

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY JANUARY 16, 2019 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	Mayor
	Stacy Caridi	Deputy Mayor
	Melanie Golden	Trustee
	Steven H. Beldock	Trustee
	Evan T. Kuperman	Trustee

Others Present:	Warren Berbit	Village Attorney
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Recording Secretary:	Joan Will	Village Clerk-Treasurer
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**Mayor's Report:**

Mayor Millman reports all tax bills were mailed to the residents in a timely manner in order to bring in the revenue for the 2019 year.

The Mayor also reported that the Village of Suffern has made Memorial Drive into a one-way street because of major road construction that will be taking place due to flooding deterioration. The traffic will be detouring onto Orchard Street. The construction will be a lengthy in time of at least six months. We have requested that the Village's Engineer investigate the situation since it transfers a heavier load to our road.

The Village will be appointing a new Justice Court Clerk and Fire Inspector and will be looking into the merger of the Historic Preservation Commission and the Parks Commission.

The Mayor reports that the next Village newsletter should be ready for mailing in mid-February and reminds all to submit their articles.

The Mayor also reported that the Village has been looking into the Tree Law and ways to make it more effective including the potential increase in fines for violations.

The Mayor noted that it was wonderful to see so many students from the Suffern High School Public Affairs Class. He advised the students that the Board has a rule that at least one student must ask one question of the Board.

**Parks Commission:**

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

**Public Comment:**

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

**Resolution No. 19-001**

Village of Montebello

Title: Approval of Minutes for December 19, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of December 19, 2018, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Trustee Kuperman abstained

Upon vote 3–0, motion carries.

**Resolution No. 19-002**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 16, 2019, and totaling \$116,331.04 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Resolution: 19-003**

Village of Montebello

Title: Public Hearing to Discuss Community Development Block Grant Funds

WHEREAS, this public hearing opened for the purpose of discussing Community Development Block Grant funds, as more particularly set forth in the public hearing Formal Resolution as was published by CDBG Consortium on August 6, 2018 as consistent with the draft to be attached to the minutes hereof; and

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

THEREFORE, BE IT RESOLVED, that the Village of Montebello hereby approves its participation in such CDBG process for 2019 as part of the eligible municipal entities within Rockland County.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

It was explained by the Mayor, with confirmation by the Village Clerk-Treasurer, that even though we don't qualify for a grant, our participation assists those who do.

Upon vote, motion carries unanimously.

**Resolution: 19 - 004**

Village of Montebello

Title: Appointment of Election Inspectors

BE IT RESOLVED, that the Board of Trustees of the Village of Montebello does hereby appoint the following persons to serve as Election Inspectors for the upcoming Village election to be held on March 19, 2019:

<u>Name</u>	<u>Address</u>
Doug Whipple	55 Church Road Airmont, NY 10952 (845) 369-7258

Rosalie Thompson Jones      196 Lafayette Avenue, Apt. 607  
Suffern, NY 10901  
(845) 659-6945

Rosemary Szwartz              42 Lackawanna Trail  
Montebello, NY 10901

Judith Block                      10 Somerset Drive, Apt. 26K  
Suffern, NY 10901  
(845) 918-1286

BE IT FURTHER RESOLVED that their compensation be set at a rate of \$12.00 per hour or required minimum wage for Rockland County if higher.

Motion:            Trustee Golden

Second:           Deputy Mayor Caridi

Upon Vote motion carries unanimously.

**Resolution No. 19-005**

Village of Montebello

Title: Appointment of P/T Justice Court Clerk

WHEREAS, the Board of Trustees established the position of Justice Court Clerk on March 21, 2012 by adoption of Resolution No. 12-026; and

WHEREAS, the Village Justice Court Clerk, Debra Petrosky, resigned for personal reasons effective November 30, 2018; and

WHEREAS, after advertising to fill the position, reviewing applications and interviewing Justice Court Clerk candidates, the Mayor wishes to appoint and qualify, with the agreement of Justice Arnold Etelson, Raquel Diaz to the position of Justice Court Clerk P/T effective January 22, 2019, to fill the vacated position.

THEREFORE, BE IT RESOLVED, that Raquel Diaz is hereby appointed to the position of Justice Court Clerk P/T, a maximum of 15 hours per week in office plus court time, at a compensation of \$21.00 per hour.

Motion:            Deputy Mayor Caridi

Second:           Trustee Golden

Upon vote the Resolution carried unanimously.

**Resolution: 19 - 006**

Village of Montebello

Title: Acceptance of Fire Inspector's Resignation, Declaration of Vacancy and Appointment of Fire Inspector P/T

WHEREAS, Mr. Christopher Kear, P/T Fire Inspector for the Village of Montebello has tendered his resignation effective January 31, 2019; and

WHEREAS, the Village Clerk-Treasurer in searching for a qualified replacement amongst other things, canvassed other Village's and found potential candidates to fill his position, and at the direction of the Mayor, Adam Gordon was interviewed by the Mayor, the Village Attorney and Village Clerk-Treasurer and is found qualified to fill said position; and

WHEREAS, Adam Gordon, who is presently the P/T Fire Inspector for the Village of Hillburn, is willing to fill said Fire Inspector position for the Village of Montebello.

THEREFORE, BE IT RESOLVED, that the resignation of Christopher Kear is hereby accepted effective January 31, 2019 creating a vacancy in P/T Fire allowing for a transition to a new Fire Inspector; and

BE IT FURTHER RESOLVED, upon the recommendation of the Mayor, that Adam Gordon be hired as P/T Fire Inspector effective February 1, 2019, at \$22.49 per hour not to exceed 10 hours per week; and

BE IT FURTHER RESOLVED, that the Village Board does hereby express its sincere gratitude to Christopher Kear for his exemplary work on behalf of the Village of Montebello and wishes him well in his future endeavors.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution: 19 - 007**

Village of Montebello

Title: 2019 Fueling Agreement with Town of Ramapo

WHEREAS, the Town of Ramapo has offered to renew a Fueling Agreement with the Village of Montebello for one-year effective January 1st, 2019 pursuant to Article 5G of the General Municipal Law; and

WHEREAS, as more particularly set forth in said Agreement, referenced as if fully set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, the Village's two vehicles may be fueled at the Town's facility on Pioneer Avenue, Tallman and the Village agrees to pay for such usage at the Town's cost plus 20% administrative fee to cover the Town's expense, said total cost to the Village being less than obtaining fuel by other means.

THEREFORE, BE IT RESOLVED, that said Agreement be entered into, and the Mayor authorized to execute same on behalf of the Village, actual use of the Town's fueling facility to be discretionary, subject to the spillage insured issue.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

The Village Attorney ask for a revote to qualify, Art. 7, as he finds it bizarre and unenforceable as written. Qualify by adding, "provided such does not substantially alter or impact any term or condition herein", or words to that effect. Friendly amendment added, and motion so amended.

**Public Comment:**

Michael Brueckner of 11 Van Gogh Lane, asked the Board a question about the Fueling Agreement. He asked of what benefit does having a fueling agreement have on the municipality? The Mayor and the Board appreciated Mr. Brueckner's question and remarked that it certainly was an excellent question. The Mayor stated that the agreement allows the Village to pay a lower rate for gas for the Village's trucks than purchasing from a local gas station. He also stated that this is so even though the Village pays 20% over cost to the Town as an administrative fee, both together being lower than the cost at a local gas station.

**Resolution No. 19 - 008**

Village of Montebello

Title: BAS (Integrated Property System)

WHEREAS, the 2019 budget as approved after a Public Hearing included as an expenditure therein, \$18,400, for the first-year cost of obtaining, integrating and training for the Integrated Property System (IPS), from BAS, Clifton Park, New York, the initial payment due January 21, 2019, pursuant to the letter agreement notice dated January 7, 2019 (“letter”).

THEREFORE, BE IT RESOLVED, in furtherance of the approved budget, that the Mayor is authorized to execute the above letter agreement, and that the initial payment of \$9,200 is hereby authorized, as set forth in said letter.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

**Resolution No. 19 - 009**

Village of Montebello

Title: Schedule a Public Hearing to Amend the Code to Merge Historic Preservation Commission (HPC) and Parks Commission

WHEREAS, pursuant to a recent revision to the Village Code by Local Law No. 5 of 2018, establishing the Scenic and Historic Roads Overlay District in furtherance of the 2017 Comprehensive Plan, amending §195-60 of Village Code, and adding §195-64 to same, the Historic Preservation Commission (HPC) is charged with the responsibility to conduct a Public Hearing when action is planned within said Overlay District, to determine whether a Certificate of Appropriateness shall be issued and, if so, whether to qualify same by attaching conditions to the pending action; and

WHEREAS, because such appears to move the roles of the HPC and Parks Commission, closer, such lead to the conclusion that combining said Commissions into the Historic Preservation and Parks Commission (HPPC) would enhance the operation and efficiency of both Commissions, and as a consequence, the Village Attorney has been working with General Code on an amendment to the Village Code to accomplish this purpose, the latest version of the Draft Law having been sent to General Code on January 10, 2019, for a further reaction.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on or about February 20, 2019, on Local Law No. 1 of 2019, a Local Law amending Chapter 195-60 and 64.1 of the Village Code, and all other related portions, to effectuate combining the functions of said Commissions by establishing the Historic Preservation and Parks Commission (HPPC), it being intended that the General Code final reaction, and any changes necessitated by same, be available no later than 10 days before the Public Hearing, it being further understood that such take place at the March Regular Meeting if not timely available before the February meeting.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Discussion – At the request of the Mayor, the Village Attorney explained how adjudicating Certificates of Appropriateness by the HPC for activity in the overlay district, moved it and the Parks Commission closer in purpose, at a time when Parks was questioning its ongoing role. This benefits both boards and will be a Commission of nine (9) members with one ad hoc unless changed. Last version sent to General Code on January 10<sup>th</sup>. Public Hearing will be on February 20<sup>th</sup>, unless it needs to be moved to March 20<sup>th</sup>.

Upon vote, motion carries unanimously.

**Public Comment:**

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

**Old / New Business**

a. Tallman Fire Department Ice Training at GPP

Discussion – The Mayor and Village Attorney discussed that this has been done before, and that we should be certain about key provisions such as insurance, no heavy equipment on paths, Ramapo Police Department notice and oversight, notice to the public. The Village Attorney agreed, and per Fire Department letter, they seem to be aware of these conditions. However, he suggested also getting our insurer to review.

**Resolution No. 19-010**

Village of Montebello

Title: Fire Department – Ice Training Drills

WHEREAS, the Tallman Fire Department, by its letter dated January 14, 2019, requests, for the third 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 Parks Commissioner or Parks Commission 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: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Old / New Business continued**

b. Memorial Drive detour to Orchard Street due to a problem with the road on Memorial Drive as determined by the Village of Suffern. It is presently made into a one way street as per the observation of the Village Engineer, Martin Spence dated January 16, 2019 as follows: “(a) turning radius and road width at the intersection of Orchard and Route 202 is minimally adequate to permit a vehicle exiting Orchard and entering 202 and a truck entering Orchard. The situation causes occurrences of the truck tire encroachment onto the SW lawn area of intersection as well as delayed movements. Box truck size vehicles have conflicts if the intersection is occupied by an exiting vehicle. (b) detour signs indicate “truck detour” along Route 202 but is not conclusive with trucks. All vehicles are using Orchard Street as a detour.” We were not notified until we contacted the Village of Suffern. Detours of one municipality generally do not go through someone else’s municipality without direct contact with them. We are currently working on a long-term resolution.

The Mayor let the students be aware of the detour, the new truck traffic, and the speed hump on Orchard and asked them all to use caution while driving. At this point in time the Mayor excused the students from the meeting before entering into Executive Session.

At 8:53 PM, Deputy Mayor Caridi made a motion to enter into Executive Session to discuss attorney client privileged matters such as current litigation (Tageste), seconded by Trustee Kuperman. Vote carried unanimously.

At 9:10 PM, Deputy Mayor Caridi made a motion to end Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 9:11 PM, Trustee Kuperman made a motion to adjourn the meeting, seconded by Trustee Beldock. Vote carried unanimously.

Respectfully submitted:

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Joan Will, Village Clerk - Treasurer