

Minutes of the Continuation Public Hearing for the Master Plan 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, January 7, 2020 at 7:00 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Walsh, Building Inspector Yancewicz, MP Chairman Conero, MP Mbr. Romano, Maria Beltrametti, Fred & Beverly Mertz, Don Berger, MaryAnn Lindner, Randi Greene, Kerry Dowling, Diane Yorio.

Mayor Brescia asked the Village Clerk if all the papers have been filed for this Continuation Public Hearing for the Master Plan, to be held.

Village Clerk replied, yes, all the paperwork has been filed.

### **RE: OPEN MASTER PLAN CONTINUATION PUBLIC HEARING**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board opened the continuation of the Public Hearing for the Master Plan. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked if there are any questions or discussions.

Mr. Berger said there have been a lot of projects proposed in the Village. He is curious about the Water/Sewer and its impact. He asked, what is the long-range plan?

DPW Supt. Nelson replied, there are a couple of things regarding the water. Devitt project has proposed to give us the wells. The second is Holt Well Rock Bed, but we do not know what we are doing with that as of yet. It was drilled about ten years ago, unfortunately, it has sulfur. He is certain the filtration system is able to take care of removing the sulfur, which would give us another eighty gallons a minute. Water is always a concern; if we have a dry spring by July and August the well is affected. It's been long time since a water emergency was issued. It depends if they all go online at the same time. As far as the sewer, we are at sixty eight percent capacity; homes and small businesses would be fine. However, once the Devitt project is built, that would be forty to fifty thousand gallons a day, which would bring us to seventy-five or seventy-eight percent.

Mr. Berger also asked how the increase would impact the Police force, and will you have to increase the work force. Police Chief Walsh replied, the impact would be on traffic control. It would most likely involve the State DOT and an application from the Board for a traffic study and such. Typically, we have two Police Officers per shift, 24/7, 365 days. He does not foresee having more than two officers on per shift. Mr. Berger again, said so you don't anticipate a growth in staff. Police Chief Walsh replied, it would have to be looked at; it depends if all the projects go online at the same time.

Mayor Brescia said we will stay on top of it. We have had growth in years before this.

Mr. Berger is concerned about having a plan in place to address these issues regarding the water, sewer and the police; with the additional proposed development. Mayor Brescia replied, the Board will be prepared to do so. Again, we have had a large amount of growth in the 90's to the recent proposed development, more than we currently have. We will always be concerned about the

water, sewer, and police coverage and stay ahead of it, as we always have. Our services are second to none, in the Village of Montgomery.

DPW Supt. Nelson stated, in 2008 we did design the sewer plant to expand up to 250 thousand gallons, due to the anticipation of the Chandler Lane development, and everything just stopped. However, the design plans need to updated, it been too long. (in auditable) several speaking at the same time.

Chrmn. Conero stated Section 4.3 of the Master Plan addresses water resources, on page 18. Any development in the vicinity of the wells will be carefully reviewed to ensure that the wells are not contaminated. It does go into the capacity of the wells. It also mentions that the Planning Board look at the water and sewer capability, and of all the projects coming before the Planning Board.

Mayor Brescia asked Chrmn Conero if he is content with the Master Plan updates. There is also a plan to have a continuation of the revised Master Plan Committee, review this semiannually. Chrmn. Conero said the recommendation in chapter 11 is well laid out, allowing for immediate short-term and long-term goals. He feels taking one each one of the sections, such as transportation, cultural resources, land use and zoning; are big projects for the Master Plan Committee itself to take care of. Possibly having sub-committees may be helpful to us, get to the bottom of the recommendations in the Master Plan. He cautions that the sub-committees are comprised of Village residents that do not have a conflict of interest; who don't stand to gain anything added in the plan. Our committee was first developed with representation from the Planning, Zoning Boards, AHRB, and Village Board members. The Master Plan was well represented.

Mayor Brescia said most of what Don Berger spoke of are in here and to address those concerns.

Chrmn. Conero said during the Planning and the SEQR process, we look at the capabilities to accommodate the plans, that should be part of the engineer's report.

Atty. Dowd states that on page 68, the plan does mention each one of the wells and their capacity, as well as water usage and storage.

Mayor Brescia stated his main concern is that they are addressed and how they can be fine-tuned in the future. Everything in this plan has been formulated at a cost. The update for the plan is to be expected in five to ten years.

Chrmn. Conero replied, he would like to see the Master Plan updated every five years. Implementing the goals in the objectives. It gives a road map to work towards aligning the zoning with the Master Plan. The implantation plan should be a lot shorter in the next five years.

Mayor Brescia asked if there is anything else to be addressed.

Chrmn. Conero replied, I don't think so. He would like to hear any comments from the public.

Mayor Brescia asked if there were any further comments or suggestions.

Mr. Mertz said he is concerned about the traffic, with the increased proposed projects in the Town, and the Village. The traffic study should be an accumulative study, not just an individual study. It

impacts the residents directly here, so an accumulative study should be part of this, before any other project should be approved.

Mayor Brescia asked Chrmn. Conero if these projects are addressed in the Master Plan.

Chrmn. Conero said, it is addressed in the Implementation Section #14; it requires traffic impact study by an independent engineer for any application involving an activity likely to generate more than five hundred trip ends per day. 15: Promote traffic calming through education, enforcement and engineering. This section, each sub-committee could be involved in, such as transportation. A lot of these topics, would probably help with the traffic. The traffic studies that are done for each project do incorporate a lot of the different intersections accumulatively.

Mr. Mertz said in the Town along 17K and the possibility of 211, a sixteen-acre warehouse is coming in. He feels this is outside of the scope of the Village Master Plan.

Chrmn. Conero said if you look at our Village, with the two proposed warehouses in the industrial zone on 211. The Planning Board asked for a traffic study, the engineers presented it by taking key intersections, looking at the traffic patterns and used the standards the traffic analysts use. They rate the intersections, we then use those facts and review them with a different agency to review those facts. The agency Crate & Manning found that it did not include the traffic patterns generated from the Montgomery Elementary School. We then asked them to include this in their traffic study because it is a congestion point. Therefore, they will rate the intersections at different times of the day. For instance, the intersection at the corner was rated as an F, after that it is rated as a B or a C. He not sure how far of radius you want to look at for the Village of Montgomery Master Plan.

Mr. Mertz said, he would like to see the traffic study incorporate the major intersections for instance from 416 to 211. There are two warehouses within the Village limits; you have an operating farm that utilizes 416 and you also have a projected a bigger warehouse going in at Medline with the existing warehouses on Neelytown Road that also utilize 416, as well. Is that being taken into account? You should look at every neighboring community that enters and exits the Village and not just within the Village itself.

Chrmn. Conero replied, with the two industrial zones on 211, the engineers did take the traffic and the anticipated traffic into consideration, which included Medline numbers. He isn't sure what data was selected, there are quite a few of them on there; such as 416 and 211. This is something that the transportation sub-committee could look at, to aid the Village Board. There is so much involved in the Master Plan to only have five people to do it. By having the sub-committees which can devote their time and attention to one section.

Mr. Mertz mentioned the recent accidents on 84 that resulted in diverted traffic through the Village; 211 is the access road. It should be considered more heavily.

Trustee Hembury said, he agrees. However, with the incident that happened on 84; we have to deal with it until it is straightened out. He also does not want it to become an everyday occurrence. He is afraid that it could happen.

Mr. Metz said it could happen with all the other warehouses going in, in the Town. The increased traffic alone, if you have an accident; one in every thousand vehicles on the road. You increase that to be one in every hundred, he guesses. It is a freak thing.

Trustee Hembury said, again he agrees with Mr. Mertz. An accident could be very possible, but that is why we are making sure. We are looking into it.

Mr. Berger said recently it was mentioned about the idea about changing the zoning. As long as the shovel is not in the ground, the zoning could be changed. He hopes that the available parcels in the Village could be evaluated as soon as possible. To come up with conclusions to benefit the Village, therefore, change the terminology used in each different zone and what is allowable.

Trustee Lindner replied a sub-committee has been set up to review all the open spaces.

Mayor Brescia asked if there were any further questions. With no further questions, he entertained a motion to close the Master Plan Public Hearing.

A resident, who did not provide her name asked, about the terminology of the zoning. Does the lot coverage language include all of the impervious surfaces, such as the land with asphalt; you lose a lot of land that way, and feels it should be included in the percentage.

Chrmn. Conero replied, no that was not specifically looked at. If you look at page 112 under the Recommendations For the Land Use, the run up was not specifically mentioned. You could probably find one of the areas that incorporate that.

(Inaudible, someone coughing over the speaker)

Atty. Dowd said that is something to be considered in the zoning.

Mayor Brescia said we can do that but we are pretty much ready to go with this adoption.

Atty. Dowd stated a few more steps are needed, if the Board closes the Public Hearing and there are no further changes to be made to the documents. You then refer the documents to the County Planning Department for their input. As you know, it is required thirty days for their review. The Board has to decide on how to handle the SEQR part of the process. Alan Sorenson recommended, since this is an update to the previous plan, the Board should reaffirm the negative declaration on the binding statement that was made under the generic environmental impact statement back in 2005, post Count review.

With no further comments, Mayor Brescia entertained a motion to close the Public Hearing.

**RE: CLOSE PUBLIC HEARING**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board closed the Public Hearing at 7:22 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, January 7, 2020 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Police Chief Walsh, Building Inspector Yancewicz, MP Chairman Conero, MP Mbr. Romano, Maria Beltrametti, Fred & Beverly Mertz, Don Berger, Randi Greene, Kerry Dowling, Diane Yorio.

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

**RE: MINUTES**

Minutes of December 13<sup>th</sup> and December 17<sup>th</sup> will be available by January 21, 2020.

**RE: REQUEST TO MEET WITH THE BOARD**

None

**RE: ABSTRACT NO. 12-2020**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, all bills listed on ABSTRACT NO.12-2020 were audited and approved for payment with \$142,945.96 from the General Fund, \$12,810.63 from the Water Fund, \$34,703.19 from the Sewer Fund and totaling \$190,459.78. Check No: 77467 – 77545, 1556 -1574. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of December 31, 2020, as follows: General Fund \$1,845,551.42, Water Fund \$267,518.32, Sewer Fund \$425,088.22.

**RE: OLD BUSINESS**

Trustee Hembury to provide an update on the DOT signs. These signs are to deter the traffic and to enforce the rules. He feels the trucks avoiding the weight station check points are probably the ones coming through the Village. The signs have been posted on Goodwill Road, Beaver Dam Road and Chandler Lane. We have approached the Town and hope to post them there, too.

**RE: DEPARTMENT REPORTS – POLICE DEPARTMENT**

Police Chief Walsh reported the traffic being diverted through the Village due to an accident on 84, for about an hour and a half. We were not informed in advance by the County of 84 being shut down. Once we manned, we were able to manage.

**RE: LAKE PLACID TRAINING**

Moved by Trustee Hembury, seconded by Trustee Lindner, the Board approved Police Officer Narain to attend the Lake Placid Training. Motion carried, 5-Ayes, 0-Nays.

**RE: DARE OFFICER TRAINING – SUBSITUTE**

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved Police Officer Kolvenbach to attend the D.A.R.E. Officer training as a substitute. Motion carried, 5-Ayes, 0-Nays.

**RE: ACCEPT POLICE OFFICER NICOLE MORRISSEY RESIGNATION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board accepted Police Officer Nicole Morrissey AKA Nicole Brooks resignation effective January 7, 2020. Motion carried, 5-Ayes, 0-Nays.

**RE: DEPARTMENT REPORTS – DPW**

DPW Supt. Nelson mentioned the tipping fees going up. Recycling is \$106 a ton. The price for the TV is going up from \$10.00 to \$20.00.

**RE: APPROVE TO EXTEND VACATION LEAVE FOR JASON HENRY**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approve to extend the vacation leave for Jason Henry through March 1st. Motion carried, 5-Ayes, 0-Nays.

**RE: APPROVE VILLAGE CLERK TO EXTEND LEAVE TIME**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Village Clerk Monserrate Rivera-Fernandez to extend her leave time of 29.50 hours, which consists of 25.000 hours of vacation time and 4.5 of personal time to be used by January 31, 2020. Motion carried, 5-Ayes, 0-Nays.

**RE: REAPPOINT REGISTRAR OF VITAL STATISTICS AND DEPUTY REGISTRAR**

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board reappoint Registrar of Vital Statistics Monserrate Rivera-Fernandez for a four-year term through January, 2024 and Tina Murphy as the Deputy Registrar. Motion carried, 5-Ayes, 0-Nays.

**RE: BID OPENING RESULTS HELD ON DECEMBER 17, 2019 AT 2 PM FOR PROPOSALS TO PERFORM AUDITING SERVICES**

<b>BIDDERS</b>	<b>AMOUNT</b>
PKF O’Connor Davies, LLP 500 Mamaroneck Avenue Harrison, New York 10528	\$20,000.00 Audit of Financial Statements and Justice Court, Inclusive of Report Preparation
RBT CPA’s, LLP 11 Racquet Road Newburgh, NY 12550	\$16,000.00 Financial Statement Audit \$22,000.00 Full Audit \$15,000.00 Financial Statement to prepare for Full Audit

**RE: ALL BIDS TO PERFORM AUDITING SERVICES WERE REJECTED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board rejected all bids to perform auditing services. Motion carried, 5-Ayes, 0-Nays.

**RE: CONSIDER UPDATING THE GENERAL CODE, REPRINT IN A NEW POST BINDERS FORMAT**

Consider updating the General Code, (code revitalization), recommends a reprint of the entire code in 8 ½ by 11” format in new post binders, up to 5 code books in service and allow for future growth and expansion of the printed Code for years to come. To be delivered within 8 to 10 weeks after authorization or with the next Code supplement to be confirmed with the Village) Price qty 5 at \$1,170., qty 10 at \$1,270., qty 15 at \$1,490.00. The Board tabled a decision for a later date.

**RE: VILLAGE HALL IS CLOSED**

The Village Hall is closed on Monday, January 20<sup>th</sup>, in observance of Martin Luther King, Jr. Day.

**RE: EVENTS**

Sunday, January 19, 2020, 3 pm; Grand Montgomery Chamber Music Concert Series presents, Argus String Quartet Clara Kim, violin; Giancarlo Latta, violin; Maren Rothfritz, viola; Joann Whang, cello; to be held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, NY 12549.

**RE: PUBLIC PORTION**

Mr. Berger asked about the public portion amount of time to speak has been limited to 2 minutes per person. Mayor Brescia asked the Clerk to set the time back to 3 minutes. He also asked if the Village has an emergency management plan. Police Chief Walsh replied, the Village does have an emergency management plan. The County did not get the information out to the Village. We were not informed. After it was realized, we were able to direct the traffic and everything went smoothly.

Mr. Mertz expressed his concerns about the holiday weeks regarding the recycling. He asked the Board to consider placing a Robo Call for these purposes and when the usual schedule is interrupted. Mayor Brescia said it was a good point and will certainly keep that in mind for the future.

The Fire Chief Reynolds suggested an emergency management plan should be considered with the Fire Department, Village Police Department, the Town of Walkkill, the DPW, and OC 911 center during large public gatherings, such as General Montgomery Day, etc.

**RE: EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into EXECUTIVE SESSION at 8:19 pm under Public Officers Law §7 (f) for matters leading to the appointment of a particular individual, with the Police Chief Walsh, Atty. Dowd and the Village Clerk in attendance. Motion carried, 5-Ayes, 0-Nays.

**RE: EXIT EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board EXITED EXECUTIVE SESSION. Motion carried, 5-Ayes, 0-Nays.

**RE: HIRED POLICE OFFICER DENNIS MATTHEWS**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board hired Dennis Matthews as a Part-Time Officer, pursuant to the CBA, with a one-year probationary period, effective January 8, 2020. Motion carried, 5-Ayes, 0-Nays.

**RE: EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into EXECUTIVE SESSION at 8:33 pm under Public Officers Law §7 (d) for current litigation with the Building Inspector Yancewicz, Atty. Dowd and the Village Clerk in attendance. Motion carried, 5-Ayes, 0-Nays.

**RE: EXITED EXECUTIVE SESSION**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board exited EXECUTIVE SESSION at 9:51 pm. Motion carried, 5-Ayes, 0-Nays.

**RE: ADJOURNED**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of January 7, 2020 at 9:52 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk