

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, OCTOBER 20, 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

Preceding the regular meeting of the Board of Trustees was a Budget workshop that was held at 6:30 P.M. The Regular meeting of the Board of Trustees began at 7:35 P.M.

Mayor Millman read the following statement:

**PLEASE TAKE NOTICE**, On March 12, 2020, Executive Order 202.1 suspended the portion of New York State law requiring meetings to take place in person, and authorized public meetings to be held virtually. On June 25, 2021, the State Disaster Emergency ended, removing the provision suspending the law. As of September 2, 2021, Governor Kathy Hochul signed legislation (S.50001/A.40001) extending virtual access to public meetings under New York State's Open Meetings Law, which allows New Yorkers to virtually participate in local government meetings during the COVID-19 pandemic. The legislation, which was initially implemented by Executive Order during last year's State of Emergency, allows state and local government meetings that are normally held in person to be held remotely instead, as long as the public has the ability to view or listen to the meeting and as long as the meeting is recorded and later transcribed. This statutory change will reduce the need for congregation at public meetings while the Delta variant is prevalent, while ensuring public business can continue.

**PLEASE TAKE FURTHER NOTICE**, that the public may access the teleconference recording on Wednesday, October 20, 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's Report:**

Mayor Millman discussed the numerous complaints throughout the village regarding noise and other issues as reported to Village Hall and the Trustees. He stated that the Village has been in contact with the Town of Ramapo Police Department and that each and every complaint and potential violation is looked into to better our Village moving forward.

The Chief of Police and Sargeant of the Town of Ramapo discussed with the Mayor, Village Attorney and Deputy Mayor at a meeting that there was a very large gathering that

produced a lot of noise recently on Cobblestone Farm Court. The Police did go to the property three or four times and unfortunately the noise level did not stop until 1 am when the Police shut it down. A noise violation ticket was issued. There were complaints of illegally parked vehicles which were also ticketed. The Police assured us that the roads were open for emergency vehicles. If anyone wants more information regarding this, the Mayor urges them to discuss this at any Board meeting.

**Building Department Report:**

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

- (15) building permits were filed. A total of \$9,379.00 in permit fees were collected.
- (6) Certificates of Occupancy were issued.
- No Fire Inspection fees were collected during the month.
- (6) code violations were issued.

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

With no one from the HPPC wishing to speak, Mayor Millman closed this portion of the meeting. It was noted that HPPC will not meet this month as there are too many members away and the meeting will resume in November.

**Public Comment:**

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

**Resolution No. 21 - 109**

Village of Montebello

Title: Approval of Minutes for September 22, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of September 22, 2021, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21 –110**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated October 20, 2021, and totaling \$189,620.63 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 - 111**

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 20, 2021, for Professional Fees, and totaling \$15,000.83 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 - 112**

Village of Montebello

Title: 2022 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 2022 in a proposal dated October 5, 2021, 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 \$113 and \$135 per hour, and clerical services at \$50 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 2022 including anticipated costs for Capital Projects and special reports be and hereby is accepted effective January 1, 2022, 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: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

The Mayor would like to thank Martin Spence and Spence Engineering for keeping his fees the same for several years and that Spence Engineering is an asset to our Village.

**Resolution: 21 - 113**

Village of Montebello

Title: 2022 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 for the Village Board/Clerk/Village Hall staff/Village Attorney, not to exceed \$20,000 in 2022, as required and whereby project specific pass-through services are separately billed, to be reimbursed to the Village by the applicants, as were set forth in the proposal received October 5, 2021.

THEREFORE, BE IT RESOLVED that said Proposal, be and hereby is accepted for the 2022 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: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21 - 114**

Village of Montebello

Title: 2022 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. 21 - 115**

Village of Montebello

Title: 2022 Contract with Town of Ramapo for Highway Services

WHEREAS the Village has contracted with the Town of Ramapo for Highway Services since the formation of the Village despite having explored other options from time to time; and

WHEREAS prior negotiations led to a compromise of a continued annual rate of \$360,000 for 2020, payable at \$30,000 monthly, with no increase in 2021, and the Supervisor in his letter dated September 10<sup>th</sup>, reports the need to increase the contract by 3% to \$370,800 per annum payable at \$30,900 monthly, and the Mayor recommends accepting same, to cover increased materials and labor costs.

THEREFORE, BE IT RESOLVED, subject to acceptance by the respective boards and, pending signing of the Agreement that renewal of said contract for 2022 be and hereby is approved at a fixed cost of \$370,800 per annum, payable at \$30,900 monthly, for the reasons set forth above, other terms and conditions to continue as they were in prior year contract.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carried unanimously.

Title: 2022 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, 2022, 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.

**Resolution No. 21 - 117**

Village of Montebello

Title: Extending Snow Removal/Landscaping Services through 2022

BE IT RESOLVED, upon application of Resolution No. 20-115, that the contract for snow removal/landscaping services with Belleville Landscaping, Inc. be extended one year for calendar year 2022 pursuant to the terms therein.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Resolution: 21- 118**

Village of Montebello

Title: 2022 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 2022 pursuant to the terms set forth in a proposal dated October 15, 2021, 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 \$30,240/year (\$2,520/month)

THEREFORE, BE IT RESOLVED, that Marvin Nyman continue to provide financial consultant services to the Village for the budgeted amount of \$30,240/year paid in monthly installments of \$2,520 for the period of January 1, 2022, through December 31, 2022.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 21- 119**

Village of Montebello

Title: Extending Cleaning Services Contract through 2022

BE IT RESOLVED, upon application of Resolution No. 20-117, that the contract for cleaning services with Stan's Reliable Cleaning, Inc. be extended one year for calendar year 2022 pursuant to the terms therein.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution 21 – 120**

Village of Montebello

Title: 2022 Website Services

WHEREAS, the Village website is designed, developed and deployed by iMediaWerks; and

WHEREAS, iMediaWerks proposes providing a monthly monitoring service at \$20/month that ensures any necessary security patches and website updates, the monthly maintenance plan covers:

1. Weekly back-up of website content (up to 4 months of back-ups are keep available)
2. Daily monitoring site for any available software/server patches and apply patches as needed.
3. Bi-weekly full back-up of website (up to 4 months of back-ups are keep available)
4. Assistance with resolving technical issue. Primary 24/7 support is available via current webhosting company (SiteGround.com)
5. Restoration of website content as needed.

THEREFORE, BE IT RESOLVED, at the recommendation of the Village Clerk that a one-year contract be entered into with iMediaWerks at a cost of \$20/month as per the Proposal.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carries unanimously.

**Resolution: 21- 121**

Village of Montebello

Title: Schedule a Public Hearing on Tentative Budget for 2022

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 2022 on November 10, 2021 at 7:30 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 10, 2021 via ZOOM.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution: 21-122**

Village of Montebello

Title: Schedule a Public Hearing

BE IT RESOLVED, confirming and in furtherance of Resolution No. 21-106 and as more particularly set forth therein, that a Public Hearing is to be held on the proposed Local Law No.4 of 2021 to Adjust the Standards for the Rural Preservation Overlay District to Promote the Preservation of the Minetto Farm Historic Farmhouse and to allow duplex housing as depicted on the hypothetical plan; and

BE IT FURTHER RESOLVED that the Village Board declares itself to be Lead Agency, declares this to be a Type 1 Action, and that the proposed Local Law No. 4 of 2021 with Public Hearing Notice and SEQRA Notice (FEAF Part 1, Part 2 and Part 3) be distributed to Rockland County Planning Department, Villages of Suffern, Airmont and Wesley Hills and the Town of Ramapo; and

BE IT FURTHER RESOLVED that the Village Clerk is hereby directed to publish notice and post same including that the meeting will be held November 10, 2021, via ZOOM.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Resolution 21-123**

Village of Montebello

Title: Fant Farm Lane Subdivision – Return of Escrow

BE IT RESOLVED, as per the report of Village Engineer, that escrow for Fant Farm Lane Subdivision Road, in the amount of \$11,020 be returned to Marsel Amona as the project has been completed as per the attached schedule.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution No. 21 - 124**

Village of Montebello

Title: Braemar PILOT Agreement

WHEREAS, in order to foster economic growth and job opportunities, the County of Rockland Industrial Development Agency (“IDA”) is empowered to undertake the acquisition and financing of projects pursuant to Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws (“the Enabling Act”), and Chapter 564 of the Laws of 1980, all as amended from time to time; and

WHEREAS, by exercise of this authority the IDA proposes to so act with respect to the facilities to be built as an Assisted Living Residence by Braemar Living at Montebello located at 250 Lafayette Avenue, Village of Montebello, being section 55.10, Block 1 Lot 2 on the Tax Map of the Town of Ramapo, for the acquisition of such facility as an Assisted Living Residence; and

WHEREAS, as a consequence of the “straight lease transaction” it is necessary for the IDA to take title and control, and by a “head Lease”, said property is leased by the IDA to the Lessee, said property becoming tax exempt, thereby necessitating entering to a Payment in Lieu of Tax Agreement, (“PILOT Agreement”) whereby the Lessee agrees to pay taxes to the impacted taxing entities for the life of the PILOT Agreement, including to the Village of Montebello, Suffern Central School District, and the Town of Ramapo; and

WHEREAS, by virtue of the terms of said anticipated PILOT Agreement, in a typical form to be approved by respective participants and their attorneys, PILOT payments shall be based upon a PILOT value of \$321,000 based upon the land sale price of \$2.8 million for the approximate two (2) years until securing a Certificate of Occupancy (the "CO"), at which time the assessed value ("AV") is to be set at 2.0 million, but abated 70% in the first year and said abatement decreased 10.0 % per annum for a seven (7) year term for Village Taxes for said period and purpose, and then following the abatement term, when the full AV is reached, and the AV may not then be contested for five (5) years providing it remains \$2.0 million or less, said PILOT payments determined by the multiplying the various tax rates for the then current tax levy by the assessed values set forth above; and

WHEREAS, PILOT Payments will be made to the Director of Finance of the Town of Ramapo who shall act as the Escrow Agent for the taxing entities; and

WHEREAS, as more particularly will be set forth in the PILOT Agreement, PILOT payments will be secured by a Letter of Credit and the IDA will have authority to accelerate the terms of the agreement, and end the arrangement whereby the property will be placed back upon the taxable assessment roll without benefit of the fixed AV, amongst other remedies, should there be a breach by the Lessee; and

WHEREAS, entering into the anticipated PILOT Agreement appears to be in the best interest of the Village and its citizens, and helps foster economic growth and job opportunities, and fosters the upgrading of the subject property to accommodate the need for assisted living residences.

THEREFORE, BE IT RESOLVED, that approval is hereby given to enter into the aforesaid PILOT Agreement subject to the acceptance of same in a form approved by the Village Attorney and by all other participants.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Discussion ensued with the Mayor and Village Attorney explaining the improvement in the final terms vs. as they started and as they gradually improved since the initial negotiations in 2016-2018.

### **Old / New Business**

- Mayor Millman read the following letter of thanks into the record regarding Larry Picarello, our Building Inspector from Rabbi Yehoshua and Leah Weber:

*Dear Larry:*

*Just a note of thanks for being, not just the consummate professional, but for really caring about our home and our construction.*

*You made a point of checking carefully and of noticing what needed to be noticed.*

*You, thereby, spared us endless aggravation.*

*Thanks, as well, for being so readily available with so little notice.*

*You, Regina, and really everyone at village offices have been so helpful.*

*Sincerely,*

*Rabbi Yehoshua Weber*

Mayor Millman stated that the Village of Montebello has the best professionals out there and that Larry is one of the best.

- The Mayor stated that the Conservation Easement Survey has finished and that there were a very large number of residents that passed. However, there were still several that failed. He stated that this will be further discussed with the Board, Building Inspector and Code Officer. Village Attorney Berbit stated that there were several that failed due to reclaiming the woods with grass. He stated that there were very few egregious ones that will require further looking into.

- Mayor Millman discussed the issue of streetlights and that there is currently a letter being updated regarding this. The Mayor stated that the Village is truly against light pollution, but all issues will be discussed on a case-by-case issue.

Trustee Golden and Village Attorney Berbit commented on the letter and discussion ensued regarding this.

**Public Comment:**

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

At 8:20 PM, Deputy Mayor Caridi made a motion to enter executive session to discuss legal matters and other new legal issues, seconded by Trustee Golden. Vote carried unanimously.

At 8:48 PM, Deputy Mayor Caridi made a motion to exit executive session, seconded by Trustee Golden. Vote carried unanimously.

At 8:49 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Kuperman. Vote carried unanimously.

Respectfully submitted:

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Joan Will, Village Clerk-Treasurer