

Minutes of the Public Hearing for Introductory Local Law 3 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 17, 2023, at 7:15pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury (Absent), Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Deputy Village Clerk Murphy, PB Chrm. Conero, Historian Brian Fitzpatrick, Don Berger, Cynthia Nokland, Mary Lippincot, Johanna Sweikata, Jacqueline Williams, 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 ADJOURNED PUBLIC HEARING:

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board opened the Public Hearing for Introductory Local Law 3 of 2023 at 7:15 pm. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury and 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 Atty. Frank if they had the red line corrections that he made to address “it’s only advisory” for adjacent areas across the street and in site distance.

Atty. Frank said adjacent and advisory language was put in with regard to those properties in site.

Historian Fitzpatrick said they were trying to protect and preserve and maintain the Historic properties. He feels everyone’s concerns have been satisfied.

Mayor Brescia said there is reasonableness there. There is total disregard for the AHRB. If they do something obnoxious, they can always go back and tweak the law in those areas of the Village.

Historian Fitzpatrick said visitors and homeowners don’t know where the Historic District lines are. They will see what we’ve rebranded, and the preservation of what they’ve done in the Village.

Atty. Frank said for the record, some of the changes were the language of the line of site;

- The definition of that being any lots separated from an affected parcel by a street, road, highway, river, park shall be considered within “line of site” from said parcel.
- They added language for the AHRB for their recommendations. It is going to be contained in 6-3C “New structures, or extensive change in the exterior design of appearance of existing buildings or structures on any parcel within line of sight of an affected parcel shall not require a certificate of appropriateness but shall instead be referred to the AHRB for review recommendations. Such recommendations shall be advisory in nature and non-binding.”

Mayor Brescia said to Ms. Murphy, when new residents move into the Village and they are in the Historic District or line of site, she should send them this or a note to refer to this online. Most realtors don't inform them of that, and it really is their responsibility.

PB Chrm Conero said that Helen is working on a document, a guidebook, that they can go through; do this, not do that.

Mayor Brescia said they can put that online, as well. He asked PB Chrm Conero about the residents on Factory Street. Were their concerns elated?

PB Chrm. Conero said their property is adjacent to a property that's on the Historic Register so they would be subject to that anyway because of SHPO. They are already affected by it. The only thing they really changed from the original...

Mayor Brescia asked what their concern was...

Trustee Picarello said that if they put the "street in between," that they would have to abide by that rule according to the Crabtree House, but they already have to abide by it anyway, and she didn't know if they already knew, because of City Winery.

Atty. Frank said, the other thing you talked about was maybe putting something in the building permit application to note to this particular section if their property is affected by line of site. It may be necessary to tweak the building permit application.

Mayor Brescia agreed, and added, as many ways as we can to inform them that they are responsible.

#### PUBLIC COMMENT

Jacqueline Williams – She feels it is something that the realtor should pass along to the buyers because buying the house and not knowing what the rules are for a Historic District and then you get this in the mail that you have to abide by all these rules, and you don't want to abide by all these rules. How do you get out of it by that point?

Mayor Brescia said, you don't.

Historian Fitzpatrick said he discussed this with Helen. They can draft a letter that can be sent to any home that's up for sale and notify them.

Mayor Brescia said they can't mandate them.

Ms. Williams said when she bought the house across the street, no one told her it was Historic. Fortunately for her, she owns a Historic building in High Falls, so she is already familiar with rules and regulations and how historic operations work.

Atty. Frank said with realtors, there is a lot of disclaimers in their listing agreements. As you've bought and sold real estate you know that realtors always say verify the taxes yourself, verify the zoning yourself, we're not responsible for that because they aren't giving legal advice. There's a fine line there. There is nothing wrong with the Village taking whatever reasonable steps they can to notify realtors, as the mayor said, they can't compel them to do anything because then they can run into an issue.

CLOSE PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board closed the Public Hearing for Introductory Local Law 3 of 2023 at 7:26 pm. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, 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 17, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury (Absent), Trustee Lindner (Absent), Trustee Picarello, Atty. Will Frank, Deputy Village Clerk Murphy, PB Chrm. Conero, Don Berger, Cynthia Nokland, Mary Lippincot, Johanna Sweikata, Jacqueline Williams, Vincent Satriano, 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 Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the minutes of October 3, 2023. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the minutes of October 12, 2023. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

#### ADOPTION OF LOCAL LAW 3 OF 2023

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board adopted Introductory Local Law 3 of 2023, that “Amends Chapter 6 of The Village of Montgomery Code Entitled ‘Architectural and Historic Review Board,” and finding pursuant to SEQRA regulations that the adoption of the local law will not have no adverse environmental impacts and a negative declaration, to that effect. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

#### REQUEST EXEMPTION FROM COUNTY TAXATION

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved to request exemption from County taxation on certain real property located in the Town of Montgomery for use of the Village water system. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

#### APPROVE TREASURER PALMIERI’S REQUEST TO MAKE BUDGET ADJUSTMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved Treasure Palmieri’s request to make the following budget adjustment: increasing revenue line AO-2705-000 (Gifts and Donations) and corresponding expense line AO-7140-400 (Park and Rec Contractual Expenses) by \$8,000. Motion carried 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

#### APPROVE ONE-TIME CHARGE OF \$250 FOR UNLIMITED BULK UPLOAD TO ECODE

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board approved the one-time charge of \$250 for unlimited hours of uploads to eCode for public documents. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

## DISCUSSION

### OUTDOOR DINING PERMIT

Trustee Picarello said the Board approved outdoor dining but there is no permit for it. One has to be created and she asked that she can forward a draft to Atty. Frank to tweak for the Board and Bruce can review it.

Mayor Brescia suggested she look at other Villages and see what they use.

### CRITERIA FOR PEDDLER'S PERMIT

Trustee Picarello said there is currently no criteria for approval or denial of peddler's permits. Recently, a vendor asking for a permit was already going door to door. What criteria they do have is it being based on a background check.

Mayor Brescia said they've allowed these in the past and it went through the Clerk, but agreed there should be minimum standards.

Atty. Frank said the current code needs to be updated.

## EVENTS

Leaf pickup begins every Tuesday starting November 1<sup>st</sup> through the 30<sup>th</sup>. Leaves must be bagged and placed curbside by 7:00am. Of course, there is the compost site at the DPW where Village residents can bring their leaves.

The Villages offices will be closed on Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup>, in observance of Thanksgiving. There will be no garbage pickup on those days. Garbage pickup will be the next scheduled day.

Mayor Brescia said Rita Santos has requested extra handicap parking spots at the Senior Center. Buddy is at training and the mayor will speak to him when he returns.

The Town of Montgomery is having a Veterans Day ceremony on November 11, 2023, at 11:00am; all are welcome.

## PUBLIC PORTION

Jacqueline Williams – she lives across the street. About two weeks ago she was away. She noticed on her Ring camera that someone was attempting to get into her house. He went in the direction of her shed. She called the Village police to let them know, also forwarding the Ring video. No one showed up to check on her house. Her neighbor checked the house and shed for her, stating the shed was ransacked, tools were missing, and gutters destroyed. The police did not show. She heard the person was intoxicated. It is still attempted burglary regardless. Back in January, her neighbor's catalytic converter was taken. She heard it, called the police and no one answered. In the morning, she went to the police to report it, and nothing was done. She is concerned there is no follow up.

Mayor Brescia said he and Deputy Mayor Andolsek will follow up with the Chief. (Atty. Frank took Ms. Williams information.)

Mary Lippincott said that Trustee Hembury mentioned a few weeks back that if you are away, let the police know and they will check on your residence.

Mayor Brescia reiterated that.

Don Berger – at the last meeting you set a public hearing for 11/14 for the water moratorium. It's his understanding that it's been cancelled.

Mayor Brescia said it was moved to the 21<sup>st</sup>. They will have an information meeting, at 7:00pm, for public comment on the annexation project, at the senior center.

Mr. Berger said with it being 3 weeks out from election day, you've cancelled one meeting and moved it to the 21<sup>st</sup>, that leaves 3 meetings that this Board with you being the mayor. He's assuming a good outcome for him because he hasn't seen anyone running against him. What he's concerned about is that they haven't heard a lot about an exit plan of what this Board is going to do for a special election. He's heard he may appoint the Deputy Mayor to Mayor.

Mayor Brescia said he wouldn't be able to appoint. If there is no appointment, Darlene will act as the mayor.

Mr. Berger said his concern is that, as you can see, you only have three members sitting there and on January 1<sup>st</sup> it's going to be the same thing. You're going to have three members up there and unfortunately, Walt is sick. He doesn't know if he's coming back. The Board is very light and vulnerable so he's hoping he's thinking about an exit plan and how they are going to move forward on this. He spoke with the NYS Board of Elections twice today on how it's done and it's his understanding is that an election must happen. It could be March; it could be June but according to them an election has to happen. What is that exit plan? He should make them aware of what it is because maybe there are people who might want to run for these seats that are vacant. In March they need a full Board; they have a lot of things going on in this Village and they definitely need a full Board. They haven't had that for a while now. Once you leave, you're only going to have three members.

Mayor Brescia said hopefully there's four, we'll see.

Mr. Berger as of today, that's what it appears to be, and he thinks they need to move forward on a special election. The residents have the right to determine who they elect for mayor and trustee, since there will be one vacant trustee seat open. Hopefully, they'll take that into consideration and let the public know because he thinks the clerk is going to have a hard time putting all that stuff together to get this election organized. It's not something that you do when you're walking out. The clerk and Village residents should know beforehand. Maybe at that meeting in November that will be resolved and help the clerk out with all the work she's going to have to do and for people to determine whether they want to run for office.

Mayor Brescia said they will give it consideration.

#### ADJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board adjourned the Regular Meeting of the Board of Trustees at 7:52 pm. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

The mayor reopened the meeting.

Vincent Satriano approached the Board about in lieu of parkland fees. He recently had property that was subdivided and will be building 6 townhouses and doesn't feel he should pay since it is a minor subdivision.

The Board acknowledged that Pathway Place Management, LLC project, is a minor subdivision and is not subject to fees at this time.

#### READJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board adjourned the Regular Meeting of the Board of Trustees at 7:56 pm. Motion carried, 3-Ayes, 0-Nays, 2-Absent (Trustee Hembury, Trustee Lindner).

---

Tina Murphy, Deputy Village Clerk