

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY MAY 15, 2019 AT 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	Trustee
	Melanie Golden	Trustee
	Steven H. Beldock	Trustee
	Evan T. Kuperman	Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

**Mayor’s Report:**

Mayor Millman welcomed all who attended tonight’s meeting and wished to thank all the contractors and staff for their hard work in repairing and renovating the community center after the water pipe broke. He stated that he was definitely glad to be back here at the community center.

Mayor Millman reminded everyone that the Annual Memorial Day Remembrance Ceremony will be held at Village Hall on Sunday, May 26<sup>th</sup> at 9:00 am. We are proud to acknowledge that our Keynote Speaker this year will be John Murphy. Mr. Murphy is a Retired member of the United States Marine Corps. John has an extensive record of community service within Rockland County and we are proud to have him as our guest speaker.

Mayor Millman also stated that along with Mr. Murphy as guest speaker, we will be having three fifth grade students from Viola Elementary School, Fiona O’Brien of Suffern Middle School to sing ‘God Bless America’ and, importantly, the Marine Corps League – Rockland County Detachment as our Color Guard.

The Mayor stated that due to the amount of rain we have been having, the planting of our Annual Arbor Day tree has been delayed as well as the mulching of the Community Garden. He assured everyone it would be done as soon as possible, and that the new addition of Arbor Day tree will be planted in the Warren E. Berbit Preserve. He stated that the yearly event was celebrated but the tree had not been planted. Mayor Millman also invited any resident of Montebello to participate in the community garden as it’s a great way to meet fellow residents.

The Mayor advised everyone that the Village will soon be moving forward with its yearly road reconstruction. He stated that Cobblestone Farm Court, Executive Boulevard, Moriah Lane, Nottingham Drive, and Rocklyn Drive will be repaved sometime in the month of June or as shortly thereafter as possible. He stated that the Village is one of the first municipalities to do its road repavements each year in a cycle that does all roads over time.

Mayor Millman acknowledged the Town of Ramapo Police officer in attendance and asked him to thank the department for their increased patrols in the Kathryn Gorman Ponds Park. Several residents stated the same having noticed the increased patrols.

Mayor Millman stated that the newly formed HPPC, which is the joining of the Historic Preservation Commission and the Parks Commission, had their first combined meeting. He stated that it is a large group of dedicated residents and that he is very positive towards their combined work moving forward.

**Historic Preservation and Parks Commission:**

Amy Rapoport, Co-chairperson of the HPPC spoke about the first joint meeting. Ms. Rapoport stated that the first meeting went well, and everyone is working well together. She and Lisa Levin (the other co-chairperson) are working on the updates for the Village’s website.

Ms. Rapoport stated that she would like to have added more removable bollards to the parking lot at the Kathryn Gorman Ponds Park. She states that vans are driving where they do not belong and that this will deter them.

Ms. Rapoport stated that the Eagle Scout project is moving forward with the only change being that the trail sign will be installed by the sign company to ensure the proper installation. Ms. Rapoport said that the draft of the sign will be approved by the Village Board prior to being built.

**Public Comment:**

Amy Rapoport of 5 Kings Gate Road Montebello wished to discuss garden plots. She stated that the grass in the back of the garden is very potent and overtakes the garden. She suggests installing pavers so that weeds do not grow. The Mayor said that the Village will look at getting quotes and perhaps doing in sections over time as pavers are expensive. He also stated that the only way a Havahart trap for nuisance animals can be put in the garden if it is monitored by the person who installed it.

**Resolution No. 19-069**

Village of Montebello

Title: Adoption of Local Law No. 2 of 2019 Amending Chapter 176 of the Village Code (Tree Preservation and Landscaping Maintenance)

WHEREAS, a Public Hearing on proposed Local Law No. 2 of 2019 entitled “Amend Chapter 176 of the Village Code (Tree Preservation and Landscape Maintenance)” to allow amending the penalties for offense by action of the Village Board by Resolution, vs. necessitating amending said Chapter by Local Law, each time, by adding subsection “I” to §176-7 as follows:

“I. The Village Board in acting by Resolution may amend the fines for each offense and the maximum penalty per lot as set forth in subsections A., B., G. and H.” 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 May 5<sup>th</sup> and was posted on May 3<sup>rd</sup> 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 May 5<sup>th</sup> 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 by the Village Board of the Village of Montebello on May 15, 2019, at the Dr. Jeffrey Oppenheim, 350 Haverstraw Road, Montebello, New York beginning at 8 p.m. local time, or as soon thereafter the matter can be heard, to consider the adoption of Local Law No. 2 of 2019, a Local Law to amend Chapter 176 of the Village Code (Tree Preservation and Landscaping Maintenance), to allow amending the penalties for offense by action of the Village Board by Resolution, vs. necessitating amending said Chapter by Local Law, each time, by adding subsection "I" to §176-7 as follows:

"I. The Village Board in acting by Resolution may amend the fines for each offense and the maximum penalty per lot as set forth in subsections A., B., G. and H."

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.org](http://www.villageofmontebello.org).

Joan Will  
Village Clerk – Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, NY 10901  
(845) 368-2211

Warren E. Berbit  
Village Attorney

April 17, 2019

; and

WHEREAS, at the request of the Mayor, the Village Attorney explained as follows:

That the fines and maximum penalties as set forth in to §176-7 have not been adjusted for many years since inception and need to be increased to represent a greater deterrent, as well as to better cover administrative costs in prosecuting violations. However, having to change by amending the Local Law each time is burdensome, so this Local Law permits same by Resolution; and

WHEREAS, the Public Hearing was opened to the floor at 8:20 pm by motion by Deputy Mayor Caridi and seconded by Trustee Golden, and the Village Attorney requested that first the following be included in the Record:

1. Resolution No. 19-064, approving holding a Public Hearing

2. Legal Notice, and Affidavit of Publishing and Posting.
3. Draft Local Law No. 2 of 2019
4. Final correspondence with General Code.

; and

WHEREAS, the following commented:

1. Amy Rapoport requested additional explanation on the Local Law which was given.

; and

WHEREAS, the Public Hearing portion was closed at 8:22 p.m. by motion, Deputy Mayor Caridi moved, seconded by Trustee Golden, all in favor, and the Board duly deliberated thereafter.

THEREFORE, 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:

Amending per General Code recommendations, which were included in Local Law No. 2 of 2019 as circulated and considered.

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

Local Law No. 2 of 2019 approved all in favor.

**Resolution No. 19 - 070**

Village of Montebello

Title: Tree Removal Fines

WHEREAS, the unpermitted removal of trees by contractors and homeowners in disregard of the Village Tree Law, No. 1 of 1998, Chapter 176 of the Village Code, as amended from time to time, represents an ongoing problem in derogation of the purpose of the law to preserve trees as a precious and important environmental and aesthetic asset; and

WHEREAS, the view has been expressed to the Village with some urgency that the fine structure of \$250 per tree is an insufficient deterrent especially in situations not involving a large number of trees, such that the homeowners/contractors are reportedly acting first and worrying about the consequences later; and

WHEREAS, Jay Golland, one of our Prosecuting Assistant Village Attorneys, has expressed the same view; and

WHEREAS, the same insufficient deterrent appears to be true about tree removal contractors, due to the present maximum fine of \$5,000 per offense; and

WHEREAS, the Village is simultaneously undertaking updating the Village's Tree Removal Permit to make clearer the applicable procedures and the consequences of violating same, which has led to a revised permit as suggested by the Village's Prosecuting Assistant Attorney with the assistance of the Village Attorney and staff, attached hereto as a part hereof; and

WHEREAS, by Resolution No. 19 - 069 adopted this evening and subject to filing with the Secretary of State, the Village Board approved Local Law No. 2 of 2019 allowing amendment to Chapter 176 fines by Resolution.

THEREFORE, AFTER DUE DELIBERATION, BE IT RESOLVED AS FOLLOWS:

1. That the schedule of fines for violation of Chapter 176, the Tree Law for each offense be increased from \$250 to up to \$1,000 per tree offense and from \$10,000 up to \$20,000 per lot.
2. That the schedule of fines for a contractor violating the Tree Law be increased from a maximum of \$5,000 to a maximum of \$10,000 per offense.
3. That said schedule appear in the revised Fee Schedule referenced hereat as if appearing herein.
4. That said Tree Removal Permit Application be and hereby is accepted as proposed, including reflecting the changes set forth in numbers (1) and (2), above.
5. That this action becomes effective prospectively, on and after notice of the filing of Local Law No. 2 of 2019 with the Secretary of State.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

**Resolution No. 19 - 071**

Village of Montebello

Title: Approval of Minutes for April 17, 2019

BE IT RESOLVED, the minutes of the Board of Trustees of April 17, 2019 be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Beldock

Deputy Mayor Caridi abstained.

Upon vote, motion carries unanimously.

**Resolution No. 19-072**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated May 15, 2019, and totaling \$203,431.87 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution No. 19-073**

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 May 15, 2019, and totaling \$0 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Title: Resurfacing of Village Roads

BE IT RESOLVED, in furtherance of restoring and resurfacing Village roads on a rotating basis, and upon the prioritized listing by condition of the Village roads as prepared by the Village Engineer, Martin Spence, in his report dated May 10, 2019, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, that authorization is hereby granted to resurface the following Village roads all at failed condition 4 or are in a failing condition between 3 and 4, \$170,000.00 to be funded as a line expense as budgeted, plus utilizing CHIP’s and Pave New York Funding according to specifications proposed by the Village Engineer, any remaining balance to be funded from unallocated surplus, as needed, such cost estimates as follows:

1.	Cobblestone Farm Court	\$38,912.52
2.	Executive Boulevard	\$87,391.54
3.	Moriah Lane	\$39,462.94
4.	Nottingham Drive	\$46,255.73
5.	Rocklyn Drive	\$24,769.34
	Total	\$236,792.07

such roads also chosen so as to avoid discontinuity of the paving; and

BE IT FURTHER, RESOLVED, that per the Village Engineer’s strong recommendation to avoid further deterioration and risk, it is best that all such work be performed this year, even if the gross cost, plus the other above sources exceed the budgetary line item in the interest of safety and avoiding further deterioration and a worse future expense; and

BE IT FURTHER, RESOLVED, that a contract be entered into with Tilcon and for milling with Cavaliere in an amount not exceeding about \$250,000.00 to accomplish the above if that is the most cost-effective methodology under the Town’s Master Contract upon which bids are due at the end of June; and

BE IT FURTHER, RESOLVED, as consistent with the above, that the sum expended hereby be paid out of the following, in numerical order:

1. CHIPS and Pave NY; and
2. Current budgetary funds of \$170,000.00; and
3. Contingency (unallocated Surplus) Fund, to the extent necessary; and

BE IT FURTHER RESOLVED, that this Resolution is expressly conditioned upon the results of the Town Master Contract bidding yielding a cost within the above approximate limit, but if such is not the case, then the Village Engineer, in his discretion, with the assistance from the Village Attorney, is hereby authorized to prepare bid documents and specifications and the Village is to proceed to bid for an alternate source of asphalt and alternate methodology,

without further action from the Board except to award the bid or to further consider the matter if those bids, likewise, yield a cost above the expected limit.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Resolution No. 19 - 075**

Village of Montebello

Title: Comprehensive Plan Legislative Agenda – Phase II

WHEREAS, Phase I of the 2017 Comprehensive Plan legislative agenda was effectuated in 2018 according to a priority listing; and

WHEREAS, the master prioritized listing created by the planner as set forth in a chart dated September 20, 2018, referenced hereat as if repeated herein, was again perused by Trustee Melanie Golden who chaired the Comprehensive Plan Commission, and who shared her view as to the next level of prioritized legislative action for 2019, which in her preferred order, included the following:

2019 Priority 1 – \$7,000 - # 10 Executive and Rella Boulevards  
# 23 Ryan Mansion Non-Overlay District  
# 20 Planned Industry and Planned Industry Campus

2019 Priority 2 - \$7,500 - #18 Commercial Site Design Standards  
#8 Home-based Businesses

2019 Priority 3 -\$6,000 - # 15 Critical Environmental Areas – Timber Rattlesnakes & Historic & Scenic Road  
#16 Economic Development Zoning Amendments – Streamlining;  
and

WHEREAS, the Village Attorney has reviewed said priorities and agrees with the Chairperson’s recommendation for the reasons she set forth at this meeting.

THEREFORE, BE IT RESOLVED, after due deliberation, that the aforesaid 2019 Priority 1, 2 and 3, be effectuated as the 2019 Comprehensive Plan Legislative Agenda, at a stated estimated Planning expense totaling \$20,500, and the Planner is directed to proceed with such work, subject to review by the Village Attorney and General Code, and the Clerk authorized to publish and post the attendant Notices as the Public Hearings evolve.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution No. 19 - 076**

Village of Montebello

Title: Approval of Judge Etelson's Training Expense

WHEREAS, Village Justice Arnold Etelson, reports in his email dated April 26, 2019 referenced as if set forth hereinafter, that in order to complete mandatory training he must attend training at Lake Placid, New York as sponsored by the New York Magistrates Association on September 16<sup>th</sup> through the 18th, 2019, at a cost of \$728.25 reflecting his personal lodgings, and the \$75.00 registration fee.

THEREFORE, BE IT RESOLVED that said expense due to the above mandates, of \$782.25, plus incidental costs such as mileage and tolls, is hereby approved as prudent and necessary, and as anticipated by the 2019 budget for the Village of Montebello Justice Court.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, resolution carried unanimously.

**Resolution No. 19 - 077**

Village of Montebello

Title: Further Emergency Action Re: Dr. Jeffrey Oppenheim Community Center (DJOCC) Water Damage

WHEREAS, pursuant to Resolution No. 19-067 an emergency was declared with respect to the DJOCC, and additional issues have arisen since requiring further emergency action consistent therewith; and

WHEREAS, said additional necessary actions include 1) removing approximately 125 metal framed, upholstered stacking chairs, as well as 9 swivel dais chairs, with water and mold damage, as the cost to clean and repair those which might be salvageable exceeds the replacement cost of new chairs as determined by the Village's insurer which declared said chairs a total loss, and authorized the purchase of replacement chairs and, 2) discovering in the course of rebuilding the Community Center,

roof leaks which, if left unchecked, will cause deterioration of the restoration work, but the necessary redesign and replacement of the entire roof as planned, and underway, will take up to one year to prepare specifications, go to bid, and to arrange funding by an expected grant, thus necessitating that the present leaks be remedially repaired on an urgent emergency basis; and

WHEREAS, both of the above, the immediate removal and disposal of the chairs and immediate repair of the roof was necessary on or about May 7, 2019 to clear the space so as not to slow up the total restoration and to avoid re-introducing mold and water damage into the meeting room; and

WHEREAS, the Village's tenant of the office portion of the building, Chabad of Suffern, offered to remove the chairs, at its cost, effort and expense, to discard those it deemed non-salvageable, and to restore the others such that it decides to retain for its own use being sure such were rendered mold free, and entered into a Letter Agreement on or about May 7, 2019 to perform such work; and

WHEREAS, the contractor performing the restoration work, Construct-Rite Inc, has offered to immediately seal the portions of the roof suspected of leaking on a remedial basis, at an appropriate cost of \$1,000.00

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the chairs be declared as valueless, equivalent to trash, pursuant to the insurer's determination.
2. That given the urgent timing, the Letter of Agreement between the Village and its tenant, Chabad of Suffern, dated May 7, 2019 be and hereby is approved, retroactively to May 7, 2019, and the ownership of the chairs be transferred in furtherance thereof with the possible exception of swivel chairs, wanted by the Village staff, if any.
3. That said emergency also be declared and extended due to the roof leaks, and that the restoration contractor, Construct-Rite Inc, is authorized to remedially fix the roof leaks as proposed at an approximate cost of \$1,000.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

**Resolution No. 19 - 078**

Village of Montebello

Title: Additional Painting Work at Dr. Jeffrey Oppenheim Community Center (DJOCC)

WHEREAS, the main meeting room and judge's chambers within the Dr. Jeffrey Oppenheim Community Center have undergone significant repairs due to a burst heating pipe; and

WHEREAS, the main entrance hallway, hallway sink area, and two bathrooms were not included in the repairs; and

WHEREAS, to provide the overall Community Center a fresh look and to refinish wall patches due to the hand dryers, it has been determined that these areas should also be given a coat of paint; and

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

<b>Vendor</b>		<b>Price Quote</b>
Construct-Rite	Paint entry and kitchen area and both bathrooms	\$3,800.00
Rollerboy Painting Inc.	Paint walls and ceiling entry hall including stairwell and upper level of hall, 2 bathrooms and kitchenette. Prepare areas, tape off all wood trim, patch sheetrock, prime areas that are patched, apply 2 coats of paint.	\$1,550.00
Stan's Reliable Cleaning Inc.	Painting of entrance, 2 full bathrooms, all ceilings and hallways, small kitchen area, Janitor's closes, hallway leading to Chabad and a/c duct vents. Includes all trim and sanding. All baseboard heating panels. Includes all paint and painting supplies.	\$1,850.00

(see proposals for more information); and

WHEREAS, based on the proposals as outlined the best and most economical choice, is from Rollerboy Painting Inc., at a total cost of \$1,550.00.

THEREFORE, BE IT RESOLVED, that the proposal of Rollerboy Painting Inc. be accepted at a total cost of \$1,550.00, the expenditure of which for these purposes is hereby approved.

Motion: Trustee Golden

Second: Trustee Kuperman

Deputy Mayor Caridi had to take a phone call and stepped out of the room.

Upon vote, motion carries unanimously.

**Public Comment:**

The Village Board wished to recognize and commend Ms. Schrista Mathew of 1 Surrey Court, Airmont as the first Suffern High School student to stay the entire board meeting.

Amy Rapoport of 5 Kings Gate Road, Montebello wished to discuss how to correctly plant and maintain trees. She stated that our current landscaper does not install trees properly and she will forward to the Village the correct way as mulch should not touch the trunk.

Ms. Rapoport wanted to discuss the fines for violating the Tree Law. She stated that several years ago she was cited with a violation and had to pay \$250 fine for removal of a dead tree. She stated that people should not have to pay for an honest mistake. She stated that there should be discretion in the fines. The Board stated that there is prosecutor discretion and that is why the fine structure is set up to read “up to” amounts and not a set amount. The Village Attorney stated our law allows latitude if a tree is removed on an emergency basis, but one must create a good record and apply ASAP. As to whether it was “an honest mistake” there is no practical way to assess that in each case.

Ms. Rapoport also commented about the curbing on Montebello Road. She stated that the berms and gutters look bad and should be repaired. The Board advised Ms. Rapoport that our Village Engineer in concert with County Highway are working on a multi-step process with the homeowners and commercial properties that are affected. They stated that it is a long process to complete.

Ms. Rapoport commented that the Comp Plan legislative initiative is not on the website showing what has been completed and what is being worked on. The Mayor advised that it will be updated, but it is all a matter of public record.

Mayor Millman wished to thank and acknowledge Town of Ramapo Police Officer Christopher Maida #537 for attending the entire meeting.

At 9:03 PM, Deputy Mayor Caridi made a motion to enter into Executive Session to discuss legal matters and personnel matters. Seconded by Trustee Golden. Vote carried unanimously.

At 9:24 PM, Deputy Mayor Caridi made a motion to exit Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 9:25 PM, Deputy Mayor Caridi made a motion to adjourn the meeting, seconded by Trustee Kuperman. Vote carried unanimously.

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Joan Will, Village Clerk - Treasurer