

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, FEBRUARY 21, 2018 AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Lance N. Millman Stacy Caridi Melanie Golden Steven H. Beldock Evan T. Kuperman	Mayor Deputy Mayor Trustee Trustee Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor's Report:

The Village has been meeting with Raymour & Flanigan to discuss problems with noise complaints from the Indian Rock residents. Village Attorney Berbit was present at these meetings. Letters were sent by the Village to all of the Indian Rock residents. Another letter will be going out to them letting them know what has transpired since. We will request that one or two representatives emerge from Indian Rock to attend future meetings, and to be a liaison between the Village, the Indian Rock residents and Raymour & Flanigan. Thus far, the negotiations appear to be productive.

Mayor Millman met with Assemblywoman Ellen Jaffee regarding future grant needs and thanked her for helping us secure a \$125,000 grant funding the Parking Lot Improvements at the Dr. Jeffrey Oppenheim Community Center. We will be following up with Senator David Carlucci's office for additional grant prospects.

The Mayor would like to thank the Chabad, Rabbi Gancz, Joseph Klein, and Superior Piping Plumbing Co, for donating parts and labor to repair a problem at the Community Center.

Mayor Millman along with Airmont Mayor Gigante will be meeting with Town Supervisor Specht on Friday to discuss Town and Village issues and the cutting of funds to the local senior groups.

Parks Commission:

No report

Public Comment:

Deb Munitz from 5 Rose Hill Road stated there was no Bee Law on the Village website. She wishes to offer suggestions to the Village to assist with their website. She will speak at the Bee Law portion of the meeting with her concerns.

With no one additional from the public wishing to speak, Mayor Millman closed this portion of the meeting.

Resolution: 18 - 011

Village of Montebello

Title: Public Hearing to Discuss Community Development Block Grant Funds

Public Hearing opened at 8:10 PM, at which time the Village Attorney ascertained with the Village Clerk that due legal notice was given by virtue of the consortium's publication of a legal notice in two newspapers. The following resolution was read into the record, after which public comment was taken.

WHEREAS, this public hearing opened for the purpose of discussing Community Development Block Grant funds, as more particularly set forth in the public hearing Formal Resolution as was published by CDBG Consortium on January 18, 2018 to be attached to the minutes hereof; and

WHEREAS, it is important that the Village embrace the process, irrespective whether it seeks a grant in a particular year, as such potentially improves the Block Granting to participating municipalities within the County.

THEREFORE, BE IT RESOLVED, that the Village of Montebello hereby approves its participation in such CDBG process for 2018 as part of the eligible municipal entities within Rockland County.

Public Comment: Debra Munitz (5 Rose Hill Road) asked for clarification of the particulars of this grant. Village Attorney Berbit explained that we participate because the more municipalities who do participate within the County, the larger the County-wide grant is likely to be. However, as these tend to be "needs based" grants tied to the economic status of the residents, it is less likely that Montebello could expect a grant under same.

The meeting notice was then motioned and seconded as follows:

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

The Mayor asked Village Attorney Berbit to give a brief overview of the Public Hearing on the Beekeeping Law.

The Village Attorney explained the background and the law with the assistance of beekeeper Mario Penza of 299 Grandview Avenue, Wesley Hills. Mr. Penza, a bee expert, provided an overview of beekeeping and also assisted the Village Attorney in drafting the law.

Resolution No. 18 - 012

Village of Montebello

Title: Adoption of Local Law: Adding Chapter 52 entitled “Amending the Village Code to Permit and Regulate Beekeeping” within the Village of Montebello.

WHEREAS, as approved by the Village Board Resolution No. 17-141 adopted November 15, 2017, and as adjourned by Resolution No. 17-147 adopted December 20, 2017, a public hearing has been held to consider adding Chapter 52 to the Village Code, entitled “Amending the Village Code to Permit and Regulate Beekeeping”, thus allowing beekeeping within the Village of Montebello, providing for a permitting process under controlled conditions, and assuring oversight by the Village and any governmental agency with jurisdiction for health and safety reasons; and

WHEREAS, the Mayor began by briefly outlining the proposed law as meeting requested uses accessory to residences to allow carefully regulated beekeeping, and he asked the Village Attorney to make inquiry of the Village Clerk to ascertain whether due legal notice was given; and

WHEREAS, the Village Attorney found that due legal notice was given after ascertaining that the following legal notice, read into the record by the Village Clerk, was published on the 11th day of February and was posted at seven locations within the Village on February 9, 2018 and that copies of the legal notice and the proposed law were made available to the trustees and public on February 11, 2018:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday, February, 21, 2018, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY 10901, to consider a adopting Local Law No. 1 of 2018 “The Beekeeping Law”, adding Chapter 52 to the Village Code, to allow and regulate beekeeping within the Village of Montebello within the R-25 and lower density residential zoning districts, subject to rules and standards set forth therein, including a permitting process and establishing hive limits and good beekeeping practices for safety reasons and to promote healthy bees, all as more particularly set forth in said proposed law.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday,

9:00 a.m. to 4:00 p.m. as well as on the Village of Montebello website www.villageofmontebello.org

Joan Will
Village Clerk - Treasurer
Village of Montebello
One Montebello Road
Montebello, NY 10901
(845) 368-2211

Warren E. Berbit
Village Attorney
November 15, 2017

; and

WHEREAS, Deputy Mayor Caridi moved and Trustee Kuperman seconded, that the Public Hearing be opened at 8:31 pm, all in favor; and

WHEREAS, the Village Attorney made a presentation summarizing the proposed law which permits beekeeping in the lower density zoning districts, R-25 and up, in response to local interest in beekeeping, and especially given that bees, which are essential to pollinating plants, appear to be declining in numbers, such a use accessory to a residence within subject residential districts, according to carefully drawn controls, beginning with filing approved plans designed to promote health and safety, such as hive placement, density, fencing and fly-away barriers, watering, preventing adverse genetics and behaviors, as particularly spelled out in Chapter 52, and in future regulations as may be adopted and amended from time-to-time by the Resolution of the Village Board; and

WHEREAS, the Village Attorney had a local beekeeper, Mario Penza, assist in his presentation; and

WHEREAS, the Village Attorney requested that the following be included in the record:

1. Resolution Nos. 17-141 and 17-147.
2. Legal notice dated November 15, 2017 and Affidavits of Publication and Posting.
3. General Municipal Law review by the Rockland County Department of Planning was unavailable and was believed not to be responding - Note: but responded a day late, dated February 22, 2018
4. The proposed Local Law.
5. General Code reaction dated February 13, 2018.
6. Written submissions from others as follows:
 - a) Susan Shapiro, Attorney – Letter Dated February 21, 2018

: and

WHEREAS, the following persons spoke during the Public Hearing portion of the meeting:

<u>NAME</u>	<u>ADDRESS</u>
Mario Penza, Bee Expert	299 Grandview Ave. Wesley Hills, NY
William Oster, Property owner at 131 Spook Rock Rd, Montebello, NY	5 Voyager Court, Monsey, NY
Debra Munitz	5 Rose Hill Road, Montebello, NY
Cynthia Paul	14 Linda Drive, Montebello, NY

Their testimony summarized as follows:

Mario Penza, a local beekeeper, assisted the presentation acknowledging that he helped draft the law based upon accepted, best practices.

William Oster, property owner at 131 Spook Rock Road, submitted a letter from his attorney, Susan Shapiro, of today's date. Mr. Oster explained the three points emphasized in that letter 1) There should be no restrictions on the amount of bee boxes that can be placed on a hive as this will restrict movement and encourage swarming, 2) Beekeepers usually visit hives every seven to ten days, visiting a hive too often can disturb the bees, 3) a request for a requirement that prior to spraying the area with pesticides the Village will give a 48 hour notification to beekeepers. He went on to indicate that either way he was pleased with the law.

Debra Munitz of 5 Rose Hill Road wanted to know if there had been changes in the law from the original in December. (Village Attorney Berbit commented there had been many updates and changes since then, but more refinements vs. substantial.) She stated the areas of the law that she agreed with and areas she felt should be changed including the location of the hives and the water supply.

Cynthia Paul of 14 Linda Drive expressed concern since she has had an excess of bees on her property, especially near her pool, which she attributes to Mr. Oster's bees. She would like to see a higher barrier. She was generally in favor of regulating beekeeping.

; and

WHEREAS, no one else wishing to speak, Deputy Mayor Caridi moved, Trustee Beldock seconded, closing the Public Hearing at 9:27 pm all in favor; and

WHEREAS, the Board duly deliberated in public, and made the following amendments by consensus to the proposed Local Law:

Section 3. (2) – Add Note: overall presumed bee density shall control, it being understood that the above box density pertains to the type of hive frames being utilized

Section 3. (i) – Reword as follows: Absence. The beekeeper shall maintain a log on site recording significant hive activities (such as, disease infestation). If the beekeeper does not reside on the property, or plans to be away, he/she or a knowledgeable representative shall visit

same no less frequently than approximately weekly during the months of higher bee activity, and approximately bi-monthly at other times except if specific circumstances necessitate more frequent attention. The beekeeper shall provide contact information in case of an emergency. The on-site log shall reflect having met this regulation, and shall be made available for review by the Village or any person with authority to inspect the hives.

THEREFORE, BE IT RESOLVED that Local Law No. 1 of 2018, Chapter 52 to be added to the Zoning Code of the Village of Montebello, be and hereby adopted, as amended, effective upon filing with the Secretary of State, said amendments being as follows:

Section 3. (2) – Add Note: overall presumed bee density shall control, it being understood that the above box density pertains to the type of hive frames being utilized

Section 3. (i) – Reword as follows: Absence. “The beekeeper shall maintain a log on site recording significant hive activities (such as, disease infestation). If the beekeeper does not reside on the property, or plans to be away, he/she or a knowledgeable representative shall visit same no less frequently than approximately weekly during the months of higher bee activity, and approximately bi-monthly at other times except if specific circumstances necessitate more frequent attention. The beekeeper shall provide contact information in case of an emergency. The on-site log shall reflect having met this regulation, and shall be made available for review by the Village or any person with authority to inspect the hives; and

BE IT FURTHER RESOLVED that the Board hereby adds to the Schedule of Fees, subject to change by future Resolution, as follows:

1. Beekeeper Annual Permit Fee, \$250 to cover initial application review, permit approval, and one site visitation to investigate “as-built” status of the hives.
2. \$125 per each year’s renewal application.

Deputy Mayor Caridi moved and Trustee Kuperman seconded presenting the proposed Local Law with amendments for adoption:

Roll call:

Deputy Mayor Caridi	-	Aye
Trustee Golden	-	Abstained
Trustee Beldock	-	Aye
Trustee Kuperman	-	Aye
Mayor Millman	-	Aye

Motion carries.

Resolution No. 18-013

Village of Montebello

Title: Approval of Minutes for January 17, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of January 17, 2018, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

Resolution No. 18-014

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 21, 2018, and totaling \$140,907.95 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

Resolution No. 18 - 015

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Parks Fund

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 21, 2018, and totaling \$4,691.14 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously

Resolution No. 18 - 016

Village of Montebello

Title: Storage Post – 2 Dunnigan Drive Existing and New Building Escrow Reduction

BE IT RESOLVED, as per report of Village Engineer, that escrow for the Storage Post facility located at 2 Dunnigan Drive S/B/L 55.07-1-13, “Existing Building” and “New Building”, be reduced by \$14,200 and \$217,500, respectively, and returned to the applicant, Storage Post. The balance of \$10,800 for the “Existing Building” and \$16,740 for the “New Building” will maintained and held in escrow until the remainder of the work has been completed to the satisfaction of the Village Engineer.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Resolution 18 - 017

Village of Montebello

Title: Dr. Jeffrey Oppenheim Community Center Emergency Repair Donation

WHEREAS, Chabad Jewish Center of Suffern leases the two-story office portion of the Dr. Jeffrey Oppenheim Community Center from the Village, and also leases the meeting room on a needs and availability basis; and

WHEREAS, Chabad reported that the bathrooms on the meeting room level had failed, and investigation by a plumber revealed that a macerator pump needed to be replaced; and

WHEREAS, Chabad, by Rabbi Gancz, offered to make such repair and replacement as a pass-through of a donation to Chabad by Superior Piping & Heating Inc., by Joseph Klein, License # P-1668 P, such valued at about \$1,500.00, as per the written estimate.

THEREFORE, BE IT RESOLVED, that the donation of such pump repair and replacement at the Dr. Jeffrey Oppenheim Community Center be accepted, and such work authorized to be performed, with gratitude hereby expressed to Chabad, Rabbi Gancz, Superior Piping & Heating and Joseph Klein, for their generosity; and

BE IT FURTHER RESOLVED, that, as a precaution, all users of the meeting room be alerted to the requirement that the disposal of paper towels in the toilets is prohibited, just in case the problem arose because users of the meeting room may have distributed paper towels to their

attendees, thus potentially negating the switch to hand dryers done because of similar problems in the past.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Resolution No. 18 - 018

Village of Montebello

Title: Voter Registration Date

BE IT RESOLVED, that the Election Inspectors for the upcoming Village election to be available on March 20, 2018 from 7:00 am until 9:00 pm at Village Hall, One Montebello Road, Montebello, NY in order to register and assist voters.

BE IT FURTHER RESOLVED, that the Village Clerk – Treasurer shall notice and post same as required by the Election Law.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

Resolution No. 18 - 019

Village of Montebello

Title: Bid Award of Dr. Jeffrey Oppenheim Community Center Parking Lot Improvements Grant

WHEREAS, bid specifications were drawn and a notice published on February 8, 2018 seeking bids for: Dr. Jeffrey Oppenheim Community Center Parking Lot Improvements; and

WHEREAS, bids were opened on February 20, 2018 at 11:00 a.m.in the presence of the Village Clerk and the Village Engineer, and the following bids were received:

Consorti Bros. Paving & Sealcoating, Inc.

\$ 93,893.12

Newburgh, New York

Environmental Construction Stony Point, New York	\$118,791.72
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Turco Golf, Inc. Suffern, New York	\$130,527.04
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; and

WHEREAS, the following additional documents were included with the Consorti Bros. Paving & Sealcoating, Inc's. bid, the seeming lowest bidder:

1. Proposal Bid Bond Guarantee
2. Statement of Non-Collusion
3. Equipment Lists
4. References
5. Statement of Surety ; and

WHEREAS, the Village Engineer, in his letter dated February 21, 2018, has recommended the award to Consorti Bros. Paving & Sealcoating, Inc. as the lowest responsible bidder, in the total amount of \$93,893.12, a true copy of such letter shall be appended to the Minutes hereof; and

WHEREAS, the Mayor, Trustees and Village extend their thank you's and gratitude to Assemblywoman Jaffee, for a legislative grant for this project.

THEREFORE, BE IT RESOLVED that the aforereferenced bid be awarded to Consorti Bros. Paving & Sealcoating, Inc., as the lowest responsible bidder as per the recommendation of the Village Engineer, in the total amount of \$93,893.12, understanding that the total cost to the Village including the bidding process, and all soft costs, including engineering fees, is estimated to total around \$125,000. subject to entering into a contract and receipt of all necessary certificates and bonds or other forms of security, and any other documentation necessary in the collective judgment of the Village Engineer, Village Attorney and Village Clerk – Treasurer, any minor irregularities to content and form if any waived by the Village Board in the best interest of the Village.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Title: Conducting Public Hearing to Amend the Zoning Code in Furtherance of the 2017 Comprehensive Plan (Merging Neighborhood Shopping (NS) and Professional Office (PO) Districts)

WHEREAS, as per the memorandum of the Village Planner, Max Stach, dated February 20, 2018 and attachments thereto, amendments are proposed to the Village Code in furtherance of the 2017 Comprehensive Plan, as approved by the Village Board on October 27, 2017, as lead agency for review under 6NYCRR 617 (SEQR); and

WHEREAS, said proposed amendments include merging the Neighborhood Shopping (NS) and Professional Office (PO) districts into a new NS District, including the combining of the uses therein, but changing retail boutiques and specialty shops, to retail services and personal services, as well as eliminating museums, libraries and noncommercial art galleries in said zone, but adding animal hospitals and veterinary clinics (without overnight boarding) to said zone as a Special Permit Use, the latter at the direction of the Village Board after considering the application of owner of the Indian Rock Shopping Center; and

WHEREAS, said Memorandum includes a Short EAF Part 1, a narrative description thereof, the proposed amendment to Chapter 195 of the Zoning Code, including to the Table of General Use Requirements and Proposed Zoning Uses reflecting said merged district.

THEREFORE BE IT RESOLVED as follows:

1. That, pursuant to 6 NYCRR 617 (SEQR), the following shall occur:
 - a.) That the Village Board designates itself as Lead Agency for adoption of a proposed Zoning Local Law Amendment and immediately assumes such status there being no other agencies involved in the Action for which such designation to be coordinated with; and
 - b.) That the Village Board as Lead Agency classifies the action as Unlisted for the purposes of SEQR; and
 - c.) That the Village Board as both project sponsor and Lead Agency accept the Part 1 Environmental Assessment Form (“EAF”) and Narrative as prepared by Maximilian A. Stach, AICP as adequate for distribution and find that it appropriately describes the proposed action; and
2. That a public hearing shall be held on March 21, 2018, beginning at 8 pm local time, on said Local Law amending the Zoning Code as aforementioned, and per the referenced attachments.
3. That due notice with respect to same pursuant to GML §239 be given to the Rockland County Planning Department, and any abutting municipal entities and the New York State Department of Transportation, and to consider any recommendations therefrom.
4. That notice be given to the Montebello Planning Board because an amendment to the Zoning Local Law is proposed, and to consider any recommendation therefrom.

5. That the Village Clerk is authorized to post and publish any required Legal Notice to be drawn by the Village Attorney.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Resolution 18-021

Village of Montebello

Title: Court Officers

BE IT RESOLVED, pursuant to their written request and after due deliberation in Executive Session, that effective March 1, 2018, the hourly rate for Court Officers will be increased from \$16.00 to \$20.00 per hour.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon Vote motion carries unanimously.

Public Comment:

With no one from the public wishing to speak, Mayor Millman closed this portion of the meeting.

Old and New Business:

- Thank you letter to Assemblywoman Jaffee for the \$125K Parking Lots Improvements grant to repair the drain at MCC and pave the entire parking lot.
- Moody's Letter
- Rentals in Montebello
- Manhattan Beer – Industrial Park
- Fee for 500 ft. Buffer
- Shared services meeting schedule
- Raymour & Flanigan Noise Complaints

At 10:08 PM Deputy Mayor Caridi made a motion to enter into Executive Session to discuss a personnel matter, seconded by Trustee Golden. Vote carried unanimously.

At 10:14 PM Deputy Mayor Caridi made a motion to exit Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 10:15 PM Trustee Evan Kuperman made a motion to adjourn the meeting, seconded by Trustee Golden, vote carried unanimously.