

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY FEBRUARY 26, 2019 AT VILLAGE HALL, ONE MONTEBELLO 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
	Steven H. Beldock	Trustee
	Evan T. Kuperman	Trustee
Absent:	Melanie Golden	Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor’s Report:

Mayor Millman commented that the multi-governmental letter to Amazon regarding the Novartis property which omitted the Village was in error, and County Executive Ed Day apologized to him for the oversight. We were also notified by the Mayor of Suffern that the new tenants of the Novartis property have been in production of baking without proper permits.

The Town of Ramapo supplied us with a list of priority plowing roads and the Village of Suffern has closed Memorial Drive in one direction due to structural failure along the river. Our Village Engineer is looking into the stress on our roads due to the detour and advised that the possible repair may be very lengthy.

Our Village newsletter has been mailed to the residents, the Mayor thanked the staff who worked diligently at Village Hall to prepare it and for reminding everyone to get out and vote on March 19th.

The Mayor advised that we will be using the Senior Center at Village Hall and not the Dr. Jeffery Oppenheim Community Center for the next month or so due to a burst pipe that caused significant damage to the meeting room and that our insurance is currently assessing the damage.

The Mayor reminded everyone to stay safe on the snowy roads, but keep in mind that spring is coming.

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.

Title: Adoption of Local Law No. 1 of 2019 – Merging Historic Preservation Commission (HPC) with the Parks Commission creating the Historic Preservation and Parks Commission (HPPC).

WHEREAS, a Public Hearing on proposed Local Law No. 1 of 2019 entitled “Merging Historic Preservation Commission (HPC) with the Parks Commission to create the Historic Preservation Parks Commission (HPPC)” amending §§ 195-60 and 195-64.1 said proposed law to be adopted, subject to filing with the Secretary of State; and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on February 10th and was posted on February 8th at 7 places, and that said Notice and the version of said Law before us this evening was provided to the Trustees and made available to the public on February 10, 2019 and that the postponement of the Public Hearing due to snow and ice until this evening, February 26, 2019, was posted at 7 places, published on the Village’s website and on Facebook, and notices were hand affixed to the doors of the meeting room:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday, February 20, 2019, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Montebello Village Hall, One Montebello Road, Montebello, NY 10901, to consider adopting 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 combine the functions of the Historic Preservation Commission (HPC) and the Parks Commission (Parks) by establishing the Historic Preservation and Parks Commission (HPPC), it being intended that the General Code reaction, and any changes necessitated by same, be incorporated. If such not available by no later than February 10, 2019, then the sole action taken by the Village Board on February 20, 2019, will be to adjourn the Public Hearing until March 20, 2019, or to such later time such that the final draft version of the Local Law be available no later than ten (10) days before the actual hearing date.

All interested parties are invited to attend. The Local Law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m. as well as on the Village of Montebello website www.villageofmontebello.org

Joan Will
Village Clerk - Treasurer
Village of Montebello
One Montebello

Warren E. Berbit
Village Attorney

January 16, 2019

; and

WHEREAS, at the request of the Mayor, the Village Attorney explained as follows: Amongst the first Legislation prompted by effectuating the 2017 Comprehensive Development Plan was Local Law No. 5 of 2018 which created the Historic and Scenic Roads Overlay District, and empowered the Historic Preservation Commission (HPC) to determine whether a Certificate of Appropriateness should issue with respect to activities proposed within 250 feet of the center line of the designated roads, which also includes the authority to alter said activities if necessary to best meet the spirit and intent of the Overlay District, which judgement actually appears to fall best within the joint expertise and purpose of said respective Commission and the Parks Commission. Further, the Parks Commission, or at least some members thereof, were of the opinion that moving from the acquisition of parkland to the maintenance phase, perhaps, reduced the need for such a Commission.

Thus, was born the idea of combining the Commissions to enhance the ability and expertise available to deal with the Overlay District, as well as to bring same to bear jointly on preservation, parks and recreational issues, previously separately addressed by the respective commissions. He noted that the HPC had been created by Local Law and Parks by Resolution.

The proposed HPPC is comprised of 9 commissioners with staggered terms, as well as one ad-hoc member.

Time is of the essence as the HPC has already held a Public Hearing and dealt with its first Overlay District application.

Lastly, the proposed Law includes establishing the positions of Chair and Vice Chair or Co-Chairs, the latter to chair whenever the former is absent. This in part reflects that presently each free-standing Commission has a chairperson. Hence, it is presumed that the Mayor and Village Board will want to begin with those Chairpersons in the respective positions, without suggesting who should begin as Chair and Vice-Chair. An alternative to consider is having Co-Chairs, each able to fully preside in the absence of the other, but when both are present the former HPC Chair should chair preservation issues, and the Parks Chair, more parks and recreational issues. As another alternative, the proposed law can provide for only one Chair, and not also create a Vice-Chair. Indeed, over time the distinction between the two Commissions should disappear; and

WHEREAS, the Public Hearing was opened to the floor at 8:26 pm by motion by Trustee Kuperman and seconded by Deputy Mayor Caridi, and the Village Attorney requested that first the following be included in the Record:

1. Legal Notice, and Affidavit of Publishing and Posting.

2. Draft Local Law No. 1 of 2019
3. Final correspondence with General Code.
4. Letter from Amy Rapaport, Parks Commission Chairperson; and

WHEREAS, no one wished to be heard, the Public Hearing portion was closed at 8:44 p.m. by motion, Deputy Mayor Caridi, seconded by Trustee Beldock, all in favor, and the Board duly deliberated thereafter; and

WHEREAS, in the dialogue which ensued individual members spoke on the following issues:

1. Appointing Co-Chair
2. Number of members
3. Two Ad-Hocs
4. Stipends to increase to the higher of the two levels; and

WHEREAS, a consensus of the Board was in favor of Local Law No. 1 of 2019 with the following changes:

C.(2)(a) Add: “Upon adoption of this Local Law each present Chair shall poll his or her respective board to ascertain if any member wishes to leave the HPPC or wishes to serve as an Ad-Hoc member, and shall report to the Mayor and the Village Clerk-Treasurer no later than March 8, 2019. Based upon that information, the Mayor shall select the nine (9) members and two (2) Ad Hocs, subject to retroactive ratification at the next Regular Meeting of the Village Board”.

(2).(d.) Change to “The respective Chairs upon adoption of this Local Law shall serve as Co-chairs, until the Reorganizational meeting in April 2020, after which a single Chair shall be appointed annually by the Village Board upon the recommendation of the Mayor. Until then, the former Chair of the HPC shall preside over traditional HPC matters, and the former Parks Chair shall preside over Parks & Recreational matters. However, in the absence of a Co-chair, the other shall preside over all matters.”

(2).(f)[1] line 2 – change to “two” temporary Ad-Hoc “members”; and

BE IT RESOLVED, after a Public Hearing and due deliberation, that said Local Law be and hereby is approved by authority of Municipal Home Rule Law §20(5), subject to the following amendments, to become effective upon filing with the Secretary of State:

C.(2)(a) Add: “Upon adoption of this Local Law each present Chair shall poll his or her respective board to ascertain if any member wishes to leave the HPPC or wishes to serve as an Ad-Hoc member, and shall report to the Mayor and the Village Clerk-Treasurer no later than March 8, 2019. Based upon that information, the Mayor shall select the nine (9) members and two (2) Ad Hocs, subject to retroactive ratification at the next Regular Meeting of the Village Board”.

(2.)(d.) Change to: “The respective Chairs upon adoption of this Local Law shall serve as Co-chairs, until the Reorganizational meeting in April 2020, after which a single Chair shall be appointed annually by the Village Board upon the recommendation of the Mayor. Until then, the former Chair of the HPC shall preside over traditional HPC matters, and the former Parks Chair shall preside over Parks & Recreational matters. However, in the absence of a Co-chair, the other shall preside over all matters.”

(2.)(f)[1] line 2 – change to “two” temporary Ad-Hoc members.

The Board was polled:	Mayor Millman	-	Yes
	Deputy Mayor Caridi	-	Yes
	Trustee Golden	-	Absent
	Trustee Beldock	-	Yes
	Trustee Kuperman	-	Yes

Local Law as amended approved 4 in favor and 0 opposed and 1 absent.

Resolution No. 19-012

Village of Montebello

Title: Approval of Minutes for January 16, 2019

BE IT RESOLVED, the minutes of the Board of Trustees of January 16, 2018, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Resolution No. 19-013

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 20, 2019, and totaling \$149,221.79 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution No. 19-014

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims for the Parks Fund dated February 20, 2019, and totaling \$225.75 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution No. 19 - 015

Village of Montebello

Title: Investment Policy

WHEREAS, albeit it is believed that the Investment Policy of the Village of Montebello exists and has been updated from time-to-time, such could not be readily found, perhaps due to transitioning in the Village Clerk's office.

THEREFORE, BE IT RESOLVED, in an abundance of caution, as recommended by the Mayor, Village Attorney and Village Clerk-Treasurer, that the attached model investment policy, referenced as if fully set forth hereinafter and entitled "Village of Montebello Investment Policy (2019)", be and hereby is adopted, effective immediately, subject to future amendments by Resolution of the Village Board thus superseding any prior investment policy of the Village of Montebello; and

BE IT FURTHER RESOLVED, that such reflect entering into an agreement with NY CLASS to invest surplus funds, as is also on the Agenda this evening.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Resolution No. 19 - 016

Village of Montebello

Title: New York Class

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, THE Village of Montebello wishes to invest portions of its available investment's funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation agreement Amended and Restated as of March 14, 2014; and

WHEREAS, the Village of Montebello wishes to assure the safety and liquidity of its funds.

NOW, THEREFORE BE IT RESOLVED, as follows:

That Lance N. Millman, Mayor is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014 in the name of and on behalf of the Village of Montebello; and

BE IT FURTHER RESOLVED, that to the extent necessary and applicable to effectuate the Municipal Cooperation Agreement, Sterling National Bank and New York Class shall be added to the list of, and designated as, official depositories for Village funds.

Motion: Deputy Mayor Caridi

Second: Trustee Beldock

Upon vote, motion carries unanimously

Resolution No. 19 - 017

Village of Montebello

Title: Professional and Inspection Fees

WHEREAS, the Village Clerk reports that collecting pass-through professional fees associated with land use applications before the CDRC, Planning Board and Zoning Board of Appeals, have lagged the expenditure of same by the Village, exceeding the sum collected or originally set due to several factors, including:

The original amount of same collected and (escrowed) upon the filing of the application, is either deficient in amount, or is not replenished quickly enough; and

WHEREAS, the Village Clerk further reports that, as a consequence, a substantial sum is presently owed to the Village, approximately 25% of all such fees or deposits, including that the risk exists that an applicant may never of its own volition reimburse the Village, causing the possible need to take corrective measures, such as levying a lien to be imposed against the subject property, and then all that collecting upon same may entail; and

WHEREAS, the situation whereby the Village, and therefore its taxpayers, are defacto funding such applications, even indirectly on a short-term basis, should not be allowed to continue.

THEREFORE, BE IT RESOLVED, effective immediately in order to address this problem, and as recommended by the Village Clerk – Treasurer working in concert with the Village Attorney and the other professionals to the extent possible, but no later than April 1, 2019, that the following shall control:

1. That all applications for which escrowed funds for professional fees is required, shall have said funding reviewed and to the extent 20% or less of the escrowed monies remain, that such shall be increased to 50% of the original escrow sum, or in the collective judgement of the professionals, to what sum reasonably represents anticipated future professional fees.
2. That any application showing a deficit in professional fee funding, and for which a professional fee or escrow deposit has been demanded and is delinquent, and that such is within ten (10) days or closer to next appearance date, shall be placed on hold on the agenda, and shall not be advanced after due notice of the deficiency and failure to pay, until and unless paid, and shall not be restored unless such occurs no later than the close of business five (5) days before the next appearance.
3. That unless the professionals bill within ten (10) days for the period ending with the preceding month, or with whatever monthly billing cycle next closest represents the end of said month according to the professional's billing practice (eg, 12/27 through 1/27), the Village shall no longer cover such billing until the applicant pays, but shall simply conduit said funds, as and when received, to the professionals.
4. That all professionals shall cooperate in first reviewing such present fees against escrowed funds, including Engineering fees for ongoing work, in determining when and in what amount to supplement escrow or fee deposit, to preclude such funds dropping to less than a reasonable estimate of the likely remaining professional fees, plus 20% including current fees owed.
5. That in the case of new applications the professionals shall cooperate in setting the initial escrow deposit at a reasonable estimate plus 20%.

6. That any such funds determined to be surplus upon completing or withdrawal of the application shall reasonably promptly be refunded by the Village upon the sign-off of its professionals.
7. That, as the case might be, no Building Permit or Certificate of Occupancy shall be issued, should professional or inspection fees remain outstanding at the time of intended issuance of same, until such is paid in full; and

BE IT FURTHER RESOLVED, that the updated FEE SCHEDULE, dated February 26, 2019, be and hereby is approved effective immediately; and

BE IT FURTHER RESOLVED, that a conformed copy of this Resolution shall be immediately sent to the Clerk to the Planning Board and Zoning Board of Appeals, to the chairpersons thereof, and to any ongoing applicant appearing before the CDRC, Planning Board and Zoning Board of Appeals, and to the Village professionals.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution No. 19 – 018

Village of Montebello

Title: Voter Registration Date

BE IT RESOLVED, that the Election Inspectors for the upcoming Village election to be available on March 19, 2019 from 7:00 am until 9:00 pm at Village Hall, One Montebello Road, Montebello, NY in order to register and assist voters.

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 Beldock

Upon vote, the motion carries unanimously.

Resolution 19 - 019

Village of Montebello

Title: NYSBOC of Rockland Training Program – Building Inspector

BE IT RESOLVED, that attendance by Building Inspector, Lawrence Picarello, at NYSBOC of Rockland Training Program on Tuesday, April 9 through Thursday, April 11, 2019

at a cost of \$275.00 for the Building Inspector's membership fee and classes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon Vote motion carries unanimously.

Resolution No. 19 - 020

Village of Montebello

Title: Capital Improvement Plan

WHEREAS, at the request of the Mayor and Village Clerk-Treasurer, the Village Engineer has memorialized ongoing discussion of a capital improvement plan in a document of that name dated January 30, 2019, referenced as set forth hereinafter, in the estimated amount of \$791,000.00, (but noting that repetitive items, such as road resurfacing, represent an annual expenditure); and

WHEREAS, it is contemplated that a vast majority of such expenses shall be expended from an allocated budget surplus, as and when expenditure is authorized, other than those projects allocated in budgeted expenditure line items from time-to-time.

THEREFORE, BE IT RESOLVED, as subject to changes by Resolution as needs evolve, that such list be approved as the Capital Improvement Plan of the Village of Montebello.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Resolution: 19-021

Village of Montebello

Title: Electric Work at the Montebello Senior Center

WHEREAS, the Seniors at the Montebello Senior Center do not use paper towels when drying their hands in order to avoid sewage back-ups; and,

WHEREAS, in the winter when the weather is exceptionally cold, the hot water pipes in the Senior Center are vulnerable to freezing in particular in the Electric Panel Room; and

WHEREAS, the Village Clerk-Treasurer has proposed the installation of electric hand dryers in both bathrooms and installation of an electric heater in the Electric Panel room to resolve these problems; and,

WHEREAS, proposals were sought from several electricians to perform said work, yielding the following proposals:

Vendor	Proposal A (Hand Dryers Included)	Price Quote
Valentine Electric, Inc.	Furnish and install two new hand dryers in each of the bathrooms, install a new 120 volt/20 amp separate circuit home run, junction box and drop down - price includes cost of the hand dryers and all of the wiring necessary plus labor	\$2,180.00
Valvo Electric	Supply two (2) new hand dryers in each of the bathrooms, 120 volt 20a circuits and installation.	\$1,520.00
JVC Electrical Contractors	No response	

Vendor	Proposal B (Village Purchases Hand Dryers)	Price Quote
	Village to purchase two (2) Excel Dryer XL-BW Xlerator Hand Dryers with adjustable heat settings @ a cost of \$430 each	\$860
Valentine Electric, Inc.	Village of Montebello to supply hand dryers – price would include all work necessary, running a separate circuit home run, adding new breaker and installation of hand dryers.	\$1,280.00
Valvo Electric	Install customer supplied hand dryers, 120v 20a circuits	\$500.00
JVC Electrical Contractors	No response	

Vendor	Proposal C (Electric Panel Room Heater)	Price Quote
Valentine Electric, Inc.	Installation of a new wall-mounted fan-forced electric heater with built-in thermostat in the Electric Panel room. Price includes furnishing and installing heater and all necessary wiring.	\$580.00
Valvo Electric	Supply and install 4-foot electric wall mounted heater with thermostat on unit, 120v 20a circuit in Electric Panel room	\$310.00
JVC Electrical Contractors	No response	

(see proposals for more information); and

WHEREAS, based on the proposals as outlined the best and most economical choice, given that the Village can directly purchase the XL-BW Xlerator hand dryers at a cost of \$860.00 for the pair, is Proposal B from Valvo Electric, at a cost of \$500.00 plus Proposal C from Valvo Electric at a cost of \$310.00.

THEREFORE, BE IT RESOLVED, that the proposals of Valvo Electric for Proposals B and C be accepted at a total cost of \$810.00, plus the Village purchase of the named hand dryers at a cost of \$860.00 for a pair, for a total cost of \$1,670.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Beldock

Upon vote, motion carries unanimously.

Resolution No. 19 - 022

Village of Montebello

Title: Accepting Dedication of Fant Farm Lane (Fant Farm Lane Subdivision), and to Reduce the Remainder of Posted Completion Bond by \$1,789.48.

WHEREAS, the Village Engineer in his report dated February 21, 2019, made a part hereof, has advised the Village Board that the road known as Fant Farm Lane has been completed in accord with the construction standards set forth in the Village Code; and,

WHEREAS, the Village Engineer has calculated a sum to be deducted from the Completion Bond relating to a loss of CHIPS funding based on the current service life of Fant Farm Lane.

THEREFORE, BE IT RESOLVED that the Village Board accepts the offer of dedication of Fant Farm Lane and authorizes the Mayor to sign documents required for the conveyance; and,

BE IT FURTHER RESOLVED that the Village Board authorizes the reduction of the Completion Bond posted by the developer, by the sum of \$1,789.48 due to developer delays and the present life of the roadway (and the loss of CHIPS funding occasioned thereby), the remainder of the Completion Bond not to be released until all open/punch list items set forth in Engineer’s letter of February 25, 2019, made a part hereof, are completed to the satisfaction of the Village Engineer.

Motion: Deputy Mayor Caridi

Second: Trustee Beldock

Upon vote, motion carries unanimously.

Old / New Business

- MCC Water Break

Discussion: Mayor Millman explained the extent of damages to the community center. He stated that due to the water pipe break that all village meetings will be held at the Senior Center at Village Hall until further notice.

- Memorial Drive Detour

Discussion: Mayor Millman and the board discussed possible resolutions to the Memorial Drive detour and requested that Village Attorney Berbit write a letter to Village of Suffern regarding same.

- No overnight parking

Discussion: there have been numerous complaints of parking in the roads overnight and the Mayor would like a notice placed on the Village website and Facebook account giving the residents information that there is No Parking on the roadways from 12 midnight – 6:00 am from November 1 – April 1 according to §180-11(A)(2) of Village Code of Village of Montebello.

There have also been numerous complaints of parking at Gorman Parks Pond after the park has closed and the Mayor would like the Ramapo Police Department to look into this.

- Governor's Executive Order

Discussion: Village Attorney Berbit explained that Governor Cuomo issued an Executive Order extending the time a resident could pay their taxes. He explained that the Village contacted NYCOM and he stated that the Village was not under the auspices of the order since it is neither a Town nor County and did not request an extension.

- Facebook social media

Discussion: Deputy Mayor Caridi stated that she would like a representative of Village Hall to have the clearance to post information on the village Facebook account after receiving permission from the Mayor. After discussion, it was noted that Regina is a village resident and she would be asked to do this.

- Town of Ramapo Highway Contract

Discussion: Village Attorney Berbit stated that the Village has made several attempts to get a copy of the other village's highway contracts from the Town of Ramapo in order to finalize the payment structure the Village of Montebello should pay for highway services for the 2019 year. Village Attorney Berbit explained that he had contacted the Town's Attorney office with no response. Village Clerk Will contacted the Town Clerk at Ramapo with a FOIL request that is still open.

At 9:43 PM, Trustee Kuperman made a motion to adjourn the meeting, seconded by Deputy Mayor Caridi. Vote carried unanimously.

Joan Will, Village Clerk - Treasurer