

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, FEBRUARY 16, 2022, 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, February 16, 2022, at 7:30 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website [www.villageofmontebello.org](http://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](http://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 Governor Hochul has extended the virtual meetings until March 17, 2022, and our next board of trustees meeting will be via ZOOM on March 16, 2022.

The Mayor stated that there was an extremely large water main break near Sterling Forest and East Mayor which produced a large sinkhole which is being looked at and repaired by Suez as fast as possible.

Mayor Millman stated that he and the Village Attorney have a meeting with the New York State Thruway Authority regarding Old Mill Road. The discussion will be about the Thruway Authority giving up their portion of the road. The discussion will be about the Village's belief as expressed in a memo by the Village Attorney that the Town cannot own a road in our jurisdiction (it appears that the Authority may now agree with the Village).

Mayor Millman urges that if you see anything unusual going on in your neighborhood which you perceive to be a violation or dangerous to please call Village Hall and if you see anything that appears to be a crime to contact the Police. He also reminded everyone that it is illegal to have short-term rentals within the Village and if you see anything that looks like such a violation, to please contact Village Hall.

Mayor Millman informed everyone that this year's Suffern Street Fair will be its 30<sup>th</sup> Anniversary and will be held May 1st and September 18<sup>th</sup>.

Also, sadly the Airmont Diner has officially closed. It has been part of all our lives, and we wish Dino and his family all the best on their new endeavors.

### **Building Department Report:**

The following is the Building Department Report for the month of January 2022:

- (10) building permits were filed. A total of \$8,720.00 in permit fees were collected.
- (6) Certificates of Occupancy were issued.
- \$10,025.00 in Fire Inspection fees were collected during the month (from 2021 inspections).
- (5) 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.

### **Public Comment:**

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

## **PUBLIC HEARING STONEHEDGE**

Village Attorney Berbit explained briefly why the public hearing is being postponed as set forth in the Resolution.

A short discussion ensued

## **PUBLIC HEARING LOCAL LAW 1 OF 2022**

Even though there were people from the public in the audience, no one from the public wished to comment on the Local Law, other than Peggy Kurtz from Rockland Community Power who discussed the program. No one else wished to speak, the Board preceded with the following Resolution.

Mayor Millman explained that this is for electric only and NOT gas.

Trustee Golden stated that residents can opt out at any time with no penalty.

### **Resolution No. 22 - 012**

Village of Montebello

Title: Adopting Local Law No. 1 of 2022 Community Choice Aggregation Program (CCA)

WHEREAS, a Public Hearing was opened by ZOOM on February 16, 2022, on proposed Local Law No. 1 of 2022 entitled: Local Law No. 1 of 2022 – Community Choice Aggregation Program (CCA); and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on February 6, 2022 and was posted on February 4, 2022 at several places that were opened Covid permitting,, and that said Notice and the versions of said Local Law before us this evening were provided to the Trustees and made available to the public on February 4, 2022, published on the Village's website, and notices were hand affixed to the doors of the meeting room:

### **NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held on Wednesday February 16, 2022, beginning at 7:30 p.m. or as soon thereafter as the matter can be heard via ZOOM for the adoption of the Community Choice Aggregation (“CCA”) Program Law of the Village of Montebello, a Local Law of 2022, designation number to be filled in on or before the Public Hearing, which will enable the Village to establish a framework and procedures, as regulated by the New York Public Service Commission (“PSC”) to act as follows:

1. To purchase energy in combination with other municipal entities thus likely stabilizing and lowering the cost per KWHR for all participants.

2. To assure emphasis upon renewable energy sources thus helping to minimize the reliance upon fossil fuels and lowering the carbon footprint.
3. To contract with an administrator at no cost to the Village or its participants to oversee the process to act in the best interest of the Village to meet its energy needs and those of its residents.
4. To permit maximum flexibility in allowing the Village and its residents freedom in moving in and out of the program.
5. Related activities as germane to the process.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 am to 4:00 pm as well as on the Village of Montebello website [www.villageofmontebello.com](http://www.villageofmontebello.com). ZOOM instructions will be found on the website.

Joan Will, Village Clerk – Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, NY 10901  
(845) 368-2211

Warren E. Berbit  
Village Attorney

January 19, 2022

WHEREAS, at the request of the Mayor, the Village Attorney and Trustee Golden explained the local law and that such shall be designated Local Law No. 1 of 2022 to be incorporated in the Village Code as Chapter 77. “Energy”; and

WHEREAS, the Public Hearing was opened to the floor on February 16, 2022, at 7:45 pm by motion by Deputy Mayor Caridi and seconded by Trustee Kuperman all in favor, and the Village Attorney requested first that the following be included in the Record:

1. Resolution No. 22-010 approving holding a Public Hearing (attached)
2. Legal Notice, and Affidavit of Publishing and Posting (attached)
3. Final correspondence with General Code, in an email dated February 2, 2022 (attached)
4. Draft Local Law No. 1 of 2022
5. Proposed Administrator Agreement with Joule Assets Inc. (“Joule”); and

WHEREAS, the proposed Local Law, the benefits of same in commencing an approximately 8-month process culminating in PSC approval leading to being able to enter into an Administrative Agreement towards the projected benefit of lower, nine stable electrical energy

costs while lowering the carbon footprint by emphasizing renewable energy sources was fully discussed, as led by Trustee Golden with the assistance of the Village Attorney; and

WHEREAS after offering the opportunity to be heard to any other party and observing the ZOOM holding room, the Village Clerk reported members of the community were present, but no one wished to speak, a motion was made by Trustee Kuperman to close the Public Hearing and seconded by Trustee Golden at 7:58 pm, all-in favor.

THEREFORE, BE IT RESOLVED, after a Public Hearing and due deliberation, that said Local Law be and hereby is approved by authority of Municipal Home Rule Law §20(5) to become effective upon filing with the Secretary of State; and

BE IT FURTHER RESOLVED that the proposed Administrator Agreement with Joule be approved as marked by the Village Attorney, or as he and Joule subsequently agree, the substance of same presently as set forth within the same, subject to ultimate PSC approval.

After deliberation, the Board was polled:	Mayor Millman	- Aye
	Deputy Mayor Caridi	- Aye
	Trustee Golden	- Aye
	Trustee Beldock	- Aye
	Trustee Kuperman	- Aye

Local Law No. 1 of 2022 approved, all in favor.

**Resolution No. 22 - 013**

Village of Montebello

Title: Approval of Minutes for January 19, 2022

BE IT RESOLVED, the minutes of the Board of Trustees of January 19, 2022, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 22 –014**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 16, 2022, and totaling \$121,795.99 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. 22- 015**

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated February 16, 2022, for Professional Fees, and totaling \$20,085.80 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Resolution No. 22 - 016**

Village of Montebello

Title: Abandoning Pump Station and Easement

WHEREAS, the Town of Ramapo Planning Board granted approvals for the development of the lots along Executive Boulevard for a hotel and office buildings and conditioned its approvals on the dedication of a small parcel of land (about 402 square feet) for a sewer pump station and various related easements on or abutting tax lot 55.07-1-9 (5-7 Executive Blvd.) to the Town of

Ramapo including a sewer pump station, sanitary sewer easements, underground storage tank easement, temporary general municipal easement and temporary turn-around easements; and

WHEREAS, when the lots along Executive Boulevard were developed the sewer system was revised to enable service by a gravity main to Montebello Road eliminating the need for the pump station and related sewer easements on or abutting tax lot 55.07-1-9 (5-7 Executive Blvd.); and

WHEREAS, upon the incorporation of the Village of Montebello certain easements and property interests created incident to land use approvals which originally benefited the Town of Ramapo became property interests and easements of the Village of Montebello; and

WHEREAS, the Village of Montebello Planning Board granted subdivision approval to Empire Executive Plaza which includes tax lots 55.07-1-7.1 (2 Executive Blvd.) , 55.07-1-7.2 (4 Executive Blvd.) and 55.07-1-9 (5-7 Executive Blvd.) said subdivision map recorded in the Office of the Rockland County Clerk as Map #6727 (the “subdivision map”) which includes the pump station and sewer related easements, as well as temporary turn-around easements; and

WHEREAS, when the office buildings at 2 and 4 Executive Boulevard were constructed the need for temporary turn-around easements on 5-7 Executive Boulevard was eliminated; and

WHEREAS, the Town of Ramapo by resolution No. 2001-536 authorized the abandonment of those easements which it retained ownership of including the sanitary sewer easements, temporary municipal easement and underground storage tanks easement, said abandonment memorialized in a Declaration Abandoning Easements dated August 5, 2021, filed in the office of the Rockland County Clerk on January 27, 2022; and

WHEREAS, Executive Enterprises, G.P, with offices at 4 Executive Boulevard, Montebello, New York, the current owner of tax lot 55.07-1-9 (5-7 Executive Blvd.) has requested that the Village of Montebello convey the pump station parcel and abandon the temporary turn-arounds easements thereby eliminating no longer needed encumbrances to title on the property; and

WHEREAS, upon inquiry by the Village Attorney, the Village Engineer investigated the above representations and confirmed that said encumbrances no longer serve a useful purpose and are encumbrances on land, as confirmed by the Village Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Village of Montebello convey to Executive Enterprises, G.P. the surplus parcel of land intended to use for a sewer pump station conveyed to the Town of Ramapo by Airmont Industrial Park by deed dated July 20, 1979, recorded in the office of the Rockland County Clerk at liber 1037 page 187 on December 17, 1979, and

BE IT FURTHER RESOLVED that the 60’ x 25’ turn-around easements shown on the subdivision map recorded in the Office of the Rockland County Clerk as Map #6727 on tax lot

55.07-1-9 (5-7 Executive Blvd.) are hereby abandoned and all, right, title and interest of the Village of Montebello therein is relinquished; and

BE IT FURTHER RESOLVED, that Hon. Lance N. Millman, Mayor, is authorized to execute a deed and other documents as may be approved by the Village Attorney and Village Engineer upon submission by the attorney for Executive Enterprises, G.P. to effectuate the purposes of this resolution, the filing and recording of same to be the responsibility and at the expense of Executive Enterprises, G.P.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Resolution 22 - 017**

Village of Montebello

Title: Return of Professional Fees – 17 Coe Farm Road

BE IT RESOLVED, as per the report of Village Engineer, dated February 11, 2022, that Professional Fees for 17 Coe Farm Road in the amount of \$623.55 be returned to Craig Pepper, as the project has been completed.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

**Resolution 22 – 018**

Village of Montebello

Title: Return of Violation Search Fees – 59 Mile Road

BE IT RESOLVED, as per the request from Hudson Search LLC, dated February 7, 2022, that Violation Search fees for 59 Mile Road in the amount of \$200 be returned to Hudson Search, as the search was completed previously for DataTrace.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

**Public Comment:**

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

REMINDER that the next Board of Trustees meeting will be held via ZOOM on March 16, 2022, at 7:30 pm.

At 8:13 PM Deputy Mayor Caridi made a motion to enter into Executive Session to discuss possible legal matters with the Village Attorney and negotiate terms for the carting contract, seconded by Trustee Golden. Vote carried unanimously.

At 9:23 PM Deputy Mayor Caridi made a motion to come out of Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 9:23 PM Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.

Respectfully submitted:

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Joan Will – Village Clerk-Treasurer