

Minutes of the Public Hearing for the Master Plan Update, of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, September 20, 2016 at 7:00 pm.

Present: Mayor Brescia (late), Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, DPW Supt. Nelson, Clerk Rickerd, Marc Devitt, Maria Beltrametti, Don Berger, Johanna Sweikata, Tom Steed, Jessica Cohen, Ed Devitt.

**RE: OPEN PUBLIC HEARING**

Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board opened the Public Hearing for the Master Plan Update. Motion carried, 4-Ayes, 0-Nays.

Deputy Mayor asked Master Plan Chairman Conero to give a brief synopsis of the proposed Master Plan Update.

MP Chairman Conero said the Master Plan committee met of a period of time. We met with the Village Planning and Development Consultant, Alan Sorenson. He guided us in updating the Master Plan, which is approximately five years old at the August Board meeting, the updated plan was presented to the Board. The outcome of that meeting consisted of an overview of the changes. The Mayor wanted an update to the demographics put into the plan with the latest census information available. I have asked the Consultant to make the changes. I believe this is the only change the Board had requested. Going by my memory and after reviewing the minutes to be sure. All the other changes were ok with the Board. Kevin, are there two, Public Hearings needed or one? And the SEQR process?

Kevin Dowd said this Public Hearing is before the Board for Public comment on the proposed plan itself. The only changes now would be to the demographics to the proposed revised plan and that would obviously be included before adopting it. It is open to the public for comment on that document the Village Clerk's office has referred by the comprehensive plan committee.

Chairman Conero feels the information that is presented is good to go forward with the Public Hearing as scheduled. The only change now the demographics.

Atty. Dowd asked, do you know what the changes were?

Chairman Conero said, I do have a summary sheet of the all changes. This is what I presented and I also sent you all a letter on July 25th outlining the details.

Atty. Dowd asked Kevin what were the demographic changes?

Chairman Conero said, the Mayor felt that the census figures were skewed wrong. The figures were going down instead of up. I was not aware the census data was available. And I am not sure why our Planner did not use it in the first place. I cannot really answer that question. I feel the public would like to take the opportunity to speak with you. Get some input on it and move forward.

Deputy Mayor Scheels asked the public present for any questions or comments.

Mr. Berger commented on the minutes and has a copy of the minutes as Kevin mentioned. Did anyone look at the minutes online?

Atty. Dowd said this is not about the minutes in general.

Mr. Berger said, no, no he brought up the minutes that is related to this meeting.

Atty. Dowd (in audible) background noise.

Mayor Brescia entered the Public hearing at 7:05 pm.

Deputy Mayor Scheels stated, as you are fully aware we have had substitute secretary for the last meeting and this meeting. Our Clerk is out sick and has had surgery. Therefore, she is doing the best she can with the knowledge and experience of doing the Village Board meeting minutes. I will have you excuse them for this meeting and the meeting prior. I have seen them and kind of knew. They do not have to have everything in them. We are kind of spoiled and almost having everything in there. Are there any further comments?

Ms. Beltrametti has a couple of comments. In the Plan, there should be there a certain amount of actions on part of the Board to begin with. The main one is on page 48, the Village should be involved in the redesign, redirecting or whatever of Ward's Bridge and working with NYS Department of Transportation. So that it does not slip into the cracks and it gets pulled in as needed. I have no idea what that entails, of course. But, I would hate to see all of a sudden to find out there is a plan for the rebuilding or redirecting of what needs to be done to that bridge, and we have not been involved. So, I put that on the table.

Deputy Mayor Scheels said, she is pretty sure everybody is well aware. I know myself, I have been watching and waiting for anything to come up, because of what I have heard, as much as everyone else has; of what they are planning to do. There has been multiple—

Ms. Beltrametti asked, who steers that ship? Is that the DOT or?

Atty. Dowd said, it is the DOT's Bridge. It is the DOT's Road. The DOT steers the ship.

Deputy Mayor Scheels said, we can comment and we--

Ms. Beltrametti said, hopefully they are made aware or will be made aware that we want to be involved, as programmed, right.

Atty. Dowd said, we would volunteer our input. Whether they listen to our input or not is—

Ms. Beltrametti said, the negotiation is going to be a long process.

Atty. Dowd said, I am not certain. Again, the DOT does not usually negotiate. They will listen and they do not have to negotiate. Hopefully they will understand the value, taken into consideration the will of the Village of Montgomery to make it look good instead of just a cross way.

Deputy Mayor Scheels said, that way everybody knows.

Trustee Lindner asked, have you done contacts with Senator Larkin to a—

Atty. Dowd said, sure can. When that comes down it, we sure can. Contact the assembly person or the Senator.

Deputy Mayor Scheels said, I am sure Steve would reach out to everybody, if there were issues. We want to keep our Village quaint, like it is. We certainly do not want to put in a super highway through or a cross way. We would like to have something more historic.

Ms. Beltrametti said, the other thing, there is quite a big, a lot of talk here about traffic calming. And, I realize there is nothing you can legislate on Route 211 and 17K but there probably is some kind of encouragement. Uh... political maneuvering, just simple polite requests to the various trucking companies that are entering right nearby about maybe looking at it a different way and not just given cart blanche to the trucks to go wherever. There is no question about intersections and sometimes the speed at which they make those turns is stunning. They do not look at the roads and they do not look at the other cars. I can see them. They are making sure they do not hit any buildings or any wires. But everybody else just has to get out of their way, and sometimes it is unbelievable.

Deputy Mayor Scheels stated, we have addressed that over the years. A couple of time with Tetz and dump trucks that were coming through. Now of course, we are getting some of the bigger trucks. But, I find that most of the trucks like the Fed-x, unless it is local and UNFI, and Baxter. Most of them are actually going out and do not really, I do not think use our Village streets unless they go somewhere that there is not another way.

Ms. Beltrametti said, first of all there is a ton of trucks, large trucks that have to go through the Village because they have to deliver construction equipment and materials, you name it. I cannot think of any reason why they very big trailers that do not carry advertising on them need to go through the Village. Either they are taking a short cut or they are avoiding a weight station. If maybe the Mayor spoke to the head of those trucking companies. Is it Yellow? How many are there that are based in Maybrook?

Deputy Mayor Scheels said, I think there are three companies that are now together, Yellow, Roadway, and Romer.

Ms. Beltrametti said, well, certainly there in communication with all the other truckers. Can we make a plea?

Trustee Hembury said, big delivery companies now is the old Alpak. They have tractor trailers coming in and out of there with no markings at all. I do not know what that is all about.

Deputy Mayor Scheels said, the company with the bleachers is also another tractor trailer.

Mayor Brescia said, that should be reported to the police. Yellow Freight, most of the truckers there know they do not need to go through the Village unless they are doing a local delivery. I cannot imagine that Yellow Freight is coming through the Village that much.

Trustee Hembury said, I do not see that. I see this other.....

Mayor Brescia said, some of the companies have to go through the Village. They are not going to all the way around on 84 to 208 to come through the Village. When they are right there on County Route 99. It is just not..... Do you have any suggestions?

This is a public hearing we are not supposed to go back and forth at a public hearing. We are supposed to listen for public comment and take it for the record. Kevin, what did you mean by traffic calming?

Chairmen Conero said traffic calming is a topic of our group that talked truck traffic through the Village. Trucks like Do It Best, can easily go out Neely Town Road instead of cutting this way to go to 17K. Um...those type of trucks. They are not local deliveries by any means. I think people have concerns with the size of the trucks going through the Village. Like, JoAnn said, we talked about this back when we did the Master Plan. And because of Route 211 and 17K are designated

as emergency routes for a backup on 84. They are allowed to do that. So it is hard, like Steve said, it is going to difficult to please.

Mayor Brescia said, we can send letters all these companies on County 99. I cannot imagine that Yellow Freight is doing it as a short cut. Most of those companies logically would think they send their drivers out, if they are going to the City or anywhere else, they are not going to come through the Village of Montgomery because of the congestion. We will certainly send a courtesy letter to all the companies on County 99 that would be the most. Some of these truckers are coming through the Village and their GPS's are directing them this way. It is a lot of reasons.

Ms. Beltrametti said, I'm sure, I'm sure. It is not going to an immediate change completely. Go with the drum and you can get discouraged, that is it.

Public comment (In audible).

Marc Devitt said, I know you can't go back and forth, like you said.

Mayor Brescia said, we have a little bit of time, so.....

Marc Devitt said, Maybrook put five thousand tons or pounds of truck limit signs on both ends of the Village, of imposed fine violations to violators.

Deputy Mayor Scheels said, we have some on our streets. We cannot put them on a State Highway.

Marc Devitt said, we should put them on the local streets too, three on weights.

Deputy Mayor Scheels said, we have the bleacher place that has the tractor trailers, which we... He should be using Rail Road Avenue and then Boyd Street.

Marc Devitt said, I am not sure if it was at your meeting Kevin, or a regular Board meeting, when Kevin was here. But the incidents on 84, we have had a number of incidents up there recently. And, they were coming through the Village, through Goodwill and the whole nine yards.

Deputy Mayor Scheels said, they were being sent by the Police.

Ms. Beltrametti said, the detour is understandable.

Deputy Mayor Scheels said, there is not a whole lot that we are going to able to about that. We can police them if they are speeding. They should be sticking to a route that is truck route. We have truck routes, Boyd Street is a truck, and Rail Road Avenue is Truck Route. So, um... Our police are just going to have to be aware that something has happened. I am sure they are. And just try to police it a little better.

Mr. Berger said, you don't want to be the next Chris Christie?

Audience laughter

Marc Devitt asked, this is a quick question. This is the Public Hearing on the SEQR? So there will there be no other Public Hearings?

Atty. Dowd said, this is the Public Hearing on the Master Plan updates. The SEQR is going to be probably based on the prior SEQR that we used. It really does not have enough significant changes

to this plan from the last plan. So we will not do a whole certified impact statement. We file a short form. There will be no additional public hearing.

Marc Devitt asked, at the Public Hearing the Master Plan committee held. I raised a couple issues and I am not sure if they were addressed. I did not see them in the Amended Master Plan. It was the section of the water and sewer. Um... In the Master Plan that you guys had submitted it did not include the 500,000 gallon water tower that the Village has now installed. And the updated numbers on the sewer end.

Chairman Conero said, I don't know that. But I can find out where the Planner got those number from. I did not realize they were even erroneous. That is why I don't think they were changed. Whatever concerns were at the public hearing that we had, should have been addressed in the plan. You are saying that the plan that you have didn't include them at all.

Marc Devitt said, the plan didn't include them at all. It did not include the Water Tower, for instance. So, I'm not sure all the numbers are up to date.

Chairman Conero asked, do you know what page it was on or what chapter?

Marc Devitt said, Um... I'll find it for you.

Chairman Conero said, I'll look into that.

Mayor Brescia said, we can certainly change it before it is adopted.

Deputy Mayor Scheels said, plus we have to add the demographics.

Mayor Brescia said, you should probably mention the sewage. We have done the engineering for the upgrade to a quarter of a million, correct. I believe, just check with Dawn on that. Bipin Gandhi, I believe did that. We were poised. I believe all the engineering has been done on the upgrade.

Atty. Dowd said, it has been.

Mayor Brescia asked Chairman Conero to address that as well.

Chairman Conero asked, when was that done in 2016?

Atty. Dowd said, no it was a while ago. 5 years ago.

Mayor Brescia said, I do not know how many years ago? It was a few years ago. You might want to mention the new Water Tower. We might not put the 1941 tank back online, I do not know. The costs might be prohibitive, the new tank holds so much more capacity over the old one. Just check on that, it just might be a note to put in there. The costs are so much more when we painted it, on the interior and exterior. We did the epoxy and everything according with all the state regulations. I'm sorry Marc.

Chairman Conero said, ok.

Marc Devitt said, that's ok. The other item was the Valley Central enrollment numbers, I did not see that reflected with the updated numbers. I know that Valley Central school district is down fifteen percent.

Chairman Conero asked, is that in the demographic section?

Marc Devitt said, uh... I believe so yes. The Master Plan eliminated some of the uses and I believe it was B1 or B2 zones that have some of the industrial uses. I was just wondering if they have any recommendations to add any uses. I know the Board made changes to the B&B, I think it included that. They made additions to the uses at the Pine Bush Auction, when Paul Jr. was going to potentially occupy that space. I do not know if those uses would be something that the Master Plan committee would want to show the community, the recommended uses.

Chairman Conero asked, like a future, add a use in for that section of the zoning law.

Atty. Dowd said, the change is already included in the zoning law. When a law is passed it is entered into the table of usury.

Marc Devitt asked, so are there any other ones? If anybody has sat down and thought about what other uses that are currently not prohibited in the zones, whether it is industrial, business, or residential, adding any other recommendations. Not that it has to done at this time. I know.

Mayor Brescia said, or maybe redactions. We did that based on what Paul was going to move in there and we would not have done it, if he had not proposed that.

Atty. Dowd said, it is a non-nuisance industry so it was not a bad use to add to the zone.

Chairman Conero said, I think we did look at the uses in the B1 and the B2 districts. We looked at all the uses, in all of the districts and there is nothing in here that can change since 2008; then the committee probably thought it was no need for any additional uses. There were some uses we talked about, in the industrial zone at the other end of Town. But, I am not sure if that was added. I do believe Kevin, you recommended that we not add them in the Master Plan they just adopted into zoning. I believe that is the special exception. It is possible that it is in there, I do not know this like the back of my hand.

(In audible)

Marc Devitt said, one other thing that I thought should be mentioned. (In audible). Montgomery has got the unique historic character, and that lies on Union Street. When you come into the Village, you see these beautiful homes that are all residential. I think the Master Plan reflect that and we should try to do whatever we can to preserve that. So we do not have any more home occupations. I know there is an over lay about the antique over all look, maybe the Village should consider, illuminating these from Charles Street to Weaver Street, Purple Martin, or starting smaller and go to Senior Street. I believe we need to protect our historic character. So you know, when you see areas like Washingtonville, New Paltz and what were once all homes are now businesses. They are certainly no residences, I would hate to see something like that happen to Montgomery. Um... Onto the recommendations, that the Master Plan is making to the PDD, with regards to minimum lot size. I just want to say that, I feel a lot of the PDD conversations, I listened to the audio of the past Master Plan, whether it was Planning Board, they all seem directed at one particular PDD here, which is Chandler Lane PDD. I do not know that, that is right, and making decisions on the PDD in total. Moving forward, just on the minimum lot size that was discussed at the last Village Board meeting, when the Master Plan was presented to the Board. I think with every PDD, the Village Board has the opportunity to say, yes, no, or we need some more information. I kind of like the idea, the lot seems it is a little tight or give us more. I would hate to see the Trustees put restrictions on a PDD. You never know someone may come in with a very small lot, putting in a unique use, that could not get a use variance for but they could apply for a PDD, and have it done through a PDD. I again, would hate to see the Trustees being restricted in the lot size of where they can run it. As far as the time line goes, again, you know that to me, I

feel it is directed to the Chandler Lane PDD. I do not know that, that is right. We have tried very hard. We have been moving forward with our approvals. We were hit with the worst economic down turn since the great depression. I know you have said, you have granted extensions in the past that is for a subdivision, this is not a subdivision, it is a zone change. The reason why, I feel it is personally targeted is, you have made recommendations to change zones in R2; Mike Wilds old shop, it is a B2, but you do not put any time limits on that. You make recommendations to do business parking in industrial zones and there are not time lines on that. There are no time lines on other zones that were already permitted or zones that have changed, that are still undeveloped parcels of land. I take that very personal and feel that is directed towards Chandler Lane PDD. There is also a contradiction, you guys make mention that we should not have shovel ready sites. This is an approved PDD to give opportunities, we have up to 100,000 square feet. You do not know if who approves, maybe Whole Foods or a Wegmans might say we would love to put in a grocery store here. I think the Village would welcome that but right now, we have the opportunity and not go through the SEQR process and roll out the red carpet and get them in fairly quickly. I think the Board should take some of those things into consideration.

Atty. Dowd said, again the Master Plan is merely a recommendation and it is a vision. As you know from prior comprehensive plans adopted by the Board, there is a schedule of how they took action. They could take no action, even though it is adopted, they do not have to act on anything. It is usually due to financial constraints such as sidewalks on all the side streets, there is no money for that but it is still in the plan. It is just not going to happen if the funds are not there. So, regarding the minutes Marc as you know, we had this whole conversation about putting time limits on a PDD, that necessarily is not Chandler Lane, but it is a PDD in general. I know, we also have an approved PDD on 17K that nothing has happened on. Be as it may, it was a conversation that could be in the plan it does not mean that is going to be what the zoning change is. Not everything in the plan is going to being a zoning change. It is a guideline, again, it is a vision.

Mayor Brescia said, we did not update the Master plan in over twenty five years. It had a green area in the downtown and a cross walk, across Union Street. It was a lot of things, we should also mention about the population has grown and how it is one of the biggest in the Hudson Valley, in the last five to ten years.

Chairman Conero said, we did look at that. We still have your recommendations with the overages not reflected in tonight's plan.

Mayor Brescia said, parking is always an issue. A lot of times, we say there is a house here in the 1950 and well then we should put one there today; that is not always the case. There were a lot less cars in the downtown Montgomery in the 1950's then there are today. Parking is a premium. It does not mean, it does not belong there today but it needs to be looked at very closely; also with off street parking and other things. We do not look at that enough and other issues much like it. Maybe we should have another meeting and make more changes. This is a Public Hearing to get input, such as getting recommendation from the DOT on but that is not going into the Master Plan, I do not think. We will certainly listen.

Trustee Lindner said, let's go back to what Marc was saying. Looking at page 85, that is the only place where I see the PDD referred. It looks like to me that it is fairly open ended. It says where there is mixed use development is proposed under the Village's Planned District Development provisions it should include a mix of home types that complement the Village at large. Where it is feasible to do so, new streets should be interconnected into the existing street network. It seems all pretty basic. I do not see...

Marc Devitt said, on page 92 it says, this plan recommends further evaluation as to whether there should be a minimum lot size for PDD's. It further recommends approved PDD's are required to

be implemented within a certain time frame. You know Steve, back to the parking, because parking is a premium. The Master Plan should have some recommendations on how to increase that, whether it is through private, public, partnership, and or if it is shared parking between the businesses. What if there is a way to open up parking at the park. If there are an opportunities to extend that with a municipal sign at the end of Clinton Street pointing down in that direction. It is less than a block away and things like that.

Getting back to the minimum lot size, if you have two PDD'S recently that were approved by the Board of Trustees. The Vasapoli gas station that was approved, it was a small lot that the Village Board approved. It took \$2,300 in Village taxes to \$9,500 in Village taxes. The PDD across the street, Montgomery Montessori that was a very small lot. We did not need the PDD to do that. We could have done a traditional subdivision. That PDD took those Village taxes from zero dollars to Over and around \$9,000. I think there are opportunities. The Village is not plowing any more street because of these PDD's or maintaining more sidewalks, they are paying water and sewer fees. Please take that into consideration.

Mayor Brescia said, the carriage house; we did the antique over lay zone years ago. I think we did a good job of it. I do not feel, we sacrificed any of the historic integrate on those houses. They are still required to go to the AHRB, we do not allow all types of signage unless it historic looking and tastefully done. I do not know if you remember or not, some of the carriage house owners wanted to have residential in the carriage house. We did not approve that. So, that may have hurt the situation but you can think outside of the box and allow certain things as long as there is parking there. Being sure the historic integrity of the house it not compromised. We have had Marilyn Quigley and a handful of others.

Marc Devitt said, I believe there is three.

Mayor Brescia said, three that utilize it. I think it is another tool in the tool box, to allow the home owners to work on a way to pay their taxes.

Ed Devitt said, that it is a crack in the door and it was for one person.

Mayor Brescia said, no that is not true. There were others that requested it Ed.

Ed Devitt said, it is a crack in the door to expand and ruin that entrance to the Village. This is all the comments that I have. It is a beautiful entrance, it is quant Village and that is how we should preserve it. It not only increases there value, it increases the total value.

Chairman Conero said, it is the timing too. The Master Plan was comprised of a lot of people that gathered in a group and met for a long time. So, a lot other things were not brought up. A lot of the thing that were not brought up are in the minutes and they are reflected. When you talk about the minimum sizes, I think the idea behind the PDD was really to delve into the bigger lot sizes. For instance, during the presentation in August, putting up two houses next to each other. If someone comes in and knocks them down to creating one lot, then wants to put in a PDD's in there. Now this Board, if there is something that we did not want, this Board would probably say no. They have the power to do that, but we are all not going to be here all the time. So there might be other people that are on the Board that might see something differently and interpret the PDD to put something in there that you do not want. The committee was thinking and it was really meant for large subdivisions, or large parcels of land. Not creating a non-conformity of lot sizes within the historic or the district that the zone is in. That is what the minimum lot size was talking about. When you talk about the time limits put on a PDD, I think the group felt that there was a change in the economy, and some certain circumstances that maybe you do not want to have to

develop in that area. You may want to be able to rethink it, if has not been built yet. We have no recourse because of the zone change. If it was a subdivision, you do have recourse. You could say, an extension is not permitted. This is not good and go back to the drawing board and start thinking of something else. I think that is the reason that the group decided this, it was not my decision. It was the group's decision. This is why, we preserved the plan business district across the street, and it did not go further into a housing type of plan. I hear what Marc is saying about the small lot size. This is what the beauty of a PDD is, but it also has some negative effects. I think effects the zoning that is in place for that certain area. You guys are great. I am saying we are all not going to be here at some point. You might want to use that PDD for something differently. This is why the smaller lot sizes were taken out. As far as the homes occupations, and the historic district, it was pretty clear. The group did not want to see any commercial development, when that included apartments in carriage houses from Charles Street and all the way out to Chandler. We did not want that in there. It was going to create a zone for one home, it is an odd thing. You would be putting an apartment, like an R4 area. It only allows for one home occupied building. So you would be putting an apartment in the back. I think you are going to turn into Sugar Loaf basically, that's what's going to happen. I think that is what we are saying, right.

Marc Devitt said, yes.

Chairman Conero said, ok.

Mayor Brescia said, we are going to take over, you are not allowed for commercial, you are allowed for home occupations.

Chairman Conero said, home occupations is one half of the first floor that is our zoning for the home office.

Mayor Brescia said, a chiropractor. It does not allow for commercial.

Chairman Conero said, that is why she took the whole floor; that was a variance. That was one of my first meetings a long time ago.

Ed Devitt asked if that was done through a special exception.

Chairman Conero said, the chiropractor; no. It was done through a zoning change, with the ZBA.

Ed Devitt asked, something like that continues on as long as she owns it, or until she sells it? That is it?

Atty. Dowd said, it is not particular to the owner, it is particular to the property. The variance runs with the land. She could sell to another chiropractor who could continue that use.

Ed Devitt asked, so you have to change that so that it runs with the present owner?

Atty. Dowd, said, you cannot do that in New York State. Zoning is not geared to the particular owner but to the parcel itself.

Ed Devitt asked, so how change you change it.

Atty. Dowd said you cannot change it. The only other was is if it were abandoned. In other words, the chiropractor sells it to John Smith and John Smith turns it back into a single family home. It then cannot be sold to a chiropractor in five year and turned back into a chiropractor's office. If they abandoned the variance, they abandoned the use.

Ed Devitt said, when I was on the Town Planning Board this came up, a special exception use and everyone had to come before the Board.

Atty. Dowd said, it is not a special exception use, it is a variance. There is a difference.

Ed Devitt said, why you can't make it a special exception use.

Atty. Dowd said, it is too late now it is already a variance.

Chairman Conero said, I do not think the special exception use was in the zone 4 of that property. A chiropractic business.

Atty. Dowd said, the doctor is allowed the first half of the first floor. If they wanted the whole first floor, they got a variance to do so. It is a variance that runs with conditions with a special permit. They would have to come back periodically for a renewal.

Marc Devitt said, if the Master Plan committee felt strongly to add language and create a new zone. In that corridor that does not permit those types of uses. If the Master Plan committee to create a new zone in that corridor.

(In audible) too many speaking over each other.

Marc Devitt said, the PDD's is not permitted in any residential zones, there is not going to be timer where people are buying two house to take them down in order to do a PDD. Whether it is this Board or another Board; to the point about the historic district and try and maintain that with a PDD. Maybe you could recommend to the Village Board, maybe there is language for a PDD could be applied for in a historic zone, with certain considerations are taken in order to preserve the historic district.

Mayor Brescia said, I know it is up to this Board to make the ultimate decision. I would suggest that we reconvene for one or two more meetings, taking the suggestions into consideration.

Atty. Dowd suggested to the Board, this is back to you this is the Public Hearing. You could get back to them and actually make changes to the Plan without fully adopting. If you send it back to them, they are going to send it back to you and we will have another one of these public hearings. I just want you to know that.

Chairman Conero asked, could we be an advisory to the Board instead of having the Master Plan reconvene or no?

Atty. Dowd said, I do not think you just say you are an advisory. You are an advisory.

Mayor Brescia said, we could always meet with the Master Plan as a work session. We will probably do that.

Atty. Dowd said, you can certainly do that. You send it back to the committee and they come back with the changes. We would be doing another public hearing on the changes.

Mayor Brescia said, I do not have a problem doing that. It is only a guide, we have spent a lot of money on changing it. We updated it a few years ago, this is less of an update over the last. This is not cheap to do. We will take the suggestions under advisement and make all changes. We will see what happens.

Ms. Beltrametti said, to that point, you mentioned taking the comment about the DOT and the bridge under advisement. It is part of the plan. You are aware of it right.

Mayor Brescia said, yes, we would do so.

Chairman Conero said, the bridge is half into our Village. If the State wants to take the bridge down and build a new bridge. They could construct a modern type of bridge.

Ms. Beltrametti said, with architectural interest.

Mayor Brescia said we would insert the proper wording in there, with not to many specifics.

Trustee Hembury said, we do not want a bridge like the one by the airport.

Ms. Beltrametti said, that is the cause of it.

Chairman Conero said, we recommended to rezone the body shop to a business district from an industrial zone. I think it is a good idea to take some of the industrial uses out of that area.

Mayor Brescia said, there are quite a few suggestions. A motion was entertained to close the public hearing.

**RE: PUBLIC HEARING CLOSED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board closed the Public Hearing at 7:40 pm. Motion carried. 5-Ayes, 0-Nays.

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Veronica Rickerd, Clerk  
(Recorded)

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Monserrate Rivera-Fernandez, Village Clerk  
(Transcribed)

Minutes of the Regular meeting, of the Board of Trustees of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, September 20, 2016 at 7:41pm.

Present: Mayor Brescia (late), Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, DPW Supt. Nelson, Clerk Rickerd, Marc Devitt, Maria Beltrametti, Don Berger, Johanna Sweikata, Tom Steed, Jessica Cohen, Ed Devitt.

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

**RE: MINUTES**

Mayor Brescia called for a motion to approve the meeting minutes of September 6<sup>th</sup>.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the meeting minutes of September 6, 2016. Motion carried, 5-Ayes, 0-Nays.

**RE: OLD BUSINESS**

Trustee Hembury stated the Toys for Tots will be on December 4<sup>th</sup> and the time is to be announced at a later date. He will be in touch with the rail road very soon.

The Car Show is on Sunday, September 25<sup>th</sup> from 9:00 am to 3:00 pm.

Atty. Dowd stated that the Frontier Public Hearing is set for October 4<sup>th</sup> at 7:15 pm. The notices have been published and posted. Frontier has provided us with a five percent revised franchise agreement.

**RE: NEW BUSINESS**

Village Hall will be closed on Monday, October 10<sup>th</sup> in observation of Columbus Day.

The Village Wide Yard Sale day is on October 8<sup>th</sup> from 10 am to 5 pm.

DPW Supt. Nelson commented on the article published in the Wallkill Valley Times September 14, 2016. He read a sentence for the article, "Apparently, the excess of manganese in village water results form an industrial water waste discharge system in "close proximity" to Montgomery Wells. Some of that information is in the annual water quality report. I have a copy here tonight with the highlights. The probability rating of potential contamination of the source water does not mean that water delivered to consumers is or will become contaminated. In that line I just want you to know what was the intent. Is it to scare the residents to say they are drinking waste water? I do not know.

Mayor Brescia said, I certainly hope not. We do not need the residents to be alarmed.

DPW Supt. Nelson that is how I read it and Trustee Hembury read it also. I hope that is not the case. I have family that live here and many friends. In addition to the Board member who have lived here at forty years or more. There is no way that we will send industrial waste water for the residents to consume. I take an offense, as the chief water operator for eleven years now. I have been doing the water system for about twenty two years. This person here needs to get the facts right. I know, I was hard to get a hold of. Please do not put things in the paper unless you have the facts correct.

Comment [m1]:

Mayor Brescia said, I agree. We do not need any panic here in the Village.

Trustee Hembury requests a printed change. To please everyone.

Ms. Cohen from the Wallkill Valley Times said, she interviewed Buddy Nelson.

I used what was in the water report. I talked to environmental health specialist who have dealt with these problems for decades, veterans. So, what I was alluding to in this story was. Because of the water being so dark and people were so concerned about it, I wanted to bring up there is a possibility that there are different sources of whatever the darkness was and it should be looked into. I called Buddy a number of times to get whatever information he had about it. I kept on being told he was not there and I did not get a call back. I assumed he did not want to talk to me. I talked to him at the end of last week and said he had been on vacation. He misplaced my number and so forth. He clarified the information that I needed for the story, of which I really could have used. It would have balanced it. I just did have because of not speaking with Buddy. He added what the DOH had determined that the manganese comes from the bedrock of the well. That is what she need to know and I just did not get that information. The story was just to have people think about having their water analyzed further. Now it turns out that Buddy knows via the DOH. There is no ultimate certainly about anything, look at what happened in Newburgh. So I have a whole story that has a different prospective on it.

Trustee Hembury said, it freaked everybody out. I had people come up to me asking about it.

Atty. Dowd, asked Ms. Cohen why she didn't call the DOH who has been working on this. They would have been able to tell you that there is no industrial source contamination, rather than go to whatever experts or veterans you talked about.

Ms. Cohen said, she guesses not having good luck with the Orange County Health Department and receiving information.

Atty. Dowd said, so you publish a report without looking at the oversight authority. This is what everyone is concerned about.

Ms. Cohen said, I looked at the water report that is published on the village website.

Mayor Brescia asked, why you didn't quote the water report verbatim. It would not have been misleading.

DPW Supt. Nelson said, you only published certain sections of the report regarding the probability. There were no violations, we do about 500 test to ensure our water is safe.

Ms. Cohen said medium to high elude that by my understanding. It is not a medium risk it is not absolute. This is what is going to problematic if there is a risk.

Mayor Brescia asked Ms. Cohen when a clarifying story will be published.

Ms. Cohen said it will be this week.

Mayor Brescia said, we will be looking very closely. Hopefully it does clarify it. We are not happy. You are our official designated newspaper. We take that seriously.

Ms. Cohen said, she is sorry that it caused trouble. I have been covering environmental issues for a while and I have seen communities and public health officials laying down on the job.

Trustee Hembury said, that is not the case here.

Ms. Cohen said, it is her job to bring things up when she sees them.

Trustee Hembury said, we have staff working Saturdays and Sundays checking on things.

Mayor Brescia said, Buddy was highly insulted by it as well as the Board.

Trustee Hembury said, as well as the residents.

**RE: PUBIC PORTION**

Howard Garrett reports on starting the 30<sup>th</sup> year of the Grand Chamber Music Series. We also have thirty sponsors. There are a lot of behind the scene of things to do and most do not realize it. There is a review in the weekly paper with a story about this Sunday's concert. Karen Poghosyan is one of the best pianist in the state. Our program is free of charge. If you are available, I invite you to attend. Many attend from various parts of the Hudson Valley.

Trustee Lindner asked, if the piano has a cover. He feels it should be covered when it is not being used. In addition, to a sign prohibiting the use without prior consent.

Chairman Conero asked to address the Board regarding the article on the Village Court being moved to the Town. A lot of people are coming to me and asking questions. Please look into the Court Prosecutor verses the Police officer for the court.

Trustee Lindner said, the Court revenue was a discussion of concern with the cost of the operation of the Village court exceeding and the possibilities of moving the court to the Town may be an option if there is no change.

Ms. Beltrametti commented on the garbage and the sidewalks and the manner in which the trash is put out for collection. She feels it goes against the Village code and the proper containers not being used or at all.

**RE: EXECUTIVE SESSION**

Mayor Brescia called for a motion to enter into the executive session. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board enter into EXECUTIVE SESSION under section § (F) to discuss the of the open meetings law at 8:05 pm with Atty. Dowd and Clerk Rickerd in attendance. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia called for a motion to exit out of the Executive Session. Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board exited the executive session at 8:15 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: REPAINT DARE CAR**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved to repaint the DARE car. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNED**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adjourned the meeting of September 20, 2016 at 8:20 pm. Motion carried, 5-Ayes, 0-Nays.

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Veronica Rickerd, Clerk  
(Recorder)

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Montserrat Rivera-Fernandez, Village Clerk  
(Transcribed)