

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, FEBRUARY 21, 2017 AT THE MONTEBELLO 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	Mayor
	Stacy Caridi	Deputy Mayor
	Melanie Golden	Trustee
	Steven A. Sorrillo	Trustee
	Steven H. Beldock	Trustee
Others Present:	Warren Berbit	Village Attorney

Recording Secretary, Joan Will, Village Clerk-Treasurer

Mayor's Report:

Mayor Millman shared that Orange & Rockland is offering free tickets to the Rockland Home show. To obtain your free tickets, simply go onto O&R's website and download tickets.

The Mayor advised that on or about May 15, 2017, Fios will be removing CNBC, channel 102 from their line-up.

Mayor Millman asked anyone interested in joining the Big Brothers and Big Sisters of Rockland to reach out to the organization.

The Mayor shared that on Saturday, May 13, 2017, Choose Peace Cause will have a 5k run at Rockland Lake.

The Mayor was pleased to announce that the plowing during our recent snow storm went well.

Mayor Millman advised all that the Winter Newsletter will be mailed to residents this week. The Mayor encourages all to read and share their questions, comments and or concerns with the Village.

Parks Commission:

Amy Rapoport, a Commissioner of the Parks Commission, advised that Phase III of Gorman's Park construction is underway. During Phase III the leaking Dam and the relocation of the Gazebo will be addressed.

Attorney Berbit added that with him in the backdrop, the Village Engineer negotiated with the Contractor a reduction in the extra cost sought for relocating the Gazebo, from \$8,700 to \$4,000, which the Village Engineer viewed within his discretion to approve as a change order.

Amy Rapoport discussed her letter with Rules of the Community Garden which she suggested be submitted to all gardeners. Mayor Millman said he would have Attorney Berbit review and discuss this evening.

Mrs. Rapoport also discussed Community Garden renovations.

Mrs. Rapoport also advised that planting along Route 202 in the Village Field has been completed.

With no one else wishing to speak, Mayor Millman closed the Parks Commission portion of the meeting.

Public Comment:

Mr. Ted L'Estrange, 6 Geoffrey Court, Otisville, NY 10963 shared information of State – sanctioned Harvesting of Organs. He distributed materials for later perusal.

With no one else wishing to speak, Mayor Millman closed the Public Comment's portion of the meeting.

Mayor Millman asked that Village Attorney Berbit give a brief overview of the Public Hearing on Montebello Crossing.

Village Attorney Berbit asked the Village Clerk Will to read the Notice of Public Hearing into the record and it was read as follows:

“NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village Board of the Village of Montebello on Tuesday, February 21, 2017 at 8:00 pm local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York.

Application of Montebello Crossing, LLC, of 100 Dutch Hill Road, Suite 340, Orangeburg, New York to consider the approval of the conceptual plan entitled: “Montebello Crossing” for the 11.07 acre parcel located on the north side of State Route 59, commencing 350 feet west of the intersection of Hemion Road, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 2 in the Route 59-DD (Route 59 Development District), which plan includes a proposed mixed use development consisting of a 132 unit, 200 bed assisted living facility, a 14,600 square foot CVS Pharmacy and a 10,000 square foot medical office building, and to consider amending the Zoning Local Law Chapter 195, and in particular Chapter 195-24, 64, 88 and Use Regulations to permit ALR (Adult Living Residence) in said mixed district,

including establishing area, bulk and dimensional regulations for the same. The Village Board has declared Lead Agency status for said Plan pursuant to SEQRA (State Environmental Quality Review), it being expressly understood that the Planning Board is acting as the consultative arm of the Village Board in this matter, and that it is proceeding simultaneously to consider the detailed Site Plans, such activity being dependent upon the Village Board's determination made in the Public Hearing set forth herein.

The Applicant also seeks to amend the Site Plan of Hemion Holdings Shopping Center, located abutting and immediately to the east such that the two plans are integrated for internal and external traffic flow.

Interested persons may review the plan, proposed Zoning Local Law amendment and all other related documents at the Montebello Village Hall, One Montebello, Montebello, New York, during normal business hours Monday through Friday, 9 am to 4 pm, and are also invited to attend and participate in said Public Hearing

By Order of the Village Board
Joan Will
Village Clerk/Treasurer
Villager of Montebello
One Montebello Road
Montebello, NY 10901

Warren E. Berbit
Village Attorney

Dated: January 30, 2017"

Attorney Berbit asked Village Clerk Will if, when and where the Public Hearing Notice was posted and published. The Clerk stated that the Public Hearing Notice was posted in 7 locations throughout the Village on February 10, 2017, and published on February 11, 2017 in The Journal News. Attorney Berbit asked if all applications and documentation were made available to the Board of Trustees and the public, to which the Village Clerk responded, "yes".

Attorney Berbit advised that due Legal Notice was given and that the Public Hearing could be opened, needing no further explanation of purpose given the detail in the notice.

At 8:21 pm Deputy Mayor Caridi made a motion to open the public hearing, seconded by Trustee Sorrillo, all in favor.

At this point Mayor Millman opened the floor to the applicant for any presentations they would like make.

Paul Baum, Attorney for Montebello Crossing, appeared for this initial Public Hearing on their request to amend the Zoning Code to allow an Assisted Living Residence in the Route 59

Development District, and also for review of the overall plan by Village Board since it was coordinating with the Planning Board reviewing the details of the plan.

Brian Brooker, Engineering Consultant for the Applicant, 74 Lafayette Avenue, Suffern, NY discussed changes to the project since the initial appearance in December, 2016. Mr. Brooker listed several changes as follows:

- 1) Matching crescent shaped wall
- 2) Thru road to connect parking lot with new development
- 3) Reconstructing entrances
- 4) 50 ft. & 100 ft. buffers to be preserved
- 5) Hospital entrance
- 6) Traffic Light
- 7) Traffic Report to be reviewed by Village Board
- 8) Per Planning Board's concern for circulation of emergency vehicles, applicant has agreed to include one more path.
- 9) All internal roads will be private roads and plowing will not become responsibility of the Village.
- 10) Outdoor amenities to be enjoyed by Assisted Living Residents, such as sidewalks for exercise, sitting and game areas. Also included will be an enclosed rear area for dementia patients to take advantage of an outdoor experience.

Discussion ensued and Village Board asked for clarification on the following:

- 1) Entrance on Hemion Road.
- 2) If the Ozark Security Property will be connected.
- 3) Amount of trees to be cut down.
- 4) Changes to proposed parking area.

Mayor Millman opened the floor for public comment.

Amy Rapoport of the Parks Commission expressed disapproval of all the extra blacktop and no trees and berm being added to this project. Mr. Brooker expressed that along the western boundary planting will be done.

Village Attorney Berbit added additional documentation to the record as follows, including having sent out Notice of Intent to Declare Lead Agency Status, there having been several responses:

- 1) Department of Transportation letter dated January 4, 2017 with no objection to Village Board taking Lead Agency status.
- 2) NYS Department of Environmental Conservation dated December 28, 2016 with no objection to Village Board taking Lead Agency Status.

- 3) Rockland County Division of Environmental Health dated December 27, 2016 with no objection to Village Board taking Lead Agency Status.
- 4) Letters from the Planning Board, EAF Pt. II and internal communications between Village Attorney Berbit and Village Planner.
- 5) Strongly worded letter from Balsamo, Byrne, Cipriani & Ellsworth representing the Tagaste Monastery, objecting to the process and procedure being followed.
- 6) Catholic Order of the Augustinian Recollects letter dated February 14, 2017, which would like to make sure that environmental issues are properly addressed.

Village Attorney Berbit asked Assistant Village Attorney Ira Emanuel if he was aware of the letter of objection from Balsamo, Byrne, Cipriani & Ellsworth. Attorney Emanuel had reviewed the letter and believes Mr. Ellsworth is operating under some misconceptions about the process and that some of his facts are just wrong. Most importantly Attorney Emanuel feels Mr. Ellsworth does not understand that the Planning Board's hand in the research for the Village Board as Lead Agency. Assistant Attorney Emanuel said it's up to the Village Board if they would like to respond.

Attorney Berbit asked Assistant Village Attorney Emanuel to go over the SEQRA (State Environmental Quality Review Act) process. Attorney Emanuel explained that in the Land Use planning process SEQRA runs the entire process. The first thing that has to be done with a SEQRA activity is to define whether or not there will be an agency in charge which was done when the Village adopted the Route 59 Development District and determined that the Village Board would be the Lead Agency. As Lead Agency, it is the Village Board's responsibility to run the process and make the decisions. The SEQRA Process starts out with an Environmental Assessment Form which has 3 parts:

- Part I) Completed by the applicant listing objective and empirical information with respect to the site.
- Part II) Completed by the Lead Agency who looks at the empirical data making a determination as to the magnitude of the impact of these activities.
- Part III) All of the studies the Planning Board comes into contact with.

Attorney Emanuel, in detail, explained all sections of impacts of Part II of the EAF.

Attorney Emanuel recommended keeping the Public Hearing open until vote on the zone change, but that the Village Board could decide this evening if it agreed with Part II as suggested by the Planning Board

Resolution No. 17 - 012

Village of Montebello

Title: Montebello Crossing Public Hearing Continued, and Approving EAF Part II

BE IT RESOLVED, given the volume and complexity of documents needing to be assimilated by the Village Board; that the Planning Board is acting as the Village Board's consultative arm in a coordinated SEQRA review; and, that other documents remain to be received, that the Public Hearing on the Application of Montebello Crossing, LLC, re: Tax Lot 55.10-1-2 be and hereby is continued until the next Regular Meeting being held on March 15, 2017, beginning at 8 p.m. local time, or as soon thereafter as the matter can continue to be heard; and

BE IT FURTHER RESOLVED, after a thorough review of the EAF Part II as recommended by the Planning Board, and as per the cover letter of explanation dated February 15, 2017 supported by the Chairman thereof, and upon the guidance of the Assistant Village Attorney Ira Emanuel, who also guided this aspect of the discussion at the Public Hearing, that said, EAF Part II be and is accepted, subject to adding to the noted sensitive properties: Tagaste Monastery, the Suffern Free Library and the Renal Center in the adjacent shopping center.

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon Vote, resolution carried unanimously.

Resolution No. 17 - 013

Village of Montebello

Title: 37 Mile Road - Tree Removal

WHEREAS, the ancient Ash tree located on the right-of-way of Mile Road, adjacent to 37 Mile Road, is showing signs that it is deteriorating and appears to nearing the end of its life; and

WHEREAS, as per its proposal dated November 1, 2016, the Town of Ramapo suggested removal of the tree, which it would perform as an extra cost of \$5,500 under the Highway Services Contract; and

WHEREAS, the Village Engineer, in his memo dated December 17, 2016, confirms that the tree is in the final stage of dying, and should be removed within the next three months or so; and

WHEREAS in addition to the proposal of Town of Ramapo, which was working with Sullivan Tree Service, opinions and proposals also were sought from other tree removal companies some of which indicated that they did not have a crane sufficient to the task, the results being summarized as follows:

1. Perfect Cut Tree Service, Inc. - \$4,700, confirmed tree dying.

2. Suffern Tree - not feasible to give an estimate due to equipment needed.
3. Town of Ramapo - (through O'Sullivan Tree Care) - \$5,500
4. Ira Wickes/Arborists Tree & Lawn Care - \$5,900 ; and

WHEREAS, as recollected by the Village Attorney, given that the tree dates back to around the time of the Revolutionary War, when this last arose several years ago around 2008, in deference to its unique age, the decision was made not to remove the tree until and unless there was no clear alternative as a matter of prudent public safety; and

WHEREAS, the arborist's report even at that time recommended removal of the tree; and

WHEREAS, although it does not appear that there is imminent danger, it does appear that there is no alternative but to act in the Spring, rather than tempt the unknown, preferably on a day and at a time when school is not in session as the road will need to be closed in whole or in part to facilitate safe removal.

THEREFORE, BE IT RESOLVED, that the Village Board hereby reluctantly approves removal of the tree, accepting the proposal of Perfect Cut Tree Service to perform same at a cost of \$4,700, subject to the following conditions:

1. That removal not take place for at least 2 to 3 months, or until the threat of snow has passed.
2. That removal take place on a day and at time when school is not in session.
3. That the residents of 37 Mile Road, who requested removal, give their permission to come onto their property for such purpose if such is necessary.
4. That the Village Historian be asked to render a report of the life and times of the tree, if possible, including what events may have transpired in its vicinity during its long life, and any other significant details he may be able to glean from local historical references, and that a photographic record be created.

Motion: Trustee Golden

Second: Trustee Sorriolo

Upon Vote, resolution carried unanimously.

Resolution No. 17 - 014

Village of Montebello

Title: Replacement of Village of Montebello Sign

WHEREAS, the Village of Montebello sign located at Viola Road and Galbraith Road was destroyed by an automobile, and the driver's insurer has agreed to pay for the restoration of same pursuant to the proposal of Hudson Valley Sign Studio dated February 13, 2017 in the amount of \$1,195.00.

THEREFORE BE IT RESOLVED, that said proposal be accepted and said work authorized at a cost of \$1,195.00 which it is understood will be reimbursed (or be paid) by the driver's insurer.

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon Vote, resolution carried unanimously.

Resolution 17 - 015

Village of Montebello

Title: Electric Hand Dryers at Montebello Community Center

WHEREAS, users of the Montebello Community Center meeting room have caused sewage back-ups and damage as a consequence of flushing hand towels rather than disposing same in the trash containers; and

WHEREAS, irrespective warnings, this has occurred twice thus causing the Village expense to get the sewer lines opened, and also damage and loss of property stored in the basement; and

WHEREAS, the only viable solution appears to be the removal of hand towels from the bathrooms and the installation instead of hand dryers; and

WHEREAS, proposals were sought from electricians to perform said work, yielding the following proposals, each of which requires that the Village separately obtain the hand dryers:

1. Traron Electrical Contractors - \$1,200

2. Valvo Electric - \$1,575

; and

WHEREAS, a diligent search reveals that the best and economical choice is to obtain two Excel Dryer Xlerator Hand Dryer type XL-SB at a cost of about \$600 each, found on Amazon.com.

THEREFORE, BE IT RESOLVED as follows:

1. That the proposal of Traron Electrical Contractors to install said dryers, including breakers and electrical lines at a cost of \$1,200 be accepted and approved.

2. That two Excel Dryer Xlerator Hand Dryers type XL-SB at a cost of about \$600 each be authorized to be purchased from Amazon.com.
3. That arrangements will then be made for cosmetic restoration at a cost estimated not to exceed \$250.

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon Vote, resolution carried unanimously.

Resolution 17 – 016

Village of Montebello

Title: CLG Grant

CLG Grant postponed until 2018

Resolution No. 17 - 017

Village of Montebello

Title: Montebello Community Center Sprinkler System Repair

WHEREAS, our Fire Inspector in his report dated January 18, 2017 indicates that the sprinkler system at the Montebello Community Center needs to be refurbished and upgraded; and

WHEREAS, our Building Inspector and Village Engineer concur; and

WHEREAS, the Village has regularly for many years utilized the service of Campbell Fire Protection Inc. to maintain its fire extinguishers and its sprinkler system, and said company has rendered a proposal dated December 21, 2016, referenced as if fully set forth hereinafter, laying out in detail all the work needing to be done to upgrade the system and bring it into compliance at a cost of \$2,600; and

WHEREAS, in the opinion of the Fire Inspector, Village Engineer and Building Inspector, especially given Campbell Fire Protection Inc's familiarity with our systems, their proposal represents a very through approach at a fair price, and should be accepted as such work should be done expeditiously given the nature of the need.

THEREFORE, BE IT RESOLVED, that the refurbishment of the Montebello Community Center sprinkler system be considered to be an urgent matter , and, thus, in this circumstance, that the proposal of Campbell Fire Protection Inc. in the amount of \$2,600, which appears to be reasonable for the work involved, be and hereby is accepted and approved.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon Vote, resolution carried unanimously.

Resolution No. 17 - 018

Village of Montebello

Title: Voter Registration Date

BE IT RESOLVED, that the Election Inspectors for the upcoming Village election also be available on March 21, 2017 from 7:00 am until 9:00 pm at Village Hall, One Montebello Road, Montebello, NY in order to assist voters, and register voters prospectively.

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 Sorrillo

Upon Vote, resolution carried unanimously.

Resolution No. 17 - 019

Village of Montebello

Title: Montebello Community Garden Rules and Procedures

WHEREAS, since the creation of the Community Garden plots a practice and course of usage has evolved which has been followed each year; and

WHEREAS, in addition, Amy Rapoport, a member of the Parks Commission, had been assisting the Mayor at his discretion in overseeing the in-season operation of the garden, and has recommended codifying a series of in-season operational rules per a list she has supplied; and

WHEREAS, to assist the staff in dealing with day-to-day issues regarding assigning garden plots, and in-season operational details, the Village Attorney has suggested establishing by resolution in codified form the evolved practices and in-season operational rules involving the Community Garden as per the attached document, entitled: “Montebello Community Garden Rules and Procedures”, referenced as set forth herein.

THEREFORE, BE IT RESOLVED, subject to future acts by the Board by Resolution as if and when such seems necessary, the Montebello Community Garden Rules and Procedures are hereby adopted, effective immediately.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Abstained: Trustee Golden

Upon Vote, resolution carried unanimously.

Montebello Community Garden
Rules & Procedures

1. Written application for the assignment of a garden plot shall be made by Montebello resident, one per household on or before March 1st for the next immediate growing season. These shall be assigned on a first come first assigned basis, for a single plot. Plot holder from the prior year will have first priority. Thereafter, plots will be assigned in date order.
2. Should applicants exceed the number of plots available, the applications which cannot be granted will be kept on a waiting list in date order for the current immediate and next growing seasons. Applications received on or after March 1st shall also be placed upon that list.
3. In the discretion of the Mayor, in conjunction with the garden administrator if he so delegates, if plots are not fully subscribed by March 31st, up to 3 plots may be made available for use for educational purposes by a class, or classes in a local school in Montebello, or by the Boy Scouts of America or the Girl Scouts of America, local troops within the Village.
4. Should any plots remain unsubscribed by March 31st, and should the waiting list be exhausted, then any plot holder may obtain a second plot for the year, only. If there are still plots remaining then such shall be dedicated to supplying produce to the needy via local soup kitchens, and in such an event, any garden plot holder may plant therein.
5. A fee of \$40.00 will be charged first time gardener and a (NEW) fee of \$25 for returning gardeners annually to help cover garden expenses. Fees are not refundable.
6. The gardeners pledge to have something planted in the garden no later than June 1st and will maintain the garden all of the growing seasons, spring through fall.
7. If the gardener must abandon their plot for any reason, they will notify the garden leaders.
8. Gardeners will keep weeds down and maintain the areas immediately surrounding their plots, pathways and adjacent fences.
9. If a plot becomes unkept, the gardener understands he/she will be given two (2) weeks' notice to clean it up. At that time, if not done, it will be re-assigned and cleared out.
10. The gardener will remove all garden waste in the provided recycle paper bags each and every time and bring them to the dumpster.

11. The gardener will not plant tall crops except where they will not shade neighboring plots, nor, will he/she allow long vine crops to grow into common areas or on other plots.
12. Gardeners will pick only their own crops unless given permission by another plot user.
13. The gardener will not use fertilizers, insecticides or weed repellents (herbicides) that will in any way affect other plots.
14. The gardener will use prescribed, organic fertilizers or weed repellents (herbicides) in the garden.
15. The gardener will not bring pets to the garden.
16. Each gardener must sign, date and return an approval of the Rules & Regulations to acknowledge receipt of same and agreement to comply with the terms and conditions, as well as the HOLD HARMLESS INDEMNIFICATION AGREEMENT to read as follows:.

I understand that neither the garden group nor the Village of Montebello, the owners of the land, are responsible for my actions. I THEREFORE AGREE TO HOLD HARMLESS AND DEFEND AND INDEMNIFY THE GARDEN GROUP AND THE VILLAGE OF MONTEBELLO FOR ANY LIABILITY, DAMAGE, LOSS OR CLAIM THAT OCCURS IN CONNECTION WITH THE USE OF THE GARDEN BY ME OR ANY OF MY GUESTS, AND WAIVE ANY SUCH CLAIMS THAT I MIGHT HAVE THAT ARISE FROM SUCH USE.

17. The Rules and Procedures shall be utilized as a form by adding the following hereto:

SO AGREED

Resolution No. 17-020

Village of Montebello

Title: Approval of Minutes for January 18, 2017

BE IT RESOLVED, the minutes of the Board of Trustees of January 18, 2016 be and are hereby approved.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Abstained: Trustee Beldock

Upon Vote, resolution carried unanimously.

Resolution: 17-021

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – **General Fund**

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 21, 2017, and totaling \$100,177.26 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon Vote, resolution carried unanimously.

Resolution: 17 - 022

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 21, 2017, and totaling \$5,096.99 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon Vote, resolution carried unanimously.

Resolution: 17 - 023

Village of Montebello

Title: Raymour & Flanigan - Approval to Make Application to Amend Site Plan

WHEREAS, Raymour & Flanigan, by Neil Rube, Sr. VP and General Counsel, in an email/letter dated January 5, 2017, requested an interpretation from the Village Board whether making application for an amended Site Plan to allow installation of an emergency generator is impacted by the Moratorium which would thereby necessitate an appeal to the Zoning Board of Appeals, or awaiting the lifting of the Moratorium; and

WHEREAS, the Village Board deliberated under new business, and with the guidance of the Village Attorney regarding precedent and intent, concluded that such an amendment to an already effectuated site plan, given the scale of the site plan vs. the relatively small scale of the amendment, was not intended to be subject to the Moratorium.

THEREFORE, BE IT RESOLVED, that the Village Board concludes that it's legislative intent was not to make such application subject to the moratorium, but qualified same by stating

that every effort shall be made to shield the nearby residential properties, especially Indian Rock, from any noise impact caused by the generator, including placing it away from same as well as utilizing and optimizing noise reduction techniques; and

BE IT FURTHER RESOLVED, that this resolution be sent to Raymour & Flanigan, attention Neil Rube, and to the Planning Board.

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon Vote, resolution carried unanimously.

Old and New Business:

- Village Hall Roof Repair – Village Engineer, Martin Spence to prepare a proposal
- Moody's Report – Mayor advised that Moody's has given the Village of Montebello a good management rating.
- Mayor Millman requested Village Attorney Berbit prepare a Bee Law.
- Mayor Millman requested Village Attorney Berbit prepare a Filming Law.

At 10:30 pm Deputy Mayor Caridi made a motion to enter into executive session to discuss contractual matter, seconded by Trustee Sorrillo, vote carried unanimously.

At 10:50 pm Trustee Golden made a motion exit executive session, seconded by Trustee Sorrillo, vote carried unanimously.

At 10:50 pm Trustee Sorrillo made a motion to adjourned the meeting, second by Deputy Mayor Caridi, vote carried unanimously.