

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549 on Tuesday, December 15, 2020 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty Dowd, Deputy Village Clerk Murphy, DPW Supt. Nelson, Police Chief Herlihy, Kevin Conero, Sophia Romano, Tom Steed, Don Berger, Connor Linskey, Steve Snyder, Chris Ladanyi, Court Clerk Nelson, Tina Fassnacht

RE: PLEDGE OF ALLEGIANCE

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

RE: MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board approved the minutes of November 17, 2020 & December 7, 2020. Motion carried, 5-Ayes, 0-Nays.

RE: REQUEST TO MEET WITH BOARD

No requests to meet with the Board.

RE: ABSTRACT – NO. 11 - 2020

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the bills were audited and approved for payment with \$422,010.15 from the General Fund, \$10,271.81 from the Water Fund, \$22,590.82 from the Sewer Fund and totaling \$454,872.78. Check No: 78240 - 78299 / 1692 - 1695. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of October 30, 2020, as follows: General Fund \$1,983,482.34, Water Fund \$217,949.48, Sewer Fund \$416,963.94.

RE: OLD BUSINESS

Kevin Conero, Master Plan Chairman, was there to give the Board an update to the Comprehensive Plan. It's not a complete set of recommendations; they are still working on it. This is a brief detail of what is going on so far. He wanted to thank the committee members who have been meeting weekly since July. Chapter 11 in the Comprehensive Plan had 87 different recommendations to the Master Plan review committee was too large to handle all the items so they broke up into smaller groups. They took each subsection; natural resources, cultural, transportation and created smaller groups for that. That gave them the opportunity to work independently with their smaller group and report back to our large group and eventually to you with some recommendations. We have people who have already volunteered for the "sub-groups." The group he's here to talk about is the Zoning and Use group. They decided to do it with the Dept Chairs; Planning, Zoning, AHRB, Village Historian, Master Plan member Shane Daley and legal representation from Kevin Dowd. They had a municipal planner from Lanc & Tully. They reviewed all the business and industrial tables of use in the I1, I2, B1 and B2 zones. They removed some of the items that are no longer applicable for those zones. Then they moved on to definitions and terms such as our code book, 122-2, there are examples of words and terms that we need to further identify. If a builder came in or someone wanted to develop his land, they can understand the terminology. Master Plan #84, Create PBP (Planned Business Park) in the I1, Industrial Park district. What does it mean? That's what we defined. Some of the items we are proposing to change in the zoning, it's not inclusive and can be changed at some point. They talked about rezoning the Butler Property @ the corner of 416 & 211, at the entrance to our village. It is an I1 zone. Butler is planning on relocating to Dunn Road, in the town, that will give us the opportunity to change it into something more appropriate to the entrance, rezone to B2.

After looking at the zoning maps, they determined that there is a residence next to the car wash, in the R4 that was zoned an I2. Railroad Ave, Rowley's lumber yard, is currently an I2, we are recommending that a portion of that be zoned an R6 which would allow for two-family duplex homes just to Mason Street. There's a lot at the corner of Clinton & Prospect Terrace; that is a garage/repair area in the middle of residential, we'd recommend changing that to an R4 which is what the rest of Prospect is. The Chambers property across the road on 17K, towards the Wallkill River and Factory Street is RM1 which is Multi-family. They recommend changing that to R2 with 20,000 sq ft lots. They feel it's appropriate to keep the historic character in that area and also to protect the Wallkill watershed. OC Land Trust has spoken with Skip about doing easement but Skip said and he wants to keep it the way it is now. The lot with the tractors is a separate lot and is a B2. The other lot Chrm. Conero wanted to mention was Ricky Tompkins lot. It's actually industrial and that is on the Master Plan to change that to a B2. Atty. Dowd said it is the old Wild property and has been a I2 for the longest time and still is.

Chrm. Conero said this is all that he has so far. The groups are still finalizing what they are trying to do. They tried their best that they could within the moratorium time-frame...Atty. Dowd said the moratorium is set to expire on the 30<sup>th</sup> and tonight you have in front of you an extension of that moratorium for 90 days which you need to introduce and set a public hearing for, and hopefully adopt before the first one expires. The idea is not to do a piecemeal approach, it's better to do it all at once and be happy with what is presented (from the Master Plan Committee) and satisfied that they looked at every parcel and use and restriction. They looked at SEU permits and how to make them more stringent, wetlands, preparing rights and steep slopes; all of those issues in the Master Plan. They want them covered in this Local Law instead of piecemeal approach. It might be better; liability-wise it will be better doing them at the same time. Have the public hearing and local law as recommended and there is a lot of opposition from the public or the Board does not agree with the recommendations, you can amend the local law and continue the public hearing on the amended local law and hopefully adopt the comprehensive plan. It's always within your discretion as a Board to do that. You don't want to start with a piecemeal approach, you want the public to hear the whole thing, give their comments on the whole thing. The committee has done a great job talking to stakeholders in their review of the zoning and they're trying to do what's in the best interest of the Village, residents and business owners and try to do everything that the Comprehensive Plan says we should take into consideration. They just need a little more time. It's been a little difficult with COVID-19; there's been a lot of zoom meetings but they just need a few extra weeks.

Mayor Brescia thanked Chrm. Conero and said they are doing a great job. Trustee Lindner had given the Board members a copy of the proposed law and updates to the I1, I2, B1 & B2 uses and what was eliminated and a copy of the SEU restrictions, for their review.

Atty. Dowd advised the Board that they should set a special meeting, have a public hearing and adopt the local law extending the moratorium at that time. That way, a copy can be sent to the State in Albany and they will not have a gap; the new one will take place right away. The Mayor suggested the 29<sup>th</sup> at 7:00pm.

Chrm. Conero said any questions can be forwarded to him.

RE: DEPARTMENT REPORTS

POLICE:

Chief Herlihy said he wanted to thank the village preservation committee. Because of them, he was able to order a new traffic counter to monitor speed enforcement in the areas that are highly complained about. They installed it and will monitor traffic for a period of time; at which time they will download the data and statistical information that will allow them to effectively conduct their enforcement. This will give

them timeframes of the problems that are going on in specific areas and then they can utilize their resources effectively.

He also wanted to recognize Sgt. Briere, Officer Matthews and community member Tom Tighe. About a month ago they took a report for a lost/stolen kayak. Officer Matthews knew that Tom Tighe likes to kayak on the Wallkill so he asked him if he came across the kayak to let us know. As it turns out, it was down by the dam area and they were able to fish it out and return it to the property owner. They went above and beyond by effectively utilizing the community.

They are effectively going into their 203 meetings for the executive order; they will come together as a committee and will open the public portion of the meetings. They are working on dates. He has set up a couple of social medium platforms so they can take concerns and questions until they have the meetings. He created an Instagram page for the Village of Montgomery-its villageofmontgomerypd and twitter is: @villageofmontg1, and the email address: [policeperform@villageofmontgomery.org](mailto:policeperform@villageofmontgomery.org). Anyone can visit these with good news or information that is relevant to the PD.

Mayor Brescia asked if the Chief spoke with Alan Markoff at NY Security Systems regarding security cameras downtown and at the park. Chief Herlihy had a team come in who presented two quotes, one was fiber optic (will give future possibilities) and one for their own wireless network. There would be 5 cameras; 17k & 211, Clinton and Union, one across the street (back area of senior center and the ball field), the pole in front of the police station (up & down Bachelor and Bridge) and one by the dog park (tennis court and ball field). He has a quote but wanted to sit with the preservation committee and see if they'd like to...Mayor Brescia asked if was NYS and the Chief said it was Lynstar who is on the State Contracts. For the wireless system it was \$71,000 with the discount and \$93,000 for the fiber optic system, with the discount. Mayor Brescia suggested piecemealing it.

#### RE: BUILDING INSPECTOR

Trustee Hembury is representing the Building Inspector. The fire chief contacted him (Trustee Hembury) regarding the old Alpac; there were a lot of cars parked in the fire zone. There were people staying in there. Himself, the Building Inspector and the lieutenant all went there. The B/I said he has already advised them to move from the fire zone. The manager was giving the B/I a difficult time and wanted Trustee Hembury to allow it. The B/I closed them down. He believes people are living in the building and intends to stay on top of it. The Mayor thanked him.

#### DPW:

DPW Supt. Nelson said the surplus equipment that he put up for auction grossed \$7,135 on the website. He figured \$2,000 and did really well. Now he is preparing for tomorrow's storm.

Mayor Brescia asked if Supt Nelson could order sconces for the senior center. Supt Nelson has not been able to find anything comparable but he could mix up new ones with the old. The Mayor agreed as long as they were similar but to get a price for all of them.

#### RE: NEW BUSINESS

The Mayor thanked Deputy Mayor Scheels for her participation in the Old-Fashioned Christmas in the Village. Her, Stacey and Randi (on the west end of Clinton Street) did a great job. The tree lighting was huge. Trustee Hembury thanked Connor Linskey for representing Wallkill Valley Times by being there and taking pictures.

The Mayor stated that the prizes were donated by the local businesses and he thanked them. We cannot have this annual event without their support and contributions. He also thanked judges: Marilyn Smith, Marg Bullis and Kelly Schmidt. He read the House Decorating Contest Winners:

Most Beautiful

3<sup>rd</sup> Place Kevin & Kelly Quinn  
2<sup>nd</sup> Place Michael & Gale Buchholz  
1<sup>st</sup> Place Denise & Brian Quinn

Old-Fashioned Theme

3<sup>rd</sup> Place Neils Veras & Jheymi Castillo  
2<sup>nd</sup> Place Harry Mills Jr  
1<sup>st</sup> Place Donna Briere

Children's Delight

3<sup>rd</sup> Place Angela Englander  
2<sup>nd</sup> Place Robert & Jill Winter  
1<sup>st</sup> Place Andrea Peters

Mayor Brescia congratulated all of the winners and said that prizes could be picked up at Village Hall.

RE: SET PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW NO. 3 OF 2020 TO EXTEND THE MORATORIUM FOR AN ADDITIONAL 3 MONTHS TO COMPLETE AMENDMENTS TO THE VILLAGE'S ZONING LAW AS CONTEMPLATED BY THE COMPREHENSIVE PLAN UPDATE.

RE: Moved by Trustee Lindner, seconded by Trustee Hembury, the Board set the public hearing for Tuesday, December 29<sup>th</sup>, at 7:00 pm in the Village Court Room, for Introductory Local Law No. 3-2020 to extend the moratorium for 3 months to complete amendments to the Villages Zoning Law as contemplated by the Comprehensive Plan update. Motion carried 5-Ayes, 0-Nays.

RE: APPROVE BUDGET ADJUSTMENTS / TRANSFERS

RE: Moved by Deputy Mayor Scheels, seconded by Trustee Hembury, the Board approved the Budget Adjustments / Transfers. Motion carried 5-Ayes, 0-Nays.

RE: APPROVE PAYMENTS: #2 \$53,686.40 & #3 \$3,446.25 TO TAM ENTERPRISES INC. FOR THE SENIOR CENTER STANDBY GENERATOR 2019 CDBG PROGRAM.

RE: Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the payments: #2 \$53,686.40 & #3 \$3,446.25 to TAM Enterprises Inc. for the Senior Center Standby Generator 2019 CDBG Program. DPW Supt Nelson said all was good and that Central Hudson has to change the meter. The Mayor asked if there was a maintenance retainer. DPW Supt Nelson said, yes, it's 5%. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia said we weren't approved for the grant for the addition to this building but we will reapply next year.

RE: APPROVE AARP TAX AIDE VOLUNTEERS' REQUEST TO USE THE SENIOR CENTER (FOR THE SENIOR POPULATION) ON THURSDAYS FROM FEBRUARY 1, 2021 THROUGH APRIL 15, 2021 FROM 9:00 AM – 3:00 PM.

RE: Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the AARP Tax Volunteers' request to use the Senior Center (for the senior population) on Thursdays from February 1, 2021 through April 15, 2021, with the proper certificate of insurance provided to the Village Hall. Motion carried 5-Ayes, 0-Nays.

RE: EVENTS

Mayor Brescia said that Christmas Tree pickup would begin on Monday, December 28<sup>th</sup> through January 29, 2021. It must be curbside, with no ornaments or tinsel.

He also said that Village Hall will be open until noon on Thursday, December 31, 2020 and closed on Friday, January 1, 2021 in observance of the New Year. He also reminded everyone that Village Hall would be closed on Thursday, December 24, 2020 and Friday, December 25, 2020 in observance of Christmas.

RE: PUBLIC PORTION

Resident Don Berger wanted to thank Kevin and Walt and what the committee is doing on the Comprehensive Plan update. He knows it's a lot of time and a lot of decisions that have to be made. He also feels that another 6-month moratorium is necessary. He previously sent information to the Board that stated the moratorium could legally be extended another 6 months. Atty Dowd said that they extend it 3 months and end it earlier if necessary, as they feel they will be able to do. We don't want to give the impression that we want to stop everything; business, industrial. We are doing it for a specific purpose, to get the zoning aligned. They want to do it in the least amount of time behind the strongest legal grounds to do so. He doesn't advocate to his client to just unnecessarily extend 6 months when we only need 3. They are close to getting ready to produce a law that this Board can have a public hearing on. It can always be extended 3 months. This shows good faith on the part of the Village that we are not trying to sink people and they can't develop their property. We need time in which to enact a Local Law with the Comprehensive Plan. It's unnecessary to extend beyond reason. Mayor Brescia said the intent was extend until complete. Atty. Dowd said you always try to do it in the least amount of time as possible. The Comprehensive Plan is done, these are zoning issues that need Board approval, and not stop people from developing their properties pursuant to a proper zoning law.

Mr. Berger agreed, and said why have a public hearing process when it's not needed. He thinks there is so much more to do, why add unnecessary pressure. Give the committee the opportunity to get the best land use proposals they can get. Atty. Dowd said they have put in 6 months of intensive work every week going from different phases of the code, table of regulations, with the help of Kristen O'Donnell from Lanc & Tully, a certified planner, has made their job a lot easier to get things done. All of the properties in this Village that are zoned I1, I2, B1, B2 and RM1 needed changing. Chrm. Conero said they are pretty close to being finished. Mayor Brescia said if you feel you need more time, they will extend it. There is no pressure.

Resident Steve Snyder said he thinks the Board should look at the retail businesses downtown. Not restaurants or delis, retail. There isn't too much. Maybe a Board member should ask them what they could do to help them out as far as bringing in more retail, that's what you need. It would be nice if the Village had interaction with some of these retail businesses. Mayor Brescia said it's a different time now, especially with what is going on and they would look into it.

There are no more comments from the public.

#### EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board entered into Executive session, at 8:13 pm, under the open meetings law §7 (f) to discuss the employment history of a particular individual of the court with Atty. Dowd, the Deputy Village Clerk, Judge Fassnacht, Court Clerk Nelson and the DPW Supt. Nelson 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 at 9:05pm. Motion carried 5-Ayes, 0-Nays.

#### ADJOURNMENT

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adjourned the meeting at 9:06 pm. Motion carried, 5-Ayes, 0-Nays.

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Deputy Village Clerk, Tina Murphy