

Minutes of the Public Hearing for Introductory Local Law I-6 of 2021, of the Board of Trustees, of the Village of Montgomery was held in the Village Hall Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, October 5, 2021, at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Village Clerk Rivera-Fernandez, DPW Supt. Nelson (Absent), Police Chief Herlihy, Chrm. Conero, Maria Beltrametti, Don Berger, Stacy Hillman, Sallie Byrnes, Ken O'Brien, Mary Ann Lindner, Stacy Brescia-Spreer, Linda Pobjecky, Joan Christiano, Jay Presutti, Joseph Cherry.

RE: CALL TO ORDER

OPEN PUBLIC HEARING

Mayor Brescia called for a motion to open the Public Hearing for Introductory Local Law I-6 of 2021.

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board opened the Public Hearing for Introductory Local Law I-6 of 2021 said local law amends the Zoning Map of the Village of Montgomery as it pertains to part of a parcel along Railroad Avenue in furtherance of the implementation of the Village's 2017 Comprehensive Plan Update. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez, if all the paperwork has been filed to hold this Public Hearing.

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

Atty. Dowd has retired and we'll still use him for council. Furthermore, we are in the process of doing so.

Mayor Brescia provided a synopsis for Introductory Local Law I-6 of 2021, it's for the Board to consider the adoption of Introductory Local Law No. I-6 of 2021, said local law amends the Zoning Map of the Village of Montgomery as it pertains to part of a parcel along Railroad Avenue in furtherance of the implementation of the Village's 2017 Comprehensive Plan Update.

BE IT ENACTED by the Board of Trustees of the Village of Montgomery, New York as follows:

SECTION 1. Legislative Findings, Purpose and Intent.

The Board of Trustees of the Village of Montgomery adopted Local Law No. 3 of 2021 on July 6, 2021 which enacted various text changes to the Zoning Code and to the Zoning Map in furtherance of the implementation of the Village's 2017 Comprehensive Plan Update. One of those Zoning Map amendments involved the re-zoning of parcels along the easterly side of Railroad Avenue from the I-2 Zoning District to the R-6 Zoning District and other parcels from the I-2 Zoning District to the B-2 Zoning District. In reviewing those changes subsequent to the enactment of Local Law No.3 of 2021, the Board of Trustees realized that the R-6 Zoning District should have extended further down Railroad Avenue an additional 85 feet to the Northeast. It is therefore the intention of this Local Law to make that additional amendment of the Zoning Map to include the additional 85 feet into the R-6 Zoning District.

SECTION 2. AUTHORITY.

This Local Law is enacted by the Board of Trustees of the Village of Montgomery pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Section 10 of the Municipal Home Rule Law and Article XIII of Chapter 122 of the Village Code regarding amendment of

the Village's zoning map.

SECTION 3. Zoning Map Amendment.

The Zoning Map of the Village of Montgomery is hereby amended by re-zoning the following part of a lot from the B-2 Zoning District to the R-6 (1 and 2 Family) District:

That portion of Section 202, Block 13, Lot 5.22 Lands N/F Rowley Development that begins at the common corner lot line with Section 202, Block 13, Lot 5.21 thence running 85 feet to the Northeast thence running parallel to its common lot line with Section 202, Block 13, Lot 5.21 in an easterly direction to its eastern most lot line.

SECTION 4. Supersession.

To the extent that this Local Law is inconsistent with any State statute or regulation, it is the intent of this Local Law to supersede any such statute or regulation.

SECTION 5. SAVINGS CLAUSE.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. Effective date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in Albany in accordance with Section 27 of the Municipal Home Rule Law.

It basically moves the lot line by 85 feet to accommodate seven duplex's and twelve apartments with business below. This was the intent of the Village Board from the beginning, and it corrects the lot lines.

He asked the Village Clerk if it can be adopted tonight.

Village Clerk Rivera-Fernandez replied, yes.

Mayor Brescia said Atty. Dowd will continue and prepare the Negative Declaration for his signature as well as the Local Law. Are there any questions on this?

Trustee Hembury reminded Mayor Brescia that he is not in favor of this.

Mayor Brescia acknowledged Trustee Hembury's decision for the record.

Ms. Beltrametti asked for clarification, she does not understand.

Mayor Brescia asked Chrm. Conero to expand on the reasons for this.

Chrm. Conero said basically we had an industrial lot on Railroad Avenue, which was zoned for industrial use in the vicinity of a residential area. The Planning Board referred the applicant to the Village Board to rezone the parcel to residential with part of it being zoned as an R6 and the other as B2. In error, the lot line was placed along the existing lot line, which did not allow space to allow for the R6 lot that we wanted. So, we are looking to extend the lot line by 85 feet to the North East for the sixth lot and keep the

other apartments as they were designed to be.

Ms. Beltrametti asked, if this is for the Rowley property, where the barn area is? She also asked what the zoning is on the opposite side. In addition, is it residential above business?

Chrm. Conero replied, that is correct. This is referring to the R6 zoning on Railroad Avenue and the rest will continue as a B2 for this parcel; as a mixed use, with businesses and residential above. It is still zoned industrial I-2 on the opposite side of Railroad Avenue for this particular parcel.

Trustee Lindner said, the I-2 industrial zone has not changed on the opposite side other of the parcel being addressed this evening.

Mayor Brescia said it is limited residential above businesses. Are there any further questions on the Public Hearing for the Local Law Introductory I-6 of 2021? Since there are no further questions, he entertained a motion to close the Public Hearing.

CLOSE PUBLIC HEARING

Moved by Deputy Mayor Scheels, seconded by Trustee Lindner, the Board closed the Public Hearing for Introductory Local Law I-6 of 2021, at 7:21 pm. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Fernandez, 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 5 2021, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Village Clerk Rivera-Fernandez, DPW Supt. Nelson (Absent), Police Chief Herlihy, Chrm. Conero, Maria Beltrametti, Don Berger, Stacy Hillman, Sallie Byrnes, Ken O'Brien, Mary Ann Lindner, Stacy Brescia-Spreer, Linda Pobjecky, Joan Christiano, Jay Presutti, Joseph Cherry.

RE: CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

ADOPT A NEGATIVE DECLARATION PURSUANT TO THE SERQ PROCESS FOR INTRODUCTORY LOCAL LAW I-6 OF 2021

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a Negative Declaration pursuant to the SEQR process for Introductory Local Law I-6 of 2021 with the conditions of Atty. Dowd preparing the necessary paperwork for the Board's review. Motion carried, 4-Ayes, 1-Nay (Trustee Hembury).

ADOPT INTRODUCTORY LOCAL LAW I-6 OF 2021

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted Introductory Local Law I-6 of 2021 with the conditions of Atty. Dowd preparing the necessary paperwork for the Boards review. Motion carried, 4-Ayes, 1-Nays (Trustee Hembury).

MINUTES

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board approved the minutes of September 7, 2021 and September 21, 2021. Motion carried, 5-Ayes, 0-Nays.

REQUEST TO MEET WITH BOARD

Mr. Joseph Cherry presented the Board with a beautification project for a section of the downtown area, on Clinton Street between Bridge Street and Wallkill Avenue with solar powered lamp posts with a historic design. This shall be accomplished through donations of private parties and businesses and the solicitation will be done by volunteers. All progress made by donations, construction, and installation will be recorded as advised, with updates submitted to the assigned clerk or designated village employee. Furthermore, the lamp units are for commercial use, to be approved by the DPW and the design shall be approved by the Village Historian and the Village Board members. In addition, the solar panel is on top of the fixture with a twelve-hour battery, which are made for all types of weather, and each lamp post shall have a plaque with the name of who donated it. The lamp posts would be secured with anchor bolts and concrete. Lastly, the project will be completed in two phases; beginning with the downtown beautification between Bridge Street and Wallkill Avenue. The second phase would end with installing lamp post on Union Street between Route 17K and Charles Street. He isn't sure what the distance should be between each pole, therefore, knowing how many to order approximately fifty to sixty poles. It isn't going to give off much lighting, its more for aesthetics. He'd spoken with Buddy, who referred him to meet with the Board of Trustee's. He's been working closely with one company and the average price is approximately \$1,000.00

for the fixtures and all hardware included. However, he will contact several other companies to obtain additional quotes. Everything will be funded by the volunteers, donations, and businesses. He hopes the Village would help with the labor.

Mayor Brescia asked, are they are cast aluminum and comparable to the street sign poles?

Mr. Cherry replied, they are all aluminum and are almost exact to what is at the Clinton Street Bandstand area. The only difference would be the fixtures themselves, depending on the Village Historian or whomever decides which fixture would work best. They are available with one, two, or three fixtures on each pole, again, with a vintage style in black or green.

Mayor Brescia said DPW Supt. Nelson is the contact person for this project. He suggested the donated funds go through the Village of Montgomery and therefore, can be purchased through the Village as well. We like this type of thing. He also suggested looking into Lakeshore products.

Trustee Hembury mentioned it would also be nice to have a lamp post at Veterans corners as well.

Mr. Cherry agreed.

ABSTRACT NO. 09 - 2021

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, all bills listed on ABSTRACT NO.09-2021 were audited and approved for payment with \$139,747.13 from the General Fund, \$8,149.37 from the Water Fund, \$28,213.83 from the Sewer Fund and totaling \$173,110.33. Check No: 78849 – 78929, 1806-1819. Motion carried 5-Ayes, 0-Nays.

Treasurer Griffith reported a CASH BALANCE for the month of September 30, 2021, as follows: General Fund \$2,668,059.67, Water Fund \$193,643.56, Sewer Fund \$506,850.02.

OLD BUSINESS

None

RE: REPORTS – DEPARTMENTS – BOARD – COMMITTEES

POLICE DEPARTMENT

Police Chief Herlihy reported all of the Village recent events going well and thanked his staff for doing a good job. The speed signs are out and are set to flash yellow and blue, at 21 miles per hour to slow down. He will download all of the data. Furthermore, he received a donation of \$100.00 which will used for cone bases and will post the name on the department's Facebook page.

The E302 meeting of October 7th has been rescheduled for the first or second week of November. This is due to a conflict. Once the date has been established, it will be available on the Department's social media as well as the Village website.

Mayor Brescia mentioned the Village Wide Yard Sale Day is on October 9th beginning at 10 am to 5 pm. He asked for the officers be vigilant of cars stopping and parking illegally, for the safety of the additional pedestrians out and about.

RE: NEW BUSINESS

ADOPT A RESOLUTION ACKNOWLEDGING THE COMPLETION OF THE ANNUAL AUDIT CHECKLIST FOR THE VILLAGE OF MONTGOMERY JUSTICE COURT RECORDS

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board adopted a resolution acknowledging the completion of the annual audit checklist for the Village of Montgomery Justice Court records on September 27, 2021 conducted by Deputy Mayor Scheels. Motion carried, 5-Ayes, 0-Nays.

APPROVE THE QUOTE TO SAND BLAST AND UNDERCOAT THE 2007 INTERNATIONAL SINGLE AXLE DUMP TRUCK

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board approved the quote to sand blast and undercoat the 2007 International single axle dump truck in the amount of \$2,800.00. Motion carried, 5-Ayes, 0-Nays.

ADOPT A RESOLUTION IN SUPPORT OF THE VALLEY CENTRAL SCHOOL DISTRICT TO TAKE ALL ACTION NECESSARY TO INTERVENE IN THE PROCEEDINGS FILED BY MEDLINE INDUSTRIES INC.

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adopted a resolution in support of the Valley Central School District to take all action necessary to intervene in the proceedings filed by Medline Industries Inc. of which they have filed with the Supreme Court asking to have their assessed value of their facility reduced by 81%. If successful, the reduction would negatively impact Valley Central school taxes, with the conditions of Atty. Dowd drafting subject to the subject to the Boards review. Motion carried, 5-Ayes, 0-Nays.

EVENTS

Saturday, October 9th, Village Wide Yard Sale Day, begins at 10 am to 5 pm.
Saturday, October 9th, Pickle Ball Tournament, begins at 9 am, at the Veterans Memorial Park, Rain date Sunday, October 10th. For more information contact: Amy McKenna at 914-262-8016 or Paul Satkowski at 845-542-8048.

PUBLIC PORTION

Mr. Berger asked, if a determination had been reached for the repaving of Union Street? He also expressed his concerns about a conflict of interest with the Village of Montgomery hiring the Town Attorney.

Mayor Brescia replied, Pipeline only wanted to pave one side of Union Street and the (DOT) have suggested they pave both sides of Union Street. The candidate the Board is considering as its legal council will recuse himself should a conflict be in question.

EXECUTIVE SESSION

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board entered Executive Session at 7:50 pm, under the open meetings law §7 (f) for matters of the possible appointment of a particular individual with the Ethics Board members Judith Lozier and Jeannie Mueller, Chrm. Conero, and the Village Clerk Rivera-Fernandez in attendance. Motion carried, 5-Ayes, 0-Nays.

EXITED EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board Exited Executive Session at 8:16 pm. Motion carried, 5-Ayes, 0-Nays.

ADJOURNMENT

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board adjourned the meeting of October 5, 2021, at 8:17 pm. Motion carried, 5-Ayes, 0-Nays.

Monserate Rivera-Fernandez, Village Clerk