

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 15, 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 and in response to the current COVID-19 virus emergency, Governor Kathy Hochul issued Executive Order S.5001A/A.40001 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, December 15, 2021, at 7:30 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website www.villageofmontebello.org. 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 wait for the Public Comment portion of the 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 once adopted.

AS A REMINDER TO EVERYONE that this meeting is being recorded and a version will be 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 he attended a Countywide meeting today with Assemblyman Lawler, the Mayors and Supervisors within the county to go over what is going on within the State. Assemblyman Lawler wanted to know what was going on in the Towns and Villages and if there was anything that needed to be brought to the attention of the State. One thing that was brought up was congestion pricing. That it effects many Rocklanders that commute to Manhattan to have to pay the congestion pricing. Assemblyman Lawler stated he would look into that. Also discussed was the proposition of adding to the infrastructure by installing a new thruway entrance between Spring Valley and Airmont. Assemblyman Lawler stated he would look into that as well.

Mayor Millman wants to welcome the newly elected Mayor of Suffern, Michael Curley. Mayor Curley and Mayor Markunas invited Mayor Millman and several other elected officials to their annual Suffern Christmas Parade. Mayor Millman wishes to thank them for the invitation to participate.

Mayor Millman stated that he has had several conversations with Mayor Curley regarding the Town of Ramapo attempting to acquire Old Mill Road which is currently owned by the New York State Thruway Authority, and which is in Montebello and Suffern. He also stated that a letter of opinion was sent to the New York State Thruway Authority giving the position that the Town could not own a road within Montebello. Mayor Millman recommends that the road go either to Rockland County or to New York State to own, and that the large issue of truck traffic be

Building Department Report:

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

- (9) building permits were filed. A total of \$6,428.00 in permit fees were collected.
- (9) Certificates of Occupancy were issued.
- \$825.00 in Fire Inspection fees were collected during the month.
- (5) code violations were issued.

Public Comment:

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

Historic Preservation and Parks Commission (HPPC)

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

Resolution No. 21 - 135

Village of Montebello

Title: Approval of Minutes for November 10, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of November 10, 2021, be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Beldock

Upon vote, motion carries unanimously.

Resolution No. 21 – 136

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 15, 2021, and totaling \$170,572.26 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. 21-137

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated December 15, 2021, for Professional Fees, and totaling \$21,078.92 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 - 138

Village of Montebello

Title: Fire Department – Ice Training Drills

WHEREAS, the Tallman Fire Department, by its letter dated November 29, 2021, requests, for the third year in a row, use of the ponds in Kathryn Gorman Ponds Park for the annual ice rescue refresher course; and

WHEREAS, said letter recognizes the need for sufficient Fire Department insurance, that no heavy equipment can be on the walking trails, that the Ramapo Police Department will be given notice to help monitor the activity, and that notice shall also be given to the public; and

WHEREAS, after consulting with the HPPC Chairperson or HPPC and the Village’s insurer, which has not yet occurred, any other conditions believed reasonably necessary to protect the public, the ponds and the park, shall be considered included herewith; and

WHEREAS, additional details are required from the Fire Department setting forth the exact nature of its drills, when they will be held, and an alternate date if the weather doesn’t cooperate.

THEREFORE, BE IT RESOLVED that said use is hereby approved and permitted in the public good, subject to meeting any further reasonable conditions as mentioned above, which shall be made known to the Fire Department as soon as possible it being believed that the Fire Department has anticipated these conditions as mentioned in its letter and due to its prior usage.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Resolution No. 21 - 139

Village of Montebello

Title: Stonehedge – Continuing of Public Hearing: Renumber Local Law No. 4 of 2021 to Local Law No. 1 of 2022

BE IT RESOLVED, at the request of the applicant as expressed by his attorney in his letter dated December 7, 2021, that the continuation of the Public Hearing in this matter be adjourned until January 19, 2022; and

BE IT FURTHER RESOLVED, due to the change in year that Local Law No. 4 of 2021 being considered in the context of this application be redesignated as Local Law No. 1 of 2022 and, as a consequence, that the Village Clerk is authorized to have published and posted an Amended Legal Notice reflecting the change in designation of said proposed Local Law, and also reflecting that said Amended Legal Notice is of continuance of the Public Hearing originally commenced on November 10, 2021.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution 21 - 140

Village of Montebello

Title: Return of Professional Fees – 48 Mayer Drive

BE IT RESOLVED, as per the report of Village Engineer, dated November 10, 2021 that Professional Fees for 48 Mayer Drive, in the amount of \$281.00 be returned to Herbert Cooper, as the project has been completed.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution No. 21 -141

Village of Montebello

Title: Second Amended PILOT Agreement (Raymours Furniture Co.)

WHEREAS, the Village is a party to a Payment In Lieu of Taxes (PILOT) Agreement with Raymours Furniture Company, Inc. (“Raymours:”) and its affiliate Suffern CDC, LLC (“CDC”) pertaining to the premises located at 30 Dunnigan Drive as dated May 31, 2012, as amended on March 1, 2015, (“Amended Agreement”), pursuant to Art. 18-A of the GML, c. 24 of the Consolidated Laws, and c. 564 of 1980, as amended, under the auspices of the County of Rockland Industrial Development Agency (“IDA”); and

WHEREAS, Brian Quinn, Counsel to the IDA, as addressed in his letter of July 27, 2021, advised of the need to enter into a Second Amended Agreement (“Second Amended Agreement”),

to reflect that Raymours has recently refinanced the mortgage secured by the facility, which required transfer of title from CDC to a newly affiliated entity known as Suffern Dunnigan Drive, LLC (“Suffern Dunnigan”), as reflected in the proposed Second Amended Agreement referenced as of set forth hereinafter, a true copy to be appended to the minutes hereof; and

WHEREAS, no other changes in the Agreement or terms or conditions therein are made.

THEREFORE, BE IT RESOLVED, for the foregoing reason and upon the advice of the Village Attorney that entering into said Second Amended Agreement be and hereby is approved, and the Mayor authorizing to execute same for the Village.

Motion: Deputy Mayor Caridi

Second: Trustee Beldock

Upon vote, motion carried unanimously.

Resolution No. 21 - 142

Village of Montebello

Title: Court Attendants

WHEREAS, upon establishment of the Village Justice Court which began operations in 2012, the Village also established the position of part-time Court Attendant, the duties for which position is set forth by the Rockland County Civil Service Department as a non-competitive civil service position as attached herewith; and

WHEREAS, said duties are clerical and security related, including maintaining order and manning the magnetometer, and protecting those persons in attendance, including the Justice, Clerk, and members of the public; and

WHEREAS, the Court facility includes a direct communication link to the Town of Ramapo Police Department for a rapid response as and when necessary, in the judgement of the Justice, Clerk or Court Attendants; and

WHEREAS, the Court Attendants wish to re-affirm their right to bear firearms in Court which they believe will enhance public safety and which was likely the subject of a prior Resolution of this Board at the onset of the Court.

THEREFORE, BE IT RESOLVED, that it is hereby affirmed that the Court Attendants, if duly licensed and trained, may bear firearms on the grounds of the Montebello Court facility,

and in Court, solely to further their role as Court Attendants, in the interest of maintaining security and to keep those in attendance safer and more secure, provided that each Court Attendant who bears arms provides, and maintains, up-to-date proof of their licensure to bear and carry arms in a court setting for a proper public purpose, and each shall maintain with the Village up-to-date written proof of same, a lapse of which for any reason, shall immediately cause the right to bear arms on Village property to likewise immediately lapse until and unless, said lapse is cured to the satisfaction of the Village, by its Mayor, Village Clerk or designee; and

BE IT FURTHER RESOLVED, that any and all licenses and permits to carry firearms are at the expense of the Court Attendant; and

BE IT FURTHER RESOLVED that the Village shall supply each Court Attendant with a uniform shirt of the Village's choosing and at its expense, which shall be laundered by the Attendant and shall be returned upon leaving the Village's employ.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Presentation: 14 Cobblestone Farm Court to remove trees within the Conservation Easement

Jason Shibly – owner of 14 Cobblestone Farm Court
Steven Slackman – contractor

Mr. Shibly would like to remove 18 trees within the conservation easement and replace them due to the fact that they (1) would like to install solar panels (2) would like privacy for personal use and religious reasons.

Discussion ensued. The contractor referenced a field discussion with the Village Engineer who will be asked about same. The Village Attorney had the subdivision maps and survey checked and reported that said parcel is subject to a shade tree easement along Rt. 202, a no visual obstruction easement at the corner, and a conservation easement which also continues on the abutting lot to protect the mature stand of trees. The Mayor and Village Attorney agreed that the Village has never approved to remove a conservation easement as based upon such a request. However, the Board will look into the matter, schedule a site visit, consider the Engineer's report, and either render a decision or set it down for reappearance to the Village Board at a later date. If the Village Board is interested in considering removal of the easement that will require a public hearing.

Presentation: Sisters of Life – Extension of Building Permit

Sr. John Mary of Sisters of Life – 38 Montebello Road spoke of the hardships of trying to get contractors, and inspections during the pandemic. Due to the fact that they could not work, it put their project behind. At this time, the Sisters of Life would like relief from paying the required fee for the extension of their expiring permit.

Discussion ensued. The Village Attorney reported that permit relating to conversion of a garage and another building into an administrative office and a dormitory, and there were inspections as work progressed with some gaps. The Board will look into this and render a decision at a later time.

Presentation: Rockland Community Power

Trustee Melanie Golden discussed the program and gave out handouts for the board to review. The benefit are lower costs for electricity as produced by non-polluting means. Trustee Golden discussed the program and the other municipalities that are involved as well. The Board stated that they would like to receive more information regarding this and will calendar for next month and have a presentation with Peggy Kurtz. The timing is such that if this is to be pursued, a hearing on a local law will have to be held in February with other steps to follow, the whole process taking about eight (8) months.

Public Comment:

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

Old / New Business

- Braemar PILOT – Village Attorney Berbit has worked on the Pilot and advised that IDA held their Public Hearing this morning. The papers are being readied for the Mayor’s signature.
- Old Mill Road – A detailed letter of opinion by the Village Attorney was sent to NYS Thruway Authority advising them that Old Mill Road could not be become a town road. The Town needs another way to access the quarry.
- All 2022 Tax bills have been mailed to the residents and banks. If you have not received your bill and do not have escrow, please contact Village Hall.
- Village Hall will be closed on Friday, December 24, Monday, December 27, and Friday, December 31 in observance of Christmas and New Year’s.
- Mayor Millman will be voting on the Rockland County Shared Services Property Tax Savings Program. He states that we will participate.
- Enbridge will be doing pipeline work. We will look into the location of the work.
- Our 2020 Audit is complete and has been forwarded to Moody’s and to Rockland County.

- Mayor Millman received a letter from NYCOM regarding additional AIM Funding. Clerk to distribute to Board.
- Mayor stated that at this time the Board meeting will continue via ZOOM for January pending any changes from the Governor's office.

At 8:48 PM Trustee Golden made a motion to close the meeting, seconded by Trustee Kuperman. Vote carried unanimously.

Respectfully submitted:

Joan Will – Village Clerk-Treasurer