

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MARCH 17, 2021 VIA TELECONFERENCE ZOOM MEETING. THE MEETING WAS CALLED TO ORDER AT 7:30 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

**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, March 17, 2021 at 7:30 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.

Mayor Millman reports that in the past week we have had electrical outages due to the storms in our area. Orange and Rockland was able to get all the electrical issues rectified within 5 to 8 hrs.

Mayor Millman reports that we are currently out for bonding which the residents voted on in November. He stated that the timing is good as rates are low. He also stated that a portion of Mile Road has been added to the paving list as the current road is in need of repairs due to weather related potholes and deterioration.

Mayor Millman reports that before the Election Results Resolution he would like to personally congratulate Trustee Golden, Trustee Beldock, and newly elected Village Justice Riley on their election victories. The Mayor and the entire Board would like to thank Village Justice Arnold Etelson, who was the first elected Judge in Montebello, for his many years of service. They wish him well and thank him for all he has done for Montebello.

**Resolution No. 21 - 019**

Village of Montebello

Title: Certifying of Elected Officials

BE IT RESOLVED, that the results of the Village Election held on March 16, 2021, be and hereby is certified, and the following declared as elected:

Melanie Golden, Trustee for a term of four years by a vote of 194 to 2; and

Steven Beldock, Trustee, for a term of four years, by a vote of 186 to 2; and

Karen Riley, Village Justice, for a term of four years, by a vote of 195 to 0; and

it being understood that said terms end on the first business day in April, or until a successor is elected and sworn.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

The Mayor, Deputy Mayor Caridi, and Trustee Kuperman wished to congratulate everyone on their Election win and look forward to working together in the future. They also wished to thank the residents of Montebello on a very nice turnout in support of our Village.

## **Building Department Report:**

The following is the Building Department Report for the month of February 2021:

- Twelve (12) building permits were filed. A total of \$8,887.00 in permit fees was collected.
- Eight (8) Certificates of Occupancy were issued.
- A total of \$1,275.00 in Fire Inspection fees was collected.
- No code violations were issued.

## **Presentation: Marsel Amona – Stonehedge Development**

Also present: John Lange, Planner, Joseph Kunstlinger, Condominium Consultant / Attorney, and James Licata, Mr. Amona's attorney.

Mayor Millman advised Mr. Amona that at this presentation and meeting the Board will not be giving any legal advice or how to do your development.

Mr. Amona asked John Lange to speak about the planned project. Mr. Lange explained that the prior plan changes by making 11 homes into 22 attached condominiums. All services will be run by the condominium association including landscaping, snow plowing and road services. Mr. Lange would like the Board to give permission to move the project to the Village's CDRC.

Mr. Licata discussed changes / waivers they would be looking to amend to the Bulk Table.

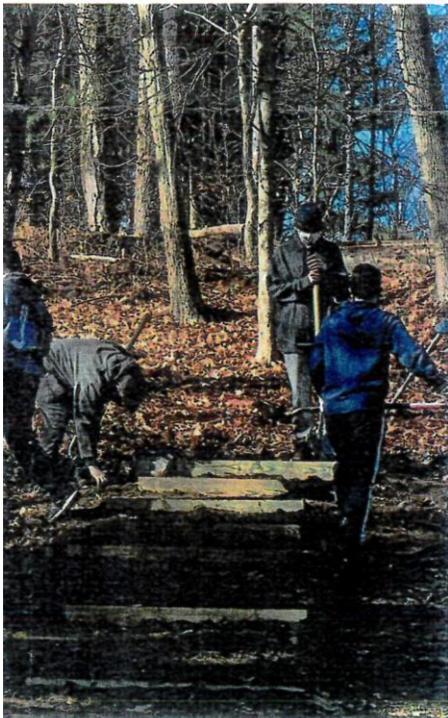
Discussions ensued. Mayor Millman advised that the Village Board has an interest in this project and suggests that this project be moved to proceed to CDRC.

Village Attorney Berbit stated that the Village Code needs to be changed and will be worked through after they go to CDRC and stated that some things could work in tandem.

Mr. Licata confirmed that the developer's team would propose the other Village code amendments necessary to permit this change. Mr. Berbit agreed that it would be a necessary next steps to act as a starting point for the Village's deliberations.

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

An update was provided by Tony Piazza, regarding the Thomas Fantry Eagle Scout Project. The project was completed in the Fall of 2020. The main trail sign as well as the individual trail signs have been installed, the James Beard trail has been cleaned up and new railroad tie steps have been installed, and flower have been planted in various locations. Photos of the project were included in the report.



Chairperson Lisa Levin presented CLG Grant application to the Board. Chairperson Levin explained the scope of the project and the amount of funds necessary. She explained the nature of the grant and the amount of money requested.

Mayor Millman requested that HPPC add information to the current Welcome Packet.

Title: Historic Preservation and Parks Commission Application for Certified Local Government Grant

WHEREAS, the Historic Preservation and Parks Commission (“HPPC”) wishes to apply for a grant, pursuant to the State Historic Preservation Office’s (“SHPO”) administration of annual federal historic fund grants under the National Historic Preservation Act; and

WHEREAS, such grants are competitively distributed to qualifying Certified Local Government (“CLG”) applicants, such as the Village, with the understanding that the CLG applicant must submit an application compliant with the guidelines, including a willingness to locally fund in cash or equivalent up to 40% of the cost; and

WHEREAS, after studying the matter and due deliberation, the HPPC has concluded that sponsoring the production of a Historic Resource Map of Montebello, in both paper and interactive forms, and installation of roadside signage marking the Washington-Rochambeau Revolutionary Route, will promote knowledge and interest in our history; and

WHEREAS, said activity is also intended as guiding the preservation of important historical assets.

THEREFORE, BE IT RESOLVED, that approval is hereby given to proceed with making application for a grant for the above purposes, with the understanding that the Village will fund up to 40% in cash or equivalent of the direct cost if any.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Public Comment**

Mayor Millman opened the Public Comment to anyone who wished to speak.

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

**Resolution No. 21 - 021**

Village of Montebello

Title: Appointment of Code Enforcement Officer P/T

WHEREAS, Michael Mandikas, is presently the P/T Code Enforcement Officer for the Village of Montebello and will be entering into the National Guard effective May 2021; and

WHEREAS, the Village Clerk – Treasurer in searching for a qualified replacement as well as to add an additional position of Code Enforcement Officer P/T to the list of positions within the Village, contacted Rockland County Personnel at the direction of the Mayor; and after canvassing the Eligibility List and interviewing candidates, has found Kenneth Louden as a qualified candidate; and

THEREFORE, BE IT RESOLVED, upon the recommendation of the Mayor, that Kenneth Louden be appointed, pending appropriate background checks, to the new position of Code Enforcement Officer (P/T) for a term to expire at the reorganization meeting in April 2022, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment at any time, compensation to be at \$23.92 per hour, not to exceed 10 hours per week or as necessary.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution: 21-022**

Village of Montebello

Title: Appointment of Associate Village Justice

WHEREAS, Karen Riley whose term as Associate Village Justice is to expire at the April 2021 meeting, and has been elected to Village Justice at the March 16, 2021 election, and her position as Associate Village Justice declared as vacant; and

WHEREAS, the Mayor wishes to appoint Kenneth C. Gobetz as Associate Village Justice until the next reorganizational meeting of April 2022.

THEREFORE, BE IT RESOLVED, that Kenneth C. Gobetz be and hereby is appointed as Associate Village Justice effective April 1, 2021, until the next reorganizational meeting of April 2022.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution No. 21 - 023**

Village of Montebello

Title: Establishing a Standard Workday for Retirement System Purposes

BE IT RESOLVED, that the Village of Montebello Location Code 40575 hereby confirms establishing 6 hours per day as the standard work day for Elected and Appointed Officials and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body, as based upon said standard work day in accordance with Regulation 315.4 of the New York State & Local Retirement System; and

BE IT FURTHER RESOLVED that all Elected and Appointed Officials that are presently members of the New York State & Local Retirement System, shall have days worked reported on the monthly report, set as per the attached Form RD2417-A, and shall include the term of office and expiration for each elected and appointed official.

BE IT FURTHER RESOLVED, that upon adoption, this Resolution shall be posted on the Village's website for 30 days and the Village Clerk shall submit an affidavit of posting and a copy of the Resolution to the Office of the State Comptroller within 45 days of adoption.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21 - 024**

Village of Montebello

Title: Approval of Minutes for February 17, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of February 17, 2021 be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Resolution No. 21-025**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 17, 2021, and totaling \$135,243.95 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. 21 - 026**

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated March 17, 2021 for Professional Fees, and totaling \$19,783.92 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution: 21-027**

Village of Montebello

Title: Air Duct Cleaning at Village Hall

WHEREAS, the air ducts at Village Hall have not been cleaned in several years and should be cleaned on an annual basis in order to remove accumulations of dust and dirt; and,

WHEREAS, the Village Clerk-Treasurer contacted several companies who provide commercial air duct cleaning; and

WHEREAS, the following proposal has been submitted:

<b>Vendor</b>	<b>Price Quote</b>
AirDuct Brothers	\$2,378.00 Cleaning of ducts plus installation of two access panels
Air Quality Solutions Environmental LLC	\$10,000* <i>Estimate given over phone, didn't come to office to view ducts</i>
Eco Green Solutions	\$2,835.09

; and

WHEREAS, based on the estimates as outlined the recommendation of the Village Clerk-Treasurer is to award the contract to AirDuct Brothers.in the amount of \$2,378.00.

THEREFORE, BE IT RESOLVED, that the proposal of AirDuct Brothers be accepted at a total cost of \$2,378.00, the expenditure of which for these purposes is hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21-028**

Village of Montebello

Title: Polling Place for Federal / State / Local Primary and General Election

BE IT RESOLVED that the polling place for the Federal/State/Local Primary Election to take place of Tuesday, June 22, 2021 and the General Election to take place of Tuesday, November 2, 2021, at the Dr. Jeffrey Oppenheim Community Center (Montebello Community Center), 350 Haverstraw Road, Montebello, NY, located in the Town of Ramapo and authorized by the Rockland County Board of Elections for Election Districts 22, 62, 72, and 78 at a rate of \$480.00 in total.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21 - 029**

Village of Montebello

Title: Chabad Lease Extension and Modification

WHEREAS, the Chabad Jewish Center of Suffern (“Chabad”) leases from the Village of Montebello (“Village”, together “the Parties”) the premises comprising two-story office portion of the Dr. Jeffrey Oppenheim Community Center (“Community Center”) located at 350 Haverstraw Road, Montebello, NY 10901, which lease terminates on July 31, 2021, all as more particularly set forth in said Lease Agreement originally dated May 15, 2015 and the Extension Agreement dated August 15, 2018 through July 31, 2021 (“The Lease”), referenced as if fully set forth hereinafter; and

WHEREAS, as a consequence of the COVID-19 pandemic and through the fault of neither Party, the beneficial use of said Lease to Chabad has been arguably diminished according to Chabad because of, amongst other things, the Governor’s Executive Orders, which pandemic, as claimed by Chabad, has also reduced its cash flow during said period of time. Despite its stated best efforts, it is in arrears in paying for said leasehold by \$31,514.00 (see attached Chart 1) as of February 22, 2021, and as each month passes \$4,502.00 adds to the total; and

WHEREAS, as a consequence of the above emergency circumstances, the Parties have been negotiating a concession reflecting the above limited usage over the final 12 months of the Lease, in consideration for a one-year extension of the Lease under its current terms, and an option for four (4) additional one (1) year extensions at a 3% increase per each extension over the prior year, and after a preliminary proposal made to Chabad by the Village Attorney at the direction of the Mayor and the Village Board, and further negotiations between the Mayor and Rabbi Gancz, the Mayor reports having reached an understanding subject to Board approval as set forth hereinafter as follows:

- 1) Lease extended one-year, for the period of August 1, 2021 to July 31, 2022, under its present terms without reduction or increase, at a rental cost of \$54,024.00 per annum, payable at \$4,502.00 per month on or before the first of each month during the extended term.
- 2) An option to extend the lease up to four (4) additional years in one (1) year increments through July 2026, at an increase of 3%, over the prior year (e.g., at a rental cost of \$54,024 per annum, payable \$4,637 monthly in 2022-2023, etc.). Chabad to give Village written notice of exercise of each said option no later than 90 days before the then end of the termination date.
- 3) For the final year of the present lease, only, August 1, 2020 to July 31, 2021, the rental cost shall be reduced by 25%, to \$40,518.00 per annum, or \$3,376.50 per month. Accordingly:
  - a) On or before March 15, 2021, and on or before the first of each month thereafter through and including July 1, 2021, Chabad shall timely pay \$3,376.50 (see attached Chart 1) in reduced rent monthly, and thereafter, during the extended term on or before August 1, 2021, shall pay monthly in the amount of \$4,502.00.
  - b) In addition to the above, on or before March 15, 2021 Chabad shall also pay \$27,012.00 in full settlement of the arrears from August 2020 through March 2021, said sum reflecting the rental arrearage and the reduced rent for part of said period.
  - c) Chabad shall also pay water usage charges as and when separately billed.
- 4) Use of the Community Center by Chabad for group meetings or prayer services shall be without extra charge during the final year of the present lease, subject to the same rules and regulations, to wit:
  - a) subject to and secondary to use by the Village for meetings and for court and to use by its residents for events such as reserved in advance, the latter only subject to reserved use by Chabad as requested in advance for significant events, and dates tied to the religious calendar.
  - b) Chabad responsible for setting up and breaking down tables and chairs for its usages.
  - c) Chabad responsible for clean-up and trash removal resulting from its events/usage, and for the cost of any additional clean-up costs or repairs necessitated thereby or result therefrom (including of the restrooms, entrance and kitchen areas).
  - d) Usage shall be within the start and end times as pre-registered by Chabad and agreed to by Village, including set-up and break down time.
  - e) Subject to all other Village rules and regulations re: use of the Community Center/meeting room per the Use Agreement including indemnifying, holding harmless and defending the Village from said usage; and
  - f) Chabad shall comply with all COVID rules with respect to the safe use of the Community Center and its indemnification, defense and hold harmless agreement shall also apply to any COVID any based claim, more particularly, and also according to the terms of the separate Meeting Room Use Agreement made a part hereof.

WHEREAS, this matter was fully discussed at a regular meeting (by ZOOM) of the Village Board, in Executive Session, and the Mayor negotiated further as based upon the parameters established by the Board.

THEREFORE, BE IT RESOLVED as follows:

- 1) That the lease shall be and hereby is extended one-year for the terms as set forth above plus four (4) optional one (1) year additional extensions.
- 2) That the terms and conditions of the present lease shall continue in full force for the extended term, except as inconsistent with and modified by the terms set forth herein.
- 3) That a true copy of this Resolution in final form as prepared by the Village Clerk-Treasurer, in duplicate, marked "Lease Extension and Modification Agreement Between the Village of Montebello and Chabad Jewish Center of Suffern", and as signed, dated and exchanged by the Parties, and appended to the present lease Use Agreement, shall, together, serve as the Lease Agreement between the Parties for the final three-years thereof, including the extended year, and any optional years.
- 4) That the terms hereof and the concessions herein all expressly conditioned upon Chabad paying all arrears no later than March 15, 2021.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Resolution 21 - 030**

Village of Montebello

Title: 103 Montebello Road – Violation Search Fee Refund

BE IT RESOLVED, as per email from the proper authorities, dated March 12, 2021 that Violation Search Fees for 103 Montebello Road, in the amount of \$200.00 be returned to Land Track Title Agency, LLC, as it was determined that the request has been cancelled before any work on the application by the Village staff.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Public Comment:**

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

At 8:33 PM Trustee Golden made a motion to enter executive session to discuss attorney – client matters, issues of potential litigation, and the like, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 10:14 PM Trustee Golden made a motion to exit executive session, seconded by Deputy Mayor Caridi. Vote carried unanimously.

**Old / New Business**

- The Village will proceed with the Conservation Easement Study. This will be discussed at a later meeting.
- Rockland Community Power has sent all Trustees a packet of information regarding their services. The Trustees are asked to review it for a board meeting presentation.

At 10:16 PM, Trustee Golden made a motion to close the meeting, seconded by Deputy Mayor Caridi. Vote carried unanimously.