

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JULY 21, 2021, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:30 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

**Mayor’s Report:**

Mayor Millman stated that tonight there was an unusual occurrence, the very first Mayor of Montebello, Kathryn Gorman; the very first Village Justice in Montebello, Arnold Etelson; and the very first and still Village Attorney of Montebello, Warren Berbit, all in attendance tonight and it was an honor to have them all.

Mayor Millman stated that the lines were painted on Mile Road after the new paving. He stated that Orange and Rockland will be continuing to trim the trees on and near their lines.

Mayor Millman stated that Peddlers will be going door-to-door. He reminded everyone that the Peddlers must show an active permit and visible ID. If they do not have a permit, please call Ramapo Police. He stated that the Village is a No-Knock Village. Please make sure your sign or sticker is posted. If anyone has not registered for this, please contact Village Hall.

Mayor Millman stated that our 10-year Conservation Easement Survey is underway. Our Code Enforcement Officer, Ken Loudon, will be out doing the survey’s. Ken will be in a white Village truck in a uniform with ID and a badge. If you are unsure if it is him or not, contact the Police.

Mayor Millman stated that any individual not vaccinated against COVID-19 should continue to wear a mask on Village property and at any meeting. Vaccinated individuals are not required to do so.

On Sunday, September 19, the Mayor stated that we are hoping to continue our In the Park Program with a Grateful Dead tribute band. Reminders will be sent out when the details are confirmed.

## **Presentation to Judge Arnold Etelson**

The Mayor spoke in honor of Judge Etelson:

“Arnold Etelson served as Village Justice since the Court was created on February 15, 2012.

He was a member of NYS Magistrates Association.

He served in a judicial capacity for over 50 years starting in 1967 as the Spring Valley Police Justice then Ramapo Town Justice beginning in 1975 for over 30 years, and then as Village of Montebello Justice

During his over 50 years on the bench Judge Etelson also performed many other important roles, including President of the Rockland County Magistrates Association, Counsel to the Solid Waste Authority, he has authored articles and lectured on Elder Law, established the first mediation program in the Rockland County Justice Courts through the Volunteer Counseling Services, he has also had involvement in the Rockland County Counsel on the Arts, Inc., the Spring Valley Jay Cees, the Kwanis Club of Spring Valley, and the Rotary Club of Suffern.

He is currently known for his work outside of the court room he has found the time to become a violinist with the Rockland Suburban Symphony Orchestra, as well as to become an accomplished saxophonist as well as his other hobbies.

The Board and I wish to thank you for your years of service and commitment to our village and wish you a happy and exciting retirement and present you with this token of our appreciation for your service.”

Mayor and Board presented Judge Etelson with a gaveled plaque which read:

“Presented to Judge Arnold Etelson by the Mayor and Village Board for the Village of Montebello in gratitude of his service as our first Village Justice from 2012 to 2021, and for an unprecedented 54 years on the bench. Presented April 2021”

## **Building Department Report:**

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

- Twenty-three (23) building permits were filed. A total of \$22,718 in permit fees were collected.
- Ten (10) Certificates of Occupancy were issued.
- \$5,000 in Fire Inspection fees were collected during the month.
- Eight (8) code violations were issued.

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

With no one from the HPPC wishing to speak, Mayor Millman stated that the HPPC is the recipient of the Historic Preservation Fund Sub-Grant / Certified Local Government Award (CLG) in the amount of \$3,600 to support mapping and educational brochures of historic properties and areas throughout the Village. The Mayor wished to thank the Chairperson of the HPPC, the Village Clerk and the Village Planner for making this grant possible and he looks forward to the final product.

## **BAN**

Mayor Millman stated that the BAN for \$525,000 that was due on June 25, 2021, has been paid in full plus \$10,500 in interest to JP Morgan Chase. Mayor Millman reminded everyone that the Village has bonded for the paving of the roads in Montebello as the rates were unprecedentedly low being below 2% which was an excellent result and is why we accelerated doing 20 roads.

## **Public Comment**

Kathryn Gorman of 8 Ryan Mansion Drive West wished to address the board with regards to the President of Ryan Mansion HOA request to change the zoning of the condos. She stated that she does not wish to have the zone changed in order to allow teenagers or anyone under 45 living there full time. She was upset to hear that the HOA contacted the Village Board without first advising all the residents of Ryan Mansion, and then refused to share the correspondence. She stated that everyone who purchases or purchased the units understands and understood the age requirement and that is why people choose to buy there.

The following also spoke in agreement to NOT change the age limits at Ryan Mansion:

- Janet Drobos – 15 Ryan Mansion Drive East
- Linda Favuzza – 12 Ryan Mansion Drive West
- Alan Goldberg and Diane Ravner – 10 Ryan Mansion Drive West
- Josephine and Richard Ingaglio – 7 Ryan Mansion Drive East
- Deb Munitz – 5 Rose Hill Road
- Theresa Caren and Raymond – 1 Ryan Mansion Drive East

Mayor Millman responded to the residents' concerns by stating that the Village is not in favor of changing the zoning of this property. Mayor Millman reminded everyone that the complex was originally 55/ 55 and at the developer's request, the Village amended the age requirement to 55/45 as well as changing from townhouse to condominium which greatly lowered real property taxes. The Mayor stated again that the Board has no interest to change the zoning of Rio Vista.

Jan Rosenblum – 6 Emerald Lane read a letter regarding the Rockland Recovery Home located at 4 Emerald Lane which was handed in for the record.

Mayor Millman responded to the residents. He stated that the Village sent out a letter to all the residents surrounding the Recovery Home explaining the findings of the Village's professionals. Our Village Attorney, Deputy Village Attorney, and Special Counsel for the Village found that it is not a zoning issue but a "use" issue. The Recovery Home will have to apply for a Special Use Permit and that application process is through the Planning Board. The Public will have every opportunity to attend and comment at the Public Hearing for the Special Use Permit.

Mayor Millman acknowledged that Officer Cooperstein of the Town of Ramapo Police Department was in attendance and asked if anyone from the Board or the Village had any questions, they wished to ask him. Trustee Kuperman requested more information about if buses are allowed to make U or K turns. PO Cooperstein advised that they were.

**Presentation: Marsel Amona – Stonehedge Development**

Also present: John Lange, Planner via video and Michael Klein, Mr. Amona's attorney, in person.

Mr. Klein advised the Board that Mr. Amona has made the adjustments in size to the plans, and they are interested in moving forward with the zoning changes needed to move forward. The Mayor stated that they have a bit more work to do on the plans in order for the Board to agree. He requested that Mr. Amona return at the September meeting with final drawings and in the meantime, the Mayor directed Max Stach, for Nelson, Pope and Voorhis, the Village Planner, to begin the zone change amendments needed. In an in-depth discussion the Mayor, speaking for himself but without Board objection or further comment, stated that, with controls and size reduction the concept can work, but the appearance, sheer bulk size, and sameness was unacceptable. Mr. Amona promised to address this and present five varied designs at the next meeting. It was emphasized that varying the facades will help, but even more important was varying the layouts so each duplex didn't look like the same giant (100') rectangle. All changes should be brought to the Village Board on September 22.

The Mayor advised Mr. Amona that the Board is still interested in him moving forward with his project with these changes.

**Resolution No. 21 - 087**

Village of Montebello

Title: Accept Annual Justice Court Audit

WHEREAS, the Village's Justice Court commenced operation on or about June 1<sup>st</sup>, 2012, and §2019-a of the Uniform Justice Court Act ("the Act") requires that the Village Justices annually provide their court records and dockets to the village auditing board (the Village Board), and that such records thereby be examined or audited and that fact be entered into the Minutes of the Board's proceedings, and thereafter that such be filed with the Director of Internal Audit, NYS Office of Court Administration; and

WHEREAS, the Village’s Financial Consultant, Marvin Nyman CPA, has, under his cover of July 14, 2021, authored his analysis of the records of the Village of Montebello’s Justice Court, and the Justice Court bail records to determine adherence to court procedures and compile relevant operating data and to determine if the bail account held sufficient assets to cover the associated liability, which analysis is likewise dated July 14, 2021; both documents (hereinafter “The Reports”) referenced hereat as if fully set forth hereinafter, true copies of which shall be appended to the minutes hereof; and

WHEREAS, the Village Board has reviewed the Reports and associated records, and confirms the conclusions drawn by the Village’s Financial Consultant.

THEREFORE, BE IT RESOLVED, pursuant to the Act, as hereby entered into the Minutes of the Village Board, that said Reports be and hereby are approved after the required examination was conducted, and that the Reports and a Clerk certified completed copy of this Resolution be filed with Joan Casazza, Internal Audit Service Unit, NYS Office of Court Administration, 2500 Pond View-Suite LL01, Castleton On Hudson, NY 12033 – email: jcasazza@nycourts.gov.

Motion: Trustee Kuperman

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution No. 21 - 088**

Village of Montebello

Title: Approval of Minutes for June 16, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of June 16, 2021, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution No. 21 - 089**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated July 21, 2021, and totaling \$764,907.14 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. 21 – 090**

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated July 21, 2021, for Professional Fees, and totaling \$18,730.86 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. 21- 091**

Village of Montebello

Title: Mulch for Village Hall Property

WHEREAS, the bed areas at Village Hall need to be mulched in order to control weeds, retain moisture, prevent soil erosion and provide nutrients; and

WHEREAS, the spreading of mulch in these areas makes it look tidy and appealing; and

WHEREAS, a proposal was sought from Belleville to provide mulch and perform said labor to install:

Vendor		Price Quote
Belleville Landscaping Inc.	<ul style="list-style-type: none"><li>Mulching of Village Hall property with a root mulch throughout all bed areas including gazebo area – includes labor &amp; material.</li></ul>	\$4,900.00

; and

WHEREAS, based on this proposal from Belleville Landscaping, Inc. it is recommended to move forward with mulching the beds at Village Hall at a total cost of \$4,900.00.

THEREFORE, BE IT RESOLVED, that the proposal of Belleville Landscaping, Inc. be accepted at a total cost of \$4,900.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carried unanimously.

**Resolution: 21 - 092**

Village of Montebello

Title: Accept Resignation of Planning Board Member

WHEREAS, Jane Burke, serving the Planning Board since August 1986, appointment ending April 2024, has tendered her resignation effective immediately due to personal reasons.

BE IT RESOLVED, that said resignation is accepted and said seat declared as vacant effective immediately.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Title: Appointing Member to the Planning Board

WHEREAS, the resignation of Jane Burke as a member the Planning Board was accepted and her seat, which runs until the reorganizational meeting of April 2024 was declared as vacant; and

WHEREAS, the Mayor recommends the appointment of David Levine, now serving as Ad-Hoc member of the Planning Board, fill her seat.

THEREFORE, BE IT RESOLVED, that David Levine has been appointed to fill the seat vacated by Jane Burke, as member of the Planning Board for a term which ends at the reorganizational meeting of April 2024, and his Ad-Hoc position will remain vacant.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carries.

Anyone from the public that is interested in the Planning Board position can submit their resume to the Village Clerk for consideration.

**Public Comment:**

Deb Munitz – 5 Rose Hill Road commented that the Town of Ramapo is allowing a lot of building, such as a school, without coordination or environmental review sufficient to mitigate impact and avoid saturation and she would like the Village of Montebello to respond to any project that is close to our borders. For example, a discussion ensued with the Village Attorney regarding the pending hearing on the Mosdos Koloshits school at 99-101 Highview with 325 students and 25 staff on 1.91 acres, and with very large area variances. (The Board directed the Planner to prepare a submission for the Village).

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

At 9:20 PM Deputy Mayor Caridi made a motion to enter executive session to discuss pending threatened legal matters, seconded by Trustee Kuperman. Vote carried unanimously.

At 9:32 PM Deputy Mayor Caridi made a motion to exit executive session, seconded by Trustee Beldock. Vote carried unanimously.

At 9:32 PM Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Beldock. Vote carried unanimously.

Respectfully submitted:

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Joan Will – Village Clerk-Treasurer