

Minutes of the Public Hearing for Introductory Local Law 4 of 2023, of the Board of Trustees, of the Village of Montgomery, was held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, October 3, 2023, at 7:00pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Deputy Village Clerk Murphy, PB Chrm. Conero, PB. Mbr. Romano, AHRB Chrm. Freeman, Helen Budrock, Don Berger, Cynthia Nokland, Mary Lippincot, Rita Santos, Al Baty, Acquisitions Marketing Videographer Jose Rojas.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

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

OPEN PUBLIC HEARING:

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board opened the Public Hearing for Introductory Local Law 4 of 2023 at 7:01 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked Deputy Village Clerk Murphy if all the paperwork is on file to hold this Public Hearing.

Deputy Village Clerk Murphy replied, yes, all the paperwork is on file to hold this Public Hearing.

Mayor Brescia asked Ms. Budrock to give a synopsis of where they left off.

Atty. Frank said this is a Local Law instituting regulations for the operation of all terrain vehicles and other vehicles within the Village. They spoke at the last public hearing when it opened. They made some changes; they added definitions, added bicycles that are electric and propelled by electric motors.

“Motorized bicycle defined as any bicycle with an attached motor, engine, and/or transmission which is gas and/or electric powered and may have foot pedals that can assist with propelling the bicycle.” That is the only change they made from last time. The law goes through what’s prohibited on public property and on private property, requiring other regulations and the penalties for offenses are set at \$250 for the first offense, \$500 for second offense. The chapter will be enforced by the building inspector, code enforcement, police and law enforcement agencies as the designated persons to enforce.

Trustee Picarello asked, under ” C,” she has a note to specify helmets, traffic rules and signaling, is that all covered under NYS Article 48-B?

Atty. Frank replied, yes.

Mayor Brescia is questioning C; registration and permits if it’s on private property. It wouldn’t affect them?

Atty. Frank said they aren’t trying to enforce on private property. 48-B does not cover helmets and such but is covered in other provisions of the motor vehicle act. Police always have the right to pull someone over if they are not wearing a helmet.

Trustee Picarello asked, in “K” can they change “liquor” to “alcohol?” And you didn’t address impound or storage fees? Are they allowed to impound them and are there subsequent storage fees?

Atty. Frank said that is up for discussion.

Mayor Brescia suggested leaving it out for now until it becomes a problem. This is going to be a deterrent.

Trustee Picarello said there is no impound in there.

Mayor Brescia said there should be something for impound.

Atty. Frank said the police have the right to impound if they stop someone who's driving around unregistered. He can put something in there but it's up to the Board. Usually what happens with these things is they are redeemed relatively quickly. You have either a parent or the owner shows proof of ownership. Sometimes the unregistered ones don't have anything showing ownership and they would have to give an affidavit. That's on a case-by-case basis. He's had this problem in other places; you grab someone's ATV, and they bought it from someone with no ownership documentation and they have to go backtracking if they want the ATV back, they have to get an affidavit and bill of sale to prove it's theirs.

Mayor Brescia said once they get the fine, that's going to be the deterrent. If it becomes a problem, the Board can address it and amend it to cover that.

John Tracey said they are out there doing wheelies on them and no control.

Mayor Brescia said that's why they're doing this, for their safety, the safety of others and property damage, etc. It's happening in the Town of Montgomery, as well.

PB Chrm. Conero said he knows they've defined motorized/gas bicycles, or electric powered, but there are a lot of bicycles out there that are pedal-assisted bicycles that are electric and they're E-bikes. Are they prohibited by the law?

Atty. Frank said if anything is being operated properly, it's not prohibited. It's the ones that are being operated improperly. If they are being operated and in compliance with motor vehicle law, it's just like a bicycle.

There is discussion about the levels of bikes.

Don Berger asked who is fined? If it's a kid, how are they liable for a fine?

Trustee Picarello said, the parents.

Mr. Berger asked, how can they be liable for a fine if they are not the offender?

Atty. Frank said, if the offender is brought into court and they're a minor, they are still subject to a fine because they are violating the law. How it gets paid will be up to the parents. A fine can be assessed against a minor.

Mr. Berger said the ticket is going to be given in the kid's name, not the parent's name.

Atty. Will said it will be assessed to the offender. In his experience in local courts, the parents pay the fine.

CLOSE PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board closed the Public Hearing for Introductory Local Law 4 of 2023 at 7:12 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Tina Murphy, Deputy Village Clerk

Minutes of the Public Hearing for Introductory Local Law 1 of 2023, of the Board of Trustees, of the Village of Montgomery, was held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, October 3, 2023, at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Deputy Village Clerk Murphy, PB Chrm. Conero, PB. Mbr. Romano, AHRB Chrm. Freeman, Helen Budrock, Don Berger, Cynthia Nokland, Mary Lippincot, Rita Santos, Al Baty, Acquisitions Marketing Videographer Jose Rojas.

OPEN ADJOURNED PUBLIC HEARING:

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Adjourned Public Hearing for Introductory Local Law 1 of 2023 at 7:15 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked Deputy Village Clerk Murphy if all the paperwork is on file to hold this Public Hearing.

Deputy Village Clerk Murphy replied, yes, all the paperwork is on file to hold this Public Hearing.

Ms. Budrock said the key issue at the last meeting was the definition of “adjacent.” Everyone was in approval of the other amendments to Chapter 6, but we were stuck on the definition of adjacent and based in the comments of some of the folks at the last meeting, they realized that what the existing and the proposed definition that they put in the Local Law only referred to parcels that are touching the designated districts. It doesn’t say anything about parcels that are individually listed on the Historic Register. Bill and she did some research after the last meeting and as it turned out, the NYS Historic Preservation Law does not make a distinction between those two differences. If it’s listed on the State register of historic places either by virtue of being within a designated district or individually listed, they’re all considered to be state historic properties, so they were pretty much in agreement that legally, the Village cannot distinguish between the two and treat one different than the other. The definition definitely needs to be amended to include any such lot that touches the boundary lines of any property listed individually or contained in an Historic District that’s listed on the Federal and/or New York State Register of Historic Places. That is the first issue.

Trustee Picarello asked if that was exactly how it is going to read because the * is not in there.

Ms. Budrock explained that it was the yellow highlighting that she was trying to draw attention to.

Trustee Picarello said only asserted that it’s not just listed, it’s eligible to be listed, which is notated in the asterisk, but there is no asterisk within the paragraph.

Ms. Budrock said it’s not eligible to be listed, it’s actually listed on the register; those are two totally different things. She apologized for not putting in the asterisks, it was really just the yellow highlighting. She was trying to draw attention to the fact that anywhere that it says “designated district,” it needs to say, “designated districts or property individually listed on the register.”

Trustee Picarello said she understood; she’s saying two different things. It’s not just if it’s listed and registered, it’s also if it’s eligible, you’re also bound to the same?

Ms. Budrock asked where she saw eligible.

Trustee Picarello said it doesn't say that, she's asking if it should. Her understanding is that it's eligible, they don't have to be on the register, they have to be eligible to be.

Ms. Budrock doesn't follow because being listed and being eligible are two totally different things. Your house could potentially be eligible to be listed on the historic register but until it actually goes through the process and gets put on the register, then it's not.

PB Chrm. Conero said the person who owns the eligible house could register, could seek designation, so he doesn't think they could say, "eligible" and be subjected to...

Atty. Frank said they have to be on the register.

PB Chrm. Conero added, to complicate everything else, SHPO lets you look at things across the street, so that's another definition that SHPO adds for adjacent.

Ms. Budrock said, the first part of the definition is that they need to include not only parcels that touch the Historic District but also parcels that touch any property that's individually listed on the Historic Register, which includes City Winery, the Crabtree House, the Water Works building so none of that in the past was under the jurisdiction of the AHRB but she thinks you have to do all or nothing. She doesn't think it would stand up to the legal challenges where you're including the ones in the district and not including the other ones.

The other part of the definition was they were struggling with the "shall" vs the "shall not" be included if there was a street separating. There was a lot of discussion about that, they felt that in the interest of compromise, they would leave it the way it is currently written in the law that if a parcel is separated by a street, it shall not be considered "adjacent." She indicated, the parcels highlighted in green are the ones, to draw your attention, if it says they "shall not" be deemed "adjacent," those would be the ones that you would be losing in the process, but they wouldn't have to go to the AHRB for approval.

PB Chrm. Conero said the green parcels would be affected. These are parcels with the definition of "shall" would be across the street from a Historic District.

Mayor Brescia asked if they would be excluded from the district.

PB Chrm. Conero said they would be included with the definition of across the street.

Ms. Budrock said if you worded the definition so that it "shall" properties that are separated by a street. "Shall" would be considered adjacent and would be subject to AHRB review.

Mayor Brescia reiterated; these are "shall."

Ms. Budrock if you do the language, "shall not," they would not be subject to AHRB review. You have parcels in the downtown core, as well as a couple in the vicinity of Factory Street is the biggest difference. The whole purpose of the discussion around eliminating that street separation was to pick up more properties in the downtown core because you have the unique situation where you have two separate Historic Districts and they're the core downtown, kind of in the middle that fell through the cracks.

Mayor Brescia said, you're including the Senior Center.

Atty. Frank said they are being excluded by the current but if you go with the definition of "shall not..."

Ms. Budrock said, as a compromise, the committee would prefer the original, which was the “shall be” but they felt the comments at the last meeting with the couple with concerns, they went back and decided to leave it alone but pick up the other parcels.

Trustee Picarello said that particular property, if she’s not mistaken, already abuts a registered property, so it’s really a non-issue. She attended a Planning Board meeting and observed them, and there were a lot of people that were concerned with the fact that people were not subject when they in these little pockets to the same guidelines that they were than just the ones that were already abutting a property anyway.

Ms. Budrock said part of their discussion was about amending the definition to eliminate the street in between was because of some of the controversial proposals around the Factory Street area where people were like, they really should go before the AHRB because it’s such a historically sensitive area and they want to make sure that they are consistent with the historic areas.

PB Mbr. Romano said there was concern to the old Walden Savings Bank, she knows they acquired it but that was another concern.

PB Chrm. Conero agreed. That was another example they could use when Rivenburgh wanted to build the structure there. He wasn’t eligible for AHRB review because he wasn’t in the Historic District, but his property would be if the definition was changed to “adjacent, across the street.”

AHRB Chrm. Freeman said, Historic District’s are very hard to put rules and...they have to be well taken care of, they tend to be, he’s going to use an example. Coming from the airport on Union, one side of the road on his right is the Historic District. The left side of the road isn’t so that side of the road could technically, the way that’s written, be a dump because they can’t do anything about it “it’s across the street.” They have always tried to apply that that most people that are not the Historic District as it is laid out but “across” or “kitty corner to” or “should be,” have to go to them (AHRB) so they could, at the least, help them make their properties better, nicer. Oftentimes they can do it cheaper for them than they were planning to do before. That’s even a halfway mark, that’s why he thinks adjacent to really means to be, for the beauty of their Village, “across the street” or “adjacent to” that way they can have the Village look really nice in the Historic District instead of saying, when you’re looking in the Historic District, make sure you only look right and don’t look left. It doesn’t make sense.

Mayor Brescia said that’s what it’s been for 50 years and that the Chrm. brought up a good point; they definitely don’t want to be a slippery slope of deterioration and doesn’t think they’ve seen that.

AHRB Chrm. Freeman said they go through instances where they could go and talk to them. Just in case someone with a beautiful historic house and someone kitty corner wants to paint their house green with yellow polka dots. They can offer help with that. They don’t have to go to them (AHRB), they can chase them down.

Mayor Brescia asked about colors/shades of houses, they don’t usually pick the colors you usually pick the shades, the pallet. Let’s say they do cover across the street with respect to that. Can there be certain limitations that you can put on across the street and not include it for all the other guidelines? To prohibit what you want to do?

AHRB Chrm. Freeman replied, yes, they can write that up. What happens if someone comes in across the street and they want to tear the house down that is historic and put in a house that doesn’t fit in at all and they can’t do anything about it.

Ms. Budrock said, right now the guidelines, in regard to paint colors, it suggests that you use a historic color paint/palette. To Bill's point, if they're not required to go before the AHRB then they don't have the benefit of that feedback. They just do whatever they want. The AHRB review is not meant to be a punishment or penalty, it's meant to be an additional level of review, but it's meant to be more of a collaboration.

AHRB Chrm. Freeman said they are just an advisory board. They can tell people that listening to them will add more value to their home because they are doing it right. It may not cost more money, so they work with them that way. In the number of years that he has been chairing this, he doesn't think there's been many times when someone's come from his board and then gone to the Village Board to look for something to be changed. Maybe one or two?

Mayor Brescia said yes, in respect to vinyl siding.

AHRB Chrm. Freeman said it's that one word. They can do it sensibly, understanding that those are not historic houses by date, although the definition of historic does not necessarily mean the day it was built. It could be 25 years later that makes it historic. Like a sign, if it's been someplace for 25 years, it's considered historic. It's a matter of, if his board is willing to sit down with people and talk to them and help them out, chances are they're going to succeed in keeping the right side, which is historic, and the left side, at least in some kind of similar state.

Trustee Hembury said to avoid conflict in the future, when they move in, they already know the rules.

Trustee Picarello asked what the legality of it is.

Atty. Frank said they can do that but if they're bringing additional property owners within the guidelines, they need to be noticed individually and they have to do it that way. They are essentially rezoning them into the historic district, in some respect, and they cannot just change it tonight. It can be done but they have to go through other procedures and notify a bunch of property owners, in this diagram, that they are going to do that.

Trustee Hembury asked if they can when they move in.

Atty. Frank said, no. These properties, right now, are not within the historic district; whether it's the Village Historic District, state registry, anything. They happen to be separated by a road, so that being the case, if that's the Board's inclination, they're going to have to go back to the drawing board. It has to be done legally and if they change a word, like "not" and "shall be" subject to this, then they're talking about impacting due process rights...

Too many people speaking at once.

Mayor Brescia said it's going to be tough for them to do that. Some places that have historic districts that they really enforce it strictly, like Charleston or Saratoga or Williamsburg.

Atty. Frank said they are all in the district, there.

Mayor Brescia said many of these houses that were never in the district, it's going to... You want to protect the integrity of the Village.

AHRB Chrm. Freeman said there's a way to do this. It's one word, here, and it's a way that...the problem is they don't have to go to anyone. Even if they're adjacent to, by definition of across the street, that when

they're going to do something, they come to the Board and as Board members, they will know that they can't stop them from doing their thing, but they can at least talk to them and have that opportunity. All they're saying is that if you're doing that, you need to go to the Board. They're not saying that the Board has to pass something, and he thinks that's how you get around it. They've been doing it for years.

Mayor Brescia asked, you're talking about the siding or the roofing, or something like that.

AHRB Chrm. Freeman replied, yes. He's had calls from Bruce saying he's had calls from someone on the Board saying someone over there is putting something on the roof and he's across the street from the historic district and said it's going to look terrible and can they do anything. He'll call them up and talk to them; you have a black roof and you're using white shingles to repair it. He'll explain that it looks terrible and why they shouldn't do it.

Trustee Picarello said they are suggesting that there's a portion of the district that's an advisory board and other is subject by decisions of the AHRB.

Atty. Frank said he can come up with "advisory language" for those properties.

Mayor Brescia agreed with something advisory rather than include them in the Historic District. It'll give a littleto the AHRB in an advisory capacity that's going to give harmony instead of fighting; sticking their feet in and saying they're not in the Historic District and they're going to do it the way they want to it.

Ms. Budrock said it would be like a non-binding recommendation vs. an actual issuance of certificate of appropriateness.

Mayor Brescia said asked that they get that done.

PB Mbr. Romano said usually if she needs to change her steps or her siding, she's not in the district, she has to go for a building permit. With this and the "adjacent" property, when they go to Bruce for a building permit, and a lot of people, she believes, want to adhere, don't know what to do with their houses and she thinks they welcome some input. When Bruce hands them a building permit, he can tell them they are near the historic district, they are adjacent, across the street, if they would like to go to the AHRB for an advisory, they aren't bound. Maybe something be given with the building permit.

Ms. Budrock said it needs to be a formal process. There's kind of a grey area. When you're in the district, it's a no-brainer, you go to the AHRB. If you're in the vicinity, there's no hard and fast rule to say, this needs to go and this doesn't. That was the point of her having the map, like a zoning map. Bruce looks at the map and says if you're one of these parcels then you have to go. The distinguishing point is, what you're saying is that if you are in the Historic District, or one of the blue parcels, you need a certificate of appropriateness, if not and you are one of the adjacent properties, you need to go to the AHRB for an advisory decision. It's non-binding but go so they can offer suggestions.

Mayor Brescia said to have Bruce give them a copy...

Atty. Frank suggested putting that information directly in the building permit application, so they know up front.

Too many people speaking at once.

Atty. Frank said they can come up with something like that.

Mayor Brescia said they will keep this open until they get that done.

There are no other changes.

PUBLIC COMMENT:

Al Baty said, if he comes into the Village looking to buy a place, is there a realtor that is going to give him this information. You are fine with a building permit if he wants to make changes on the old one but if he's buying a house and all of sudden finds out that he's in the historic district and he can't paint the color of house because the Historic District says it's brown, maybe he doesn't like brown. And the person who's across the street and not in the historic district, maybe he doesn't want to go to them. Is there any tool out there through a realtor that's selling him a house that gives him the dos and don'ts before he purchases?

Ms. Budrock said one of the points of going through when updating the law is so they can take that and turn it into an illustrated guidebook that lists regulations, that has the map, explains what the process is, whether they need to go to the AHRB or not. That will be available in the building department's office and there are also grant funding that they retained that they would get actual printed copies to distribute to local realtors and keep in the building department office. It will be available on the website, in digital form. The whole idea is that not everybody will go on eCode and look up and see regulations on buying a house. If you have a color, an illustrated guidebook with photos, this, not this.

Mr. Baty said if he comes into the Village and looks to purchase a property and after the fact finds out that it's in or adjacent to a historic district and he has to live by their guidelines without being told that he's in that area, what is the tools? You said there's a guidebook for some realtors, the local realtors may have something. He could be buying a house in Montgomery out of Vermont.

Ms. Budrock said it's the same thing as zoning. Some real estate listings show what the property is zoned, some don't and it's up to the buyer's due diligence to make sure they know what they're getting.

Mayor Brescia said they don't want to shock anybody but in the green areas, it's an advisory opinion and you don't have to do it. We've had it for 50 years and it's a shame they don't know that they're in the historic district. Some realtors tell you if you're in the historic district.

Trustee Hembury said they voted 4-5 years ago that if somebody buys a house, they were advised that they were in the Historic District because that question came up.

Too many people speaking at once.

Ms. Budrock said being in the Historic District not only subjects you to additional review by the AHRB, but it also opens the door for historic rehabilitation tax register that are only available to owners of historic properties. There's an advantage there, as well, it's not just a negative, it's a positive.

Mayor Brescia asked that they come up with language for those parcels that are green on the map.

Mr. Berger said two points, one is getting back to what Al had said, his experience through the things he's been doing there for many years with the Village or the town, the realtors tell you nothing no matter whether you're in a Historic District or whether a warehouse is being built across the street, they don't tell you anything. It is a buyer beware type of situation. He agrees there should be language for that.

Looking at the map, the park is in that area. Do they want the park in the historic district or just the senior center?

Mayor Brescia said it's not the Historic District, it's the advisory area.

Mr. Berger said it should be part of the park.

Ms. Budrock said, it's not like they drew those lines arbitrarily, if it's touching or across the street, it doesn't matter what the existing use is or it's part of the park, it's in the park, the park is out, it's an all or nothing. It's a subjective way of identifying which parcels otherwise, as Will said, once you get into subjectiveness and you're drawing your own line, that gets into rezoning and that's a totally different ballgame.

Mr. Berger said he said maybe they designate the parking lot and the senior center in this, as opposed to the whole park area. Perhaps, down the road if you want to do something to the park, you might have to go to that advisory and get it approved.

Mayor Brescia said it's only advisory, anyway. The senior center was designed in a historic fashion with windows like these (in the meeting room) only Anderson and gel. He agrees with him. The Village Board will listen to suggestions because there is going to be modern things in the park. Their park looks more historic than most.

Ms. Budrock said this has more to do with new construction and architectural and not recreation, but she wants to make the point that it's all or nothing. You can't selectively choose; if you want to consider "shall be" considered adjacent which is across the street, that means the park is in, you can't just say you want this and don't want to put the park in,

Mayor Brescia said, no. Just keep going with this. Speak with Will about the suggestions that are easier for the homeowner.

Mayor Brescia asked for a motion to adjourn the Public Hearing for Introductory Local Law 1 of 2023 to continue October 17, 2023, at 7:15 pm.

ADJOURN PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board adjourned the Public Hearing for Introductory Local Law 1 of 2023, to continue November 14, 2023, at 7:15 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Tina Murphy, Deputy Village Clerk

Minutes of the Regular Meeting of the Board of Trustees, of the Village of Montgomery, was held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, October 3, 2023, at 7:46pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Deputy Village Clerk Murphy, PB Chrm. Conero, PB. Mbr. Romano, AHRB Chrm. Freeman, DPW Supt. Nelson, Don Berger, Cynthia Nokland, Mary Lippincot, Rita Santos, Al Baty, Sargeant Guerneiri, Acquisitions Marketing Videographer Jose Rojas.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

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

MINUTES

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved the minutes of September 5, 2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved the minutes of September 19, 2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

REQUEST TO MEET WITH BOARD

Mayor Brescia said Atty. Frank has drafted language for a 3-month moratorium which they plan to start as they are in a water situation with correspondence from the OC Health Department and he thinks that starts the ball rolling. They have started the well exploration and retain the services of a hydrogeologist.

After speaking with Buddy, Kevin, Marc Devitt, that's what they are looking at now. They are in the short-term looking for approval from the DEC on the well they just drilled. There're long-term plans, there's short-term plans and they can always extend this out for 3 months, starting at 3 months to begin. They had a moratorium that they extended twice, which lasted over a year. They discussed possibilities on Devitt's property. Is it 248,000 gallons out of that well?

DPW Supt. Nelson said he will double check that.

Mayor Brescia said there's potential there. If they deed the property to them, which was their initial offer. That's a possibility. There are questions. They did a 96-hr. pump test beyond 72.

Al Baty disagreed. He said according to the DEC they did a 2-hr. pump test. The well they have there, the highest producer is 75 gallons per minute, a little over 100,000 gallons a day if you run it constantly. It isn't enough for a public water supply. It has to be 250 or better. He put out the DEC reports to one of the Board members as well as Don Berger, whatever Marc Devitt is saying is incorrect because if it is correct, he didn't update it with the DEC.

Mayor Brescia said they will look into it. This is one of many potentials. There was correspondence with him and Ross regarding a well on the KSH property, which is a potential. They talked with Aden Brook if there is an annexation on that property. Even if there's not an annexation, they would be willing to drill a well. These things take time. They're going to retain the services of a hydrogeologist and see what reports they have and other sources. There's potential at Loosestrife Fields, potential at a lot of locations in the Village. They don't know what the DEC is going to approve for the well that they have dug already.

DPW Supt. Nelson said they don't know yet.

Mayor Brescia said they know they have to look at things.

Mr. Baty said he understands, and the mayor was on the Board when the water/sewer board was in existence. And they poked holes all around this Village including down through Loosestrife, including the 3-story building next to the Water Works, as well as up through the creamery, up through McMurtry's, over where Devitt has his wells, they circled this whole Village, even into the park property. They did not find a viable water source other than what they already have in this Village.

Mayor Brescia said you may be right, you may be wrong. They poked holes at the OC Airport.

Mr. Baty said you were here when that board existed. You were Mayor. You should be aware of the facts. Right now, there is a water issue, and you know that.

Mayor Brescia said they are going to follow the path and explore for water. There is potential. Timmy Wild looked at the well at Devitt's property and said if you go with 8" casing, there's higher yield there. They're going to look.

Mr. Baty doesn't believe the Mayor has been given the facts.

Mayor Brescia said that's why they're bringing in a hydrogeologist and they are going to look at potentials. They are looking to expand the Sewage Treatment Plan with or without the Town of Montgomery and they're going to have to do that. These things don't happen overnight.

Atty. Frank said what they're doing tonight, is to set a public hearing for enacting a local law that would institute an initial 3-month moratorium on development and approvals based on the Village water situation. He's drafted a local law which has been provided to the Board. It will be 3 months to begin with, with potential to extend it for additional periods within the law there are specific exemptions, certain projects that have already received a neg dec or received approval. There are hardship provisions which would be difficult to meet as they're hardships into moratoriums. There are penalties. At this stage they need to set the public hearing and refer this matter to the OC Planning Department under general municipal law 239m. They are not subject to SEQRA, they are a type-2 action. The County has 30 days to respond. He suggests setting the public hearing for the 1st meeting in November.

CHANGE THE REGULAR MEETING OF NOVEMBER 7TH TO NOVEMBER 14, 2023

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board changed the regular meeting of November 7th to November 14, 2023, at 7:58pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mr. Berger suggested extending the time for the moratorium to 1 year instead of 3 months, to get through next summer, to protect the Village and work with Buddy to discover water.

Mayor Brescia said to start with 3 months and if they don't hear from the DEC on this well, the Board can extend it with no problem.

Mr. Berger said if you have a lengthier moratorium, you can rescind it at any time.

Trustee Picarello asked if they could change the length of time at the public hearing on the 14th.

Atty. Frank replied, yes.

Trustee Hembury said they have an unofficial moratorium already because OC already shut them down. They can find whatever they want, OC has to give them their blessing. OC determines; they could say 5 years if they don't find any. They already shut down the project on Railroad Avenue.

Mr. Berger said there seems to be contradictions in the moratorium as far as current applications and when you get into any project that has received a neg dec and moves onto the hardship. Every moratorium that was in the town went running for hardships and reasons were profitability of their companies and that is not what they should be worried about. They should be worried about the Village. Hardship should be defined as to what type of hardship. Back to the neg dec. It contradicts itself saying if they have a neg dec, they can proceed. In the other part of it, it says you can't do anything. It needs to be a little tighter.

Mayor Brescia said, regarding the water sewage update in the Village, there's been more done in the last 30 years than was done in the previous 50 years. They put an 8" on Clinton Street, Charles Street and Railroad Avenue. They built a new water tower, drilled more wells, more subsurface, enhance well production; the list goes on.

SCHEDULE PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board scheduled a Public Hearing for Introductory Local Law 4 of 2023, "Establishing a three-month moratorium prohibiting the review and approval of application of certain land development applications in the Village of Montgomery" to November 21, 2023, at 7:15 pm and authorized referral to Orange County Planning for 239 approval. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

REPORTS

Sargeant Guerneiri said the month of September had 88 infractions; they've increased patrols.

He commended Officer Scherma for responding to an incident of smoke in an apartment at Crossing Lane Apartments. He was able to remove a person from the apartment and make sure no one else was hurt. It says a lot about the quality of the department.

Trustee Hembury said there is a resident in the Village who is destroying the dirt along the streets with his vehicle. The police department is aware, and the matter has been brought to the DA's office.

DPW Supt. Nelson said the pickleball lights are being installed. They had a water main break September 14th on Cardinal Drive. They will be repairing one tomorrow on Senior Street, near Wallkill Avenue. It's been four breaks in four months; they don't usually have four breaks in one year!

The sludge hauling that was on the agenda, they are going to put off for now. He may be able to extend the contract for the person who has it now, he's just waiting for more information before they revisit that.

There has been a complaint at 47 Wallkill Avenue regarding two trees in front of their property. They are close to the houses and are lifting the sidewalk. He has pictures. They are perfectly good, healthy trees.

Mayor Brescia asked if they could do anything to the sidewalks.

DPW Supt. Nelson said they would have to be pulled up and re-poured.

Mayor Brescia asked if it was both trees.

DPW Supt. Nelson said one is worse than the other.

Mayor Brescia said they will need to replace them.

DPW Supt. Nelson said they are beautiful trees but should come down.

Moved by Trustee Hembury, seconded by Trustee Picarello, the Board approved the removal of two trees at 47 Wallkill Avenue with the condition that two trees be planted across the street to replace them. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Resident John Tracey thanked the Board and DPW for the pickleball courts.

Don Berger is concerned that there is a group of people from Pennsylvania who are taking over the courts. Also, he suggested that people outside the Village should assist in paying for the usage of lights.

Mayor Brescia said they spoke with the advisory committee who brought up the rules and the Board felt they were reasonable. If things get out of hand with a group from Pennsylvania monopolizing the courts, they will stop it. They can revise the rules.

Don Berger said there have been complaints about people playing basketball at 7:00am on Sunday mornings and our laws should be enforced. He stated they are also non-residents.

Mayor Brescia asked Sargeant Guerneiri to look into it as the noise ordinance states 8:00am.

ABSTRACT – NO. 09 – 2023

Moved by Trustee Hembury, seconded by Deputy Mayor Andolsek, the Board approved the 09-2023 Abstract, contingent upon verification of four invoices. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

OLD BUSINESS

Trustee Hembury said he received complaints about 54 Union Street regarding the fence being on the sidewalk and the property wasn't filled with the foundation. Upon reporting to Bruce, it was taken care of immediately.

Toys for Tots will be coming on December 10th, but they are still waiting on a time.

Trustee Picarello provided the monthly update.

She discussed Joule vs Community Solar. There is community solar in multiple locations; its generally solar systems put on top of large developments like Medline and are prime for installing them. There's a direct discount through current energy providers. She spoke with the Mayor of Nyack and the Mayor of New Paltz regarding Joule. It's very confusing. It has a lot of layers to it. Joule does everything; public hearings, meetings, advertising. It's not either or. They can educate everyone on community solar. It's an individual decision that every resident would make on their own. There are links on the NYSERDA website. Opting in gives a 5-10% discount. Joule is something you opt into as a community and the residents would have to opt out of. It no longer has Central Hudson as the default provider and allows them to put in a bid to get a better rate. Contracts can be renewed at different months 6, 12, 24.

Atty. Frank said the issue with that becomes the company that it has selected, receives energy credits and that's how they finance their operations. If their energy credits go south, they go south. That's what happened in New Paltz. It became a mess. Jewel is fine. You need to be careful who is selected as the energy provider.

Trustee Picarello said this is all for clean energy. It generally will save you money and sometimes it does not. You have to put value on moving toward clean energy. If you do not, it is overall a better idea to go with a fixed-rate product. There are different layers and it opens you up for grants and certifications. They can publish the Community Solar NYSEERDA links on the website and on Facebook. With Joule, they will have to decide if they should move forward.

Mayor Brescia isn't ready to move forward with Joule at this time. He wants to look further into it. He has concerns and will speak with other Mayors and Supervisors at the Association of Towns.

Trustee Picarello asked what they are doing about chargers. Her feedback on the research she did is that whether or not individual Board members are fans or not, it's a small out of pocket expense right now to install the chargers for something that they may need in the future. The installation costs are high without a grant and there are no guarantees of incentives being this comprehensive in the coming years. Projects like these give them the advantage when applying for grants like NY Forward. It shows that they are taking an initiative to integrate historic charm with technology and energy innovation. It shows they have a diverse plan for improvement and implementing it. If the proposed location is an issue, they can be part of a plan near the new pickleball courts. They can even be solar powered. This was a hot topic at NYCOM.

Mayor Brescia has no problem with the stations by the park or police station. He doesn't want them in the current or new parking lots. He doesn't think there are enough electric vehicles in the Village, and he doesn't think it will help tourism to take prime locations for parking, for EV stations.

Trustee Hembury said he spoke with Randi. He would rather the money be used toward DPW. As far as owning them, they don't need the headache of fixing them. They are getting vandalized. Some people don't like electric. They are in gas stations and fuel stations for security reasons. He feels there will be issues with people parking in them that shouldn't be. These should be a personal choice where people who want them, charge them at their home. He is curious as to what the fire department feels about them. He doesn't want the maintenance and burden of them on the Village.

Mayor Brescia suggested even having them next to the municipal parking lot, or Village businesses. He understands it will bring people to the Village.

Atty. Frank asked if Trustee Picarello looked into NYPA, where they own and install the equipment and maintain it. There is always an option in the future to take over ownership. With the Board's permission, he can put her in touch with the people at NYPA.

Mayor Brescia suggested having them behind Copperfield's near 88 Charles.

Atty. Frank said there would be an agreement with NYPA. They would come in and install the equipment, do all the mapping, surveying and looking where they would suggest putting them in that's cost effective. They may look at the Village and it may not work for them. If there was damage to them, they would repair them.

Trustee Picarello's concern is that if they have to put them in, there will be no grants available it will be at a cost to them.

Mayor Brescia said the Board is not in favor of putting them in with grants.

Mr. Baty asked who did the work/installation of EV stations at some of the golf courses and at the County buildings.

Mayor Brescia said it was discussed but didn't know.

Mr. Baty said those facilities are up and running and are free. He feels the Board should be more proactive.

The Board agrees that Trustee Picarello should investigate it further.

Mr. Berger feels it is necessary for the Board to consider EV charging.

ADOPTION OF LOCAL LAW 2 OF 2023

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board Approved Adopting Local Law 2 of 2023 that "Amends Chapter 122 of the Village of Montgomery Code entitled 'Zoning' at 8:54pm. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

The public hearing had been closed at the September 19th meeting but was not adopted.

APPROVE ANTI-MALWARE PROTECTION RENEWAL

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the 24-month Malwarebytes Advanced Protection Bundle at the cost of \$497.70/per year. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

APPROVE TREASURER PALMIERI'S CARRYOVER VACATION TIME

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved Treasure Palmieri's request to carryover vacation time of 46 hours to be used by December 31, 2023. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

PUBLIC PORTION

Mbr. Romano expressed her concern for more help for the building inspector. She feels he has a lot of work and can't keep up. He is part-time and may need more hours or an assistant.

Mary Lippincot said the library is investing in bookshelves with the \$3000 that the Village gave them.

Trustee Picarello said Friday night, October 13th, there is a \$10 spaghetti dinner at the senior center to benefit the Montgomery Senior Center. Also, there is a \$10 pancake breakfast on Sunday, October 14th to benefit the OC Battalion II, which involves their firehouse, at the Montgomery Fire Department.

EVENTS

Village-wide yard sale is October 7th from 10-5, rain or shine, however, since the weather is supposed to be rainy, the Mayor will do a code red to extend to Sunday from 10-5.

Hydrant flushing will begin on Monday, October 16th through the 27th between the hours of 7:00am and 4:00pm. Water may be discolored but is safe to use. When using a washing machine, make sure the water is clear. Flushing is necessary to keep the water mains clear. We apologize for the inconvenience.

Trick or Treat will be held I the Village of Montgomery on Tuesday, October 31, 2023, from 6 pm to 8 pm.

Leaf pickup begins every Tuesday starting November 1st through the 30th. Leaves must be bagged and placed curbside by 7:00am.

ADJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board adjourned the Regular Meeting of the Board of Trustees at 9:04 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Tina Murphy, Deputy Village Clerk