

**TOWN OF MONTGOMERY
TOWN BOARD SPECIAL MEETING
Tuesday, January 14, 2020
4:00 p.m.**

MOTIONS

Resolve

Motion by Councilman Feller, seconded by Councilwoman Voss that the Town Board of the Town of Montgomery authorizes the Supervisor to sign the Memorandum of Understanding with Jewish Family Service of Orange County for the Town of Montgomery Seniors Independence Project (TOMSIP) for the period of January 1, 2020 – December 31, 2020 at an annual amount of \$4,000.00.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

Motion by Councilwoman Melick, seconded by Councilwoman Brown that the Town Board of the Town of Montgomery authorizes TAM Enterprises, Inc. to video inspect a main sewer line along Neelytown Road at a cost of \$7,500 per day and the work is expected not to exceed a timeframe of two days.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

Motion by Councilwoman Melick, seconded by Councilwoman Brown that the Town Board of the Town of Montgomery authorizes the installation and purchase of a new generator for the Town Highway Garage located at 300 River Road from Gentech LTD in the amount of \$14,353.00.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Resolve

Motion by Councilwoman Melick, seconded by Councilwoman Brown that the Town Board of the Town of Montgomery adjourns the meeting at 5:20 pm.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

**TOWN OF MONTGOMERY
TOWN BOARD SPECIAL MEETING
Tuesday, January 14, 2020
4:00 p.m.**

A specially scheduled Work Session 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.

Call to Order - Pledge of Allegiance

Supervisor Maher called the meeting to order at 4:00 p.m., asking all to rise for the Pledge of Allegiance.

Roll Call:

Present:

Supervisor:	Brian Maher
Council Member:	Ronald Feller
Council Member:	Kristen Brown
Council Member:	Sherry Melick
Council Member:	Cindy Voss

Town Clerk:	Tara Stickles
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Also Present:

William Frank, Attorney for the Town
Shaun Meres, Supt. Of Highways
Walter Schmidt, Code Enforcement Officer
Meghan Hurlburt, Clerk to Supervisor
Audience
News Media

Public Comment on Business of the Town Board

Supervisor Maher relayed to the Board and Audience how he would like the Work Sessions to run. He read a letter that he sent to the Town IDA Board on behalf of the Board and offered an apology to the IDA Chairman Jeff Crist as moving forward, he would like to see more dialogue between the different Boards of the Town.

Councilwoman Brown inquired if the Supervisor would be addressing with the Town Board Members the actual conversations that he had because she feels that the numbers that were put forth in the Community Benefit Agreement for Project Sailfish were never confirmed with her prior to that email being sent to project principal, Mr. Don Chase.

Supervisor Maher stated that to clarify, he sent a letter, which contained the Board's feelings within the letter, and he as Supervisor, entering into negotiations is under his purview. He

explained that he called each Board Member individually to update them with the actions he planned to take. He stated that as a courtesy he took a bit of a consensus of the Board, to find out how the Board felt prior to him sending the letter. He then asked Attorney Frank if his actions were inappropriate.

Attorney Frank stated that there was nothing binding in any actions that the Supervisor took; nothing would bind the Town Board, unless the Board votes on the matter. He explained that as Supervisor, he may negotiate and have discussions with entities outside of the Town, on a non-binding basis, discussing parameters of an eventual agreement.

Supervisor Maher spoke about house rules for Work Sessions. He stated that he believes in Work Sessions that include the comments from the Public. He believes that the Board and Residents are all a part of one community, and he believes that the Public should participate. But with that being said, he asked that Public Comment regarding the moratorium discussion be held to 20 minutes as there is another Meeting scheduled at 5:30pm tonight.

New Business

Town of Montgomery Seniors Independence Project (TOMSIP) Contract Authorization

Attorney Frank gave background information regarding the Jewish Family Service of Orange County (JFS), which was established as a Friendly Visitor Program. They work with the Town of Montgomery Seniors Independence Project (TOMSIP) to train volunteers to help the Seniors in our Town. Services they provide are conduct background checks on all volunteers, provide general volunteer liability insurance and supplemental auto liability insurance to all volunteers and provide mandatory training. The Town has had a Memorandum of Understanding with Jewish Family Services for many years and it is updated annually. He stated that the length of this agreement is from January 1st, 2020 through December 31, 2020 and JFS is asking the Town of Montgomery for an annual amount of \$4,000.00, the same as what they received from the Town last year.

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Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Wastewater Treatment Plant

Engineer for the Town Mike Aiello Jr. recommended that the Town Board authorize TAM Enterprises, Inc., under the Orange County bid list, to video inspect a sewer main line along Neelytown Road to identify sources of infiltration that have increased the flow by at least 20,000 gallons per day at the Town’s sewage plant since the middle of October. At this time, because of

the infiltration, the plant is above capacity. The cost for TAM would be \$7,500 per day; he is hoping that it will take one day, two days at the most.

Supervisor Maher stated that he'd been working with the auditors on finding funding for the work and they will be able to appropriate \$10,000.00 from Sewer District 1 and another \$10,000.00 can be taken from Sewer District 2, if any problems arise.

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Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Emergency Generator Purchase

Superintendent of Highways Meres stated that he has received two proposals for a new generator at the Town Barn on River Road. They are having problems with the current generator. He prefers that they use the Gentech LTD proposal as they will do all the work from start to finish. There is a \$1,300.00 difference between the two proposals but Gentech LTD can do it quickly, even as early as next Thursday and they are on the State bid list. There is money that can be used in the Buildings line A.1620.0400 and the total price is \$14,353.00. The price includes installation, a five-year limited warranty and it will be monitored weekly to make sure it is running correctly.

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Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

Moratorium Discussion

Mr. Don Berger, resident, stated that he would like the Town Board to enact a moratorium, as it would then give them time to figure out what is best for the community. He is concerned with the construction of all the warehouses in the Town of Montgomery and the effect it will have on the community. He feels that it is the Town Board's job to serve the interests of its residents.

Mr. Reese Herman, resident, stated that he is from the Building Trades Industry and is a young man trying to make a living and pay taxes in his community. He is against passing a moratorium.

Mr. Spiros Manouvelos, resident, stated that he is for the building and development of the Town and he believes that there is a responsible way of developing the area.

Ms. Nina Snyder, resident, stated that she feels they need a moratorium as the Town has an ancient Comprehensive Plan and it leaves the Town vulnerable to those who want to build more warehouses. The Town already has an abundance of warehouses and an industrial corridor. Local, County and State representatives have come to the Town meetings to promote warehouses, while neglecting issues such as quality of life, congested traffic, need for upgrades on water and sewer infrastructure and protecting the Wallkill River. She thanked the Board and Supervisor for making a meeting on a moratorium possible. The Town had a solar moratorium and now needs a building moratorium.

Mr. Dominic Blasio, resident, stated that he is in favor of a moratorium as the Town needs to have a current Comprehensive Plan in place.

Ms. Cherie Zahakos, resident, requested a moratorium be enacted as the Town needs to have a current Comprehensive Plan before they can develop the area.

Ms. Maureen Halihan, Orange County Partnership, feels the work done in the Town has had a positive impact and she supports having a Comprehensive Plan but to halt all development, she feels sets a precedent where companies won't come to the area during this very strong economy.

Ms. Karina Tipton, resident, feels that the Town of Montgomery is proceeding in haste. There are a dozen projects before the Town Planning Board and the current zoning doesn't serve the residents. She is asking for a moratorium because they want smart development and she is asking the Board to move quickly as the Town's infrastructure is crumbling.

Mr. Nick Fitzpatrick, resident, stated that upstate New York is struggling but yet the Town of Montgomery is in an ideal location, near Route 84. He's against a moratorium as he feels it will hurt the Town's reputation as a place to do business.

Attorney Frank updated the Board on the procedure of enacting a moratorium. It is done by local law, it does not need SEQRA, a public hearing must be noticed and held, adjacent municipalities notified where applicable and it must be referred to OC Department of Planning for comment.

Councilman Feller stated that he is in favor of a moratorium on warehouses and distribution centers but not in favor of halting all building. He feels that the Comprehensive Plan needs to be done within a year.

Councilwoman Brown stated that she is in favor of a moratorium and that it needs to be well thought out. She has researched the matter and found 3 pages of projects currently before the Town Planning Board.

Councilwoman Voss stated that she is favor of a moratorium on warehouses and distribution centers as the Town has grown a lot. She believes in smart growth but doesn't feel that all building should be stopped.

Councilwoman Melick stated that the economy is good now and it is an opportunity for builders, electricians, plumbers to benefit. She is against a moratorium on all development but sees the need for a moratorium on warehouses and distribution centers.

Supervisor Maher stated that he represents the community, has talked with many residents, who have communicated that there are an overwhelming large number of warehouses and distribution centers that are affecting their quality of life. He is in favor of our Attorney drafting a local law for a moratorium on warehouses and distribution centers. He would like feedback from the Town Planning Board, OC Planning and the community.

Attorney Frank recommended preceding swiftly on a Comprehensive Plan as the goal is for the moratorium to end quickly with an updated Comprehensive Plan in place.

There was a discussion between the Supervisor, Town Board Members and the Attorney for the Town on what the draft local law for the moratorium should consist of, the time line needed to update the Comprehensive Plan, the length of the moratorium, the exemptions for the moratorium, the waiver process and whether it should be a moratorium for all building or just warehouses and distribution centers over 100,000 square feet.

Supervisor Maher, Council Members Feller, Voss and Melick feel it should be a moratorium for warehouses and distribution centers over 100,000 square feet.

Councilwoman Brown felt they should follow the recommendation of the Town Planning Board Chairman Reichle and make it a moratorium on all commercial building.

Attorney Frank to draft a proposed law for the moratorium for the Board to review at the next meeting.

Adjournment

Resolve

Motion by Councilwoman Melick, seconded by Councilwoman Brown that the Town Board of the Town of Montgomery adjourns the meeting at 5:20 pm.

Roll Call: 5 Ayes/0 Nays/0 Absent

Carried: 5-0-0

The Next Town Board Meeting is a Work Session/ Audit Town Board Meeting to be held on Thursday, January 23, 2020 at 7:00 p.m.

Respectfully Submitted,

Tara Stickle
Town Clerk