

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MARCH 15, 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   |
|          | Melanie Golden     | Trustee |
|          | Steven A. Sorrillo | Trustee |
|          | Steven H. Beldock  | Trustee |

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| Others Present: | Warren Berbit | Village Attorney |
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| Absent: | Stacy Caridi | Deputy Mayor |
|---------|--------------|--------------|

Recording Secretary, Joan Will, Village Clerk-Treasurer

#### Mayor's Report:

Mayor Millman shared that with Blizzard Stella that hit our area clean-up was completed in a timely manner. Unfortunately, one of our carter's trucks hit a telephone pole causing a road closure for several hours.

#### **Parks Commission:**

With no one present to speak, Mayor Millman closed this portion of the meeting.

#### **Public Comment:**

With no one present to speak, Mayor Millman closed this portion of the meeting.

The Mayor offered the floor to Joshua Hinkley, 2 Grist Mill Court, Montebello to discuss his project.

Joshua shared that he is a Life Scout of Troop 2021 in Suffern and a Sophomore in Suffern High School. Joshua is looking to build, as an Eagle Scout project, a greenhouse complete with wooden frame and side panels made from recycled two-liter bottles. The greenhouse would have a concrete floor with the dimension of about 8x8. The Village Attorney after praising the offer, made inquiry whether this type of construction would survive weather in the North East. Discussion ensued and the Village Board advised Mr. Hinkley that it is impressed and quite interested, thanked him for his offer, and stated that he will be contacted within the next two weeks after further discussion of feasibility.

Mayor Millman asked Commission Chairperson, Trustee Melanie Golden, to give an overview of the Interim Report of the Comprehensive Plan Commission.

Trustee Golden and Planner Max Stach discussed in detail the timeline associated with the adoption of the 2009 plan and the implementation of Phase I thereof. Unfortunately, Phase II including the following important portions was not implemented: Adoption of a “Greenprint”, identifying open space and environmental assets, especially fragile environmental sources requiring special protection. Designating various Environmental Protection Overlay Districts (EPOD’S); and, establishing aquifer, water resources map for aquifer protection.

As the Planner and Chairperson went on to explain, the proposed 2009 maps have been updated, and adopting implementing regulations in the form of amendments to our Village Code must be drawn and approved. Chairperson Golden also pointed out that these aspects of the plan were so essential that the vestige of same even appended in 2003 Plan, and that when Phase I was presented to the Rockland County Planning Department in 2010, it made inquiry back about implementation of these aspects of the Plan.

Upon inquiry about costs the Planner indicated a cost between about \$5,500 and \$7,500, and confirmed that even with such cost included, the \$20,000 budgeted for the Plan in 2017 will not become exhausted.

Resolution 17 - 024

Village of Montebello

Title: Approval of Interim Report of Comprehensive Development Commission

WHEREAS, as set forth in said Interim Report dated March 12, 2017, as explained in person by Trustee Melanie Golden, who chairs the Commission, and the Planner, Max Stach, the Commission requests that a certain portion of the 2009 report remaining unimplemented, as previously approved by the Village Board on December 16, 2009, by Resolution Nos. 09-127 and 09-128, in particular: adopting a “Greenprint”; designating an Environmental Protection Overlay District (“EPOD”); and, adopting Aquifer Protection Program/Overlay Zone, are critically necessary to be implemented; and

WHEREAS, given the request, rationale for same and prior approval after a public hearing, the Village Board finds said request to be reasonable, necessary, and in furtherance of its prior action.

THEREFORE, BE IT RESOLVED, that the Planner is authorized to take the steps necessary to prepare all actions necessary to implement said noted portions of the 2009 Plan, and that the sum necessary be expended therefor, estimated at about \$5,500 not to exceed about \$7,500, which cost, even if attributed against the \$20,000 budgeted in 2017 for the Comprehensive Plan, is understood as not likely to cause exhaustion of said sum.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the motion carries unanimously.

Resolution No. 17 - 025

Village of Montebello

Title: Continuing Montebello Crossing, LLC Public Hearing

WHEREAS, the Public Hearing re: the Application of Montebello Crossing, LLC re: the 11.07 acre parcel located on the north side of State Route 59, 350 feet west of the intersection of Hemion Road, which parcel is designated on the Ramapo Tax Map as Section 55.10 Block 1, Lot 2 commenced at the Regular Meeting of the Village Board on February 21, 2017, and was to continue at this meeting: and

WHEREAS, the Applicant requested that the Public Hearing continue instead at the next Village Board meeting on April 19, 2017; and

WHEREAS, such continuance makes sense in the circumstances given the request and that no new, substantive materials have been generated.

THEREFORE, BE IT RESOLVED, that the Public Hearing on the Application of Montebello Crossing, LLC be continued at the Regular Meeting of the Village Board to be held on April 19, 2017, beginning at 8 pm local time, or as soon thereafter as the mater can be heard.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote the Resolution carried unanimously.

Resolution: 17- 026

Village of Montebello

Title: Amend Abstract & Schedule of Claims – **General Fund – February 2017**

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 21, 2017, and totaling \$100,177.26 is hereby amended totaling \$94,994.76.

Motion: Trustee Golden

Second: Trustee Sorillo

Upon Vote, resolution carried unanimously.

Resolution No. 17- 027

Village of Montebello

Title: Approval of Minutes for February 21, 2017

BE IT RESOLVED, the minutes of the Board of Trustees of February 21, 2017 be and are hereby approved.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote the Resolution carried Unanimously.

Resolution: 17 - 028

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 15, 2017, and totaling \$139,438.68 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote the Resolution carried Unanimously.

Resolution: 17 - 029

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 15, 2017, and totaling \$1,000.00 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote the Resolution carried Unanimously.

Resolution No. 17 - 030

Village of Montebello

Title: Pond Management Services

BE IT RESOLVED, in continuation of the ponds maintenance plan for the main ponds in Kathryn Gorman Ponds Park commenced three (3) years ago to control excess water based plant and algae growth, and to promote water circulation, that the expense of about \$10,840.00, including permit fees, total, for a season's application of approximately 6 chemical treatments be and hereby is approved, subject to a proposal from Princeton Hydro in a form as approved by the Village Engineer and the Village Attorney.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the motion carried unanimously

Resolution No. 17 - 031

Village of Montebello

Title: PILOT Agreement Overpayment

WHEREAS under the Pilot agreement, the Village was due the amount of \$39,210.26 from Suffern CDC (Raymours Furniture Company) which sum was received from Raymour Furniture Company, National Tax Search LLC (Agent for Wells Fargo Bank, NA) and duly deposited and

WHEREAS the Village is also in receipt of the same amount, \$39,210.26 from the Town of Ramapo as the escrow agent under the Pilot agreement which is a redundant amount to the January payment thereof

BE IT RESOLVED, that the payment as escrow agent in the amount of \$39,210.26 be accepted and deposited and the payment from National Tax Search LLC (Agent for Wells Fargo Bank, NA) be construed as redundant and be returned to same in the full amount.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon vote the Resolution carried Unanimously.

Resolution No. 17 – 032

Village of Montebello

Title: Arbor Day Tree Planting

BE IT RESOLVED, as consistent with the Village's past practice of honoring Arbor Day, that authorization is hereby granted to expend the sum of \$475.00 to acquire and plant a pink flowering tree on the grounds of Village hall as more particularly set forth in the proposal of Belleville Landscaping dated March 13, 2017, referred to as if fully set forth hereinafter.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the motion carries unanimously.

Resolution: 17 - 033

Village of Montebello

Title: Disposal of Surplus Property – Copy Machines

WHEREAS, after a search of the used equipment market and upon the report and recommendation of the Village's IT Company, Atlantic Tomorrows Office, the Village Clerk has determined that the following, outdated copy machines for which replacement parts were no longer available, were of no value, and no further use to the village; and

WHEREAS, in anticipation of this action, the following have been sent to the Rockland Fire Training Center Recycling Center on March 10, 2017, albeit with the removal of all hard drives, due to the obsolescence of the machines, lack of value and as per Atlantic Tomorrows Office (our IT Company) there are no parts or service available for these machines:

1 – Toshiba 2550 (Serial numbers 322217, YLRLZLBH455J18A, CYHFR-PPJVD-XTMJM-9RYY3-6977M)

1 – Minolta Di200/Di251/Di351 (Serial numbers FN109, 61404112, 3726427)

THEREFORE, BE IT RESOLVED, as follows:

1. That the two above mentioned copy machines are found to be and declared to be surplus property for the aforesated reasons.
2. Fair and adequate consideration has been made and there is no value as per Atlantic Tomorrows Office (our IT Company) in their current state or even for parts.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote motion carried unanimously.

Resolution 17 - 034

Village of Montebello

Title: Rio Vista / Sterling National Bank Letter of Credit (LOC)

WHEREAS, the Letter of Credit issued by Provident Bank, which later became Sterling National Bank, expires on April 1, 2017, and Sterling indicated that it would not renew same and the developer, Rio Vista of Montebello, LLC (Rio Vista), has not supplied a substitute within 30 days of expiry; and

WHEREAS, \$20,333.76 remains on said LOC, and the Village Engineer reports unfinished or inadequately finished work remaining to be done and, thus, upon the recommendation of the Village Attorney with the approval of the Engineer, a sight draft demand

was prepared as executed by the Mayor, demanding that said sum be paid over to the Village to complete said work, the remainder of said sum, if any, to be paid to Rio Vista.

THEREFORE, BE IT RESOLVED, that said Beneficiary's Draft on Sight of Issue be and hereby is approved.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon vote, the motioned carried unanimously.

Discussion ensued regarding adopting a Filming Law in the Village of Montebello, and also a law simplifying applicant notice requirements before the Planning Board and Zoning Board of Appeals. As to the former, the Village Clerk and Village Attorney explained that there has been interest, but absent a procedure to permit film making, the studios went elsewhere. Several film laws were acquired and studied by the Village Attorney. He found that the filming law of Wesley Hills most compatible to our circumstances, and he edited same to make adjustments and improvements, which draft, which he stated was 95% final, was supplied to the Trustees. After discussion, the following motion was made and approved. As to the latter, the law is camera ready, having been requested by the Planning Board via the Assistant Village Attorney some time ago.

Motion: Trustee Golden

Second: Trustee Sorrillo

Resolution No. 17 - 035

Village of Montebello

Title: Road Work Authorization Subject to Update from Village Engineer

WHEREAS, the Village Board anticipated a 2017 road resurfacing plan from the Engineer, as is his practice each year and had budgeted \$150,000 for that purpose; and

WHEREAS, the Village Board was advised that such plan existed and was imminent, and left a hole in the record for same, but that due to the necessary timing, authorization for the Engineer to commence work could not await until the next meeting

THEREFORE, BE IT RESOLVED, that the Village Engineer is directed, if he has not done so already, to complete and file his prioritized, comprehensive report and recommendations taking all of the above into consideration, as consistent with the prioritized approach taken in prior years, including, laying out a plan to resolve short and long-term road issues, in what manner, how the Village should proceed in reconstructing roads with dispatch, including any roads or the resurfacing regularly to be scheduled; and

BE IT FURTHER RESOLVED, that the Village Engineer is authorized to commence any time limited steps necessary to commence the 2017 resurfacing in anticipation of his presenting his “2017 Road Resurfacing Estimate Milling and Paving Plan”, including the Par Road speed hump, which shall be filed in reference to and with the minutes hereof, at an estimated expenditure of \$150,000, subject to possible amendment by the Village Board at its next meeting if such is found to be inconsistent herewith; and

BE IT FURTHER RESOLVED, that the Village and or its designee will pursue all reimbursements from available agencies and programs such as CHIPS and PAVENY.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

**Old and New Business:**

- Maintenance Man – Clerk to confirm rate of pay
- Municipal Audit Services

Resolution 17 - 036

Village of Montebello

Title: Municipal Audit Services, LLC (“MAS”)

BE IT RESOLVED, that Municipal Audit Services, LLC be contracted to do a utility Gross Tax Audit of underpaid taxes from vendors and franchise fee review pursuant to the agreement set forth in the proposed letter dated March 6, 2017, which pays MAS a contingent fee between 6% & 12%, of any extra sums gained for the Village.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the motioned carried unanimously.

- Village Exemption List – All Village Board Members given exemption list and key. All to respond by April 1<sup>st</sup> with questions or concerns.
- Babbling Brook Player – Shakespeare In the Park (Taming of the Shrew) weekend of August 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> - Consensus approved allowing the activity contingent upon insurance.
- JCAP Grant for security lights – Mayor advised that \$4,500 was approved.

Title: To Set Public Hearing on Proposed Filming Law

BE IT RESOLVED, that a Public Hearing on the proposed Filming Law, once in final form, be held at the next regular meeting of the Village Board on April 19, 2017, beginning at 8:00 p.m. local time, or as soon thereafter as the matter can be heard.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the motion carries unanimously.

As precipitated by the Mayor, a discussion then ensued whether to amend our Zoning Local Law to allow a permitted accessory use to become a primary use in a residential zone absent the existence of a residence on the parcel. In particular, this relates to allowing a scaled back horticultural use, versus a farm use which is only permitted on 10 or more acres with 400 ft. or more frontage.

The discussion continued as led by the Mayor and Village Attorney as to what such a use might entail, and how to regulate the scale of such. There was enough interest to cause the Board to move as follows:

Title: To Set Public Hearing to Amend Zoning Law

BE IT RESOLVED, that a Public Hearing also be held on the same evening on proposed amendment to our Zoning Local Law as proposed by the Planning Board via the Assistant Village Attorney to simplify how applicants to the Planning Board and Zoning Board of Appeals give notice.

Motion: Trustee Golden

Second: Trustee Sorrillo

As precipitated by the Mayor, the Village Attorney discussed a Bee Law indicating that the draft be distributed about 70% complete. After discussion the following motion was made.

The Village Attorney is authorized to finalize the Bee Law sufficiently for the Board's review at its next regular meeting to determine thereat whether to schedule a Public Hearing thereon.

Motion: Trustee Golden

Second: Trustee Sorrillo

The Village Attorney is directed to draft a Local law to achieve the above purpose, allowing a controlled horticultural use on a residential parcel even absent the primary residential use, for review by the Village Board at its next regular meeting to determine whether to schedule a Public Hearing thereon.

At 10:04 pm Trustee Sorrillo made a motion to enter into executive session to discuss contractual matter, seconded by Trustee Golden, vote carried unanimously.

At 10:06 pm Trustee Golden made a motion exit executive session, seconded by Trustee Sorrillo, vote carried unanimously.

At 10:08 pm Trustee Sorrillo made a motion to adjourned the meeting, second by Trustee Golden, vote carried unanimously.