

Minutes of the Regular Meeting of the Board of Trustees of the Village of Montgomery held in the Meeting Room at 133 Clinton, Montgomery, NY 12549 on Tuesday, May 19, 2015 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Stanley, Maria Beltrametti, Anna Frumes, Jack Smith, Johanna Sweikata, Stewart Rosenwasser, Marc Devitt, Walt Pahucki.

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

RE: MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board of Trustees approved the Meeting Minutes of April 20, 2015. Motion carried, 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board of Trustees approved the Meeting Minutes of May 5, 2015. Motion carried, 5-Ayes, 0-Nays.

RE: SET PUBLIC HEARING DATE AND TIME LL I-1 OF 2015

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board of Trustees of the Village of Montgomery will hold a Public Hearing on Tuesday, June 2, 2015, at 5:45 PM or as soon thereafter as can be heard at the Village Hall, 133 Clinton Street, Montgomery, NY 12549 to consider the adoption of Introductory Local Law No. I – 1 of 2015. Said local law amends Chapter 122 of the Code of the Village of Montgomery entitled “Zoning” to permit “Bed and Breakfast” Uses within the Village Business Districts and to establish regulations regarding such uses.

A copy of the proposed local law is available for public inspection at the Village Clerk’s Office at 133 Clinton Street, Montgomery, NY during regular business hours.

At the above date, time and place, all interested persons will be heard. Written comments will be received no later than June 2, 2015. Motion carried, 5-Ayes, 0-Nays.

RE: JUNE 2, 2015 VILLAGE BOARD MEETING CHANGE

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board of approved changing the time of the June 2, 2015 meeting from 7:30 pm to 6:00 pm at 133 Clinton Street, Montgomery, NY 12549. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH THE BOARD

Jack Smith aka Officer Jack has come before the Board of Trustees regarding D.A.R.E. and the Bike Rodeo. He reported on the success of the last month and half with founders’ night and the D.A.R.E. graduation in March. He was nominated as Mr. Founder. The D.A.R.E. graduation was great with over fifty kids. The Bike Rodeo went over very well. The children were excited seeing all of the bikes. I have to thank Walmart, they helped us tremendously. We had our bike-a-thon with the Pre-K, all I have to say is that we had 17 collisions, 3 kids ejected from the bikes, 3 rear ends, with that said; we are down ten percent from last year. (Laughter from all in attendance)

Seriously speaking, the Mayor and the Board are very generous with the D.A.R.E. program and the Bike Rodeo. I want to extend a special thank you for all your support, you make my job a lot easier as the D.A.R.E. Officer.

I have Certificates of Appreciation Awarded to the Village of Montgomery Mayor and the Board of Trustees in recognition of your generous donation and support of the Montgomery Elementary School D.A.R.E. program and Bike Rodeo.

It's a privilege to work for this Board and the Village of Montgomery. Every day it is exciting for me, when I go up to the Elementary School; the children are overwhelmed and excited. I will be attending the Greenkill Environmental Education Center, Huguenot, NY 12746 field trip with the 5th grade class. Again, I cannot express the excitement of the children, it will be three days of hiking, canoeing, etc. I cannot do what I do without your support. Thank you again.

Mayor Brescia and the Board of Trustee's Thanked Officer Jack for all his efforts to make the Montgomery D.A.R.E. program a success. The Bike Rodeo was run and organized by mainly Jack this year. I cannot congratulate you enough on your honor of Founders Night. It goes to show how much the parents, teachers and the family think of you. As being a representative of the Village, you make us look good. You are very professional and keep up the fantastic work.

Officer Jack states, the surrounding D.A.R.E. programs are in awe of all that the Village of Montgomery program offers to the children. My theory is that you cannot walk into the children's lives today and in ten weeks, then to just say have a nice day. The Children get the message and it gets lost if you do not stay with them all year long. On Founders night one of the parents brought to my attention; when all children were singing there, her sixteen year old was singing along with them. The children do not forget, they know.

Mayor Brescia suggested to Officer Jack to attend the Night Against Crime in Walden and the upcoming parades as well. Thanks again, we are indebted to you.

RE: ABSTRACT NO. 04-2015

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO. 04-2015 were audited and approved for payment with \$260,822.44 from the General Fund, \$437,881.98 from the Water Fund, \$26,306.36 from the Sewer Fund and totaling \$725,010.78. Check No: 47249 – 47268, 48314 - 48414. Motion carried 5-Ayes, 0-Nays.

Treasurer Benedict reported a CASH BALANCE for the month of April 30, 2015, as follows: General Fund \$ 1,260,012.03, Water Fund \$ 296,597.46, Sewer Fund \$213,740.00.

RE: OLD BUSINESS

Mayor Brescia spoke on the Borland House draft, to revise the definition of an "Inn" and of a "Bed and Breakfast". The Village Board visited the site with the exception of Trustee Lindner. He was called away for the birth of his granddaughter.

Atty. Dowd stated, I have left intact the exact definition and the regulations involving Inns. There is clearly a difference in codes between Inns and a Bed and Breakfast. Normally a Bed and Breakfast are owner occupied and Inns do not have to be. In addition, Bed and Breakfast are located in residential zones, whereas Inns do not have to be, they can be in a mixed zone. Furthermore, a Bed and Breakfast tend to be on the smaller side with parking and room sizes. Whereas, an Inn could be larger. A Bed and Breakfast tend to be accessory uses to the owner occupied residents. Therefore, if you had a house and make half of it a Bed and Breakfast; it

could possibly have two to three bedrooms. Again, Inns could be larger buildings with a care taker that does not need to be owner occupied but can have fourteen to fifteen rooms in some cases.

I did a sampling of Local Laws and Codes around the county. What you have before you is what a definition of what a Bed and Breakfast would be in most places. The regulations are about fifteen different codes that are very much alike; someone may have started out with a master, while others refined it. I do believe that based upon the petition you have from the existing Inn/Bed and Breakfast Borland House, that this would satisfy them. It allows for the same number of rooms, it cuts down on the parking requirements per room and owner. It does allow for a dining facility and special events, subject to limitations the Planning Board may put on them. One thing I was considering is not knowing what the affect might be. If the Planning Board were to say, ok; we will grant you a special permit to operate a B&B with concerns about the traffic and parking having a special event with forty guests. The Planning Board may give a special permit for six months and see how it works, if it works then the permit would be extended. If it does not work, you may have a disaster on your hands with issues from your neighbors complaining or parking issues. They are currently operating as an Inn and the permit was issued in 1985, before I took over as your Attorney. It is interesting, this Inn is allowed in the Historic. It is clear that there are two historic districts. Technically under this code currently, you can have an Inn in a residential zone. It has to be a historic building, which we do have historic homes in residential zones, in the historic districts. I did not touch this verbiage unless you want it revised. I am not sure you want an Inn to be in a residential zone. If you allow the outside service of food, in essence you are allowing a restaurant.

Mayor Brescia states, I would like it confined to the B2 district.

Atty. Dowd states, I put in the B1, B2 district; figuring you may have properties in the B2 that may qualify. However, I am not sure. We really need to discuss what zone you want it in. The Inns are currently allowed in the Historic District in a Historic building. In your residential streets you are going to have paying guests who may be residing, at the most, fourteen days.

Trustee Hembury asks, would we have to approve each one individually?

Atty. Dowd states, the Planning Board would issue an approval individually and not the Board of Trustees

Trustee Hembury concern is if we approve to allow for small weddings, do we have the power to stop it on a weekend for events, such as the Car Show or General Montgomery Day.

Atty. Dowd states, you could not do that, the applicant will go before the Board to say I would like to open a Bed and Breakfast and here are the regulations which allow for small weddings and restaurant use for Brunch, for outside people of the guest of the Inn or the B&B. The permit would be granted if it is without a condition; it will exist unless you want to change it.

Mayor Brescia states, we have made accommodations in the past to try and get those residents out. For instance, the Car Show. They would not be able to park on the Street. They may have to park a few blocks away for a wedding or event on these particular occasions. We may want to allow it on a case by case basis, with certain requirements to be met. We also may not want to allow it by zone but as a PDD. There are these Air B&B's popping up all over.

Atty. Dowd states, I based it on the guidance you have spoken of. However, I feel there are issues you really need to think about and how you want them handled and where. Every use in the Village is to provide off street parking.

Mr. Rosenwasser states that on page fourteen, they have a special exception use to run a Bed and Breakfast. Regardless of the description as you mentioned earlier of an Inn vs a Bed and Breakfast. My concern is having go the Planning Board and have things become more restricted to them.

Atty. Dowd states, this is less restrictive. It allows them to have a dining facility outside the use and special events.

Mr. Rosenwasser states, page fourteen to be intrusive, with the fact it wants to regulate inside the Bed and Breakfast. It does not relate to outside events. Special events such as a birthday does not correlate to the outside.

Atty. Dowd states, it does relate to outside if there is a large number of guests.

Mr. Rosenwasser states, if you want to regulate the number of guest that is fine but to go to the Planning Board every time is not.

Atty. Dowd states, the current permit they are required to have eight parking spaces onsite. The B&B would be less restrictive than the Inn as of now. The requirement is to have two for the residents that live there and one for per guest room.

Mayor Brescia states, we want them to have enough off street parking spaces on site for all B&B or Inns. If they have eight off street parking spaces, then the Montessori School, the Patchett house and the National Hotel would then also fit into that category.

Atty. Dowd states, that anyone applying that does not meet the requirements would have to seek an area variance to waive the parking requirements. This is specific for only B&B's. It will be in the B1 and B2 zones, and limit the number of guest for special events.

RE: MOMENT OF SILENCE FOR DICK HOLMES

Mayor Brescia requested a moment of silence for Dick Holmes, the former Mayor of the Village of Montgomery by those present. The flag was ordered to at half staffed in his honor as well.

RE: APPROVE TO APPOINT THE 2015 SUMMER RECREATION STAFF

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved to appoint the 2015 Summer Recreation staff. Motion carried, 4-Ayes, 0-Nays, 1-Abstained (Trustee Hembury)

RE: REQUEST USE OF THE RECREATION CENTER

Lillian Fernandez requests the use of the Recreation Center for Boot Camp class from July through September, 2015 on Saturdays and Sundays at 6:00 am to 7:45am.

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the use of the Recreation Center for Boot Camp classes beginning July through September, 2015 on Saturdays and Sundays at 6:00 am to 7:45 am with the conditions of rentals taking precedence and the usual required insurance and fees as set for the use of the Senior Center classes. Motion carried, 5-Ayes, 0-Nays.

RE: APPOINT LABORER

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board appointed Brendyn Karinclak as a Laborer at the rate of \$15.23, starting on Tuesday, May 26, 2015. Motion carried, 5-Ayes, 0-Nays.

RE: AUTHORIZE POLICE CHIEF WALSH TO GO INTO CONTRACT WITH BUYER FLEET TO LEASE OF TWO VEHICLES FOR THREE YEARS AND PURCHASE AT THE END OF THE LEASE

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board authorized Police Chief Walsh to enter into contract with Buyer Fleet to lease of two vehicles for three years, for three payments in the amount of \$29,455.76 a year; at the end of the lease the Village will purchase the three vehicles for \$1.00. Motion carried, 5-Ayes, 0-Nays.

RE: ADOPT A RESOLUTION TO ACCEPT OMITTED TAXES FOR 2015

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board adopted a resolution to accept the 2015 omitted taxes in the amount of &+\$4,585.23. Motion carried, 5-Ayes, 0-Nays.

RE: PUBLIC PORTION

Ms. Beltrametti addressed the Board with her concerns about candy being tossed in to the streets during the parades.

Mayor Brescia states, it is not allowed. It will be addressed by the various parade committees once again. It always has been a concern. It is supposed to be handed out and it is a good concern. Thank you.

RE: EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board entered to EXECUTIVE SESSION at 8:16 pm under Public Officers Law §7(f) to discuss office of personnel and §7(e) to discuss collective negotiations between the Village of Montgomery and Village of Montgomery Police Benevolent Association pursuant to the Taylor Law with Police Chief Walsh, Atty. Dowd, Village Clerk Rivera-Stanley in attendance. Moved carried 5-Ayes, 0-Nays.

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board of went out of EXECUTIVE SESSION at 9:04 pm. Motion carried, 5-Ayes, 0-Nays.

RE: ADJOURNED

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of May 19, 2015 at 9:11 pm. Motion carried, 5-Ayes, 0-Nays.