

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, OCTOBER 21, 2020 VIA TELECONFERENCE ZOOM MEETING. THE MEETING WAS CALLED TO ORDER AT 8:07 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Preceding the regular meeting of the Board of Trustees a Budget workshop was held at 7:30 P.M. The Regular meeting of the Board of Trustees began at 8:07 P.M.

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, October 21, 2020 at 7:30 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website 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 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 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.

Mayor Millman stated that the Bonding Resolution was approved at the Local Village Election on September 15th and we will be moving forward based on the weather to start paving two roads within the Pines within the next few weeks with the balance of roads will be completed in the Spring 2021.

Mayor Millman would like to remind everyone to get out and vote this year in whatever method you feel comfortable with. If you are unsure of your voting location, please contact Rockland County Board of Elections for more information.

Building Department Report:

The following is the Building Department Report for the month of September 2020:

- Twenty-two building permits were filed. A total of \$21,687 in permit fees was collected.
- Twelve Certificates of Occupancy were issued.
- A total of \$5,425 in Fire Inspection fees was collected.
- Three code violations were issued.

Our Building Inspector and Code Enforcement Officer have been driving around checking that the Village is remaining safe and compliant.

Public Comment

With no one from the public wishing to speak even though there were people in attendance, Mayor Millman closed this portion of the meeting.

Historic Preservation and Parks Commission (HPPC)

Paraphrasing a report submitted by HPPC:

- KGPP
 - Trail signs have been installed but the clean-up has not begun.
 - Some HPPC members comment their view that rules of the park are ignored by some patrons. Professional photographers and crews have been spotted there may be lax use of no masks and social distancing and large groups, perhaps families arguably made the areas/trails impassable for other park users.
 - HPPC expresses concerns about increasing levels of littering within the park [note: Village Litter patrol regularly picks up in the park, does not confirm a liter problem]
 - HPPC has discussed concern about the use of the park for business purposes.
 - HPPC is concerned about discontinuing pond treatments and Member Piazza will contact Martin Spence to discuss.

- Historic Map Revision
 - Jonathan Lockman is currently working on HPPC Historic Map for website, brochure, etc. Other projects have taken priority over HPPC; however, he will get a first draft to us ASAP.
- Washington-Rochambeau Revolutionary Route Signs
 - Working on estimates for production and will present to Village Board as soon as all information is compiled.
- Landmark Property Condition Reviews
 - The Building Inspector has completed scheduled inspections on Fant Farm property and will issue a report ASAP. Additional three properties are schedule for inspections soon.
- “In the Park” Program
 - The “In the Park” program was a success. Zumba was extended to the end of September due to its popularity and, as most are likely aware, the Village has offered the use of the Community Center for rent for Zumba classes, which may restart there in December.

With no one from HPPC was in attendance, Mayor Millman closed this portion of the meeting.

Presentation by Ran Rubinstein – Conservation Easement relief

Dr. Ran Rubinstein of 8 Lety Lane requested relief from the Conservation Easement in order to put a fence in the backyard so they can foster rescue dogs. He acknowledged knowing about the easement when he purchased

Discussion ensued.

The Mayor stated that the Board would review the application and the property and get back to the applicant in writing of their decision. He did note that a cleaning up of easement, and using chips, is not permitted. Also, historically the Village has not granted such relief except along main roads or intersections where there were child safety concerns.

Resolution No. 20 - 104

Village of Montebello

Title: 5 Hemion Road Easement

WHEREAS, a Conservation Easement is impressed upon the property located at 5 Hemion Road, Section 55-10, Block 1, Lot 5.2, which requires that man-made structures be removed, and the Easement maintained in a natural state; and

WHEREAS, an environmental review in the context of the application of MJD Associates, LLC, Michael Daniels, seeking Site Plan approval for a two-story office building, revealed the presence of a large metallic tank as depicted on the associated map included as a part hereof, former purpose presently unknown; and

WHEREAS, amongst other potential environmental mitigations, said tank and any associated piping and accoutrements are to be removed and, given that the Village Board has sole authority to govern the Village's easements which are interests in real property, in an abundance of caution the Planning board has requested through its attorney that the Village Board approve removal of the above from the easement; and

WHEREAS, the Village Attorney recommends said removal as consistent with mitigation of the aforesaid environmental concern, and as may be recommended by the Village Engineer.

THEREFORE, BE IT RESOLVED, that the Village Board hereby approves the removal of the aforescribed structures within the Conservation Easement located on the aforesaid property to the extent as determined by the Planning Board as consistent with the mitigation measures recommended by the Village Engineer.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.
(Completed motion to be supplied to the Planning Board).

Resolution: 20-105

Village of Montebello

Title: ZBA Appointment

WHEREAS, Samuel Diaz a regular member of the Zoning Board of Appeals whose appointment ends April 2021, resigned from his seat effective immediately; and

WHEREAS, the Mayor has recommended that Ad-Hoc member Elizabeth Dugandzic, whose appointment ends April 2021, be appointed to fill the vacating regular seat of Samuel Diaz; and

WHEREAS, the Mayor recommends the appointment of Ezra Bryan, a resident of Montebello and a Senior Project Manager – Capital Project as per his resume, which was shared with the Board, to fill the vacating Ad-Hoc seat of Elizabeth Dugandzic which ends on April 2021.

THEREFORE, BE IT RESOLVED, as follows:

1. That the resignation of regular member Samuel Diaz, be accepted effective immediately and his seat be declared as vacant,

2. That Elizabeth Dugandzic. be appointed to the aforesated vacant regular seat effective October 21, 2020 to serve the balance of the 5-year term, until April 2021, and that her Ad-Hoc seat be declared as vacant as of that date.
3. That Ezra Bryan be appointed to fill the vacant Ad-Hoc seat as of October 21, 2020 to serve the balance of the 2-year term until April 2021.
4. That the Village Board hereby expresses its gratitude to Samuel Diaz for his service to the Village, and hereby spreads same across its Minutes for posterity.

Mr. Bryan was introduced by ZOOM, and a discussion ensued after which the Motion was made and voted upon.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, motion carried unanimously.

The Mayor and the Board thank Samuel Diaz for his service and gladly welcome Ezra to the Zoning Board and we are pleased he brings good professionalism to the Board.

Presentation by JT Lockman of Nelson, Pope, and Voorhis in furtherance of the Comprehensive Plan, to discuss increasing concern regarding per diem or short-term renters.

In a spirited discussion led by J.T. Lockman, and the Village Attorney and Melanie Golden as chair of the Comprehensive Plan Committee, upon noting abuses such as seeming daily use of properties as day camps, or as one day sites for out of control parties, and the overall need to better regulate the subject as only heightened by COVID concerns, the interim direction was as follows subject to further review and consideration.

1. Clarify and strengthen §135 of the code regarding absentee owners, and prohibit any residential rentals, whether of all or part of a property (e.g. the back yard and pool), of shorter duration than thirty (30) days.
2. Include stronger enforcement mechanisms.
3. Consider longer term residents, empty nesters, or fixed income residents, or those having come to live alone, or as a couple in a large home and who may wish to stay but need economic assistance to do so, as a separate classification. Thus, in these circumstances if they wish to remain in residence and e.g. rent a bedroom, and shared use of a kitchen to third parties, this should be explored, and code language added.

The Planner to study in cooperation with the Village Attorney in order to draft an amendment to the Village Code to be proposed within the next month or so.

Resolution: 20-106

Village of Montebello

Title: HPPC Appointment

WHEREAS, by virtue of her email dated September 23, 2020, Maureen Danzig, a regular member of the HPPC whose appointment ends April 2023, resigned from her seat effective immediately; and

WHEREAS, the Mayor has recommended that Ad-Hoc member Matt Moetzing, whose appointment ends April 2022, be appointed to fill the vacating regular seat of Maureen Danzig.

THEREFORE, BE IT RESOLVED, as follows:

1. That the resignation of regular member Maureen Danzig, be accepted effective September 23, 2020, and her seat be declared as vacant as of that date.
2. That Matt Moetzing, be appointed to the aforesaid vacant regular seat effective October 21, 2020 to serve the balance of the 5-year term, until April 2023, and that his Ad-Hoc seat be declared as vacant as of that date.
3. That the Village Board hereby expresses its gratitude to Maureen Danzig for her service to the Village, and hereby spreads same across its Minutes for posterity.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, motion carried unanimously.

Resolution No. 20 – 107

Village of Montebello

Title: Approval of Minutes for September 16, 2020

BE IT RESOLVED, the minutes of the Board of Trustees of September 16, 2020 be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Resolution No. 20 – 108

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated October 21, 2020, and totaling \$195,795.97 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. 20 -109

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated October 21, 2020 for Professional Fees, and totaling \$24,751.75 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: 20 - 110

Village of Montebello

Title: 2021 Contract for Village Engineering Services

WHEREAS, Spence Engineering Consulting and Municipal Engineers (“Spence”) supplied services as the Village Engineer since 2007; and

WHEREAS, Spence proposes to continue to provide services for 2021 in a proposal dated September 25, 2020, referenced as if set forth hereinafter at length, a true copy of which shall be appended to the Minutes hereof (“The Proposal”), for the fixed fee services, which are the same rates since 2016, at a lump sum of \$31,800 per annum (\$2,650 per month), and time billable professional engineering and technical services between \$110 and \$130 per hour, and clerical services at \$48 per hour all as more particularly set forth in the Proposal.

THEREFORE, BE IT RESOLVED, as follows:

1. That the Proposal of Spence Engineering as aforereferenced to provide regular engineer services to the Village in 2021 including anticipated costs for Capital Projects and special reports be and hereby is accepted effective January 1, 2021, subject to the following conditions:
 - a. That it be understood that the Village’s professional bill appeal procedure shall be appended to the proposal as a part thereof; and
 - b. That the agreement may be terminated by the Village upon ninety (90) days advance written notice without cause at its election.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution: 20 - 111

Village of Montebello

Title: 2021 Contract for Village Planning Consultant Services

WHEREAS, Nelson, Pope & Voorhis, LLC (“NPV”), the Planning Consultant for the Village of Montebello, who, by the services of Max Stach and other staff under his auspices, including Jonathan Lockman, together, have served the Village in that capacity from August 2016, for the purpose of working with the Planning Board and Zoning Board of Appeals and generally to provide planning services, proposing to do so on a per diem fee basis not to exceed \$10,000 per annum without further action of the Board, plus the cost of services further overseeing and the implementation of the Comprehensive Plan, not to exceed \$20,625 in 2021, as a function of the Village Board’s choices in its sole discretion from reviewing points “6” thru “10” from the schedule attached. Items 1 – 5 of the highlighted, attached list are currently underway for the 2020 Budget year as per the August 27, 2020 agreement: and

WHEREAS, said firm has not increased its hourly rate from its Proposal accepted by Resolution No. 16-109 for all personnel for review of applications before CDRC, Planning Board and Zoning Board of Appeals per the attached fee schedule.

THEREFORE, BE IT RESOLVED that said Proposal, be and hereby is accepted for the 2021 calendar year and the Mayor is hereby authorized to execute same on behalf of the Village, it being understood that said contract is with Nelson, Pope & Voorhis, LLC.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Resolution No. 20-112

Village of Montebello

Title: 2021 Contract for Village Traffic Consultant

WHEREAS, the Planning Board reports the need to retain a Traffic Consultant to review pending applications, and traffic studies submitted therewith; and

WHEREAS, the Planning Board indicates that they wish to continue to retain Nelson & Pope, Engineers, Architecture and Land Surveying, PLLC (N&P) as Traffic Consultant; and

WHEREAS, when working in conjunction with an applicant, the fee of the Traffic Consultant is passed through to the applicant; and

WHEREAS, the assignment of work to the Traffic Consultant shall be considered to be on a case-by-case basis, the Village Board reserving the right to make a change at any time, and/or to have such a relationship with more than one Traffic Consultant.

THEREFORE, BE IT RESOLVED, that N&P is approved on a case-by-case basis to act as the Traffic Consultant to the Planning Board as needed, subject to the following:

1. That in each case the need for a Traffic Consultant tied to a pending Planning Board application be confirmed by the Planning Board, acting through its Chairman, and by the Village Engineer, in addition to any such recommendation by the Planner, each of whom shall explain each such recommendation in writing.
2. That the fee structure of N&P, despite such being a pass-through to the applicant, shall be approved as reasonable in advance by the Village Engineer.
3. That this appointment is non-exclusive, and that the Village Board hereby retains the absolute right to terminate same at any time, or to add to an approved list of potential Traffic Consultants for use by the Village, its Boards and Commissions.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 20 - 113

Village of Montebello

Title: 2021 Contract with Town of Ramapo for Highway Services

WHEREAS, arguably the two-year 2018-2019 Town of Ramapo Highway Services Agreement self-renews for 2020 and again in 2021 if neither party reports to the contrary by

October 15, 2020, or reports a desired change of terms by October 1, 2020, and the Village Attorney reports having reminded the Town of these terms on October 16, 2020; and

WHEREAS, prior negotiations led to and a compromise of a continued annual rate of \$360,000 for 2020, payable at \$30,000 monthly, and the Mayor and Supervisor have agreed to keep the fixed rate of \$360,000 for 2021.

THEREFORE, BE IT RESOLVED, subject to acceptance by the respective boards and, pending signing of the Agreement that renewal of said contract for 2021 be and hereby is approved at a fixed cost of \$360,000 for the reasons set forth above, other terms and conditions to continue as they were

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

Resolution: 20 - 114

Village of Montebello

Title: 2021 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, 2021 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.

Title: Snow Removal/Landscaping Services 2020-2022

WHEREAS, the Village Clerk-Treasurer sent out RFP’s for Snow Removal and Landscaping Services for:

- snow removal and landscaping at Village Hall, (One Montebello Road) and the Dr. Jeffrey Oppenheim Community Center, (350 Haverstraw Road)
- for landscaping services at the Viola Road Cemetery
- for landscaping services around the 7 Village roadside entry signs
- for landscaping services at Kathryn Gorman Ponds Park for the grassy margin between it and Senator Levy Drive
- for landscaping services at Kathryn Gorman Ponds Park around the pond areas, including the pathway and parking area, and meadow
- for landscaping services of the open space at 8 & 14 Lake Road as per specs
- for landscaping services at the community garden

for the period December 1, 2020 to November 30, 2022, all as set forth in her Request for Proposal dated August 28, 2020 to be considered as part of the contractual Agreement; and

WHEREAS, a proposal was received from Belleville Landscaping Inc. and from no other contractor, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, the salient details of which is as follows:

Company	Proposed Bid
Cedar Pond Tree & Landscape	Did not respond
Steve’s Lawns Inc.	Did not respond
D&D Tree & Landscaping	Did not respond
Turco Landscaping	Did not respond
Belleville Landscaping, Inc.	\$2,375.00 / month
Majestic Lawn Care and Landscape	Did not respond
Mario’s Landscaping	Did not respond

WHEREAS, Belleville Landscaping, Inc. has reliably performed said services over the years and has minimally increased its contract price; and

WHEREAS, only one proposal was received despite sending out 7 requests to bid, and time is of the essence given the December 1st starting date.

THEREFORE, BE IT RESOLVED, that the Village Board upon due deliberation and for the aforesaid reasons, does hereby accept the proposal of Belleville Landscaping, Inc., for Snow Removal and Landscaping Services at Village Hall and the Dr. Jeffrey Oppenheim Community Center as per attached agreement and as stated above, for the period December 1, 2020 to

November 30, 2022 at an all-inclusive package price of \$2,375.00 per month, plus an extra charge for snowfalls over 10 inches and for salt, as more particularly set forth in the proposal and RFP, and authorizing that said sum be expended for said purposes, contract to be in a form as approved by the Village Attorney, and subject to proof of insurance.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution: 20 - 116

Village of Montebello

Title: 2021 Contract with Financial Consultant

WHEREAS, the Village's Financial Consultant Marvin Nyman has been providing financial consultant services to the Village since its inception; and

WHEREAS, Mr. Nyman's services include budget preparation, assisting the Village Clerk-Treasurer in maintaining the Village's financial records, preparation and submittal of the New York State AUD and Constitutional Tax Limit Report as well as an annual audit of the Justice Court accounts; and assisting the Village Clerk - Treasurer as needed.

WHEREAS, the Financial Consultant proposes continuing such services for 2020 pursuant to the terms set forth in a proposal dated October 20, 2020 referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, said proposal being according to the updated terms of \$28,800 (\$2,400 per month)

THEREFORE, BE IT RESOLVED, that Marvin Nyman continue to provide financial consultant services to the Village for the budgeted amount of \$28,800 paid in monthly installments of \$2,400 for the period of January 1, 2021 through December 31, 2021.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 20-117

Village of Montebello

Title: 2021 Contract for Cleaning Services

WHEREAS, weekly cleaning services have been provided for the Village Hall, including the Seniors Club, and for the Dr. Jeffrey Oppenheim Community Center by Stan's Reliable

Cleaning Inc, 204 Eagleton Drive, Monroe, NY 10950, PO Box 1415, Monroe, NY 10949, at a cost of \$125.00 per week for Village Hall and the Senior Center and \$100.00 per week for the Dr. Jeffrey Oppenheim Community Center and are offered for a two year period starting January 1, 2021. Additional cleaning options are available as following with the written approval of Village Clerk or Mayor:

- carpet cleaning at Community Center at \$900.00 per cleaning
- floor stripping and waxing at Community Center at \$350.00 per cleaning
- power washing of Community Center at \$425.00 per cleaning
- COVID sanitizing at \$85.00 per cleaning
- exterior window cleaning at Village Hall at \$145.00 per cleaning

as were particularly set forth in a proposal dated October 14, 2020; and

WHEREAS, said services have proven acceptable, and the Village now wishes to continue same for the two-year period according to the Proposal, a true copy to be attached to the Minutes hereof; and

WHEREAS, said cleaning service understands the absolute need and agrees to secure the buildings and their contents, and keep the contents of same confidential at all times.

THEREFORE, BE IT RESOLVED, subject to the conditions set forth herein which shall become part of the Agreement, as shall the Proposal, that said services are hereby renewed for the 2021 calendar year renewable by the Village for 2022 upon written notice given no later than November 15, 2021, subject to termination by the Village with or without cause on 30 days' notice, as per agreement, at a cost of \$125.00 per week for Village Hall and Senior Center and \$100.00 per week for the Dr. Jeffrey Oppenheim Community Center, plus the extra services as noted above, as and when requested, subject to proper insurance and bonding, and proof of insurance in the judgement of an insurance broker.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Resolution: 20-118

Village of Montebello

Title: Schedule a Public Hearing on Tentative Budget for 2021

BE IT RESOLVED, that a Public Hearing is to be held on the Tentative Proposed Budget being the Mayor's budget with changes as discussed this evening for fiscal year 2021 on November 4, 2020 at 8:00 p.m. local time or as soon thereafter as the matter can be heard, such that a Budget for said year can be adopted.

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to notice and post same including that the meeting will be held November 4, 2020.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Please note that this Public Hearing will be via Zoom.

Public Comment:

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

Old and New Business:

- Kaner request for Conservation Easement was denied and a letter was sent to the applicant.
- Copies of the 2021 Village Board Meeting Schedule were posted.
- Copies of the 2021 Village Holiday Schedule were posted.
- Village Attorney Berbit discussed the need to increase the pass-through rates for the attorney's handling Planning and Zoning as well as the need to pass through special counsel fees to applicants moving forward. This will be discussed further next month for a January 1, 2021 change.

At 9:29 PM Deputy Mayor Caridi made a motion to enter executive session to discuss salaries for the budget, seconded by Trustee Golden. Vote carried unanimously. (Village Attorney and Village Clerk left this part of the meeting when appropriate)

At 9:39 PM Trustee Kuperman made a motion to exit executive session, seconded by Trustee Golden. Vote carried unanimously.

At 9:40 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Kuperman. Vote carried unanimously.