

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MARCH 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, March 16, 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 wished everyone a Happy St. Patrick's Day and a Happy Purim Celebration.

Building Department Report:

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

- (11) building permits were filed. A total of \$7,724.00 in permit fees were collected.
- (2) Certificates of Occupancy were issued.
- (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.

Public Comment:

Cheryl Katz of 11 Granik's Way commented at length about the garage structure being built at 21 Charnwood Drive. She states that the structure is too big, fears it is too close to the lines, and she believes it is in use or to be used for a commercial business not permitted in a residential space.

Kirsten Drab of 10 Granik's Way concurs with Ms. Katz's observations about the structure being built at 21 Charnwood Drive.

Mayor Millman reported that our Building Department and Village Attorney will look into this project again.

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

Public Hearing – Stonehedge Continuation

Village Attorney Berbit explained why the public hearing has been postponed since November with the agreement of the applicant as set forth in the Resolutions, including various incomplete items. However, due to the passage of time and after discussions with the applicant's attorney and the Planner, we are continuing tonight to get any new documents into the record and to informally ascertain where we stand regarding the Rockland County Planning Department objections especially as to size and massing which echo those of the Planning Board and individual board members. Open issues not only include the Rockland County Planning Department recommendations, but also the interpretation by the applicant of the Comprehensive Plan, the paperwork submitted, as well as the findings of the Rockland County Sewer District, etc.

The Continuation of the Public Hearing was reopened by Deputy Mayor Caridi and seconded by Trustee Kuperman at 8:03 pm, all in favor.

Mayor Millman invited Village Planner Jonathan Lockman to speak. Mr. Lockman went through the papers filed, and application as set forth in his latest memo with 11 key points.

A long discussion ensued with comments permitted at length from Mr. Marsel Amona, his attorney, Mr. Michael Klein, and his Planner, John Lange, each of whom urged an override of the Rockland County Planning Department recommendations, and conditional approval, if need be, leaving open ends to be resolved by the Planning Board.

The Village's professionals generally recommended against leaving open ends as potential improper segmentation, questionably issuing a neg dec, amongst other things.

Village Trustee Melanie Golden explained the Comprehensive Plan and the laws surrounding it indicating the mention of duplexes was to creatively try a mix, but not to allow double density.

Deputy Mayor Caridi voiced concerns regarding basement usage and massing.

A discussion ensued as formally, one by one, the Village Board did not appear to wish to override the Rockland County Planning Department's recommendation vs. moving forward with the Stonehedge project as is. The Board was unanimous in this regard.

Mr. Amona at first indicated that he will consider other options and withdraw the application. After some urging to reconsider and downsize his plan, he said he would get back to the Board with his decision.

Public Hearing will continue pending decision of applicant.

Resolution No. 22 - 019

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 28, 2022, and the General Election to take place of Tuesday, November 8, 2022, 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 in total.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 22 - 020

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: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution No. 22 - 021

Village of Montebello

Title: Approval of Minutes for February 16, 2022

BE IT RESOLVED, the minutes of the Board of Trustees of February 16, 2022, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Title: ARPA – Upgrade Broadband Infrastructure within Village Hall

WHEREAS, the Village Hall staff have been experiencing issues with the phone system turning on and off. The current system is approximately 20 years old and does not have up-to-date technology for voicemail, remote usage, and cellular communication; and

WHEREAS, Village Hall needs to expand the broadband infrastructure; and

WHEREAS, the Village Clerk – Treasurer contacted our IT Company and Security Company, Delaney Computer Services and Hi-Tech Security Services, respectively, for update information; and

WHEREAS, Delaney Computer Services, as set forth in his quote dated February 14, 2022, quoted \$8,523.00 for the infrastructure work to handle: cabling of all phones, upgrading network switch, and installation of Vonage VoIP Phone System; and

WHEREAS, Hi-Tech Security Services, as set forth in his quote dated January 15, 2022, quoted \$975.00 for infrastructure work to upgrade the existing obsolete fire alarm system to cellular communication; and

WHEREAS, it appears that under the American Rescue Plan Act (ARPA) and the United States Department of the Treasury application of same, use of ARPA funds are on hand to fund said proposal and is an appropriate use of same.

THEREFORE, BE IT RESOLVED, that said proposal for Delaney Computer Services in the amount of \$8,523.00 and Hi-Tech Security Services in the amount of \$975.00 be and hereby is accepted, and that the use of \$9,498.00 of ARPA funds is authorized and found to be an appropriate use of same.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution No. 22 - 023

Village of Montebello

Title: ARPA – Laptop Purchase for Remote Accessibility

WHEREAS, the Mayor and Village Attorney often work outside of Village Hall and need to have access to all Village email and correspondence; and

WHEREAS, the Village Clerk – Treasurer contacted our IT Company, Delaney Computer Services to discuss remote working capabilities; and

WHEREAS, Delaney Computer Services, as set forth in his quote dated February 14, 2022, quoted \$5,436.00 for two laptops and one docking station for use within Village Hall; and

WHEREAS, it appears that under the American Rescue Plan Act (ARPA) and the United States Department of the Treasury application of same, use of ARPA funds is on hand to fund said proposal and is an appropriate use of same.

THEREFORE, BE IT RESOLVED, that said proposal for Delaney Computer Services in the amount of \$5,436.00 be and hereby is accepted, and that the use of \$5,436.00 of ARPA funds is authorized and found to be an appropriate use of same.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution No. 22 - 024

Village of Montebello

Title: ARPA – Park Improvements to Kathryn Gorman Ponds Park

WHEREAS, the Village has been completing chemical treatment of the ponds for the past several years in response to maintaining water quality and controlling algae; The treatments have an annual cost of \$10,000 and have seen minimal improvements over the years as a result. In an effort to seek other alternative methods of maintaining pond quality and less dependence on pond chemical treatments; the Village Board looked for alternative measures; and

WHEREAS, the Village Clerk – Treasurer sought the assistance of Spence Engineering who suggested solar powered bubblers; and

WHEREAS, Spence Engineering stated that KGPP have been developed with natural paths, viewing platforms, walking paths and some solar powered bubblers; and

WHEREAS, Ponds 2 and 6 currently have solar powered bubblers; and

WHEREAS, Spence Engineering suggests the installation of solar powered bubblers 2 additional ponds and one fountain spray to be installed at the most visible pond #6, cleanup of walkways with wood chips, improve drainage, repair broken guide rails and other miscellaneous work at a cost of \$85,000; and Village Hall needs to expand the broadband infrastructure; and

WHEREAS, it appears that under the American Rescue Plan Act (ARPA) and the United States Department of the Treasury application of same, use of ARPA funds are on hand to fund said proposal and is an appropriate use of same.

THEREFORE, BE IT RESOLVED, that said proposal for Ponds Improvements at Kathryn Gorman Ponds Park in the amount of \$85,000 be and hereby is accepted, and that the use of \$85,000 of ARPA funds is authorized and found to be an appropriate use of same.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution: 22 - 025

Village of Montebello

Title: Resurfacing of Village Roads

BE IT RESOLVED, in furtherance of restoring and resurfacing Village roads on a rotating basis, and upon the prioritized listing by condition of the Village roads as prepared by the Village Engineer, Martin Spence, in his report dated March 14, 2022, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, that authorization is hereby granted to resurface the following Village roads all at failed condition 4 or are in a failing condition between 3 and 4, \$231,000 to be funded as a line expense as budgeted, including utilizing CHIP's and Pave New York Funding according to specifications proposed by the Village Engineer, any remaining balance to be funded from unallocated surplus, as needed, such cost estimates as follows for paving and milling:

1. Bayard Lane
2. Bayard Lane South
3. Bruce Court
4. Fortune Way
5. Lake Road
6. Memorial Drive; and

BE IT FURTHER, RESOLVED, that per the Village Engineer's strong recommendation to avoid further deterioration and risk, it is best that all such work be performed this year, even if the gross cost, plus the other above sources exceed the budgetary line item in the interest of safety and avoiding further deterioration and a worse future expense; and

BE IT FURTHER, RESOLVED, that a contract be entered into with Tilcon and for milling with Woolley Milling and Paving in an amount not exceeding approximately \$231,000.00 (noting that the uncertainty of gas prices may raise the final Asphalt Price Adjustment (APA) cost) including the cost of traffic control and trucking, to accomplish the above if that is the most cost-effective methodology under the Town's Master Contract upon which bids are due at the end of June; and

BE IT FURTHER, RESOLVED, as consistent with the above, that the sum expended hereby be paid out of the following, in numerical order:

CHIPS and Pave NY funds at +/- \$71,000 and Current budgetary funds of \$160,000.00; and

BE IT FURTHER RESOLVED, that this Resolution is expressly conditioned upon the results of the Town Master Contract bidding yielding a cost within the above approximate limit, but if such is not the case, then the Village Engineer, in his discretion, with the assistance from the Village Attorney, is hereby authorized to prepare bid documents and specifications and the Village is to proceed to bid for an alternate source of asphalt and alternate methodology, without further action from the Board except to award the bid or to further consider the matter if those bids, likewise, yield a cost above the expected limit.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution No. 22 – 026

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 16, 2022, and totaling \$110,795.22 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. 22-027

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 16, 2022, for Professional Fees, and totaling \$17,870.85 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. 22 - 028

Village of Montebello

Title: Award of Garbage Contract

WHEREAS, per Resolution No. 21-099, dated September 22, 2021, the Village sought bids to renew the 5-year contract for pick-up, carting and garbage and trash service, due to expire March 31, 2022; and

WHEREAS, as a consequence of there being only one bidder, and given that post-bid negotiations did not sufficiently alleviate the high amounts bid, by virtue of Resolution No. 21-131, the contract was rebid with seven (7) possible deduct options added, said bids to be opened on December 29, 2021, and said process again yielded only one bidder Carlo Minuto Carting Co, Inc, who bid as follows (as based upon 1,361 units):

- Option A, 3 years, \$2,316,306 (\$48.50/unit/month)
- Option B, next 2 years \$1,706,694 (\$52.25/unit/month)
- Deduct A5, B5 (recycling bi-weekly) - \$2/unit/month
- Deduct A6, B6 – (curbside pick-up) \$4/unit/month
- Deduct A7, B7 – (eliminate performance bond) - \$1/unit/month; and

WHEREAS, in addition to the above costs, any tipping fee increase exceeding the present \$76/ton is to be passed through to the Village, and a known increase to “\$99/ton or more” is anticipated as of January 1, 2024, which, given approximately 2,400 tons/annum, will raise the annual cost at least about another \$55,200, or, on the average, \$3.38 unit/month, together representing increases in the 50 to 60% range; and

WHEREAS, the Village Attorney again attempted vigorous post-bid negotiations, while the deduct options were being duly considered by the Mayor and Village Board who, at the same time, considered the systems in place and services provided, and at what cost in comparison with other municipalities within the County, and the Village Clerk reported that costs have escalated county-wide, but that the bids were equivalent or higher here, perhaps as a consequence of Montebello offering premium services vs. other municipalities and having longer driveways and the houses being separated more vs. other places; and

WHEREAS, to exemplify some of the differences, Montebello picks up curbside all recyclables and bulk trash weekly, whereas others may do recyclables bi-weekly and curbside bulk monthly; others pick-up garbage curbside whereas Montebello does so garage side; others, more strictly regulate the number of containers which can be put out, some as few as one per pick-up without paying extra for extra containers; etc.; and

WHEREAS, the Village Attorney reports that, in fact, per the Village's Trash Collection Law, Chapter 156, Art. II of the Village Code, since 1988 per §156-23, trash containers are to be placed curbside, so garage side is a premium which evolved from prior bidding, not as a matter of our Local Law; and

WHEREAS, the carter has reported that at least half and perhaps as many as a majority of the 1,361 units within the Village already place their garbage containers curbside, it is believed preferring that garbage and trash collecting not occur on their private property, near to their homes; and

WHEREAS, as directed, and in light of all of the above, the Village Attorney reports having again engaged in further post bid negotiations, the positive change being raising the A6, B6 curbside deduct option from \$4 to \$5/unit/month; and

WHEREAS after due deliberation the Mayor and Village Board conclude that given the astronomical increases and lack of competition, accepting deduct options A6, B6, curbside vs garage-side at a savings of \$5/unit/month, and A7, B7, eliminating the Performance Bond, at a savings of \$1/unit/month, are both fiscally prudent and necessary; and

WHEREAS, upon report, it appears that most if not all municipalities who also pick-up household trash and garbage in containers bi-weekly, as does Montebello, limit such to one or two containers, but if allowing more, do so on a per container extra charge which is strictly enforced, as well as limiting the size (volume) and weight of such containers, and also strictly enforcing recycling, thus not permitting comingling of recyclables amongst themselves, nor with garbage and trash, which has been the rule in Montebello but which, if not followed, increases the need for more containers, as well as increasing the tonnage tipping costs, as well as depriving the Village of revenue from the bulk sale of recyclables helping to reduce costs; and

WHEREAS, giving the above due consideration, and the importance of the separation of recyclables and the need to assure as close to 100% compliance as may be possible for the reasons mentioned, despite the surface cost savings involved, accepting bi-weekly vs. weekly recycling pick-up, deduct options A5, B5, is not considered prudent nor truly representative of a cost savings.

THEREFORE, BE IT RESOLVED as follows:

1. That subject to the conditions set forth herein, the Bid entitled: Garbage and Trash Collection Service Bid Proposal for the three-year period, April 1, 2022, through March 31, 2025, "Option A", be awarded to Carlo Minuto Carting, Co., Inc, at a total cost of \$2,082,330 over such three-year period, or at a cost of \$42.50 /unit/per month, reflecting acceptance of deduct options A6, curbside pick-up (minus \$5/unit/month) and A7, performance bond exclusion (minus \$1/unit/month). Further, that "Option B", for the two-year period of April 1, 2025, through March 31, 2027, be awarded at a total cost of \$1,510,710 over said two-year period, or at a cost of \$46.25/unit/per month, reflecting the B6 and B7 options, however the Village reserving the right to cancel said extension upon giving the carter written notice no later than December 31, 2024.

2. That, given all the foregoing, a strictly enforced system of collection rules and regulations, hereby set forth, shall be effectuated by all parties involved with the cooperation of the carter, as necessary, as follows:

a) A contemporary sticker system shall be established, with information and stickers promulgated to the public and such shall be present on and affixed to all containers being collected.

b) A maximum of three (3) containers (cans) per unit shall be allowed, each container not to exceed 50 gallons in size nor 60 lbs. in total weight.

c) Extra date coded, stickers permitting additional garbage containers, shall be available on a calendar year basis at \$240/can/annum, purchased in advance from the Village Hall. However, for the remainder of the 2022 effective April 1st, 2022, such shall be at \$150 cost for the balance of the year for each extra container. (The Village Board reserves the right to adjust the cost per can/sticker prospectively).

d) The carter shall not pick-up or tip any container without an up-to-date sticker (after a grace period for April and May 2022 – See "a)" and "c)"). The carter shall cooperate as necessary to effectuate the sticker system and similar to as it has before, shall report any noticed problem or issue during or at the end of each run. The Village will establish a procedure and forms for the purpose of taking such reports and billing and/or prosecuting violations. "Noticed problems" shall include excess containers, sticker less containers or those with invalid stickers, trash or garbage loose, or in bags outside containers, apparent comingled recycling, etc.

e) Given the above grace period, before June 1st, 2022, the carter shall empty (tip) all containers, stickered or not. However, any other violation apparent to the carter which precludes collection in effect presently, shall result in non-pick-up continuing in effect and shall be reported.

3. That the Village Attorney, Village Clerk-Treasurer and staff shall cooperate to effectuate the above, including giving notice to the public re: the new rules, re: stickers, etc.

4. That the Village Attorney shall prepare a contract with Carlo Minuto Co., Inc, consistent with the prior agreement, but, notwithstanding same, as consistent with, controlled by, and embracing

the above terms and conditions, and allowing the Village latitude in prospectively adjusting the associated rules and regulations as per in the field conditions encountered, and as may seem appropriate, and that this Resolution shall form a part of said contract.

5. That the Village Attorney study Chapter 156 and make recommendations to make amendments to same if, in his judgement, such would better effectuate the intent of the Mayor and Village Board as expressed herein.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Public Comment:

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

Old / New Business

- Newsletter articles due to Village Hall before April 30, 2022.

At 9:54 PM, Deputy Mayor Caridi made a motion to enter into Executive Session to discuss personnel issues, seconded by Trustee Golden.

At 10:04 PM, Trustee Golden made a motion to exit Executive Session, seconded by Trustee Beldock.

At 10:05 PM, Trustee Golden made a motion to close the meeting, seconded by Trustee Beldock. Vote carried unanimously.