

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, APRIL 18, 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 Melanie Golden Steven H. Beldock Evan T. Kuperman	Mayor Trustee Trustee Trustee
Absent:	Stacy Caridi	Deputy Mayor
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor’s Report:

The Mayor is going to keep his report brief as the agenda is quite full. Mayor Millman would like to remind everyone that spring is here, and if there are road hazards or potholes in the roads, to please be in touch with Town of Ramapo Highway, via the Village, to let them know.

Parks Commission:

Amy Rapoport, Parks Commission Chairperson, discussed the undertaking of an endangered tree and shade tree status survey that the Commission is currently doing to identify any trees which may need to be removed or trimmed, and where there is potential to plant a new shade tree.

Chairperson Rapoport notified the Board of the condition of the Kathryn Gorman Parks trees since winter. She stated that there were several trees that have fallen as well as several that need to be trimmed.

Chairperson Rapoport reminded the Board that Arbor Day is Friday, April 27th, and that a Sugar Maple will be planted on the grounds of Village Hall.

The Chairperson also informed the Board of the Commission’s plan to hold events in the Park. The first event will be Yoga in the Park to be held at the Village Hall gazebo. Trustee Golden suggested that Chairperson Rapoport get sponsors for this.

Lastly, Chairperson Rapoport reported that she was at Congers Lake Park and noticed their trail marking sign and would like permission to inquire about that type sign for possible use in the Gorman Ponds Park.

Public Comment:

Susan Clark of 62 Montebello Road, Montebello, stated that there seems to be many beds being delivered into her neighbor’s home and she was wondering what it meant. The Mayor advised Ms. Clark that if she would like it looked into, than she should fill out a

complaint form at Village Hall for the Building Inspector to investigate. She stated that she would do so.

Amy Rapoport wanted to know if anyone from the Village has met the new management of the Spook Rock Golf Course to discuss the use of chemicals on the golf course. Mayor Millman stated that he is waiting a mutually agreed time.

Amy Rapoport directed a question to the Ramapo Police officer, PO Cooperstein, who was in attendance. She wanted to know if landscapers could dump along Route 202. He stated that he would need more information and she could contact the police when she sees it occurring.

Trustee Kuperman directed a question to PO Cooperstein regarding excessive speed near Oxford and Senator Levy Drive and requested that the area be monitored. Trustee Beldock also notified PO Cooperstein that the Kathryn Gorman Park seems to be a hangout at night and would like that area monitored as well.

Jessica Clark, 62 Montebello Road, requested that the Village add more lights on Montebello Road. The Mayor advised Ms. Clark that Montebello does not believe in unwarranted light pollution, but he would look into it.

Resolution No. 18 - 029

Village of Montebello

Title: Public Hearing Amending the Montebello Code by Combining the Neighborhood Shopping (NS) and Professional Office (PO) Zoning Districts into the NS District, and Certain Other Changes to the Uses therein in Furtherance of the 2017 Comprehensive Plan, as well as Adding a Special Permit Use into said Merged District: Animal Hospitals and Veterinary Clinics

WHEREAS, the 2017 Comprehensive Plan made several recommendations with regard to the Neighborhood Shopping (NS) and Professional Office (PO) Zoning District. These recommendations include in relevant part:

- The NS and PO land use areas are recommended to be zoned NS, with the remaining PO uses merged into the NS uses, to allow for a wider range of permitted uses in the merged district.
- The NS district uses presently include local convenience commercial (small stores and shops catering to the needs of local shoppers) and “retail boutique and specialty shops” which suggests an upscale or rare offering that is hard to define. The Plan guided that, instead, any retail sales or personal services be permitted as reflected herein.
- Museums, Libraries and noncommercial art galleries are removed as a permitted use as per the Plan as these are uses that do not further the economic development interests of the Village; and

WHEREAS, subsequent to the adoption of the Comprehensive Plan, the Village received a request for consideration of Animal Hospitals and Veterinary Clinics within the NS zoning district. The Village Board believing that this use is generally consistent with pet stores, personal service establishments and medical offices, all of which are already explicitly or implicitly permitted in the district, agreed by virtue of Resolution No. 18-020 to pursuing the

legislative changes by Special Permit, as also set forth in this amendment, including special permit criteria relevant to the control of noise and odors outside the facility as well as prohibiting outdoor kennels or overnight boarding of pets in the NS district; and

WHEREAS, the Planning Board, in its letter dated March 16, 2018, approved of the proposed Local Law without change except recommended that all of the animal kennel references be removed from it and the Code, to avoid possible confusion since such use not permitted in any zoning district; and

WHEREAS, the Village Attorney questioned the Village Clerk on the record hereat or the first day of this hearing, on March 22, 2018, and ascertained that the following Legal Notice was published in the Journal News on March 11th and was posted on March 9th at 7 places, and that said Notice and the version of said Law was provided to the Trustees and made available to the public on March 12th and therefore concluded that due legal notice had been given to open the hearing, especially to consider the recommendation of the Rockland County Department of Planning received on that day:

“NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday March 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 adopting Local Law No. 2 of 2018 entitled: “Merging the PO (Professional Office) and NS (Neighborhood Shopping) Zoning Districts, and other Related Changes in Furtherance of the 2017 Comprehensive Plan, as well as adding in the merged NS District as a Special Permit Use: Animal Hospitals and Veterinary Clinics”, thus amending the Zoning Local Law, Chapter 195 of Village Code, as more particularly set forth in said Local Law, but summarized as follows.

1. Consolidate the uses permitted in the NS and PO districts into a merged NS Zoning District, except for eliminating museums, non-commercial galleries and related uses, and allowing general types of retail and personal service as opposed to only “boutique” or local establishment uses.
2. Add as a Special Permit Use in the NS district, Animal Hospital and Veterinary Clinic (without overnight boarding or kennels).
3. Add definition: Animal Hospital, and Veterinary Clinic; and, Kennels.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hour, Monday through Friday, 9:00 am to 4:00 pm as well as on the Village of Montebello website www.villageofmontebello.com.

Joan Will
Village Clerk – Treasurer

Village of Montebello
One Montebello Road
Montebello, NY 10901
(845) 368-2211

Warren E. Berbit
Village Attorney

February 21, 2018”

; and

WHEREAS Trustee Golden moved and Deputy Mayor Caridi seconded opening the Public Hearing on March 22, 2018, at 9:16 pm, all in favor; and

WHEREAS, after introductory comments by the Mayor, the Village Attorney summarized the intent of the local law to implement the Comp Plan recommendation that the NS and PO districts be merged into the NS district, with certain minor changes, and that the Animal Hospital and Veterinary Clinic use be added therein as a Special Permit use; and

WHEREAS, upon questioning of the Village Clerk by the Village Attorney, the following were included on the record:

1. Legal Notice
 2. Proposed Local Law
 3. Letter from the Montebello Planning Board dated March 16, 2018
 4. Rockland County Planning Department letter dated March 22, 2018.
 5. EAF Parts 1 and 2 and proposed Negative Declaration and Narrative from Planner;
- and
6. Letter from Rockland County Sewer District dated March 12, 2018.
 7. Resolution 18-020; and

WHEREAS, the Public Hearing was opened to the floor and testimony taken, after which time the Village Attorney reported that one of the consequences of the recommendation of the Rockland County Department of Planning was his recommendation that the hearing be continued at the next Regular Meeting on April 18, 2018, to facilitate recommendation No. 3, as more particularly set forth in the following Resolution No.18-025 adopted as set forth as follows:

Resolution No. 18-025

Village of Montebello

Title: Public Hearing Amending the Montebello Code by Combining the Neighborhood Shopping (NS) and Professional Office (PO) Zoning Districts into the NS District, and Certain Other Changes to the Uses therein in Furtherance of the 2017 Comprehensive Plan, as well as Adding a Special Permit Use into said Merged District: Animal Hospitals and Veterinary Clinics

WHEREAS, a Public Hearing is open regarding amending the zoning code to merge the Neighborhood Shopping (NS) and Professional Office (PO) zoning districts; and

WHEREAS, the recommendation of the Rockland County Department of Planning dated today, March 22, 2018, as received today, has implications which necessitate keeping such hearing open.

THEREFORE, BE IT RESOLVED AND FOUND AS FOLLOWS:

1. With respect to Recommendations Nos. 1 and 2, review by the Rockland County Department of Highways and by the NYS Department of Transportation, and consideration of their comments, that such are expressly overridden as outside the purview and authority of GML Section 239, Section l and m, as the pending action is legislative in nature involving the Zoning Code, and ample opportunity will be given for those agencies to comment should land use applications be made applying said amended provisions.

2. With respect to recommendation No. 3, such incorrectly refers to GML 239 Section nn which on its face is not applicable to the pending legislative action, but such is governed by Village Law Section 7-702, and, thus, notice to the referenced municipal entities shall be given, and the hearing kept open to duly consider any responses.

3. With respect to recommendation No. 4, that such is accepted, said Local Law to be amended by deleting the parking standards for libraries, museums and art galleries from the Table of Use Requirements in the NS zoning district, as these uses are to be eliminated, and given continuation of the Hearing, that animal kennels shall similarly be removed from the code; and

BE IT FURTHER RESOLVED, that the Public Hearing be continued at the April 18, 2018 meeting of the Village Board for the above purposes, and that the Rockland County Department of Planning be given notice of these actions.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote the motion carries unanimously by a vote of 4 – 0.

Dated March 22, 2018 ; and

WHEREAS, at the request of the Mayor upon the continuation of the Public Hearing on April 18, 2018, the Village Attorney explained what occurred on March 22, 2018, and the reason for continuing the Hearing, at which point he ascertained from the Village Clerk that Resolution No. 18-025 was circulated to the Rockland County Department of Planning, that the draft law was amended to reflect the changes required by Resolution 18-025, and that such amended law was made available to the public and the Trustees, and to others as sent to with notice as follows:

Rockland County Highway/Sewer Department, Rockland County Environmental Management Council, Rockland County Department of Environmental Health, Town of Ramapo Highway Department, Village of Airmont, Village of Suffern, Village of Wesley Hills, NYS DEC, NYS

DOT, Palisades Interstate Park Commission, and Town of Ramapo Planning Department, as per Rockland County Planning Department Recommendation #3; and

WHEREAS, the Village Attorney therefore concluded that the combination of notices represented due legal notice, and that the hearing could continue; and

WHEREAS, upon further questioning of the Village Clerk by the Village Attorney, there were no additional communications to include in the record; and

WHEREAS, at 8:37 pm, Trustee Golden motioned and Trustee Beldock seconded, to open the continuing the public hearing, all in favor, and the following spoke thereat:

1. Jonathan Lockwood, Planner – reviewed the proposed law and the recent amendments and the SEQR process and EAF's 1, 2, and Negative Declaration; and

WHEREAS, no one else wishing to speak, at 8:38 pm Trustee Golden motioned and Trustee Beldock seconded to close the Public Hearing, all in favor; and

WHEREAS, after due deliberation, the Board decided as follows:

BE IT RESOLVED, that EAF parts 1 and 2, and the Narrative and Negative Declaration be and hereby are approved, and said Negative Declaration made; and

BE IT FURTHER RESOLVED, as a result of the Public Hearing, testimony and discussion thereat, and upon all documents as received into the record that said proposed Local Law as previously amended, be and hereby is adopted; and

BE IT FURTHER RESOLVED that said Local Law, be effective immediately upon filing with the Secretary of State.

Roll call:

Trustee Golden	-	Aye
Trustee Beldock	-	Aye
Trustee Kuperman	-	Aye
Mayor Millman	-	Aye

Motion carries.

Resolution No. 18 - 030

Village of Montebello

Title: Adjourning EPOD's Public Hearing

WHEREAS, by virtue of Resolution No. 18-026, adopted March 22, 2018, the Village Board acted to schedule a Public Hearing for this evening in furtherance of 2017 Comprehensive

Plan, to consider adopting an amendment to the Village Code to include designating Environmental Protection Overlay Districts, or "EPODs" that would include specifically identified environmental resources deserving special consideration, with enhanced standards to better protect these resources. The following three EPODs are proposed to implement the Comp Plan recommendations: 1) Floodplain EPOD; 2) Wetlands, Waterbodies and Streams EPOD; and 3) Steep Slopes EPOD. The amendments further propose aquifer and wellhead protection measure be implemented; and

WHEREAS, the Mayor, Village Attorney and Village Clerk, report that the draft Local Law has been the subject of spirited debate between the Village's professionals, such that the Village Attorney recommended adjourning said Public Hearing until the June 20, 2018 regular meeting of the Village Board.

THEREFORE, BE IT RESOLVED that Resolution No. 18-026, be and herewith be amended, adjourning the Public Hearing until June 20, 2018.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the motion carried unanimously.

Resolution: 18 - 031

Village of Montebello

Title: Certifying of Elected Officials

BE IT RESOLVED, that the results of the Village Election held on March 20, 2018, be and hereby is certified, and the following declared as elected:

Evan T. Kuperman, Trustee, for a term of one year, by a vote of 94 to 0; and

it being understood that said terms end on the first business day in April 2019, or until a successor is elected and sworn.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 032

Village of Montebello

Title: Appointment of Deputy Mayor

WHEREAS, the appointment of Stacy Caridi as Deputy Mayor expires with this meeting.

THEREFORE, BE IT RESOLVED, that Stacy Caridi be and hereby is reappointed Deputy Mayor of the Village of Montebello until the next reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 033

Village of Montebello

Title: Master Reorganizational Resolution

BE IT RESOLVED, that all organizational resolutions 18 – 034 through 18 – 035 are hereby approved in one master reorganizational resolution.

Motion: Trustee Golden

Second: Trustee Beldock

Includes:

- Appointment of Village Clerk-Treasurer
- Appointment of Deputy Village Clerk
- Appointment of Village Attorney
- Appointment of Deputy Village Attorney
- Appointment of Assistant Village Attorney
- Appointment of Assistant Village Attorney for Prosecutions
- Appointment of Clerk to Planning & Zoning Boards
- Appointment of Justice Court Clerk
- Appointment of Chairman to the Planning Board
- Appointment of Planning Board Member
- Appointment of Ad-Hoc Member to the Planning Board

Appointment of Chairman of Zoning Board of Appeals
Appointment of Chairperson to the HPC
Appointment of the Village Historian
Appointment of the Parks Chairperson
Appointment of Member to the Parks Commission
Appointment of Member to the Parks Commission
Appointment of Associate Village Justice
Appointment of Court Officers
Appointment of Building Inspector as Independent Contractor
Appointment of Fire Inspector P/T

Resolution: 18 - 034

Village of Montebello

Title: Appointment Village Clerk - Treasurer

WHEREAS, the Mayor hereby reappoints Joan Will as Village Clerk - Treasurer.

THEREFORE, BE IT RESOLVED, that Joan Will is hereby reappointed Village Clerk-Treasurer for the Village of Montebello pursuant to the Village Law of the State of New York.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 035

Village of Montebello

Title: Appointment of Deputy Village Clerk

WHEREAS, the appointment of Louise Renud as Deputy Village Clerk expires with this meeting.

THEREFORE, BE IT RESOLVED, that Louise Renud be and hereby is appointed Deputy Village Clerk for the Village of Montebello pursuant to the Village Law of the State of New York until the next reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 036

Village of Montebello

Title: Appointment Village Attorney

WHEREAS, the appointment of Warren E. Berbit as Village Attorney expires with this meeting.

THEREFORE, BE IT RESOLVED, upon the recommendation of the Mayor, that Warren E. Berbit be and hereby is reappointed Village Attorney for the Village of Montebello until the next reorganizational meeting of April 2019, or as soon thereafter as a successor can be appointed.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 037

Village of Montebello

Title: Appointment Deputy Village Attorney

WHEREAS, the appointment of Ira E. Emanuel as Deputy Village Attorney expires with this meeting.

THEREFORE, BE IT RESOLVED, upon the recommendation of the Mayor, that Ira E. Emanuel be and hereby is reappointed Deputy Village Attorney for the Village of Montebello until the next reorganizational meeting of April 2019, or as soon thereafter as a successor can be appointed.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 038

Village of Montebello

Title: Appointment of Assistant Village Attorney (Golland)

WHEREAS, the Mayor recommends that Jay Golland, Esq. continue in the position of Assistant Village Attorney to work with the Village Attorney on prosecutions.

THEREFORE, BE IT RESOLVED, that Jay Golland be and hereby is reappointed as an Assistant Village Attorney for the purpose of handling prosecution of violations under the direction of the Village Attorney, for a term to expire at the reorganizational meeting in April 2019, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment sooner, compensation to be \$150.00 per hour for in court time, and \$125.00 for preparation time, representing increase of \$20.00 per hour in each category and suggested by the Village Attorney and recommended by the Mayor, to make same more reflecting of the current market, such not having been adjusted since 2015.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 039

Village of Montebello

Title: Appointment of Assistant Village Attorney for Prosecutions (Yodowitz)

WHEREAS, the Mayor recommends that Robert Yodowitz continue in the position of Assistant Village Attorney to work with the Village Attorney on prosecutions.

THEREFORE, BE IT RESOLVED, that Robert Yodowitz be reappointed as an Assistant Village Attorney for the purpose of handling the Village's traffic related prosecutions of violations under the direction of the Village Attorney, until the next reorganizational meeting in

April 2019, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment sooner, compensation to be 150.00 per hour for in court time, and \$125.00 for preparation time, representing increase of \$20.00 per hour in each category and suggested by the Village Attorney and recommended by the Mayor, to make same more reflecting of the current market, such not having been adjusted since 2015.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 040

Village of Montebello

Title: Appointment of Clerk to Planning & Zoning Boards

WHEREAS, the appointment of Regina Rivera as Clerk to the Planning Board and Zoning Board of Appeals expires with this meeting.

THEREFORE, BE IT RESOLVED, that Regina Rivera be and hereby is reappointed Clerk to the Planning Board and Zoning Board of Appeals until the next reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 041

Village of Montebello

Title: Appointment of Justice Court Clerk

WHEREAS, the appointment of Patricia Marsh as Justice Court Clerk expires with this meeting.

THEREFORE, BE IT RESOLVED, that Patricia Marsh be and hereby is reappointed as Justice Court Clerk for the Village of Montebello at an hourly rate of \$21.00, until the next reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 042

Village of Montebello

Title: Appointment of Chairman to the Planning Board

WHEREAS, the Mayor recommends the reappointment of Anthony Caridi as Chairman to the Planning Board for a term of one year to expire at the reorganizational meeting of April 2019.

THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Mayor, said appointment be and hereby is extended as Chairman for a one year term or until the Annual Meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 043

Village of Montebello

Title: Appointment of Planning Board Member

WHEREAS, the Mayor recommends the reappointment of Thomas Ternquist to the Planning Board for a five year term to expire at the reorganizational meeting of April 2023.

THEREFORE, BE IT RESOLVED, that Thomas Ternquist be and hereby appointed to the Planning Board, term to expire at the reorganizational meeting of April 2023.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 044

Village of Montebello

Title: Appointment of Ad-Hoc Member to the Planning Board

WHEREAS, the Mayor recommends the appointment of Stanley Shipley as an Ad-Hoc Member of the Planning Board, term to expire April 2020.

THEREFORE, BE IT RESOLVED, that Stanley Shipley be and hereby is appointed as Ad-Hoc Member of the Planning Board, term to expire at the reorganizational meeting of April 2020.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 045

Village of Montebello

Title: Appointment of Chairman to the Zoning Board of Appeals

WHEREAS, the Mayor recommends the reappointment of Rodney Gittens as Chairman to the Zoning Board of Appeals for a one year term to expire at the reorganizational meeting of April 2019.

THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Mayor, said appointment be and hereby is extended as Chairman for a one year term, or until the Annual Meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 046

Village of Montebello

Title: Appointment of Chairperson to the Historic Preservation Commission

WHEREAS, Lisa Levin's appointment as Chairperson to the Historic Preservation Commission expires with this meeting; and

WHEREAS, the Mayor recommends reappointing her as the Chairperson.

THEREFORE, BE IT RESOLVED, that Lisa Levin is hereby reappointed as the Chairperson of the Historic Preservation Commission until the reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 047

Village of Montebello

Title: Appointment of the Village Historian

WHEREAS, the appointment of Craig Long as the Village Historian expires with this meeting.

THEREFORE, BE IT RESOLVED, that Craig Long be and hereby is reappointed Village Historian for the Village of Montebello until the next reorganizational meeting of April 2019 with an annual stipend of \$500.00.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 048

Village of Montebello

Title: Appointment of Chairperson to the Parks Commission

WHEREAS, the Mayor recommends the reappointment of Amy Rapoport as Chairperson to the Parks Commission for a one year term to expire at the reorganizational meeting of April 2019.

THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Mayor, said appointment be and hereby is extended as Chairperson for a one year term, or until the Annual Meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 049

Village of Montebello

Title: Appointment of Parks Commissioner

WHEREAS, the Mayor recommends the reappointment of Howard Hochberg as commissioner of the Parks Commission term to expire April 2023.

THEREFORE, BE IT RESOLVED, that Howard Hochberg be and is hereby reappointment to the Parks Commission for a five year term to expire at the reorganizational meeting of April, 2023.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 050

Village of Montebello

Title: Appointment of Parks Commissioner

WHEREAS, the Mayor recommends the reappointment of Tony Piazza as commissioner of the Parks Commission term to expire April 2023.

THEREFORE, BE IT RESOLVED, that Tony Piazza be and is hereby reappointment to the Parks Commission for a five year term to expire at the reorganizational meeting of April, 2023.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 051

Village of Montebello

Title: Appointment of Acting Village Justice

WHEREAS, the Mayor recommends the reappointment of Karen Riley as Acting Village Justice until the next reorganizational meeting of April 2019.

THEREFORE, BE IT RESOLVED, that Karen Riley be and hereby is appointed as Acting Village Justice, until the next reorganizational meeting of April 2019.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 052

Village of Montebello

Title: Appointment of Court Officers

BE IT RESOLVED, that Robert Nesi and Brian Block are hereby reappointed as Court Officers at a rate of \$20.00 per hour.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 053

Village of Montebello

Title: Building Inspector as Independent Contractor

WHEREAS, the Village's Building Inspector, Larry Picarello, is currently employed by the Village of Montebello; and

WHEREAS, Larry Picarello has continued to provide services to the Village for 3 hours per day, 3 days per week, or as needed as a part-time Building Inspector, it being understood that such is as an independent contractor at a fixed hourly rate, without benefits, said rate of \$63.00/hour, hereby set by mutual agreement.

THEREFORE, BE IT RESOLVED, that, Larry Picarello is retained as an independent contractor to provide Building Inspector services at an hourly rate of \$63.00/hour, without benefits, for approximately 9 hours/weekly, Mr. Picarello to set his exact hours in his judgement as he deems necessary to service the Village.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 054

Village of Montebello

Title: Appointment of Fire Inspector P/T

WHEREAS, Mr. Christopher Kear, who is presently a P/T Fire Inspector for the Village of Montebello and the Village of Wesley Hills.

THEREFORE, BE IT RESOLVED, that Christopher Kear be reappointed as Fire Inspector (P/T) for a term to expire at the reorganization meeting in April 2019, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment at any time, compensation to be at \$21.42 per hour, not to exceed 10 hours per week or as necessary.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 055

Village of Montebello

Title: Designation of Official Depository

BE IT RESOLVED, that Sterling National is hereby designated as the official depository for Village funds and that TD Bank and JP Morgan Chase are also approved as Village Depositories.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 056

Village of Montebello

Title: Designation of Official Signatories

BE IT RESOLVED, that assuming prior authorization is required by law, any two of the following Village Officers shall be authorized for and on behalf of the Village to make and sign checks, drafts, or other orders with respect to any funds at any time to the credit of the Village with any official depository for Village funds and against any demand savings account or accounts of the Village maintained at any time with any such official depository: Clerk-Treasurer, and with the Mayor or in his absence, the Deputy Mayor.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 057

Village of Montebello

Title: Designation of Official Village Newspapers

BE IT RESOLVED, the Journal News is hereby designated as the official Village newspapers for publication of all legal notices and information pertaining to the Village of Montebello.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 -058

Village of Montebello

Title: Approval of Minutes for March 21, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of March 21, 2018, be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Kuperman

Trustee Beldock abstained; Deputy Mayor Caridi absent.

Upon vote the motion carries unanimously by a vote of 3 – 0.

Resolution No. 18 - 059

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated April 18, 2018, and totaling \$114,764.35 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Beldock.

Upon Vote motion carries unanimously.

Resolution No. 18 - 060

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims dated April 18, 2018, and totaling \$797.25 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the motion carries unanimously.

Title: Residence of Legal Staff and Related

WHEREAS, the Village was incorporated on May 7, 1986, and in the first organizational meeting which followed, the office of the Village Attorney was established by Resolution No. 86-5, filled by Resolution No. 86-6, and the office of Assistant Village Attorney was established by Resolution No. 86-7, and filled by Resolution No. 86-8; and

WHEREAS, the Village Attorney who has served since first being appointed in 1986, recollects that his position was changed to salaried, perhaps when the Village joined the Retirement System on or about 1994, the same as regards the Assistant Village Attorney position but the latter changed to part salary and part hourly as passed through to the applicants when pass through was adopted by Chapter 65 of the Village Code, and that two hourly Assistant Village Attorney positions were created to act as the Village prosecutors once the Village Justice Court was created on or about 2012, and that all such positions are renewed by reappointment at the Annual Meeting held in April of each year; and

WHEREAS, in addition, the position of substitute Assistant Village Attorney was created, on or about 2014 to fill in when the Assistant Village Attorney assigned to the Planning Board or Zoning Board of Appeals was unable to handle a pending matter, and the Village Attorney was unable or unwilling to do so in his stead, but such substitute recently experienced a scheduling conflict whereby that Assistant Village Attorney may no longer be able to attend such meetings on a regular basis; and

WHEREAS, it is unclear whether the Village Board ever established a residency requirement with respect to such positions, especially since its only Village Attorney resides and has resided within the Village, and the others have all resided within the County, such now becomes an issue because a highly qualified candidate for the substitute Assistant Village Attorney position resides and has an office in nearby Orange County, which role could expand in scope as circumstances dictate; and

WHEREAS, the Village Attorney and Mayor, who have been searching for an attorney to fill said position, report great difficulty finding experienced municipal attorneys within the Village or County who do not have scheduling conflicts with the Village's land use boards; and

WHEREAS, the Village Attorney reports no clear residency requirement in State Law, and the Village Board may act by Local Law or Resolution.

THEREFORE, BE IT RESOLVED that until further action by Resolution of this Board as circumstances then might compel, effective immediately, the residency (defined as "home or office to practice law") requirements for the Village's legal staff be set as follows:

1. Village Attorney – Village of Montebello
2. Assistant Village Attorney assigned to Planning Board, Zoning Board of Appeals, and substitute Assistant Village Attorney assigned to the same, in priority order as

is necessary, Village of Montebello, Town of Ramapo, County of Rockland, and County of Orange.

3. Prosecuting Assistant Village Attorneys, in priority order, Village of Montebello, Town of Ramapo, and County of Rockland.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 062

Village of Montebello

Title: Historic Preservation Commission (HPC) Use of Showcases at Dr. Jeffrey Oppenheim Community Center

WHEREAS, the HPC has requested use of the showcases at the Dr. Jeffrey Oppenheim Community Center to exhibit artifacts, pictures and other items of interest representative of the history of the area of the Village of Montebello, and its environs; and

WHEREAS, such appears to be an excellent idea so long as the showcases can be made lockable, and secure.

THEREFORE, BE IT RESOLVED, that the HPC be empowered to curate such a display on an ongoing basis, once said showcases can be made lockable and secure; and

BE IT FURTHER RESOLVED, in furtherance hereof, that the Village Clerk obtain proposals to perform said work, and has authority to authorize same so long as not exceeding \$250.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 063

Village of Montebello

Title: 30th Annual Rockland Municipal Planning Federation Dinner – Building Inspector

BE IT RESOLVED, pursuant to the request of the Building Inspector, Lawrence Picarello, that attendance to the 30th Annual Rockland Municipal Planning Federation Dinner on Monday April 30, 2018 at a cost of \$50.00, is hereby approved.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the motion carried unanimously.

Resolution No. 18 - 064

Village of Montebello

Title: Arbor Day Tree Planting

WHEREAS, as consistent with the Village’s past practice of honoring Arbor Day, the Village Clerk-Treasurer explored proposals from vendors for a Sugar Maple tree to be planted on the grounds of Village Hall with a minimum height of 10’, and the following were received:

Vendor	Tree Proposal	Price Quote
J. Krokus Nursery	Green Mountain Sugar Maple – 1 ¾” to 2” caliper – 12 Feet tall – Delivered and Installed – Guaranteed for 1 year from date of install	\$463.00
Belleville Landscaping	Sugar Maple – 4.5” caliper Installed in top soil and covered in mulch – Planted with 6 month warranty	\$1,350.00
Belleville Landscaping	Sugar Maple – 3” caliper Installed in top soil and covered with mulch – Planted with 6 month warranty	\$495.00

; and

THEREFORE, BE IT RESOLVED, that authorization is hereby granted to expend the sum of \$463.00 from the Shade Tree Fund to acquire and plant a Sugar Maple tree on the

grounds of Village Hall as more particularly set forth in the proposal of J. Krokus Nursery dated April 13, 2018, referred to as if fully set forth hereinafter, such meeting the minimum height requirement, at a slightly lower price, and with a longer warrantee.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the motion carried unanimously.

Resolution No. 18 - 065

Village of Montebello

Title: Arbor Day 2018

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Lance N. Millman, Mayor of the Village of Montebello, do hereby proclaim April 27, 2018 as **ARBOR DAY** in the Village of Montebello, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, motion carried unanimously.

Resolution No. 18 - 066

Village of Montebello

Title: Sentinel of Rockland – ALF in LO-C Zoning District

WHEREAS, by discussion, the Board informally acted on March 22, 2018, showing affirmative interest in adding various forms of Assisted Living to the LO-C zoning district, in this case ALF (Assisted Living Facility), upon the inquiry by the applicant, The Sentinel of Rockland, with respect to the parcel at 200 Rella Boulevard in the LO-C zoning district; and

WHEREAS, in furtherance of said discussion, counsel for the applicant has since indicated that she drafted a proposed amendment to the Zoning Local Law to facilitate such use in the impacted zone, has supplied a draft of same, and said applicant has indicated willingness to pay for the services of the Village professionals necessary to address and oversee such a possible change.

THEREFORE, BE IT RESOLVED that said Petition containing the aforesaid proposed changes be supplied to the Village professionals necessary study same, and that they report their findings and recommendations sufficiently timely to allow the Village Board in its legislative discretion to further consider the matter at its May 16, 2018 Regular Meeting,

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, the motion carried unanimously.

Resolution No. 18 - 067

Village of Montebello

Title: Appointing Substitute Assistant Village Attorney

WHEREAS, in application of the Residence of Legal Staff and Related Resolution adopted this evening, and due to recusals and/or scheduling conflicts of some members of the legal staff, the Village Attorney reported conducting a diligent search for a substitute Assistant Village Attorney, such position needed effective immediately; and

WHEREAS, although qualified, experienced municipal attorneys were found, due to meeting schedule conflicts, none was able to be pursued to the next level of vetting, except for

Alyse Terhune, Esq., who practices and lives in Tuxedo, New York, and appears to be eminently qualified, currently serving or having served the following municipalities in various legal capacities: Towns of Highlands, Tuxedo Park and Blooming Grove; Village of Wurstsboro, Highland Falls, and Greenwood Lake; and

WHEREAS, Ms. Terhune is willing and able to change her other municipal work schedule so as to clear any conflicts with the meeting days and times for the Village of Montebello Planning Board, Zoning Board of Appeals, and CDRC; and

WHEREAS Ms. Terhune was interviewed by the Mayor and Village Attorney, her writing samples and references checked, and both recommend her appointment, effective immediately, at a pass through rate of \$175.00 per Chapter 65, and at the same rate to the Village for Zoning Board of Appeals work if unrelated to a Planning Board application, and this not subject to pass-through; and

WHEREAS, it was agreed not later than the September 2018 Regular Village Board meeting, the scope of Ms. Terhune's services to the Village, and her compensation therefor, would be reviewed, and would be subject to possible prospective change; and

WHEREAS, the Village Board has had the opportunity to meet Ms. Terhune in Executive Session this evening.

THEREFORE, BE IT RESOLVED, subject to the above conditions and circumstances, that Alyse Terhune be and hereby is appointed, effective immediately, to serve the Village of Montebello until the next Reorganizational Meeting, or until a replacement is appointed and sworn, as substitute Assistant Village Attorney, said role and term to be re-examined by the Mayor and Village Board, no later than the September 2018 Regular Meeting of the Village Board; and

BE IT FURTHER RESOLVED that Mayor and Village Board welcome Alyse Terhune to the legal staff, and look forward towards a positive and enduring relationship.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, motion carried unanimously.

Resolution: 18 – 068

Village of Montebello

Title: Authorization of new IT Services for Village Hall

WHEREAS, The Village Clerk-Treasurer sought proposals for new IT Services and updating equipment as necessary last spring for Village Hall, and due to the elimination of previous proposals

outlined in June 2017, further negotiation lead to the receipt of the following from Delaney Computer Services, which is summarized as follows:

Vendor	Proposal	Price Quote
Delaney Computer Services [Partial Proposal]	Infrastructure and Management Service (access point, firewall, smart switches, remote monitoring) including email server and set up	\$1,693.75 per month
Delaney Computer Services [Full Proposal]	Infrastructure and Management Service (access point, firewall, smart switches, remote monitoring) including email server and set up in addition to all new computers (workstations, notebooks, & projector)	\$1,993.10 per month

(see proposals for more information); and

WHEREAS, the proposals each include Infrastructure and Management Services for a 48 month period, the higher cost proposal includes replacement and updates to all related equipment; and

WHEREAS, the Village Clerk-Treasurer recommends the Full Proposal as outlined because it replaces all the equipment and work stations within Village Hall.

THEREFORE, BE IT RESOLVED, that the full proposal from Delaney Computer Services in the amount of \$1,993.10 per month, be and hereby is accepted and said sum be authorized to be expended for the forgoing purposes, final form of agreement to be approved by the Village Attorney.

Trustee Golden made a motion and Trustee Beldock seconded.

Mayor Millman stated there was a need to move forward and implement getting new equipment ASAP. The proposal falls within the budget of \$2,000.00 per month and will include Office 360 which will be beneficial especially to those individuals who use email remotely. Trustee Kuperman stated his objection to Office 360 since many companies are moving to Google or other forms for e-mail. Mayor Millman reiterated the program is included in the proposal and there would be no further costs (ie. Virus Protection) except for special projects.

Village Attorney Berbit indicated the proposal is for a long-term lease (4 years) and at the end of the lease there are three options: continue month to month with the same equipment, continue month to month with new equipment, or terminate lease. Trustee Kuperman questioned if there was a buyout with the lease. Mayor Millman said there isn't but it could be looked into. Village Attorney Berbit has requested buy-out terms.

Mayor Millman recused himself further from the discussion and the vote, stating on the record that although he has no economic connections to Delaney, his firm provides accounting services to same. The Village Attorney concurred with his intent even though a literal conflict did not appear to exist under the General Municipal Law and the Public Officers Law. It is always best to avoid even the vaguest appearance of a conflict, and the minutes should reflect this.

Roll call:

Deputy Mayor Caridi	Absent
Trustee Golden	Yes
Trustee Beldock	Yes
Trustee Kuperman	Yes

Mayor Millman Recused himself (discussed before vote)

Upon vote the motion carries by a vote of 3 – 0, 1 recused.

Old / New Business

Mayor Millman advised the Board and members of the community of the following:

- Manhattan Beer is interested in making Dunnigan Drive an Industrial Park.
- The Village has been notified that it is the recipient of a \$74,000 grant for slate roof replacement at the Village Hall, thanks to the legislative efforts of Senator David Carlucci.
- Yoga in the Park and Shakespeare in the Park are scheduling summer events at Village Hall.
- Eagle Scout Project green house at the Community Garden is complete.

At 9:47 PM Trustee Beldock made a motion to adjourn the meeting, seconded by Trustee Golden, vote carried unanimously.

Respectfully submitted:

Joan Will, Village Clerk - Treasurer