

**TOWN OF MONTGOMERY
TOWN BOARD MEETING
Thursday, October 3, 2019
7:00 p.m.**

MOTIONS

**Public Hearing: Town Solar Law
Resolve**

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Melick that the Town Board of the Town of Montgomery opens the public hearing for Introductory Local Law No. 3 of 2019, amending Local Law No. 2 of 2017 adding Section 90-120 entitled solar siting to the Town of Montgomery Zoning Law.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Resolve

Motion by Councilman Hoyt, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery keeps the public hearing open for Introductory Local Law No. 3 of 2019, amending Local Law No. 2 of 2017 adding Section 90-120 entitled solar siting to the Town of Montgomery Zoning Law and will continue the public hearing on Thursday, October 17, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Set date to Continue the Bluewater Public Hearing

Resolve

Motion by Councilman Dempsey, Jr, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery sets the date to continue the public hearing for Introductory Local Law No. 8 of 2018, a Local Law Amending the Zoning Map of the Town of Montgomery to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22 from the Interchange Business (IB) Zoning District to Industrial Park - Major Access (I-2) Zoning District, for Thursday, October 17, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Set date for Public Hearing Regarding Special Districts

Resolve

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Voss that the Town Board of the Town of Montgomery sets the date for the Special Districts Public Hearings to be Thursday, November 7, 2019 at 7:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Resolve

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Voss that the Town Board of the Town of Montgomery rescinds a prior motion and amends it by scheduling the public hearing for Introductory Local Law No. 8 of 2018, a Local Law Amending the Zoning Map of the Town of Montgomery to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22 from the Interchange Business (IB) Zoning District to Industrial Park - Major Access (I-2) Zoning District, for Thursday, October 22, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Eagle Scout Project Presentation (Nate Walker Troop 33)

Resolve

Motion by Councilman Dempsey, Jr, seconded by Councilwoman Melick that the Town Board of the Town of Montgomery allows Troop 33 Boy Scout Nate Walker to proceed with his proposal to work on the Food Pantry Building for an Eagle Scout project.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

NYS Climate Smart Initiative Resolution and Agreement with Village of Walden to partner with the Town Conservation Advisory Council

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adopts the Resolution to adopt the New York State Climate Smart Communities Pledge and authorizes the Town Conservation Advisory Council to work with the Village of Walden to implement these efforts.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Town Clerk & Assessors Office Records Destruction Authorization

Resolve

A Motion by Councilwoman Melick, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery authorizes the destruction of records as listed in the sheets received from the Assessor’s Office dated 7/9/2019 and Town Clerk’s Office dated 9/16/2019. (Lists on file and attached as part of the official record)

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Motion to Accept Delaware Engineering Report and Implement a Flow Management Plan

Resolve

A Motion by Councilman Hoyt, seconded by Councilwoman Melick that the Town Board of the Town of Montgomery authorizes the Supervisor to sign the Statement of Authority for the Wastewater Treatment Facility Flow Management Plan.

Roll Call: 5 Ayes/0 Nays/0 Absent **Carried: 5-0-0**

Motion to Accept the Standard Work Day and Reporting Resolution for Appointed and Elected Officials

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adopts the Standard Work Day and Reporting Resolution for Assistant Assessor Paul Hormann, Receiver of Taxes Marie Pruschki and Deputy Receiver of Taxes Karen Roselli.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery enters into Executive Session to confer with Counsel about possible litigation at 8:04 p.m.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Hoyt that the Town Board of the Town of Montgomery exits Executive Session at 8:24 p.m. (No decision made in Executive Session)

Roll Call: 4 Ayes/0 Nays/1 Absent (Councilman Dempsey, Jr.)

Carried: 4-0-1

Resolve

A Motion by Councilman Dempsey, Jr., seconded by Councilwoman Voss that the Town Board of the Town of Montgomery approves the HPC (Historic Preservation Commission) to apply for a canal marker grant through the William G. Pomeroy Foundation for the Colden Canal.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adjourns the meeting.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

**TOWN OF MONTGOMERY
TOWN BOARD MEETING
Thursday, October 3, 2019
7:00 p.m.**

A Work / Audit meeting of the Town of Montgomery Town Board was held in the Town Government Center, 110 Bracken Road, Montgomery, New York, on the above date and time.

Present:

Supervisor:	Rodney Winchell
Council Member:	Cindy Voss
Council Member:	Daniel S. Dempsey, Jr.
Council Member:	Sherry Melick
Council Member:	Mark Hoyt

Town Clerk:	Tara Stickle
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Also Present:

Stephanie Tunic, Attorney for the Town
 Todd Page, Supt. Of Highways
 Arnold Amthor, Police Chief
 Cheryl Gross, Director of Finance
 Anthony Zambrotta, Clerk to Supervisor
 Audience
 News Media

Supervisor Winchell called the meeting to order at 7:02 p.m., asking all to rise for the Pledge of Allegiance.

Public Hearing: Town Solar Law

Supervisor Winchell asked for a motion to open the public hearing for Introductory Local Law No. 3 of 2019, amending Local Law No. 2 of 2017 adding Section 90-120 entitled solar siting to the Town of Montgomery Zoning Law.

Resolve

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Melick that the Town Board of the Town of Montgomery opens the public hearing for Introductory Local Law No. 3 of 2019, amending Local Law No. 2 of 2017 adding Section 90-120 entitled solar siting to the Town of Montgomery Zoning Law.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Attorney Tunic stated that the Board has received comment letters from their Engineer, John Russo of Lanc & Tully and the Town Planning Board.

Supervisor Winchell asked if there were any comments from the public.

Barbara Lerner, property owner, is confused about the interest in solar when it has very little environmental impact. There is already a decommission bond at the end.

Supervisor Winchell stated that he was worried about the decommissioning bond.

Dwight Warrenton, resident, stated that he was originally pleased with the solar moratorium but as he reads the proposed changes to the solar law, he is disappointed with it. The Board needs to plan for the future; for example, the new law doesn't include anything regarding battery storage. He has a solar farm in his backyard, and he is concerned about the marketability of his home.

John Cappello, Attorney with Jacobowitz & Gubits, LLC and Walden resident, stated that since 2008 he has been doing presentations for solar and alternative energy and has represented developers and municipalities in this area. He stated that there are many misconceptions about solar. He explained that in this particular law, there was a prohibition of solar in Class 1 or Class 2 soils; he understands the reasoning, but thinks it may prohibit solar and suggested, as an example, that that maybe the law could read that no more than 40% of the soil be Class 1 or Class 2. He stated that there is no evidence that property values decrease. He stated that the land can also be farmed again.

Supervisor Winchell stated that his concern is that there are senior people who are signing 25-year contracts, where estate planning might get involved. He stated that there are issues now where they can't tell who owns these solar facilities, as some have changed hands three or four times. He would like to know who keeps track of this.

Mr. Cappello stated that solar companies need special use permits, which is held by an entity that may need to advise the Board regarding ownership. He agrees and stated that most companies will develop them and then switch it to the actual end user.

Mary Ellen Matise, resident, stated that an annual update reporting be built into the solar law, where it would be their responsibility once they receive an approval.

Kristen Brown, resident, stated she is pro solar and has panels on her house. She thinks the Board needs to think about farmland and to allow the grazing of animals in the solar law.

Attorney Tunic stated that she drafted a new law from the comments received from Mr. Russo, but they are not substantial changes that would require a new law to be reintroduced. She recommends keeping the public hearing open until the Orange County Planning Department submits their comments, as the required 30 days have not elapsed yet.

Resolve

Motion by Councilman Hoyt, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery keeps the public hearing open for Introductory Local Law No. 3 of 2019, amending Local Law No. 2 of 2017 adding Section 90-120 entitled solar siting to the Town of Montgomery Zoning Law and will continue the public hearing on Thursday, October 17, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

New Business:

Set date to Continue the Bluewater Public Hearing

Resolve

Motion by Councilman Dempsey, Jr, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery sets the date to continue the public hearing for Introductory Local Law No. 8 of 2018, a Local Law Amending the Zoning Map of the Town of Montgomery to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22 from the Interchange Business (IB) Zoning District to Industrial Park – Major Access (I-2) Zoning District, for Thursday, October 17, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

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Resolve

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Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Voss that the Town Board of the Town of Montgomery rescinds a prior motion and amends it by scheduling the public hearing for Introductory Local Law No. 8 of 2018, a Local Law Amending the Zoning Map of the Town of Montgomery to Rezone Portions of Tax Map Parcel Nos. 31-1-64 and 31-1-65.22 from the Interchange Business (IB) Zoning District to Industrial Park – Major Access (I-2) Zoning District, for Thursday, October 22, 2019 at 6:00 p.m. or as soon thereafter that the matter may be heard at the Town Government Center, 110 Bracken Road, 2nd Floor, Montgomery, NY.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Eagle Scout Project Presentation (Nate Walker - Troop 33)

Boy Scout Nate Walker appeared before the Board and Audience to explain his Eagle Scout project that he would like to do at the Food Pantry Building located on NY State 208. The project includes painting the first and second floor room, including the trims around the windows, replacing some electrical switches, adding shelving and organizing a broom closet.

Resolve

Motion by Councilman Dempsey, Jr, seconded by Councilwoman Melick that the Town Board of the Town of Montgomery allows Troop 33 Boy Scout Nate Walker to proceed with his proposal to work on the Food Pantry Building for an Eagle Scout project.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolution - NYS Climate Smart Communities Pledge and Agreement with Village of Walden to partner with the Town Conservation Advisory Council

The resolution states that the Town of Montgomery, in order to reduce greenhouse gas emissions and adapt to changing climate, adopts the New York State Climate Smart Communities pledge, which comprises of the following ten elements: build a climate-smart community; inventory emissions, set goals, and plan for climate action; decrease energy use; shift to clean, renewable energy; use climate-smart materials management; implement climate-smart land use; enhance community resilience to climate change; support a green innovation economy; inform and inspire the public; engage in an evolving process of climate action.

Supervisor Winchell asked Mary Ellen Matisse to explain this NYS pledge.

Ms. Matisse stated that the Village of Walden adopted the NYS Climate Smart Communities Pledge resolution and she believes the Town should adopt it, as the Town is an MS-4 community, which is a municipality that owns or operates a system for collecting and conveying stormwater. She stated that by adopting this resolution, the Town will get points, and getting points from the State helps with receiving grants. She stated that this could be done through the Town’s Conservation Advisory Council; Walden doesn’t have a CAC, so they would need to set up a task force, however both entities can use the Town’s CAC, which would be a shared service.

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adopts the Resolution to adopt the New York State Climate Smart Communities Pledge and authorizes the Town Conservation Advisory Council to work with the Village of Walden to implement these efforts.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Records Destruction Authorization - Town Clerk & Assessors Office

Town Clerk Stickles is seeking authorization for the destruction of records that are ready for destruction in accordance with the current NYS Record Retention and Disposition Schedule MU-1 that the Town adopted by resolution in 1989.

Resolve

A Motion by Councilwoman Melick, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery authorizes the destruction of records as listed in the sheets received from the Assessor’s Office dated 7/9/2019 and Town Clerk’s Office dated 9/16/2019. (Lists on file and attached as part of the official record)

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Accept Delaware Engineering Report and Implement a Flow Management Plan

William Bright, Delaware Engineering, and Engineer for the Town Michael Aiello, Jr. came before the Board regarding the implementation of a Flow Management Plan for the Wastewater Treatment Plant.

Mr. Bright stated that in 2018 the Wastewater Treatment Plant exceeded 95% of the design flow. He stated that under NYS Law, if this occurs, you are required to submit a flow management plan. He stated that his company had been retained to design this and has submitted the plan to the Board. He is asking for approval and a signature from the Board for this plan so that it can be sent to the NYSDEC.

Resolve

A Motion by Councilman Hoyt, seconded by Councilwoman Melick that the Town Board of the Town of Montgomery authorizes the Supervisor to sign the Statement of Authority for the Wastewater Treatment Facility Flow Management Plan.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Discussion/Motion to Award the RFP for Town Planner

Councilwoman Melick stated that Supervisor Winchell asked good questions regarding the Planner position. She stated that the potential Planners that they had spoken with are not equipped to incorporate future water and sewer infrastructure into the Comprehensive Plan. She asked if they should consider looking for a planning company, who can also plan for future infrastructure.

Supervisor Winchell stated that Delaware Engineering does a lot of planning, grant work, utilities, etc. and that they need to find out if they will work with the future Planner.

A short discussion followed.

Supervisor Winchell will coordinate with Delaware Engineering to see if they will be able to work with the Planner that the Town Board decides on, and update the water and sewer infrastructure of the Town of Montgomery.

Motion to Accept the Standard Workday and Reporting Resolution for Appointed and Elected Officials

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adopts the Standard Work Day and Reporting Resolution for Assistant Assessor Paul Hormann, Receiver of Taxes Marie Pruschki and Deputy Receiver of Taxes Karen Roselli.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery enters into Executive Session to confer with Counsel about possible litigation at 8:04 p.m.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Hoyt that the Town Board of the Town of Montgomery exits Executive Session at 8:24 p.m. (No decision made in Executive Session)

Roll Call: 4 Ayes/0 Nays/1 Absent(Councilman Dempsey, Jr.)

Carried: 4-0-1

Old Business:

Update on upgrade of IT Server for the Town

Councilwoman Voss stated that she has a second proposal coming for the Town Hall server; she should have it by next week.

Privilege of the Floor

Fred Mertz, resident, stated that if you conglomerate solar panels in one area, it not only saves wetlands, it decreases traffic and is beneficial for everyone. He believes that a solar farm would be a better fit in that area than the proposed warehouse would be.

Mary Ellen Matisse, Historic Preservation Commission (HPC) Chair and resident, asked for Board approval for the HPC to apply for a grant through the William G. Pomeroy Foundation to get a marker for the Colden Canal, which would be placed somewhere on Maple Avenue.

Resolve

Motion by Councilman Dempsey, Jr., seconded by Councilwoman Voss that the Town Board of the Town of Montgomery approves the HPC (Historic Preservation Commission) to apply for a canal marker grant through the William G. Pomeroy Foundation for the Colden Canal.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Barbara Lerner, taxpayer, stated that the last time a public hearing for Bluewater was scheduled, it was a Court night and there was a huge Union presence; she wondered if the Union needed a permit. She felt it appeared like it was an orchestrated effort and with both Court and a public hearing taking place on the same night, she wondered why the public hearing wasn't rescheduled

to another place, as there was no room in the parking lot. She also felt there was an increase in Police presence. She stated that she would hope that Montgomery residents and taxpayers would be given the chance to speak first, before entertaining conversation from the developer or the Union reps and members.

Councilwoman Melick stated that it was a Court night, so there may have been more Officers there because of that.

Chief Amthor stated agreed that it was a Court night, so other Officers would be there for that. He also explained that for some time now, he has provided Police presence at meetings, however he stated that there were not any more Officers at the meeting than usual on that particular night. He added that as far as the volume of people at Town Hall that night, there isn't much that can be done, as Town Hall is a public building.

Karina Tipton, resident, stated that she went to a Village of Montgomery meeting recently where David Church was presenting about how Orange County can support the Village of Montgomery with a traffic study. The County can support the Village with evaluating traffic by pulling all of the data from the existing projects and compiling traffic study information. She believes that infrastructure issues will destroy the Village of Montgomery. She believes that the traffic should be investigated now.

Kristen Brown, resident, stated that at the Planning Board meeting she saw Councilwoman Melick and thanked her for her presence at the meeting. She stated that prior to the meeting she was met by the Police Department, who told her that only the Bluewater Partners and the Planning Board members were allowed upstairs.

Councilwoman Melick stated that others weren't allowed in until it was time to let people in for Court. After that time, everyone was allowed to come in.

Ms. Brown stated that she met Maureen Hallihan from Partnership Orange, who was allowed to walk in. She stated that what upset her is that Bluewater Partners was allowed to come in early and the general public was not, which she believes sets a bad precedent.

Jayne Fiero, resident, stated that the Town website mentions Montgomery is one of the most beautiful and appealing municipalities in the Hudson Valley and that the Town offers a multitude of services to its residents. She stated that the statement hit her, probably because most people have moved here because it is a beautiful Town. However, when she looks at all of the projects, she believes that statement on the website will not be valid for long. She stated that over the summer she wrote two letters to the Board, with one of the letters asking to hear a response from the Board; not one Member responded, which she thinks is dismissive and not serving the residents.

Kyle Shorette, resident, Town of Montgomery Volunteer Ambulance President, inquired if the Board has moved forward with reviewing the Ambulance Corps' request for funding from the Town.

Attorney Tunic stated that they are still working on the matter.

Cherie Zahakos, resident, stated that within the reporting, one of the visions of Stewart International Airport is to ramp up the tourism in the area. She stated she wants each of the Board Members to keep in mind that the Town doesn't have a greenway upon entering it with Bluewater there; it's a harsh use, as Medline is with Route 416. She stated that she wants the Board to understand the ramifications of investing in one type of business, warehouses. She stated that in the case of Bluewater, out of 775 employees to be hired in the first year, only 25 are professional jobs; 75% are minimum wage workers. She believes this will not be enhancing the area. She believes tourism will be much of the future.

Resolve

A Motion by Councilwoman Melick, seconded by Councilman Dempsey, Jr. that the Town Board of the Town of Montgomery adjourns the meeting.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

The Next Town Meeting is a regularly scheduled Board Meeting to be held on Thursday, October 17, 2019 at 6:00 p.m.

Respectfully Submitted,

Tara Stickle,
Town Clerk