

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 20, 2023, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

| | | |
|----------------------|------------------|-------------------------|
| Present: | Lance N. Millman | Mayor |
| | Stacy Caridi | Deputy Mayor |
| | Bruce Egenhauser | Trustee |
| | Warren E. Berbit | Village Attorney |
| Absent: | Melanie Golden | Trustee |
| | Vacant Trustee | Trustee |
| Recording Secretary: | Joan Will | Village Clerk-Treasurer |

Mayor’s Report:

Mayor Millman reported the outcome of this past weekend’s severe rainstorms. There were many homes within Montebello without power, and there were several areas that experienced severe flooding. The Ramapo Highway did an excellent job handling this. There were no serious injuries from the flooding.

Mayor Millman and Deputy Mayor Caridi attended the Good Samaritan Hospital Holiday ceremonies. We thank them for their invitation.

Mayor Millman attended the Rockland County Shared Services meeting and vote. He is happy to announce that the upcoming Shared Services Agreement for 2024 has been approved. This is a tax saving program where services are shared amongst different government agencies.

Mayor Millman attended a meeting with Congressman Mike Lawler. Congressman Lawler explained what was currently going on in Congress and that there may be budget money allocated for roadway improvements.

Mayor Millman wishes everyone a very Happy and Safe Holiday Season.

Public Comment:

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

Building Department Report:

The following is the Building Department Report for the month of November 2023:

- (8) building permits were filed. A total of \$3,082.00 in permit fees were collected.
- (5) Certificates of Occupancy were issued.
- All locations have been inspected to date; \$75.00 in Fire Inspection fees were collected during the month.
- (7) code violations were issued.

Historic Preservation and Parks Commission (HPPC)

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

Resolution 23 - 137

Village of Montebello

Title: Resignation of Trustee

WHEREAS, Dr. David Liebergall reported with regret that due to personal circumstances he will be changing his place of residence to outside of the Village of Montebello on or about December 6, 2023, and thus, has tendered his resignation from the Village Board as of that date; and

WHEREAS, Dr. David Liebergall, has proven himself to be a very capable and insightful board member and is as disappointed as is the Board that he must step down due to circumstances he did not anticipate when he joined the Board; and

WHEREAS, at least Dr. Liebergall will be continuing his medical practice proximate to the Village.

THEREFORE, BE IT RESOLVED, that Dr. David Liebergall’s seat on the Village Board be declared vacant retroactively as of December 6, 2023; and

BE IT FURTHER RESOLVED, that spread across these minutes for posterity is gratitude to Dr. Liebergall for his able service to the Village and that, accordingly, December 6, 2023, be declared as Dr. Liebergall Day in the Village of Montebello.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carried unanimously.

Resolution: 23 - 138

Village of Montebello

Title: Designation of Offices to be Filled at Village Election

WHEREAS, the next Village Election for offices will be held on Tuesday, March 19, 2024; and

WHEREAS, the Board of Trustees must designate by resolution and publication the offices which are to be filled at such election and the terms thereof.

THEREFORE, BE IT RESOLVED, that the Board of Trustees designates that the offices of two Trustees are to be filled at the Village Election on Tuesday, March 19, 2024, and that the term is three years for the remaining term of one Trustee, and one year for the remaining term of the second Trustee, commencing at noon on April 1, 2024; and

BE IT FURTHER RESOLVED that the Village of Montebello constitutes One Election District for the Village Election.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the motion carries unanimously.

Resolution: 23 - 139

Village of Montebello

Title: Polling Place and Hours of Election

BE IT RESOLVED that the polling place for the Election of Village Officers shall be held on Tuesday, March 19, 2024, at the Village Hall, One Montebello Road, Montebello, NY. The polls shall be open from seven o'clock in the morning until nine o'clock in the evening, local time; and

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 Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 23 - 140

Village of Montebello

Title: Emergency Boiler Replacement at DJOCC

WHEREAS, the boiler at the Dr. Jeffrey Oppenheim Community Center has failed to work and supply heat, and;

WHEREAS, due to the emergency nature of the situation, the Village Clerk-Treasurer contacted several contractors to provide repairs of the boiler in a timely manner due to dropping temperatures and a renter at the Community Center, and;

WHEREAS, the repairs were not cost effective, nor did they guarantee a repair based on the age of the boiler and a replacement boiler was suggested, and;

WHEREAS, the only proposal received to handle such a large repair was from Ken Malone Plumbing and Heating Inc. as other plumbers were not capable of the replacement:

| Vendor | | Price Quote |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Ken Malone Plumbing and Heating Inc. | <ul style="list-style-type: none">Emergency boiler replacement – remove, supply, and install (1) gas fired boiler and new low water cut off | \$9,600.00 |

; and

WHEREAS, based on this proposal from Ken Malone Plumbing and Heating Inc. it was recommended to move forward with the installation of the boiler at the Dr. Jeffrey Oppenheim Community Center at a total cost of \$9,600.00, which was voted on by polling at the time of the emergency.

THEREFORE, BE IT RESOLVED that the proposal of Ken Malone Plumbing and Heating Inc. be accepted, retroactively, declaring same to have been emergency, at a total cost of \$9,600.00.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carried unanimously.

Resolution 23 - 141

Village of Montebello

Title: Return of Escrow Fees for Peddling and Soliciting

BE IT RESOLVED, as per the request from David Jacobi, dated November 27, 2023, for a Peddling and Soliciting License Escrow on a Peddling License that has expired on November 6, 2023, in the amount of \$1,500.00 be returned to Mr. Jacobi, as the Permit has expired.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

The Village Attorney suggested future consideration of whether there should be a waiting period before such a return should a claim arise after expirations due to a permit related activity.

Resolution No. 23 – 142

Village of Montebello

Title: Approval of Minutes for November 15, 2023

BE IT RESOLVED, the minutes of the Board of Trustees of November 15, 2023, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

Resolution No. 23 – 143

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 20, 2023, and totaling \$128,604.94 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 23 – 144

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Professional Fees

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated December 20, 2023, for Professional Fees, and totaling \$17,940.97 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 23 - 145

Village of Montebello

Title: Approve Renovation Cleanup and Repair of Rental Property

WHEREAS, the rental property located at 350 Haverstraw Road formerly fully rented by the Chabad of Suffern needs renovation cleanup and repair; and

WHEREAS, the Chabad of Suffern has notified the Mayor of its wish to only rent the first floor and basement of the rental property, which limited renewal was granted, leaving the second floor available to another renter; and

WHEREAS, the Village Engineer and Village Clerk – Treasurer sought local vendors to accomplish the minor renovations as follows:

| Vendor | | Price Quote |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Rollerboy | <ul style="list-style-type: none">• Cleanup of all walls• Replace sheetrock as necessary• Replace door hardware as necessary• Supply door | \$2,550.00 |
| Rollerboy | <ul style="list-style-type: none">• Prepare and paint ceilings, walls, windows, doors and mouldings on second floor and stairways• materials | \$3,500.00 |
| Carpets Plus | <ul style="list-style-type: none">• replace existing carpet on second floor• rip up old carpet and supply new carpet – glued | \$3,900.00 |
| Steve Valvo Electric | <ul style="list-style-type: none">• supply and install overhead lights as needed• replace outlets as needed• replace switches as needed | \$1,750.00 |
| | TOTAL ESTIMATE | \$11,700.00 |

; and

WHEREAS, based on these proposals as stated above, it is recommended to move forward these repairs of the rental property at a total estimated cost of \$11,700.00.

THEREFORE, BE IT RESOLVED that the proposals as stated above be accepted at a total estimated cost of \$11,700.00 not to exceed \$15,000.00 due to unforeseen conditions without further approval of the Board.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carried unanimously.

Resolution No. 23 - 146

Village of Montebello

Title: Amending The Building Permit Fee Schedule For Solar Energy Systems

WHEREAS, Adam Gordon, the Building Inspector, in his memo dated December 18, 2023, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, recommends for the reasons set forth therein, that the Building Permit fee associated with the cost of construction of a NYSERDA approved Solar Electric Energy Power Generation System be lumped in with and not differentiated from any other aspect of construction of a building; and

WHEREAS, as reported by the Building Inspector and confirmed by the Clerk to the Building Department, the Department reviews all plans, certifications and on-site as built which is a labor-intensive activity, and is fully a function of the size and complexity of the subject system; and

WHEREAS, as the Building Inspector and the Clerk also report, the norm in the vicinity of the Village is to lump in the cost of the Solar Electric System with other costs in calculating the fee without first differentiating the Solar Electric System cost, and neither the Village Attorney nor the Assistant Village Attorney could find a statutory or regulatory source requiring such differentiation; and

WHEREAS, a comment made in the 2017 Comprehensive Development Plan encouraging clean energy may have been over-applied to commercial and residential sites alike by limiting the fee associated with each such application in the Fee Permit Schedule to \$250, irrespective the cost of such system, and that commercial systems are likely already highly incentivized by grants, rebates, tax credits, and large-scale energy savings; and

WHEREAS, the cost to the Village administratively and expense-wise greatly exceeds the \$250 arbitrarily applied across the board to oversee the design and construction of such systems, there seeming to be no prudent or rational reason to continue such differentiation.

NOW, THEREFORE, BE IT RESOLVED, that, effective January 1, 2024, for the foregoing reasons, the Permit Fee Schedule be amended by eliminating one of the two solar power system entries, altogether, and by qualifying the other such that it reads: “\$250 – NYSERDA approved Solar Electric Energy Power Generation System (for one- or two-family residences, only); for Commercial installations, see Building Permit Schedule Fee.”

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon Vote, motion carried unanimously.

Resolution No. 23 - 147

Village of Montebello

Title: Fire Department – Ice Training Drills

WHEREAS, the Tallman Fire Department, by its letter dated November 30, 2023, requests, for the fourth year in a row, use of the ponds in Kathryn Gorman Ponds Park for the annual ice rescue refresher course; and

WHEREAS, said letter recognizes the need for sufficient Fire Department insurance, that no heavy equipment can be on the walking trails, that the Ramapo Police Department will be given notice to help monitor the activity, and that notice shall also be given to the public; and

WHEREAS, after consulting with the HPPC Chairperson or HPPC and the Village’s insurer, which has not yet occurred, any other conditions believed reasonably necessary to protect the public, the ponds and the park, shall be considered included herewith; and

WHEREAS, additional details are required from the Fire Department setting forth the exact nature of its drills, when they will be held, and an alternate date if the weather doesn’t cooperate.

THEREFORE, BE IT RESOLVED that said use is hereby approved and permitted in the public good, subject to meeting any further reasonable conditions as mentioned above, which shall be made known to the Fire Department as soon as possible it being believed that the Fire Department has anticipated these conditions as mentioned in its letter and due to its prior usage.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

Public Comment:

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

Old / New Business

- The Board discussed the Rockland County Shared Services Agreement which has been approved.
- The Mayor announced that the 2024 Tax Bills have been mailed. He also stated that you are welcome to pay online as well as in person.

At 7:40 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss contractual negotiation matters and possible follow ups to a traffic study, seconded by Trustee Egenhauser. Vote carried unanimously.

At 8:20 PM, Deputy Mayor Caridi made a motion to exit the Executive Session, seconded by Trustee Egenhauser. Vote carried unanimously.

At 8:20 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Egenhauser. Vote carried unanimously.