildings or warehouses within the historic district. We have added a section that specifically addresses design guidelines for commercial and industrial properties.

The next step to address, if you feel its ready to go to the next step, you would schedule a public hearing, refer the local law changes to the County Planning Department for 239 review. She could work with the Attorney to actually come up with the language of the local law, which would essentially be a repeal and replace of Chapter six, either in its entirety or just those sections that were amended. The Board can decide you can if you want to adopt them right away, or wait until the committee comes up their recommendations for the companion changes for the zoning law. We had some internal discussion as to whether it made sense to present to the Board as a package, because they go hand in hand. However, its understandable with some issues you are trying to deal with now.

Atty. Will Frank said we do not have language for the law as of yet, these are the concepts. The very next this that has to happen, is drafting new legislation.

Ms. Budrock said there is a markup of the actual changes to the AHRB law.

Mayor Brescia said he did not see a redline sheet.

Ms. Budrock it should be in your packet.

Village Clerk Rivera-Fernandez said the Board has a copy it's just not in color.

Mayor Brescia asked the Clerk to provide the Board with a color copy and move ahead to work with Atty. Will Frank, to fine tune. If you have it ready, as long as everyone on the committee is happy with these changes. He asked AHRB Chrmn. Freeman if he's ok with the changes.

AHRB Chrmn. Freeman said he does have some questions, and he will deal with them later.

Mayor Brescia said OK.

Atty. Will Frank said the next thing is to look at the proposed language changes and move forward as long as the Board is satisfied with it, then go to the next step with the SEQRA, the type one, and a full EAF, schedule a public hearing, send the EAF and the legislation to the County and forward to the Village Planning Board for their comments.

Ms. Budrock said our intentions is to work on a parallel track while you are going ahead with that, we could dive into the zoning law changes.

Mayor Brescia said conceptually it looks good.

Trustee Hembury said this is protection for us.

PB Chrmn. Conero suggested hardship clause should be updated as well.

ABSTRACT – NO. 01 – 2023

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO. 01-2023 were audited and approved for payment with \$130,821.82 from the General Fund, \$2,744.08 from the Water Fund, \$22,974.48 from the Sewer Fund and totaling \$156,540.38. Check No: 79986 – 88048, 2040-2051. Motion carried 5-Ayes, 0-Nays.

Treasurer Palmieri reported a CASH BALANCE for the month of January 31, 2023, as follows: General Fund \$1,742,968.00, Water Fund \$313,469.60, Sewer Fund \$521,735.14.

OLD BUSINESS

Trustee Hembury thanked the Police Department for stopping the ATV that caused damage to a few yards and for the DPW for fixing the damage. The DPW also put up the Safe Community sign that was down. He also said the sidewalks on Boyd Street, look good.

DEPARTMENT REPORTS

Mayor Brescia mentioned that DPW Supt. Nelson will not be in attendance for this meeting.

POLICE DEPARTMENT

Police Chief Herlihy stated the Department is preparing for the St. Pat's Ramble events on March 18th and reminds everyone to expect delays.

In addition, they are the first agency in Orange County to wear body cams. They have been awarded a \$30,000.00 grant program for this purpose.

Furthermore, a resident spoke highly of Officer Briere on how he was kind, courteous and professional and made the resident feel safe during a particular situation.

NEW BUSINESS

AUTHORIZE DEPUTY MAYOR JOANN SCHEELS TO ENTER INTO AN INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE VILLAGE OF MONTGOMERY, HEREIN AFTER REFERRED TO AS "VENDOR" THROUGH IT OFFICE OF THE AGING, FOR THE OPERATION OF THE SENIOR DINNING PROGRAM, AND ACCEPTS COMPENSATION, NOT TO EXCEED \$29,198.00, EFFECTIVE JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board authorized Deputy Mayor JoAnn Scheels to enter into an Intermunicipal Agreement between the County of Orange and the Village of Montgomery, herein after referred to as "vendor" through its Office of the Aging, for the operation of the Senior Dining Program, and accepts compensation, not to exceed \$29,198.00, effective January 1, 2023 through December 31, 2023. Motion carried, 5-Ayes, 0-Nays.

AUTHORIZE VILLAGE HISTORIAN, BRIAN FITZPATRICK TO ENTER INTO AN AGREEMENT WITH THE TECHNICAL ASSISTANCE GRANT PROGRAM (TAG), ACCEPTING \$3,360.00 GRANT FUNDING TO SUPPORT THE EFFORTS TO COMPLETE AN MEP ANALYSIS FOR THE MONTGOMERY VILLAGE MUSEUM, BETWEEN THE PRESERVATION LEAGUE AND THE VILLAGE OF MONTGOMERY.

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board authorized Village Historian, Brian Fitzpatrick to enter into an agreement with the Technical Assistance Grant Program (TAG), accepting \$3,360.00 grant funding to support the efforts to complete an MEP Analysis for the Montgomery Village Museum, between the Preservation League and the Village of Montgomery. Motion carried, 5-Ayes, 0-Nays.

CONSIDER APPROVING THE REQUEST FOR RESIDENT OF 7 AUTUMN LEAF COURT TO MAKE PARTIAL PAYMENTS ON THEIR WATER/SEWER BILLING ACCOUNT

The Board declined the request for resident of 7 Autumn Leaf Court to make partial payments on their Water/Sewer billing account, as outlined.

RESCHEDULE THE REGULAR BOARD OF TRUSTEES MEETING OF TUESDAY, FEBRUARY 21, 2023

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board rescheduled the Regular Board of Trustees Meeting of Tuesday, February 21, 2023 to be held on Wednesday, February 15, 2023, at 7:30 pm, at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

ADOPT A RESOLUTION AUTHORIZING THE VILLAGE OF MONTGOMERY POLICE DEPARTMENT TO SURPLUS THEIR WEAPONS AS OUTLINED

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a resolution authorizing the Village of Montgomery Police Department to surplus their weapons as outlined. Motion carried, 5-Ayes, 0-Nays.

APPOINT WILMA J. BENNETT, AS AN ALTERNATE MACHINE OPERATOR FOR THE VILLAGE ELECTION FOR THE VILLAGE ELECTION, HELD ON TUESDAY, MARCH 21, 2023

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board appointed Wilma J. Bennett, as an Alternate Machine Operator for the Village Election, held on Tuesday, March 21, 2023, at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, from 8:00 am to 9:00 pm. Motion carried, 5-Ayes, 0-Nays.

VILLAGE HALL IS CLOSED IN OBSERVANCE OF PRESIDENT'S DAY

Village Hall is closed on Monday, February 20, 2023, in observance of President's Day.

FEBRUARY BOARD MEETING SCHEDULE

(All held at 7:30 pm and held at the Village Hall Meeting Room, unless otherwise posted.)

AHRB, Monday, February 13, 2023.
Board Trustee's, Wednesday, February 15, 2023.
Planning Board, Wednesday, February 22, 2023.
ZBA, Monday, February 27, 2023.

APPROVE TAG GRANT APPLICATION FEE

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board approved the TAG grant application fee in the of \$840.00. Motion carried, 5-Ayes, 0-Nays.

APPROVE DELL OFFICE 365 AGREEMENT, FOR 30 USERS, AT \$19.07 A MONTH FOR A YEAR, FOR THE VILLAGE OF MONTGOMERY

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board approve Dell Office 365 agreement for 30 users, at \$19.07 a month for a year, for the Village of Montgomery. Motion carried, 5-Ayes, 0-Nays.

MONTGOMERY FREE LIBRARY REQUESTS ADDITIONAL FUNDING

Ms. LaRocca read aloud a letter to the Board of Trustees for additional funding.

For many years, the Montgomery Free Library has been struggling to provide the best service to its patrons. Their limited budget has made this task increasingly difficult, especially as changing technology has increased public expectations of what a library means to the community. The demands for more programs, more e-content and expanded hours and staff have pressured the library Trustees with the task of finding alternative sources of funding.

Since our attempts to conduct a 414 funding vote has hit a temporary setback, we are requesting additional funds from the Village, and Town, to allow us to provide those services necessary to keep our library a vital part of this community.

The outpouring of support we have received from recent fund drives and from our aborted petitions sign up have shown that our citizens want a vibrant library presence even if they are not active users themselves.

A thriving library can reflect the educational, cultural, and inclusive status of a community and we feel that your generous financial support can reflect your commitment to these goals.

With that in mind, the Trustee of the Montgomery Free Library request 2024 funding in the amount of \$60,000 which would be an increase of \$32,500.00. We plan on asking the same amount from the town.

Sincerely,

Montgomery Free Library Trustees

Mayor Brescia said he is aware of their financial situation and knows that the Town is prepared to increase their contribution. However, he will take the Village contribution under advisement, as it is a sizable increase of our usual contribution.

PUBLIC PORTION

Mr. Berger and Mr. VanZandt have expressed their concerns regarding the proposed warehouse on Route 211, known as KSH.

Mr. Berger again expressed his concern over the appearance for the warehouse as you enter the Village of Montgomery. He feels it will not be obscured enough and suggested a balloon test be done.

Mr. VanZandt expressed his concern of what a warehouse in the Village will bring increased traffic, pollution and noise. He is not happy with all these warehouses and why was this particular area zoned industrial. The home owners on Weaver Street are not happy with all of the warehouses

Mayor Brescia said the property owner is authorized to build as its zoned. The zoning was discussed at length and agreed to be most advantageous option, single family homes would increase the traffic more than industrial traffic would.

EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board entered into Executive Session at 8:19 pm, under the Open Meetings Law, Article 7 § 105. (h) for matters regarding the possible acquisition of real property with Atty. Joseph McKay, and the Village Clerk in attendance. Motion carried, 5-Ayes, 0-Nays.

EXIT EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board Exited Executive Session at 8:44 pm. Motion carried, 5-Ayes, 0-Nays.

AUTHORIZE MAYOR TO SIGN CONTRACT PURCHASE RIDER, CONTRACT OF SALE BETWEEN ROWLEY DEVELOPMENT CORP AND THE VILLAGE OF MONTGOMERY, AT THE PURCHASE PRICE OF \$275,000.00, SUBJECT TO A PERMISSIVE REFERENDUM

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board authorized Mayor Brescia to sign the contract purchase rider, contract of sale between Rowley Development Corp. and the Village of Montgomery, at the purchase price of \$275,000.00, subject to a permissive referendum. Motion carried, 5-Ayes, 0-Nays.

EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board Enter into Executive Session at 8:46 pm, under the Open Meetings Law, Article 7 §105. (f) for matters leading to the possible appointing of a particular individual, with the Police Chief Herlihy and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

EXIT EXECUTIVE SESSION

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

HIRE PART TIME POLICE OFFICER

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board hired James Lynch as a Part-Time Police Officer, with a one year probationary period, effective immediately. Motion, 5-Ayes, 0-Nays.

EXECUTIVE SESSION

Moved Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board Entered into Executive Session at 8:50 pm, under the Open Meetings Law, Article 7 §105. (e) for matters regarding Union negotiations with the Village Clerk in attendance. Motion carried, 5-Ayes, 0-Nays.

EXIT EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board Exited Executive Session at 9:08 pm. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned the meeting of February 7, 2023 at 9:09 pm. Motion carried, 5-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk