

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, September 19, 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, Johanna Sweikata, Don Berger, Cynthia Nokland, Lorraine Baker, Charles Baker, Summer Rec Dir. Tom Taylor, Jennifer Jackson, Michelle Donovan, Mary Lippincot, Acquisitions Marking 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 Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Public Hearing for Introductory Local Law 1 of 2023 at 7:00 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.

Ms. Budrock said the first page is Local Law 1, which is the first public hearing. They were there back in August, got feedback from the Board, they met with some of the AHRB members to tweak some of the language and make Chapter 6 amendments; what's changed from the original draft are pretty minor things:

- *They refined the definition of what an affected parcel is.*
- *They softened the language regarding high-pressure power washing.*
- *They softened the language regarding the use of pressure treated wood for decorative elements, eliminated the prohibition on vinyl siding, windows and aluminum siding. That was a big thing that the Board had to not be so restrictive and basically just said, in general, building materials within the Historic District must be similar in appearance and texture to traditional building materials and must be approved by the AHRB. That gives them flexibility that if there is a product that is not wood, or a natural material like a composite, they have the flexibility to allow people to use that as long as it looks like the other stuff.*
- *They dialed back the language on solar panels; everyone felt like solar panels should be prohibited within the Historic District. If technology advances to a level where you can have solar panels or integrated a little bit more into the architecture, like roof shingles, that can always be updated down the road but everybody felt like it should be kept, and she*

*thinks that it's been their policy for a while now is that solar panels are not allowed in the Historic Districts so that's not actually a change from what is there now.*

- *They softened the language on window dimensions and materials for new commercial construction in the Historic District, no prohibition on vinyl or aluminum windows. It would still have to go to the AHRB, and they would decide on a case-by-case basis...*

Mayor Brescia asked, define site line distance; it used to always be contiguous now the house could be three houses removed?

Ms. Budrock replied, no the "visible" was taken out so it's just "adjacent" or "within the Historic District" and she updated the map. She can leave that with them, as well, is that you'll see the Historic Districts outlined and the blue outlines are the individual historic properties. Anything that touches one of those would be subject to the AHRB, if there's a street in between, it would still go to the AHRB for review. That is the refinement that they made. In the existing law it says, "if there's a street in between two parcels, it doesn't count." They changed it to say that it does count because you're across the street and just because there is a road in the middle, it doesn't mean that you're not going to have an impact on the Historic integrity. They dialed back on the whole "visible."

Mayor Brescia said he thinks she covered it pretty well and materials; you can use treated materials, like on spindles. They are going to do the front deck out here; they have to do the decking on it and some spindles. As long as its primed, you won't know the difference.

He asked if there were any other comments before they go to public comments.

Kevin Conero said he thinks Helen covered it all. It's really about not defining the materials specifically, what they can and can't use, it's more about letting the AHRB have the flexibility of looking at modern materials as long as it fits in the continuity of the harmonization of the area and the buildings next to it.

Mayor Brescia said they don't need to be purists, as long as they get the look...

Trustee Hembury said he thinks it's great, so proactive. It's not like they're trying to reinvent something like solar panels.

Mayor Brescia said when they did this roof, Bruce showed him information on solar panels that didn't give that rubberized slate look or slate look, that they really have now, here, which is a beautiful roof.

Trustee Hembury said, out of respect for the Bill, the Chairman, are you okay with it?

Chrm. Freeman said yes. He added that the solar panels, there are more advances going on. The roof can be solar paneled. It's a long way off and it's going to be more than 3 times the expense as anything else. They will just use common sense on it. They could remind people that they could go with a solar farm. They have them around and that's something that's available. There's one other thing that's possibly available and that's geothermal. It's dug in the ground, and you have no evidence of anything there. It's a little more expensive but some states are giving a lot of refunds for doing that because they don't want solar panels. Geothermal works pretty much as well.

PUBLIC COMMENT:

Don Berger asked if there is any more value to the homes in the Historic District than outside the Historic District.

Mayor Brescia replied, no, they are not appraised at any...it depends on what you have in that historic house. They put \$100,000 in the gel-simulated divided light windows in the Village Hall so he's sure it enhances the value. He reiterated, no. It probably costs more to renovate a historic home; once you buy a historic home you should know that.

Mr. Berger said there are a lot of things in here that he believes are good things in the Historic District but the one thing, and he doesn't live in the Historic District, you can't power wash? A person can't, without asking the Building Inspector, if he wants to clean a portion of his home and he has to go to the Building Inspector just to power wash? He's certain that anyone who has these power washers, and these home power washers are not that powerful, that their intent is not to destroy, as it says in this paragraph, the architectural features. He doesn't think that would be their intent. He thinks that if it were him, that something like power washing is kind of going a bit too far.

The other thing that he spoke about at the last meeting is the sidings. Did you seem to change that since they spoke at the last meeting? On the aluminum siding/vinyl?

Chrm. Conero replied, yes, they struck that out.

Mr. Berger said it was more contrite as to what materials you want to use.

Ms. Budrock said yes, it was struck out. They took out the specific building materials and right now it says new homes within the district. Again, this is just within the Historic District, shall be built with materials approved by the AHRB, modern materials, if used, should be similar in appearance and texture to traditional materials.

Chrm. Conero said they took out specifically the type of stuff.

Mr. Berger said he feels it's tough for a homeowner to want to purchase a home in the Historic District because of any type of improvements, they have to go to the AHRB and it's very costly for people. If you remember, he wasn't able to read this at the last meeting because he didn't have possession of it, but when he sees this power wash...if you can't power wash your house...

Mayor Brescia said we're getting away from public comment, public comment is supposed to be public comment, not a Q & A. Don is the only speaker tonight, so we've allowed it in the past; we'll allow it as long as we don't have a lot of questions and a lot of speakers.

Chrm. Freeman said, about the power washing, their thought about that was power washing from a homeowner's power wash is not a problem but when you have 300 psi, you can have damage to property. They are just trying to make sure that the homeowner, if they hire someone to do this, they don't wreck part of their porch, part of the windowsills because they are using too high power. That was the idea of that.

Mayor Brescia asked if it specified the 300 psi.

Too many people speaking at once.

Ms. Budrock said they took it out because everyone said that it was too specific, originally it specified the psi and she's pretty sure that it was Bruce that had wanted the pre-approval by the Building Inspector, and he thought it was for a public safety standpoint.

Chrm. Conero said you might have paint chips.

Mayor Brescia added, lead paint that might go onto the neighbor's yard.

Mr. Berger said lead paint is an entirely different story.

Chrm. Freeman said power wash can blow it into the neighbor's...

Mayor Brescia said it's related.

Mr. Berger said, but that happens outside the Historic District.

Mayor Brescia said you don't have much lead paint outside the Historic District.

Mr. Berger said there's a lot of lead paint.

Ms. Budrock said if the Board feels like it shouldn't go to the Building Inspector.

Mayor Brescia said to specify it, you don't want everybody to have to go to the Building Inspector for power washing.

Ms. Budrock said she will strike out the preapproval by the Building Inspector is required and if you high pressure power washing, make sure you're careful that you're not damaging...it's an easy fix.

Mayor Brescia said the Board does not have a problem with that.

Charlie Baker from Factory Street, their concern is not the tweaks being done to the ....thing, it's the definition of effective structures and adjacent to because as far as he knows, they aren't considered under this rule now; they live right next to City Winery but changing this to adjacent to being right next to a structure or a house that falls under either Historic District if it's not or a house that's on the Historic Register, they have that. So, now they are going to be pulled in to abiding by these rules when his house is not on the Historic Register, his house is not in the Historic District.

Ms. Budrock said it was always adjacent. The only thing they did was open eliminate "if there was a street in between." Is there a street in between you and...

Mr. Baker said there is a street in between, across the street, but then City Winery is right next to them.

Chrm. Conero said it's City Winery, it's not a Historic District there.

Ms. Budrock said it's not a Historic District, [but it's individually listed. There are two properties along Factory Street, the Crabtree House and City Winery that anything that is touching that property line or across the street; are they one of these two across the street?

Mr. Baker said they are on the west side, next to the river. They are on the left. The only one on the left side.

Mrs. Baker said her husband and her grew up in Orange County. They aren't trying to be argumentative; they chose to move here, and they don't want to have an undue burden on them. They didn't realize that buying that house was going to be a problem. They are concerned that some people may try to weaponize additional things be put into the law and that would make their lives more miserable than certain people...

Mayor Brescia said that they still have to abide by the historic because of...

Ms. Budrock added, she could read the current definition; you guys are more familiar geographically and whether or not that changing definition impacts that property. Right now, the Local Law that was adopted in 1996 and is currently in the book:

*Define adjacent as: abutting contiguous. For the purposes of this chapter a lot shall be deemed adjacent to a designated district when any part of the property line of such lot touches the boundary line of such designated district. Lots separated from the designated district by a street, road, highway, river or park shall not be deemed adjacent.*

What they did was change it to say, "shall" be deemed adjacent.

Mr. Baker said that said district and there is no district there. There are individual houses.

Trustee Picarello said City Winery is a Historic or eligible, it doesn't have to be on the registry, it has to be eligible.

Mr. Baker said, but it's not a district. Everything she said was district.

Atty. Frank said the question that he was going to ask, by taking out the word "not," from past experience, the intent of that seemed to be, give a little voice to people who lived across the street if they objected to something going on to the Historic District but the height over something like that, by taking out the word not, it expanded the district. Is that the intent? It is going to make other properties subject to these regulations and he's not sure if that is the intent.

PB Chrm. Conero said, when you have a historic property within eyesight, we have to send it to SHPO. Now SHPO responds because its within eyesight, so they said they didn't want to make it within eyesight because you can say you're on top of your roof looking out 5 blocks away. They wanted it to be more specific what adjacent meant. There's been a couple of times at the Planning Board level that the Planning Board and the public thought that they should have more say in what/how something was going to be built across the street from a historic property. That's why they redefined the word adjacent to preserve the integrity of some of these older homes when something else is built across the street from it. Even their municipal parking lot, when Brian wanted to build the two-story building, they could only rely on SHPO at that point. They couldn't say it was next to, across the street from a historic home. That's why they added it in there. They redefined that. And Bill said he has that issue with his Board, as well.

Mbr. Romano said the flip side is, you live in a Historic District and spend the money to do it historically and someone adjacent doesn't have to.

Mr. Baker said he is not in a Historic District.

Ms. Budrock said she's mistaken in the way it's written right now it references a district, not individually listed properties.

People speaking over each other.

AHRB Chrm. Freeman said there are a few houses that the state approved historic buildings but they're not in a Historic District, when you take that into consideration regarding all the other rules for the adjacent to, across from, so they have been very lenient because they don't want you to have to do something just because you are across as long as you're keeping up.

Mr. Baker said that's what was happening when they applied for the building permits that they had, that they were taking that into consideration.

AHRB Chrm. Freeman said it could have been said that you're across the street from a historic home and we'd like to paint our house purple, green and yellow. We'd probably say, let's talk about it.

Mr. Baker said he gets it. They've been in their house for 6 years, and they have no intention of changing anything from a historical perspective but if things need to be done...it's had a couple of rough years before they were there.

PB Chrm. Conero asked, would someone not in the Historic District be bound by these rules?

Atty. Frank asked, this is proposed?

PB Chrm. Conero said there is no Historic District on Factory Street.

Atty. Frank said he's talking in general, not specific. The flip side of his concern is someone within the Historic District who doesn't like something going on across the street may have a right of action to have the Village enforce this against someone outside the district because they are adjacent the way it's written. He wants to look at this portion.

Ms. Budrock asked, if you are going to eliminate the adjacent clause from the individually listed properties, those individually listed properties are in the gateways and along Factory Street, so you could change it so that it's basically what it says now, which is "District" and "adjacent," but at least include if anyone wants to make any alterations to a property individually listed on the Historic Register, that's a no brainer and should go to the AHRB.

Trustee Hembury asked, is it just the front of the house that faces it? What if they wanted to do something to the porch in the back?

Ms. Budrock said she doesn't think there is anything in the design guidelines that really talk about things that aren't visible to the public.

AHRB Chrm. Freeman said his Board usually takes it into consideration. If someone is adjacent to or across from, if it's not seen from the historic area, like the back of a house or a fence that's in the back around the pool, that kind of thing, the real answer there is, no. They are worried about the front that faces the Historic District.

Mayor Brescia asked what the answer is?

Atty. Frank said the other question he has is, a lot separated from a designated district by street, road, highway, river or park, if they leave it the way you're proposing, "shall not be deemed," "shall be deemed to be adjacent," how far do they go? Directly across the street?

Ms. Budrock replied, yes. You're just pretending that the street isn't...

Atty. Frank said, if that's the case, it's not specified like that.

Ms. Budrock said change the existing definition from shall to shall not, so with some additional language changes, they can massage it. Or they can decide to not change the definition of adjacent at all and keep it the way it is, which is anything touching the Historic District and if there's a street in between, it doesn't count. It shrinks it down but it's a double-edged sword. Sometimes you're penalizing people who are doing the right thing but ... (people speaking over Ms. Budrock).

Mayor Brescia said they are at a public hearing and going on about it. Can she come up with language that doesn't sacrifice what you want to do with protection and also doesn't want to cost families a lot of money.

Atty. Frank said they will kick it around. He also asked about the power washing; they are taking out the pre-approval by the Building Inspector?

Ms. Budrock replied, yes.

Mayor Brescia asked if she could come up with compromised language that will give everyone piece of mind, if they can.

Mayor Brescia asked for a motion to adjourn the Public Hearing for Introductory Local Law 1 of 2023 to continue October 3, 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 October 3, 2023, at 7:15 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Tina Murphy, Deputy Village Clerk

Minutes of the Public Hearing for Introductory Local Law 2 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, September 19, 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, Johanna Sweikata, Don Berger, Cynthia Nokland, Lorraine Baker, Charles Baker, Summer Rec Dir. Tom Taylor, Jennifer Jackson, Michelle Donovan, Mary Lippincot, Acquisitions Marking 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 Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Public Hearing for Introductory Local Law 2 of 2023 at 7:26 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked the 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 for an overview of this.

Ms. Budrock said there were only two changes. They dialed back the prohibition on vinyl siding, vinyl windows or aluminum siding, same as in the Chapter 6 amendment. They also softened the language regarding window dimensions and materials.

Mayor Brescia asked what she meant by “dialed back.”

Ms. Budrock said, dialed back, meaning, originally, there were specifics about window dimensions, depths of sills and that vinyl windows weren’t permitted so, they took all of that out and made it very general.

Mayor Brescia asked if that meant they were going to allow vinyl windows or not? What does it mean?

Ms. Budrock said, it’s the same thing as Chapter 6. It’ll give the Planning Board the flexibility to decide, again, this is outside of the Historic District, doesn’t apply to any single-family homes, just multi-family, commercial, industrial and planning/development. It gives the Planning Board the discretion to say, okay, it’s a vinyl window but you’ve got the same divided light pattern as before, it looks good, the material quality, it doesn’t specifically prohibit vinyl or aluminum windows. Again, this is outside of the Historic District, so you may want to have that and the flexibility, as well.

#### PUBLIC COMMENT

No questions were presented by the public.

Mayor Brescia asked Atty. Frank if they should close the public hearing.

Atty. Frank asked if the Board agreed with the changes and if they had any comments.

Trustee Picarello said, her only comment was, and she thought she conveyed it to her, the difference between aligning everything to the front of the streetscape and then having the wording in that they should put things as close to the property line as possible, and what that may mean if it's next to a residential area. Just something to tighten up, like to confirm that we're talking about to the street, like making the street line and not like, (she demonstrates) if this is your property line and there's houses here, you're encouraged to put it right here. That was her only concern.

Ms. Budrock said your intent is to maintain the street wall. If all the other buildings are 10 feet from the sidewalk, you don't want something 100 feet back. Is that something that you want to work on clarifying, as well?

Atty. Frank said it's up to the Board.

Trustee Picarello asked if they could approve it with that stipulation.

Mayor Brescia said they could change it; he doesn't think they can approve it.

Atty. Frank asked, specifically, what do they want it to say.

Mayor Brescia asked if the Board agreed with what Trustee Picarello said.

The Board agreed.

Mayor Brescia said, let's amend it.

Atty. Frank said, C #1) Minimum setbacks. 122-11.1.

Ms. Budrock said, for setbacks:

*Whenever possible, new structures, and this refers to commercial or industrial structures, should be located close to the minimum setback to establish or maintain a defined street edge.*

Trustee Picarello asked if that was as tight as it could possibly be to make it clear that they are only talking about the street edge and not the property line and the minimum setbacks all around the property line?

Atty. Frank asked if they were talking about the frontage.

Ms. Budrock said, the front setback. It should be located close to the minimum front yard set back to establish and maintain a defined street edge.

Trustee Hembury asked, this can't be changed, all of a sudden, they're back in a year or two from now they're back with the same mess.

Mayor Brescia said, you can always modify it. You can amend the law.

PB Mbr Romano said they could go to the Zoning Board for a variance.

Mayor Brescia said, or the Village Board can amend it. They can amend anything like this. That's what they're doing now, in a sense. They're not recreating, they're amending.

AMEND INTRODUCTIORY LOCAL LAW 2 OF 2023

Moved by Trustee Picarello, seconded by Trustee Andolsek, the Board Amended Introductory Local Law 2 of 2023, Section 2, C. Chapter 122-11.1, C 1) Minimum Setbacks at 7:31 pm. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia called for a motion to close the Public Hearing with no further questions presented.

CLOSE PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Trustee Picarello, the Board closed the Public Hearing for Introductory Local Law 2 of 2023 at 7:31 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Tina Murphy, Deputy Village Clerk

Minutes of the Public Hearing for the 2023-2024 NY Forward Grant Program, 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, September 19, 2023, at 7:30pm.

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, Johanna Sweikata, Don Berger, Cynthia Nokland, Lorraine Baker, Charles Baker, Summer Rec Dir. Tom Taylor, Jennifer Jackson, Michelle Donovan, Mary Lippincot, Acquisitions Marking 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 the 2023-2024 NY Forward Grant at 7:32 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 if there were any questions from the public. This is moving forward very well, similar to last year. Brian couldn't make it tonight but he's on top of it, he's kept him apprised. Everything is going very well. They had a great application last year and he hopes they do better this year.

#### PUBLIC COMMENT

Mayor Brescia called for a motion to close the Public Hearing with no further questions presented.

#### CLOSE PUBLIC HEARING

Moved by Trustee Andolsek, seconded by Trustee Picarello, the Board closed the Public Hearing for Introductory Local Law 2 of 2023 at 7:33 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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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, September 19, 2023, at 7:34 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, Johanna Sweikata, Don Berger, Cynthia Nokland, Lorraine Baker, Charles Baker, Summer Rec Dir. Tom Taylor, Jennifer Jackson, Michelle Donovan, Mary Lippincot, Acquisitions Marking Videographer Jose Rojas.

#### CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with a moment of silence for Mary Devitt followed by the Pledge of Allegiance to the Flag.

Minutes of the September 5<sup>th</sup> meeting are not ready for approval but will be ready for the October 3<sup>rd</sup> meeting.

#### REQUEST TO MEET WITH THE BOARD

Director Taylor from Summer Rec said they had another successful camp season mainly due to Jennifer Jackson, Michelle Donovan and Justin Campbell, the senior staff. They did a tremendous job. The attendance was limited to 150 kids; 4 out of the 6 weeks were at 85% or better, considering the hot weather and the rain they had. They had the fire department, sheriff's K9's and they added Ms. Jane Kirk who provided yoga instruction that went well with all age groups.

He had a concern regarding the new pickle ball courts and a porta john being there. Will that be permanent? He was concerned about where people using the pickle ball courts were going to go.

Mayor Brescia replied, he hopes so. He said it's not a large cost and had asked Buddy to get one for there for the next few months. It's going to cost more money for them to use the rec building.

Director Taylor is concerned about the 6 weeks of camp; the campers go in and out of the bathrooms and it's a conflict for outside people using it at the same time.

Mayor Brescia asked, you are in favor of the porta potty?

Director Taylor replied, yes, for the 6 weeks during camp.

Mayor Brescia said he will ask the Board to continue whether he is there or not.

Director Taylor said registration went better this year; they had 4 people registering and they were finished with it by 10:30am. Their medical staff were very professional. There was a full time RN and a student nurse that will be graduating next year who did a fantastic job.

Mayor Brescia said you only hear good things about the program. He thanked Tom, Jenn and Michelle.

#### OLD BUSINESS

Trustee Hembury thanked Bruce Yancewicz for taking care of 211/Union Street with the bushes blocking the sidewalk.

The car show had 188 cars show up. That is 65 more than what they usually have. It was great!

Mayor Brescia added, the donations were donated to the Food Bank this year, which is fantastic!

The Board welcomed 9 new Village residents. So far, they've welcomed 560 people since they started doing this. If you're not familiar with what they do, the Village Hall staff sends out letters to local businesses for them to submit information about their business (advertising) that, along with Village information, is taken individually to all the new residents via a Police car. The recent new residents are from the Bronx, Middletown, Washingtonville, Goshen, Staten Island, New Windsor, New Rochelle, Brooklyn and Hawaii. They moved here because of low crime and good schools.

Trustee Picarello said public documents and accessibility, they are working on that. She has a plan for uploading what's already digital and on the computer. They have locked in a system and have created categories and subcategories that Kevin and Tina have both had a chance to look at it. It is easy to edit and upload documents for residents to access. She has record destruction authorization forms that she got from Tara Stickle, who was nice enough to share with them from the Town about what they use and how they go through everything. She has a plan in place for how they are going to go through an upload; they can upload weekly new documents and when they will be in place and a timeline and goals that she will go over the Clerk next week and talk about it at the next meeting of when the public can expect things online. Hopefully, they can have a chunk of things available by the next meeting. She also has a plan for the hard copies of boxes that they have.

Every municipality in New York State is on eCode360.com. Residents can look at the current code on it, and under the code is the public documents section. Listed are the "Village Board," "Planning Board," "AHRB," "Zoning Board," "Ethics Board," and within those categories will be agendas, the minutes and all the corresponding documents. It also allows them to upload budgets, comprehensive plans, and zoning maps. She is working diligently on it and has a meeting with Carol Daley and Rod, that handled the website, to talk about how to make the website more accessible and keeping with that.

They had a jewel, 3<sup>rd</sup> party discount energy presentation at a previous meeting, so that prompted more research as to if that was beneficial to opt in for the new municipality or not and they also talked about community solar. Medline installed one of the largest community solar installations in the northeast and she had questions about it; she had no idea what it was. If you are interested in it, there are links to not only how to apply to be in that solar system, or discounted energy, how to look at different projects that are available in the area and how to look at what is possible to put on the rooftops of industrial projects. You can get a 5-10% discount on your Central Hudson bill, it goes right through your electric, taxes, hour electric grid...there's some available there. She can email it to Tina so she can email it to anyone.

APPROVE ATTY FRANK TO DRAFT A RESOLUTION REGARDING THE 2023-2024 NY FORWARD GRANT PROGRAM

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board Approved Atty. Frank to Draft a Resolution Regarding the 2023-2024 NY Forward Grant at 7:47 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

APPROVE THE LODGING AND TRAVEL EXPENSES FOR DPW SUPT. NELSON TO ATTEND NYCOM PUBLIC WORKS TRAINING FROM OCTOBER 16<sup>TH</sup> THROUGH OCTOBER 18<sup>TH</sup> 2023, IN THE AMOUNT OF \$1,303.58

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board Approve the lodging and travel expenses for DPW Supt. Nelson to attend NYCOM Public Works Training from October 16<sup>th</sup> through October 18<sup>th</sup>, 2023, in the amount of \$1,303.58, at 7:48 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

APPROVE TREASURER PALMIERI TO CLOSE TWO OLD CAPITAL PROJECTS AND TRANSFER THESE MONIES FROM THE CAPITAL FUND TO THE RESPECTIVE FUNDS: \$15,831.60 TO THE SEWER FUND AND \$1,554.38 TO THE GENERAL FUND. THE INTENT IS TO USE THE \$15,831.60 TO PAY DOWN THE ASSOCIATED SEWER BAN WITH A CURRENT OUTSTANDING BALANCE OF \$34,000. IN DOING SO A MOTION IS NEEDED FROM THE BOARD, AUTHORIZING AN INCREASE TO THE 2023-2024 ADOPTED SEWER FUND BUDGET BY \$14,322 TO PAYDOWN THE ROOF REPAIR BAN THAT IS COMING AT THE END OF THE MONTH. (This budget entry would be an increase to the interfund revenue line and a corresponding increase to the BAN principal expenditure line for \$14,322, which gives them a total expenditure of \$17,000 for that BAN. Also, Fund budget by \$1,505.41 to paydown the Roof Repair BAN interest. The budget entry would increase the interfund revenue line and a corresponding increase to the BAN interest expenditure line for \$1,505.41.

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board Approved Treasurer Palmiere to transfer monies from the Capital Fund to the Respective Funds: \$15,831.60 to the Sewer Fund and \$1,554.38 to the General Fund and authorize an increase to the interfund revenue line and a corresponding increase to the BAN principal expenditure line for \$14,322, which gives a total expenditure of \$17,000 for that BAN; also Fund budget by \$1,505.41 to pay down the Roof Repair BAN interest. The budget entry would increase the interfund revenue line and a corresponding increase to the BAN interest expenditure line for \$1,505.41, at 7:49 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

THE SET A PUBLIC HEARING DATE FOR A LOCAL LAW INSTITUTING REGULATIONS FOR THE OPERATION OF ALL-TERRAIN VEHICLES AND E-BIKES WITHIN THE VILLAGE OF MONTGOMERY, INCLUDING THE BOARD OF TRUSTEES DECLARING THE VILLAGE AS LEAD AGENCY FOR SEQRA PURPOSES IN THIS UNLISTED ACTION UNDER SEQRA REGULATIONS.

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board Set a Public Hearing for a Local Law Instituting Regulations for the Operation of All-Terrain Vehicles and E-Bikes Within the Village of Montgomery on October 3, 2023, at 7:00 pm, and declaring the Village of Montgomery Lead Agency for SEQRA purposes in this unlisted action under SEQRA regulations, at 7:53 pm. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

The concern is for the safety of the children utilizing these vehicles/bikes. Atty. Frank will research whether helmets should be worn.

#### EVENTS

Village-wide yard sale is October 7<sup>th</sup> from 10-5, rain or shine.

Monday, October 9, 2023, Village Hall will be closed in observance of Columbus Day. Garbage pick-up will commence on the next scheduled pick-up day.

Hydrant flushing will begin on Monday, October 16<sup>th</sup> through the 27<sup>th</sup> 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.

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.

Atty. Frank stated that he and Brian Fitzpatrick had a video call with members of the DOT today regarding the truck bypass. They are going to be putting together what they need to do an RFP for the traffic study, that's the next step. Lee Zimmer was on the call, and he was very helpful with suggestions of what they would want to append to the traffic study, such as letters of support from the County and the County is undertaking that they're going to maintain the upgraded crossing and they are going to maintain Neelytown and all of that. They will follow up in about 30 days and Brian and him will be further reporting to the Board at the next meeting. They are very helpful and receptive.

#### PUBLIC COMMENT

Mr. Berger asked where the Food Bank is as far as a waiver or reduction in fees.

Mayor Brescia said they didn't give a reduction, they allowed them to make two payments.

Mr. Berger asked about the sidewalks on Factory Street and Mayor Brescia had mentioned at a previous meeting that he wasn't sure who was responsible for that. You through Loosestrife out there. He doesn't know who's responsible for the sidewalk from 17K to the railroad tracks. They've talked about it many, many times.

Mayor Brescia said he spoke with the owner of Montgomery Self Storage who said he intends to do that. He's working east to west. He's been doing some of the improvements that he's required to do and he will do that; with the price of concrete, he's going to be delayed a little longer. He was reminded that they made him tear down the old Agway, which he didn't have to do. He was made by the Board to do that and that was a huge cost to him. He's doing well and he'll see him this weekend and talk to him further about it. He does know it's his responsibility, up to his property line.

Mr. Berger said about 2 weeks ago he gave a presentation regarding KSH, things that he thought the Village Board needed to be aware of and he highly suggested a number of times to review the documents for KSH, particularly the noise study and he'll say again, he hopes that all the Board members have done that and really update what the problems are there and how we as a Village are going to rectify that problem.

#### ADJOURNMENT

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board adjourned the Regular Meeting of the Board of Trustees at 7:59 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Tina Murphy, Deputy Village Clerk