

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 18, 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
Evan T. Kuperman	Trustee

Absent: Steven H. Beldock, Trustee

Others Present: Warren E. Berbit, Village Attorney

Recording Secretary: Louise Renud, Deputy Village Clerk

Mayor's Report:

Mayor Millman stated that the 2020 Village tax bills have been sent out. Village Hall has already received a number of paid taxes from residents. The new program seems to be working well.

The Mayor reported that the new Building Department truck was delivered. It will be going into service at the beginning of the New Year.

Mayor Millman gave a thank you to the Ramapo Valley Garden Club for decorating the Village Hall. The decorations help brighten Village Hall and their efforts are greatly appreciated.

The Mayor reminded residents they should be mindful of when they can no longer park overnight on the street in front of their houses. He stated that from November 1st until April 1st there will be no overnight street parking from 12:00 AM until 6:00 AM.

Mayor Millman stated that the Village is collecting toys at the Village Hall for the Suffern Police DARE toy program. Anyone who wishes to participate may drop off unwrapped toys during Village Hall working hours. He thanked those residents who have already done so.

Mayor Millman was glad to see Village Attorney Berbit at the meeting since he has been recovering from a brief illness.

Historic Preservation and Parks Commission (HPPC):

With no one from the HPPC present, Mayor Millman closed this portion of the meeting.

Public Comment:

Jana Goodman of 55 Mayer Drive spoke with regard to a resident on Zeck Court who is erecting a structure at the rear of their property. The Zeck Court property backs up to her property and she feels the size and use of the building is questionable. She has been to Village Hall and spoke to the Building Inspector and reviewed the building plans. She would like to request that any lighting that will be installed should be dark star compliant. In addition, she requested that any future structures like this should need community approval. Her concern is others may erect similar structures which could be used for purposes beyond which the structure is approved for. She also stated the workers are starting prior to 8:00 AM.

Mayor Millman thanked Ms. Goodman for her comments and stated that he was aware of this project. Mayor Millman assured her that it is within the guidelines of the Village Code, as Montebello has one of the strictest codes and noted that our Building Inspector is on top of this and all other projects within our Village.

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

Title: Amended Tax Rate and Budget for 2020

BE IT RESOLVED, the Tax Rate and Budget dated January 1, 2020, set at 10.85959% be amended to read 10.85921% due to the Town Assessor’s office reducing the final taxable assessed valuation without prior notice to the Village.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

The Public Hearing for the Comprehensive Plan Implementation Local Laws No. 9 and No. 10 of 2019. Mayor Millman requested that Village Attorney Berbit ask the appropriate questions.

Prior to review of the Notice of Public Hearing, Village Attorney Berbit stated he was glad to be at tonight’s meeting. He thanked the Mayor for his good wishes on his recovery from a recent illness. He stated that the entire staff was very helpful. He thanked JT Lockman and Debi Miceli as he leaned very heavily on them for assistance during his recuperation and thanked them for being tolerant of his edginess.

He asked that the Deputy Village Clerk, Louise Renud, read the legal notice into the record:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday, December 18, 2019, 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 Laws No. 9 and 10 of 2019, amending Chapter 195 Zoning, to implement the Comprehensive Plan 2017, entitled:

Local Law 9 of 2019: Laboratory Office and Laboratory Office-Campus Uses and Standards – Add additional commercial uses, definitions, and strengthen performance standards;

Local Law 10 of 2019: Designation of State Critical Environmental Areas for Timber Rattlesnake Habitat and Historic & Scenic Roads – Define locations for Critical Environmental Areas pursuant to SEQR,6 CRR-NY 617.14, to ensure thorough consideration for these resources during SEQR proceedings thus amending Chapter 195 of Village Code, as more particularly set forth in said Local Laws, but summarized as follows.

LL9 Laboratory Office and Laboratory Office-Campus Uses and Standards – Add additional commercial uses, definitions, and strengthen performance standards.

LL10 Designation of State Critical Environmental Areas for Timber Rattlesnake Habitat and Historic & Scenic Roads – Define locations for Critical Environmental Areas pursuant to SEQR,6 CRR-NY 617.14, to ensure thorough consideration for these resources during SEQR proceedings.

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

November 13, 2019

Village Attorney Berbit then asked Deputy Village Clerk Renud where and when the Legal Notice was published and posted, and if the Local Laws were made available as described in the legal notice. Deputy Village Clerk responded that the legal notice was posted on Friday, December 6, 2019 in the seven locations

and published on Sunday, December 8, 2019 in the Rockland Journal News. Attorney Berbit asked if the Local Laws were made available to the Trustees and the public at that time, to which Deputy Village Clerk answered in the affirmative. Attorney Berbit declared that due legal notice was given.

At 8:30 PM Deputy Mayor Caridi made a motion to open the Public Hearing, seconded by Trustee Kuperman. Upon vote, motion carried unanimously.

Mayor Millman requested that the Village Planner, JT Lockman, give a brief overview of the Local Laws under review.

Mr. Lockman, AICP, explained the proposed amendments to Chapter 195 (Zoning) of the Village Code Local Law No. 9 to add additional commercial uses, definitions, and strengthen performance standards and Local Law No. 10 to define locations for Critical Environmental areas pursuant to SEQR, 6 , NY-CRR 617.14, to ensure thorough consideration for these resources during SEQR proceedings. He referenced his memo dated October 23, 2019 regarding the proposed local laws to implement, providing background and recommendations. He stated that Village Attorney Berbit wanted to add into the record various documents supporting these local laws. Mr. Lockman added once the recommendations from Rockland County Planning were reviewed, he may have additional comments.

Village Attorney Berbit referenced for inclusion in the record the following documents:

1. Resolution No. 19-123 of November 13, 2019, approving holding a Public Hearing
2. Legal Notice, and Affidavit of Publishing and Posting
3. Final correspondence with General Code, in an email dated October 28, 2019
4. Draft Local Laws Nos. 9 & 10 of 2019 with General Code Amendments, all dated October 28, 2019
5. Planning Board reply of December 11, 2019 prepared by Jonathan Lockman
6. RCPD comments of December 18, 2019 for Local Law No.10.
7. Comments for Local Law No. 9 were not yet received.
8. SEQRA/FEAF Forms Parts 1, 2, and 3 and Neg Dec of Environmental Significance, all dated October 23, 2019.
9. NP&V memo of October 23, 2019.

Discussion then ensued regarding the recommendations of the Planning Board. Jonathan Lockman provided a brief recap of the reply which he prepared for them. Of the four recommendations from the board, there is only one (item #3) which is inconsistent with the Comprehensive Plan. Mayor Millman opened the floor for comments from the Board. Trustee Golden noted that she was the Chair of the 2017 Comprehensive Development Plan Commission and the Commission included representatives of the Planning Board. In addition, the Planning Board has had multiple opportunities to comment upon and help shape the plan during its development. Trustee Golden read part of the report that covered the discussion of these recommendations as part of the 2017 Comprehensive Plan. Trustee Golden stated that she did not agree with the Planning Board's recommendation number 3. Trustee Golden felt that recommendation number 4, the bulk and area standards, could be considered by the Village Planner and revisions proposed. No other board members had comments at this time.

Mayor Millman opened the floor to the Public for comments and questions concerning Local Law No. 9 and Local Law No. 10. There were no members of the public wishing to comment. Village Attorney Berbit made a recommendation to continue the Public Hearing until January 15th due to the absence of the recommendation from Rockland County Planning for Local Law No. 9.

At 9:01 PM Deputy Mayor Caridi made a motion to continue the Public Hearing at the January meeting, seconded by Trustee Kuperman, all in favor.

Resolution: 19 - 137

Village of Montebello

Title: 2020 Contract with Town of Ramapo for Highway Services – Resolution 19-115 amended as follows:

WHEREAS, the Village has been contracting with the Town of Ramapo on a calendar year basis for highway services and road maintenance, including snow and ice removal and maintaining the storm basin system and roadway culverts, and related services; and

WHEREAS, said contract, by its own terms, requires that each party notify the other of its intention to renew for the following year by October 15th, assuming that the Town notifies of any proposed change of terms by October 1st of the current year and the parties have negotiated a fixed price contract for 2020 for \$360,000, payable monthly, as per the amended contracted referenced hereat; and

WHEREAS, the previously clarified the terms and conditions confirming that culverts are included, that the tree removals, except in an emergency, shall require prior estimate of cost and approval by the Village, are more particularly set forth in a true copy of the Contract and this Resolution.

THEREFORE, BE IT RESOLVED, as recommended by the Mayor in the interest of prudence, public safety, and controlling costs, that the Village accept the proposed contract as amended with the Town, which shall be entered into for highway and related services for 2020, the Mayor being authorized to execute same for the Village.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution No. 19-139

Village of Montebello

Title: Fire Department – Ice Training Drills

WHEREAS, the Tallman Fire Department, by its letter dated November 18, 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 HPPC Co-Chairpersons or HPPC and the Village’s insurer, which has not yet occurred, any other conditions believed reasonably necessary to protect the public, the ponds and the park, shall be considered included herewith; and

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

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

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 19 – 140

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 18, 2019, and totaling \$243,668.71 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution No. 19 - 141

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated December 18, 2019 for Professional Fees, and totaling \$21,514.20 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

There was no abstract for the Parks Fund.

Resolution No. 19 - 142

Village of Montebello

Title: Approval of Minutes for November 13, 2019

BE IT RESOLVED, the minutes of the Board of Trustees of November 13, 2019 be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 19 - 143

Village of Montebello

Title: Proclamation: In Memorium – Josephine “Dodie” Bracken 1921-2019

WHEREAS, Josephine Bracken and her husband, Edward were significant mainstays in the formation of the Village of Montebello since the movement began in 1984, through incorporation in 1986, and in the evolving, maturation of the Village thereafter; and

WHEREAS, amongst her amazing array of talents and abilities which she retained at a high level through a life quite well lived, Dodie continued to create wonderful paintings, and to promote and facilitate such art appreciation and talent in generations of her students in formal school settings as well as in continuing to mentor aspiring artists of all ages through her 96th year; and

WHEREAS, Dodie and Edward helped found the Montebello Seniors Club, and she was an active member and past president of the Suffern Woman’s Club, member of the Suffern Garden and Book Club, and was Chairperson of the Montebello Historic Society; and

WHEREAS, Dodie enriched all of our lives in so many ways that we were blessed by her presence, as we will continue to be by the forever legacy of her art and influence.

THEREFORE, BE IT RESOLVED, that Josephine “Dodie” Bracken is hereby declared to be the Grand Dame, of, and Artist Emeritus, of the Village of Montebello from its inception until her passing on November 22, 2019. May God bless her and her loving family, including daughters Elizabeth and Kathryn, her sister, Connie Cerullo and her husband John, grandsons Daniel and Timothy Sabo and great grandchildren, Cordelia and Phoebe.

AND BE IT FURTHER RESOLVED that the Village attempt to acquire an original artwork of Dodie’s to be hung in a place of honor at the Village Hall next to this Proclamation

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries.

Resolution No. 19 - 144

Village of Montebello

Title: Dr. Jeffrey Oppenheim Community Center Sprinkler System Repair

WHEREAS, our Fire Inspector in his report dated September 4, 2019 indicates that the sprinkler system at the Dr. Jeffrey Oppenheim Community Center needs to be refurbished and upgraded; and

WHEREAS, our Building Inspector and Village Engineer concur; and

WHEREAS, the Village has regularly for many years utilized the service of Campbell Fire Protection Inc. to maintain its fire extinguishers and its sprinkler system, and said company has rendered a proposal dated

November 4, 2019, referenced as if fully set forth hereinafter, laying out in detail all the work needing to be done to upgrade the system and bring it into compliance at a cost of \$1,200; and

WHEREAS, in the opinion of the Fire Inspector, Village Engineer and Building Inspector, especially given Campbell Fire Protection Inc's familiarity with our systems, their proposal represents a very thorough approach at a fair price and should be accepted as such work should be done expeditiously given the nature of the need.

THEREFORE, BE IT RESOLVED, that the refurbishment of the Dr. Jeffrey Oppenheim Community Center sprinkler system be considered to be an urgent matter , and, thus, in this circumstance, that the proposal of Campbell Fire Protection Inc. in the amount of \$1,200, which appears to be reasonable for the work involved, be and hereby is accepted and approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon Vote, resolution carried unanimously.

Public Comment:

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

At 9:17 PM Deputy Mayor Caridi made a motion to enter executive session to discuss a legal letter to be drafted by the Village Attorney, seconded by Trustee Kuperman. Vote carried unanimously.

At 9:30 PM Trustee Golden made a motion to exit executive session, seconded by Deputy Mayor Caridi. Vote carried unanimously.

Mayor Millman wished everyone a Happy Holiday, Merry Christmas, Happy Hanukkah and a Happy, Healthy New Year.

At 9:31 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.

Respectfully submitted:

Louise Renud, Deputy Village Clerk