

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MAY 20, 2020 VIA TELECONFERENCE ZOOM MEETING. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Lance N. Millman Melanie Golden Steven H. Beldock Evan T. Kuperman	Mayor Trustee Trustee Trustee
Other:	Warren E. Berbit	Village Attorney
Arrived Late:	Stacy Caridi	Deputy Mayor
Recording Secretary:	Joan Will	Village Clerk-Treasurer

### **Mayor's Report:**

Mayor Millman read the following statement:

**PLEASE TAKE NOTICE**, on March 12, 2020 and in response to the current COVID-19 virus emergency, Governor Andrew Cuomo issued Executive Order 202.1 that suspended the Open Meetings Law requirement to hold in public in-person meetings and allowed official meetings to be held via telephone conference or similar technologies.

**PLEASE TAKE FURTHER NOTICE**, that the public may access the teleconference recording on Wednesday, May 20, 2020 at 7:00 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website [www.villageofmontebello.com](http://www.villageofmontebello.com). Please note the rules for public participation are as follows:

1 – the public is allowed to view and listen to the Board of Trustees meeting live via Zoom.

2 – if the public wishes to make a comment or has a question, they were asked to send their questions into the Village Clerk at [villageclerk@villageofmontebello.com](mailto:villageclerk@villageofmontebello.com) prior to the start of tonight's meeting.

3 – all participants of this meeting will be muted.

**PLEASE TAKE FURTHER NOTICE** that a copy of this Board of Trustees meeting link and agenda have been available on our website @ [www.villageofmontebello.org](http://www.villageofmontebello.org) and the minutes of this meeting will be available to the public and the public will be given additional opportunity to make comments at that time.

**AS A REMINDER TO EVERYONE** that this meeting is being recorded and posted to our website. In order for each of the Board of Trustees to be heard, please make sure only one person speaks at a time so that there will be an understandable recording.

### **COVID UPDATE:**

The Deputy Mayor and I have been attending discussions with County Executive Ed Day, and the other Town Supervisors and Mayors of Rockland County to discuss the current pandemic. Yesterday we had another such meeting. Currently the Governor has not opened up New York State yet but has a website available to the public that explains which counties and what type of business is open and the guidelines that are to be adhered to upon opening. This website has a lot of information and is a handy reference. That website is: [forward.ny.gov](http://forward.ny.gov). Make note that we are located in the Mid-Hudson Region for Phase openings. We are moving closer to opening Phase 1.

### **Building Department Report:**

The following is the Building Department Report for the month of April 2020.

- A total of three (3) Building Permits were issued during the month. A total of \$684 in fees were collected.
- A total of three (3) Certificates of Occupancy were issued.
- There were no Fire Inspections done during the month.
- No Violations were issued during the month.

**Historic Preservation and Parks Commission (HPPC)**

No one from HPPC was in attendance nor were there any reports as they have not had any meetings since early this year. Mayor Millman recommended that HPPC start having Zoom meetings in order to apply for grants in the future.

Eagle Scout update: A new sign design was presented to the Mayor and the Village Board. The Mayor and the Board made suggestions with a change to the Trail Signs. The Mayor and the Board agree with the main trail sign.

**Public Comment**

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

**Resolution No. 20 - 063**

Village of Montebello

Title: Approval of Minutes for April 22, 2020

BE IT RESOLVED, the minutes of the Board of Trustees of April 22, 2020 be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Beldock

Deputy Mayor Caridi not in attendance for this vote.

Upon vote, motion carries unanimously.

**Resolution No. 20 - 064**

Village of Montebello

Title: Approval of Workshop Summary dated May 13, 2020

BE IT RESOLVED, for the sake of transparency, that the Workshop Summary of the discussion held on May 13, 2020 be and hereby is accepted into the Record.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, motion carries unanimously.

**Resolution No. 20 – 065**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated May 20, 2020, and totaling \$115,695.79 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Resolution No. 20 - 066**

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated May 20, 2020 for Professional Fees, and totaling \$16,136.00 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Kuperman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution No. 20 - 067**

Village of Montebello

Title: SEQRA Review for BANS and / or BONDS

WHEREAS , the Board of Trustees of the Village of Montebello (the “Village”) has determined to undertake the reconstruction of various roads located within the Village, by any necessary means as determined by the Village Engineer, for example: by milling and repaving and related construction within the confines of the existing roads (collectively the “Project”); and

WHEREAS, the Board of Trustees of the Village has conducted a review of the potential environmental impacts associated with the Project with the Assistance of the Village Engineer and Village Attorney, also as intended for possible use in conjunction with the sale of BANS and/or BONDS to finance the Project; and

WHEREAS, the Board of Trustees of the Village has determined that the Project is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5 (C) and therefore no further environmental review is required.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village declares itself lead agency, determines the proposed Project to be a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5 (C) and therefore no further environmental review is required.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution No. 20 – 068**

Village of Montebello

Title: BOND RESOLUTION AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS WITHIN THE VILLAGE

(stating the estimated maximum cost thereof is \$525,000, appropriating said amount for such purpose, and authorizing the issuance on bonds in the principal amount of \$525,000 to finance said appropriation.

THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Montebello, in the County of Rockland, New York (herein called the “Village”), is hereby authorized to construct road improvements in the Village. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$525,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$525,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$525,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized pursuant to subdivision 20 (c) of Section 11.00 a. of the Law is fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Journal News*," a newspaper published having a general circulation within said Village and hereby designated the official newspaper of said Village for such publication. It being expressly understood that the intent is to comply with the Executive Orders of the Governor stemming from the coronavirus pandemic, should such in any way vary from procedures and timing referenced herein or as is otherwise usually applicable to the authorization of bonds by the Village.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

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

The resolution was declared adopted.

**Comments:** Mayor Millman wants the residents to be aware that this is a very good move for the Village for the ability to pave a substantial number of roads at interest rates that will be substantially less than have ever before been before the Village. The cost of asphalt because of the cost of oil going down is also saving money to the Village. It is the opinion of the Board and our Financial Accountant, Marvin Nyman, and our Village Engineer, Martin Spence it is a very good move for the Village to have looked at and to now have adopted. The Mayor thanks the Board for that.

**Resolution No. 20 - 069**

Village of Montebello

Title: 5 Hemion Road Conservation Easement

WHEREAS, in granting approval to a bank with a drive-through at the northwest corner of Hemion Road adjacent to and east of the existing uses, the owner granted a Conservation Easement to the Village for a triangular portion of the property south of the driveway, which required that no “other construction or development” take place without the written approval of the Building Inspector and after approval by the Village Board; and

WHEREAS, albeit the present applicant for a two-story office building does not seek a drive-through, nor to change the Conservation Easement, the Village Engineer recommends a minor incursion into the Conservation Easement of about 100 square feet of paving to improve traffic safety, and about 25 feet of curbing to better protect the Conservation Easement, as more particularly described in the memo dated April 3, 2020 of Alyse Terhune, Assistant Village Attorney, who sits with the Planning Board, referenced as if set forth hereinafter, a true copy to be appended hereto; and

WHEREAS, in the opinion of the Assistant Village Attorney and the Village Engineer, said minor incursion improves traffic safety and will better protect the Conservation Easement, and does not rise to the level requiring Village Board approval; and

WHEREAS, be the above as it may, the Village Attorney recommends that even if the Village Board agrees with the interpretation of “other”, so stating on the record can dually represent a grant of approval, thus fully laying the matter to rest.

THEREFORE, BE IT RESOLVED, that the Village Board hereby finds that such minor incursion into the Conservation Easement established for reasons of traffic safety, and to better protect the Conservation Easement does not fall within the “other construction or development” category thus not requiring formal approval but, to avoid any issues, such approval is hereby granted to fully settle this matter.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carried unanimously.

**Old and New Business:**

1. Stonehedge Property owner is thinking of reaching out to us to possibly another use for the property than they were originally going to use it for. The Mayor does not wish to discuss what that is until they approach us.

2. Living Waters Seventh Day Adventist Church is still interested in meeting with us to discuss the possibility of renting the Community Center. The Mayor and the Village Attorney will be having a Zoom meeting with them this week.
3. Our ChargePoint is up and running at Village Hall.

**Public Comment:**

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

At 7:38 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Kuperman. Vote carried unanimously.

Mayor Millman wishes everyone to stay safe.

Respectfully submitted:

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Joan Will, Village Clerk - Treasurer