

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, March 20, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (Absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, DPW Supt. Nelson, Treasurer Griffith, Ross Winglovitz, Michael Dorf, Jay Samuelson, John Movel, Mary Ann Lindner, Maria Beltrametti, Allen Baty, Don Berger.

Mayor Brescia opened the meeting with a pledge of Allegiance to the flag.

## **RE: MINUTES**

Mayor Brescia called for a motion to approve the minutes of March 6, 2018.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the minutes of March 6, 2018. Motion carried, 4-Ayes, 0-Nays.

## **RE: REQUEST TO MEET WITH THE BOARD**

Mayor Brescia mentioned no formal request was submitted to meet with the Board. However, Ross Winglovitz and Jay Samuelson of Engineering Properties are here with Michael Dorf, founder and CEO of City Winery, and Attorney, John Lavelle would like to propose bringing City Winery Hudson Valley, a new business to the Village of Montgomery. The proposed site is located on Factory Street, what is now known as the Montgomery Worsted Mill.

Mr. Dorf mentioned, being an operator of food and beverage for thirty one years now. This concept of city winery has been his since 2008, in NYC; it is a combination of a working winery and hosting entertainment space. We actually make wine with grapes from California primarily the Loa Mid Valley, Oregano, and Up State New York. We go to where the best grapes are grown. We take our wine making very seriously. We have expanded because the concept is working very well, we are in Manhattan, Chicago, Nashville, Atlanta, Boston and DC. His favorite two places happen to be 125 year old buildings that are located in New York and Chicago because they have been an adaptive reuse. It is taking an old building and bringing it back to life by highlighting the beauty of the existing building, inside of that we build a working winery and a restaurant space. We have grown so much that we don't have enough room in our local locations in New York and Chicago. Luckily, our wine is so good. It's getting popular. We need to create a bigger production facility in order to make more wine to serve all of our locations. The law around making wine and moving it in between states, is very complicated. New York happens to be a very beneficial state as is California. We prefer to produce in New York over California because our wine maker is here and I am based here too. I own a home that is too far away. I have been admiring the mills up the road for a while. This particular site has everything that we like, great location, incredible building; the guts are just magnificent, it's been in two families homes since the fire destroyed the first, one and rebuilt in 1881, its just beautiful. The acreage can be cleaned up for planting vines and become a vineyard here as well. Fullcan are the grapes in this particular part of New York that do not grow fantastic grapes for drinking wine, they will look good and we can make some grape juice and maybe some sparkling, but our premium grapes will still be coming from California. Now I will let Ross go through the diagram of the presentation.

Ross stated, the facility is located at the end of Factory Street. Michael is looking to redevelop the Mill into a winery with an event space and barrel storage down stairs, a tasting room on the main floor, a little boutique and a hotel with approximately twelve to fifteen rooms, a distillery, bridal suite with four rooms, an outdoor space (open air structure), lawn area for a tent. A grand entrance

with a water feature with a drive up/drop off entry. Parking area to service the building as well as a lawn for music events. A bridal gazebo for weddings and so forth where ceremonies could be performed overlooking the river directly. As Michael noted they will be planting grape vines to create the ambiance of a vineyard, along the entrance and throughout the property.

Mayor Brescia asked, will you still be generating power? Three of the Board members along with the Village Clerk toured the NYC facility in February. Mr. Dorf replied, yes, would like to power our facility and be a neutral carbon footprint. Our proposed hours are Friday, Saturday and Sunday and possibly an occasional Thursday, if it is in demand for the tasting room and café. We wouldn't be putting on concerts as a part of our business. The main structure is a production facility to make and store wine, and an event component to it. The real money in New York is private events, we do thirty-five weddings in New York, about forty weddings a year in Chicago. This place will be set up to do weddings and the principle way to pay our bills, all couched around a beautiful winery. The food catering, and the ability for tastings will all built around this concept. Again, with this infrastructure in place, we can do a corporate event, a fifth birthday party. When we do not have parties, the idea is to host tastings for the public. Based on the tours, hopefully we will sell a lot locally. The tasting will be in the main room which will consist of a large bar and a café, so there will be food. It is not certain how far we'll go into the restaurant side. However, a full kitchen will be installed to facilitate the needs to cater for the events. The only question it poses is if we will be able to use the kitchen when there is an event going on. We need to study this a bit more, we can definitely support Friday, Saturday and Sunday to have food and wine. Mayor Brescia asked, if there will entertainment venues, it's your forte? Mr. Dorf replied, if there is a desire to have singing or song writers on occasion, part of the design for it would be on the lawn, and the thought would be during the summer, a series could be done on a Saturday or on a Sunday in the afternoon to facilitate more wine consumption. Once everyone gets comfortable with us, and there is an interest for more music and the sound is not going to be disruptive so the crowd can be contained adequately. Yes, he would be interested looking into it. However, it is not part of our proposal right now. Mayor Brescia asked about his following. Mr. Dorf mentioned having a contact list of a 150 thousand person email list in New York. These are sophisticated people and I feel that they like to come to the region and see the other wineries, apple cyderies and distilleries. This region is becoming a great craft beverage and food area. If we can get on those maps and those tours, we can help facilitate Agro tourism. Mayor Brescia also mentioned having B&B's in the area as well as a Hotel that would be able to take care of your overflow as well as the Downtown Montgomery shopping. Mr. Dorf also mentioned he would be hiring at least ten full time and some part time personnel. We would be a good employer. Mayor Brescia reminded Mr. Dorf of saying he would donate generously to our local events. Mr. Dorf said absolutely. Trustee Lindner mentioned his facility in NYC is beautiful. Mayor Brescia said the Board conceptually likes the proposal. The Railroad crossing could be an issue, Buddy will check with the DOT. Most of your traffic is going to be on the weekends. Mr. Dorf said the estimated number of people for a wedding is about 300 people, therefore, it is approximately 2.2 people per car that is what we did at some of our other markets that do not have any public transportation, like Nashville, that would be 120 to 150 cars maximum.

Mayor Brescia is pleased to hear that the Mill is going to be restored with the Historic integrity of the Village in mind. Mr. Dorf said there is a big comic connection for him about this site, because his first business was called the Knitting Factory, and the Montgomery Mill sign says Knitting Mills and cross from that is the Factory Street sign. When he first saw this, it was as if it was calling to him. Mayor Brescia asked, Why the Napa facility didn't work out? Mr. Dorf replied, it was due to several reasons, the first was because of the businesses in the area were coming up with wine tastings all day long. It was a full entertainment facility and we were selling out our shows seven nights a week. The people were only wanting to drink water at eight o'clock and not wine, after drinking wine all day long. It was a phenomenon, we would do really well and no one was

consuming alcohol. The only few people that did, were the locals and most of them being in the wine industry. They would bring in their own wine and that was bad form to charge a wine maker any type of corkage fee. It was a big lesson, we do not understand the dynamic of five million wine tours. Mayor Brescia feels confident that it will sell here, if you execute your plan as you have said you would. We do have some PDD issues. Atty. Dowd mentioned we have some issues that have to be resolved. Ross asked, how do we get the concept to reality? We have spoken with Kevin regarding the zoning and this is in a multi-family zone. Our first thoughts were, how many commercial uses are permitted and there are not a lot. So we looked at a PDD and the PDD seems it would be perfect for this type of use. The problem we have is that a PDD is only permitted right now in the business and industrial districts. So what we propose to do, is to do a text amendment to the zoning to allow and include a multi-family residential. The PDD is set up so you could do a mix of commercial and residential in the industrial zones. It make a lot of sense to have it the other way around, so why couldn't we do a mix of residential and commercial with a multi-family zone. We do not have any residential in this proposal except for the hotels, transient residents. We think it makes sense to be able to apply the same principals to this zone and develop this as a PDD, there are a number of different uses going on here. So when you approve the PDD it would be for the specific use that we have proposed in that PDD. Mayor Brescia mentioned that this particular zone was zoned an industrial zone thirty years ago. The zoning was changed because the partnership told us that we would never get industry back there. Mr. Dorf stated it's a catch twenty two because the buildings now are historic buildings, therefore, trying to convert them into residential is almost impossible. Mayor Brescia mentioned SHIPO getting involved also, they have streamlined things a little now. Ross said, they have improved significantly. Mikes architect is working with them and the type of materials they are using to complete the finished product and they will see if it's consistent with the historical nature of the building. Atty. Dowd has two trains of thought, one is either if the PDD applies to the RM1 or as the same architectural change, make this into a B1 or a B2 and then the PDD applies. He leaves that up to them on how they want to apply for it, either way you are going to have an architectural change and a PPD applied to it. There is more than one way looking at the problem. Ross mentioned if everyone is on board with the concept, on how we want to proceed, we would prepare the petition for the zoning amendment and the PDD application and process them simultaneously with the Board. The property is currently under contract now. Mayor Brescia mentioned that it may be possible to extend the walking trails from the site onto the Village Property, the Board would be amenable to it.

Mr. Berger asked about the road access to Factory Street, it is kind of narrow, is that going to be adequate or will improvements to the road be made. Ross replied, part of the process will be to conduct a traffic study for the project, looking at the road and its ability to handle the additional flow. Mr. Dorf mentioned, our business will only be getting three or four deliveries of food and beverage a day on average, no larger than a UPS truck. I roughly did my own study and I am not an expert by any means, however, by my estimation on Fridays we would have twenty cars over five hours. And on Saturdays and Sundays, it would be between forty and fifty cars over eight hours for our regular tasting. A private event for up to 300 people, I estimate 120 cars over three to four hours. Mr. Berger mentioned if railroad gates will be needed with the extra traffic. Mayor Brescia mentioned again, Buddy will look into it. Buddy commented on the time frame it took for the gates to be installed on 17K and there are none on Boyd Street.

Mayor Brescia and the Board thanked them for coming.

**RE: APPROVE THE NYS LIQUOR AUTHORITY 30 DAY ADVANCE NOTICE, RENEWAL APPLICATION FOR WILD FIRE GRILL TO CONTINUE SERVING ALCOHOL AT THEIR DINING ESTABLISHMENT.**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the NYS Liquor Authority 30 Day Advance renewal application for the Wild Fire Grill to continue serving alcohol at their dining establishment. Motion carried 4-Ayes, Nays.

**RE: RESIDENT OF 134 BLUEBIRD DRIVE REQUESTS WATER/SEWER PENALTIES OF \$15.75 BE WAIVED**

Mayor Brescia asked DPW Supt. Nelson for his recommendation on waiving the water/sewer penalties for 134 Bluebird Drive. DPW Supt. Nelson was in favor of it.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board waived the water/sewer penalty fees in the amount of \$15.75 for 134 Bluebird Drive, with the conditions that it is only a one time waiver on the account. Motion carried, 4-Ayes, 0-Nays.

**RE: ADOPT A RESOLUTION ESTABLISHING A STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS**

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adopted a resolution establishing a standard work day for elected and appointed officials - Mayor 20 days per quarter, Trustee 10 days per quarter, Zoning Board of Appeals member .50 days per quarter, Planning Board members .50 days per quarter, Village Justice 4.93 days biweekly, Village Clerk 5 days per week, Treasurer 5 days per week – and to report the days to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted to the Village Clerk. Motion carried, 4-Ayes, 0-Nays.

**RE: APPROVE THE PURCHASE OF GARBAGE RECEPTACLES FOR VILLAGE BUSINESSES**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the purchase of Garbage receptacles from Sanitation Equipment for 112 cans with lids in the amount \$6,838.00. Motion carried, 4-Ayes, 0-Nays

**RE: APPROVE THE PURCHASE OF THE ARM FOR THE GARBAGE TRUCK**

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the purchase of the arm for the Garbage Truck in the amount of \$6,603.00. Motion carried, 4-Ayes, 0-Nays.

DPW Supt. Nelson mentioned the garbage receptacles will cost \$100.00 and eventually it may be available for the residents to purchase them as well.

Mayor Brescia thanked Buddy and Trustee Lindner for working on this project. It will clean up the downtown area. They will be an earth tone color. Trustee Lindner also thanked Ms. Beltrametti for bringing this to our attention and now it is coming to a realization.

**RE: PUBLIC HEARING DATE SET FOR 2019 CDBG PROPOSAL OF THE CLINTON STREET DRAINAGE**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek the Board set the date of a Public Hearing on April 3, 2018 at 6:50 pm, for the 2019 CDBG proposal of the Clinton Street Drainage. Motion carried, 4-Ayes, 0-Nays.

**RE: PUBLIC HEARING DATE SET FOR THE 2018-2019 TENTATIVE BUDGET**

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board set the date for a Public Hearing on April 3, 2018 at 7:00 pm for the 2018-2019 Tentative Budget. Motion carried, 4-Ayes, 0-Nays.

**RE: EVENTS**

March 24th, 10:00 am St. Pat's Ramble Run for the Gold 5K race.

March 24th, 11:00 am, Easter Egg Hunt held at the Veterans Memorial Park.

March 24th, 1:00 pm, St. Pat's Ramble Parade, parade line up is at 12:00pm.

(Parade route: Union Street, ends on lower Clinton Street)

April 7th, 9:00 am Little League Parade, Opening Day and Flag ceremony

April 16th -27th Hydrant Flushing

Mayor Brescia asked the Village Clerk Rivera Fernandez to launch a general CodeRed announcement for the Hydrant Flushing.

**RE: EXECUTIVE SESSION**

Move by Trustee Andolsek, seconded by Trustee Lindner, the Brescia entered into Executive Session at 8:08 pm under the open meetings law section 7 §(d) to discuss the potential litigation, with the DPW Supt. Nelson, Atty. Dowd , and the Village Clerk in attendance. Motion carried, 4-Ayes, 0-Nays.

Mayor Brescia exited executive session at 8:17 pm.

**RE: EXITED EXECUTIVE SESSION**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board Exited the Executive session at 8:20 pm. Motion carried, 3-Ayes, 0-Nays.

**RE: AUTHORIZE PAYMENT TO SITA CONSTRUCTION**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved payment to Sita Construction in the amount of \$12,000.00 for the Clinton Street Water Main replacement. Motion carried, 3-Ayes, 0-Nays.

**RE: ADJOURNMENT**

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board adjourned the meeting of March 20, 2018 at 8:23 pm. Motion carried, 3-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk