

Minutes of the Public Hearing for Introductory Local Law 6 of 2024, and 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 17, 2024, at 7:00pm.

Present: Mayor Hembury, Deputy Mayor Andolsek, Trustee Picarello, Trustee Conero, Trustee Wilbur (Absent), Atty. Will Frank, Deputy Village Clerk Murphy, Cynthia Nokland, Karen DeCrosta, Willem & Judith Noorlander, Claire Pahucki, Mark Palczewski, William Kurisko, Ron Pasternak, Don Berger, Mary Lippincott, Carol Freeman, Rita Santo, Sibyl Librandi, Melanie Rode, Roseann Horgan, Diane LaVolpe, Betsy Diaz, Marguerite & Fred Flood, Brian Maher, Barbara Hunter, Hilda Folchi, Elizabeth Setteducato, Victoria Seaman, Eileen Kane, Karina Tipton, Bob & Tracy Lockhart, Doug Hantusch, Walt Pahucki, Bob & Cindy Reynolds, Jeff VanZandt, Johanna Sweikata, Theresa Gabrynowicz, Bibi Latif, Lori Polesel, Acquisitions Marketing Videographer Jose Rojas.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

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

RESCHEDULE THE PUBLIC HEARING FOR A LOCAL LAW AMENDING CHAPTERS 80 AND 83 OF THE VILLAGE CODE.

Moved by Deputy Mayor Andolsek, seconded by Trustee Conero, the Board motioned to reschedule the public hearing for a local law amending Chapters 80 and 83 of the Village Code to October 1st at 7:00pm. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Wilbur).

NEW BUSINESS

ACCEPT RESIGNATION OF TOM TAYLOR AS SENIOR CENTER DIRECTOR FROM THE MONTGOMERY SENIOR CENTER.

Moved by Deputy Mayor Andolsek, seconded by Trustee Conero, the Board motioned to accept Tom Taylor's resignation. Motion carried 4-Ayes, 0-Nays, 1-Absent (Trustee Wilbur).

STEVEN BARSHOV OF SBARSHOV LAW PLLC REGARDING THE VILLAGE NOISE CODE

Steven Barshov: I'm going to keep this short because there's obviously a lot of people here. The reason that I asked to speak with you was because I just wanted you to be aware of a situation regarding your noise code.

Atty. Frank: Just for record purposes, we have your letter of September 4th.

Steven Barshov: And so, if there are questions about that I'm happy to answer them. The one point that I want to make in addition to what was in the letter, I don't know how technically and sophisticated you are about this. I'm here to give you some information about the noise standards that are in the code. And the reason that I'm here is because the Village Board, as you know, issued an appropriation to hire a noise consultant for a particular application. That's my client's application. That's KSH. I would appreciate it. I just want to get done with this, so I don't want to be (inaudible). Why I brought this up was because there is also the Food Bank that has an application before the Planning Board. Both are attempting to look at noise issues pertaining to tractor trailer trucks. What I'm here to say to the board is you appropriated money for a particular noise consultant to do noise work regarding my client's project. To my knowledge, there's been no consultant retained for the Food Bank. If what this consultant does with respect to my client's

project holds true, there's a ripple effect inside the village. That ripple effect is how you will enforce your noise code. There's a very simple way of understanding this. This consultant has said the LMax standard should apply; see that dot up on top, that dot is the loudest noise for measurements that are taken over time. That is what LMax is. This line that goes across is LEQ. It's an average. Every single municipality that I know of that measures ambient sound, truck sound, the kind of sounds that are prolonged, use LEQ. For this reason, it is an average. It doesn't take the loudest sound for the loudest moment and measure it, it measures the average, and it's weighted toward the loudest sound, it's not weighed toward the bottom, but it does give you an average. I'm going to give you this document which explains it. It's not my document. I didn't put it together. This is off one of the federal government sites to explain these, but it visually has this beautiful graph that says, is this how you want to measure sound not just from my client but everybody in the village that has a continuous sound. Your code does not require LMax. I looked at the code. I looked through it. It talks about average sound, so I'm just cautioning you that if this starts to happen with my client it has to be applied to the Food Bank because they're measuring the same traffic, the same trucks, the same sound, the same ambient. So, one set of standards needs to apply, and my judgment is you should be like the way your code was written, and the way every other municipality is that I've been in front of, which is LEQ. Your own noise consultant that is Phil Grealy, who was prior to this noise consultant, agreed. We put in a noise analysis that was based on LEQ. That was done by professional engineers. He put his comment letter in. Now once did he say, Oh no, no, no, no; can't use LEQ. In fact, he said yes, use LEQ. So, what I'm saying is please, please don't set this precedent the wrong way. It's not just going to hurt my client. It's going to hurt everybody else in town as to how their noise, village rather, as to how their noise is measured. And your enforcement officers are going to have to do a completely different enforcement than what they are used to. Okay, if there are no questions, I will let you proceed with democracy and action. Thank you very much.

Trustee Conero gave an update on the water moratorium.

I know some people have some questions about that. We received the approval letter from the New York State Department of Health for Holt Well #6, on connecting. That's our new well. We're connecting to our municipal system. Our engineer did find a few errors on that. So nice coordinating with in New York State Department of Health on the errors and requesting a new letter be sent. We're also waiting for our own water consultant, hydrogeologist Tom Cusack to finish reviewing New York State Department of Health approval letter, as well. All indications really seem when I talk to the experts, they seem to think that this were on the right track and that Holt Well #6 will be back online soon. It's just going through some of the engineering things. I did receive another report from WSAUSA, which is the same company that does the water moratorium and the Hope Well #6; we reviewed the potential yield of water from the Chandler Lane PDD. I don't know if anybody remembers but part of the PDD was that the developer was going to give the village some land with some wells that were on the property. This hydrogeologist actually has found that the three wells do produce enough flow for a water supply source. Part of the agreement would be the developer would dedicate that land and the wells to the village so we can investigate or integrate them into our existing system. So, in the near future, mayor, deputy mayor and Randi Picarello, we will be asking to conduct a flow rate test which is a 72-hour flow rate test. If that produces the results that we want, then I recommend that we start working with our engineers at Lanc & Tully and develop a project for a water treatment system on the Chandler Lane property and start piping it into our system so that and I'm trying to get it to...so we get into our branch cycle next year. So, I know it's a little ambitious, we might have to wait two years but at least we have another water source for us.

ABSTRACT NO. 08-2024

Moved by Trustee Conero, seconded by Trustee Picarello, the Board approved, all bills listed on ABSTRACT NO. 08-2024 were audited and approved for payment with \$154,403.31 from the General Fund, \$9,576.00 from the Water Fund, \$23,133.71 from the Sewer Fund and totaling \$187,113.02. Check No: 81261 – 81312 / 2362 - 2380. Motion carried 4-Ayes, 0-Nay, 1-Absent (Trustee Wilbur).

Deputy Treasurer Delgado reported a CASH BALANCE for the month of August 2024, as follows: General Fund \$3,499,883.46, Water Fund \$312,648.52, Sewer Fund \$535,615.37.

Chief Herlihy gave report on 27 Charles Street.

I want to take this opportunity to address the recent arrest of William Stewart. I understand the interest and concern surrounding the situation. I aim to provide as much information as I can while maintaining the integrity of the ongoing investigation. Mr. Stewart has been a subject to concern for quite some time with multiple incidents at his residence raising red flags. Mr. Stewart has had dealings with multiple law enforcement agencies across the Orange County and in surrounding counties. His activities have not been an issue limited to our village as other agencies have also had to deal with him on various occasions. Due to the seriousness of our concerns, I reached out for assistance from the New York State Police and Orange County Sheriff’s Office. This arrest stems from a cooperating investigation focused not only on Stewart, but also on the residents. The New York State Police took the lead in this ongoing and thorough investigation, which has led to Stewart’s arrest, an initial charges. However, the investigation of William Stewart is far from closed and we will continue to explore every new lead that may result in additional charges. While I kept both the village mayor, and the deputy mayor apprised of our cooperative efforts and general concerns, I did not share any specific information related to the investigation, it’s findings or anything outside of the fact that William Stewart was arrested and then a search warrant was conducted on the residence on September 12th, much like all large-scale investigations we have conducted. This was done to protect the ongoing investigative process and ensure that it was handled thoroughly, appropriately, and to make sure of the integrity of this cooperating investigation. While I understand that there are questions that will remain on an active investigation for that reason, I cannot and will not devote any further details at this time. Our priority is ensuring public safety and the proper administration of justice and your understanding, your patience and your team trust is moving forward, stay safe and thank you for your time.

REQUEST TO MEET WITH THE BOARD (Discussion limited to 3 mins.)

Several residents and Randi Picarello had comments and concerns.

ADJOURNMENT

Moved by Deputy Mayor Andolsek, seconded by Trustee Conero, the Board motioned to adjourn the meeting at 8:32pm. Motion carried 3-Ayes, 0-Nays, 1-Absent (Trustee Wilbur), 1-No vote (Randi Picarello).

Tina Murphy, Deputy Village Clerk