

Minutes of the continued Public Hearing for the Introductory Local Law 2 of 2021, of the Board of Trustees, of the Village of Montgomery, 133 Clinton Street, Montgomery, NY was held at the Senior Center, 36 Bridge Street, Montgomery, NY 12549, on July 6, 2021, at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Justice Court Clerk Nelson, Village Clerk Rivera-Fernandez, Police Chief Herlihy, Deputy Police Chief Arteta, Kevin Conero, Sophia Romano, Tom Steed, Robert Williams, Bruce Kaufmann, Don Berger, Marc Devitt, Malissa Clingman, Lauren Sperry, Monroe Zafir, Thomas B. Olley, PE.

Mayor Brescia said to the audience, for those who wish to speak, each is allowed three minutes. Please to come to the podium, speak into the microphone, and state your name for the record. We have several other Public Hearings on the introductory local law 2 of 2021. He asked anyone that has not already spoken previously to speak first. OPEN PUBLIC HEARING

Mayor Brescia called for a motion to open, the continuation of the Public Hearing, for the Introductory Local Law 2 of 2021, that amends the Zoning Law and Zoning Map in furtherance of the implementation of the recommendations of the Village's 2017 Comprehensive Plan update. So moved, by Trustee Lindner, seconded by Trustee Andolsek, the Board opened the Public Hearing as said. Motion carried, 5-Ayes, 0- Nays.

Mayor Brescia asked the Village Clerk, if all the paper has been filed to hold the Public Hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork has been filed to hold the Public Hearing.

#### PUBLIC COMMENT

Bruce Kaufmann of 156 Mason Street expressed his feeling on how the zoning changes may affect the area. He feels the Board may not be listening. There is nothing wrong with coming up with a better plan for his neighborhood. He feels passionate about where he lives. He urges the Board to make things better.

Don Berger feels differently on this. He congratulates all those who worked on this. He feels its important for residents to stay informed and up to date on what is happening, and attend the meetings. This is the way it should happen. Furthermore, he hopes for the approval of this local law and inquired of the final draft.

Atty. Dowd said Zafir property was removed from the Code, and the other changes were very minor and not material for its furtherance.

Mayor Brescia asked if there were any further comments?

With no further comments, Mayor Brescia called for a motion to close the Public Hearing. So moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board closed the Public Hearing at 7:21 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, for the Village of Montgomery, 133 Clinton Street, Montgomery, NY 12549, was held at the Montgomery Senior Center, 36 Bridge Street, Montgomery, NY 12549, on Tuesday, July 6, 2021 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Justice Court Clerk Nelson, Village Clerk Rivera-Fernandez, Police Chief Herlihy, Deputy Police Chief Arteta, Kevin Conero, Sophia Romano, Tom Steed, Robert Williams, Bruce Kaufmann, Don Berger, Marc Devitt, Malissa Clingman, Lauren Sperry, Monroe Zafir, Thomas B. Olley, PE.

## CALL TO ORDER

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

## MINUTES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the minutes of June 22, 2021. Motion carried, 5-Ayes, 0- Nays.

## ABSTRACT NO. 06-2021

Moved by Trustee Lindner, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.06-2021 were audited and approved for payment with \$336,912.41 from the General Fund, \$18,834.76 from the Water Fund, \$33,338.05 from the Sewer Fund and totaling \$389,085.05. Check No: 78657- 78716, 1754 - 1767. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of June 30, 2021, as follows: General Fund \$3,305,670.73 Water Fund \$236,339.91, Sewer Fund \$524,235.83.

## REQUEST TO MEET WITH THE BOARD

Bruce Kaufmann asked how the Board votes; is it one by one or aye or nay? He stated the Board knows how he feels on the comprehensive recommendations. The zoning changes and with more people, it's only going to ruin the area as its being proposed. There are projects in the area that haven't been finished. He also feels the other developers should wait until the approved projects are done. He asks the Board to vote no and wait on it.

The proposed homes, businesses and parking lot are being proposed on a parcel of property that serviced this community. Again, he urges the Board to say no, to come back and revisit it.

Trustee Hembury said something needs to go down there, why does it have to be apartments? When our water/sewer systems are currently at full capacity. How does this benefit the Village? It doesn't, it benefits the developer. For instance, if you know you need a furnace, but spend it on a TV. Where are our priorities? It should be the people who decides. Do we need more rentals?

Mayor Brescia stated it is proposed for 6 to 7 duplex housing, with twelve apartments over businesses. The I-2 zone is a challenge due to the industrial land in the center of a mixed used zone. It actually extends the downtown area.

Chrmn Conero mentioned the I-2 changes are not just for that particular area.

Trustee Lindner mentioned this was a fair compromise instead of having three 35,000 sq. ft. warehouses. We met with all of the property owners. Mr. Kaufmann was not interested in speaking with us because doesn't

want any changes. He spoke at three of the meetings with respect to his feelings of the duplexes and the apartments.

Mayor Brescia said residential is better than warehouses.

Trustee Hembury does not agree. We should have more discussion and time to vote.

Mayor Brescia said we have had continuing public hearings, which has been advertised for the public to provide their input and therefore the zoning changes have been done in the best interest of the Village.

OLD BUSINESS:

#### REQUEST TO ADJUST SEWER PORTION OF WATER/SEWER BILL – RESULTS OF FURTHER INVESTIGATION

Decision held from the meeting of June 22<sup>nd</sup>, for further investigation on the sewer portion of the water/sewer bill, for 109 Ward Street, due to an exterior leak.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved to adjust the water/sewer bill for 109 Ward Street to \$192.50 for water, and \$44.00 for sewer, for a grand total of \$236.50.

#### REPORTS

Police Chief Herlihy stated the departments website is up and running. The speed trailer has been beneficial on designating the areas and times of concern, in addition to providing the statistical data. Police Officer Blackford is now qualified to provide firearms training. He is continuously working on the Departments accreditation credentials. He is preparing the scheduling for the upcoming events. If anyone one has any concerns on the flow of traffic during any of the Village events, please do not hesitate to call me, so we can come to a way of resolving it. He asked are there any further questions, concerns or problems.

Don Berger asked about the setting on the speed trailer, it was flashing the mileage speed two MPH over the speed limit.

Police Chief said it has been adjusted to flash at the marked speed limit.

Deputy Police Chief Arteta mentioned Narcan training is being offered on Tuesday, July 20<sup>th</sup> from 6 to 8 pm, at the Montgomery Senior Center, 36 Bridge Street. It is open to the public.

Mayor Brescia suggested inviting Hope not Hand Cuffs to the Narcan training.

#### NEW BUSINESS

#### ADOPT NEGATIVE DECLARATION, LEAD AGENCY, TYPE ONE ACTION FOR LOCAL LAW 3 OF 2021

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board adopted a negative declaration, type one action and designated the Village of Montgomery Board of Trustees as lead agency for Local Law No. 3 of 2021, Zoning Amendments. Motion carried, 4-Ayes, 0-Nays, 1-Absention (Trustee Hembury).

#### ADOPT LOCAL LAW 3 OF 2021, ZONING AMENDMENTS

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted Local Law 3 of 2021, Zoning Amendments. Motion carried, 4-Ayes, 0-Nays, 1-Absention. (Trustee Hembury).

#### ADOPT A RESOLUTION ESTABLISHING THE STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution establishing a standard work day for elected and appointed officials - Mayor L. Stephen Brescia 26.16 days per quarter, Planning Board member Thomas Steed 1.5 days per quarter, and to report the days to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted to the Village Clerk. Motion carried, 5-Ayes, 0- Nays.

#### APPROVE YEAR END BUDGET ADJUSTMENTS

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the year end budget adjustments as Treasurer Griffith has outlined. Motion carried, 5-Ayes, 0-Nays.

#### APPROVE EDMUND PROPOSAL (SOLE SOURCE) FOR NEW BEACON METER READING SOFTWARE CONVERSION

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved Edmunds proposal (sole source) for new Beacon Meter Reading Software conversion in the amount of \$1,200.00, expensing \$600.00 from water, and \$600.00 from sewer appropriations. Motion carried, 5-Ayes, 0-Nays.

#### APPROVE THE PURCHASE OF OFFICE FURNITURE FOR THE POLICE DEPARTMENT

Moved by Trustee Hembury, seconded by Trustee Andolsek, the Board approved the purchase of office furniture from Raymour & Flannigan, for the Police Department in the amount of \$7,973.50. (3 desks, 3 chairs, 5 lateral filing cabinets, and protection plan). Motion carried, 5-Ayes, 0-Nays.

#### APPOINT DPW SUPT. NELSON TO APPROVE ALL WATER/SEWER ADJUSTMENTS ON BEHALF OF THE BOARD OF TRUSTEES

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed DPW Supt. Nelson to approve all water/sewer adjustments on the Board of Trustee's behalf, effective immediately. Motion carried, 5-Ayes, 0-Nays.

#### ACCEPT ANNEXATION PETITION APPLICATION FOR MICHAEL AIELLO PROPERTY FROM TOWN TO THE VILLAGE, SET A JOINT PUBLIC HEARING WITH THE TOWN AND THE VILLAGE AND DESIGNATING THE VILLAGE AS LEAD AGENCY

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board accepted the annexation petition application for Michael Aiello property, SBL: 28-1-13.22, of 11.013 acres from the Town to the Village, set a tentative joint public hearing with the Town on August 3rd, at 7:15 pm, at the Montgomery Senior Center, and designating the Village as lead agency. Motion carried, 5-Ayes, 0-Nays.

#### EVENTS

Summer Concert Series presents the live performances at the Clinton Street Bandstand from 6:30 pm to 8:30 pm, beginning with: The Blackdirt Bandits on July 8<sup>th</sup>, The Jon Bates Band on July 15<sup>th</sup>, Jungle Love on July 22<sup>nd</sup>, Hurley Mountain Band on July 29<sup>th</sup>, and Cruise Control on July 30<sup>th</sup>; VC alumni Pub Crawl from 5:00 pm to 10:00 pm.

Mayor Brescia mentioned the concert for July 8<sup>th</sup> has been rescheduled for Tuesday, August 17<sup>th</sup>.

## APPROVE FIRE INSPECTION REPORT

Moved by Trustee Hembury, seconded by Deputy Mayor Scheels, the Board approved the June 2021 Fire inspection report. Motion carried, 5-Ayes, 0-Nays.

## ADOPT A RESOLUTION TO APPROVE AND ENDORSE THE VILLAGE OF MONTGOMERY IN ITS APPLICATION TO NYS HOMES AND COMMUNITY RENEWAL FOR FUNDING UNDER THE NEW YORK MAIN STREET PROGRAM

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a resolution approving and endorsing the Village of Montgomery in its application for \$20,000 in financial assistance through the 2021 Consolidated Funding Application (CFA) under the New York Main Street technical assistance grant. Motion carried, 5-Ayes, 0-Nays.

## PUBLIC PORTION

Don Berger feels the annexation is complex and does not understand it. The zoning is different than the zones that the Village has at that location.

Mayor Brescia asked Atty. Dowd, it will be the same once it's annexed to the Village, correct.

Atty. Dowd said once both Board's approve the annexation, then the Village owns the property. It then becomes Village zoning by local law. A local law can be specific for this particular piece of property, or it can be through the comprehensive, prior standards of the Village. This Board has to zone by local law, in affect annexing the property.

Mayor Brescia said once its Village property, we can certainly look at the different types of zoning for this property.

## EXECUTIVE SESSION

Moved by Deputy Mayor Scheels, 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 with Atty. Dowd and the Village Clerk in attendance. Motion carried, 5-Ayes, 0-Nays.

## EXIT EXECUTIVE SESSION

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

## ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of July 6, 2021 at 8:45 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserate Rivera-Fernandez, Village Clerk

July 6, 2021