

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, NOVEMBER 9, 2022, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

### **Mayor's Report:**

Mayor Millman reported on the issue with the helicopter landing at Spook Rock Pool. He reached out to the Town Supervisor's office and was told it was a temporary issue since the Town does allow helicopters to land at Clover Stadium, but they couldn't due to filming taking place. The Mayor's issue was that he wasn't aware of the helicopter landing there and felt it was endangering to our residents. The Supervisor agreed and stated that going forward only emergency helicopter landings would take place at the Spook Rock Pool. The Mayor and Village Attorney will be looking into laws to make sure it doesn't happen again.

The Mayor signed the letter that went out to the Airmont Planning Board regarding the application for conversion of the Howard Johnson hotel to a school building. This letter stated the Village is not in favor of the Zoning changes being proposed.

Mayor Millman reminded everyone of the changing of the clocks and earlier dusk to be aware of the deer and be cautious when driving.

The Mayor reminded the Trustees that on Friday, November 11<sup>th</sup> at 9 AM at Town Hall the Town of Ramapo along with the Suffern Rotary will be dedicating the Rotary's Flags for Heroes display on the front lawn of Town Hall. Anyone who is interested is encouraged to attend.

The Mayor stated that the Village along with Village Attorney, Town of Ramapo, Suffern School Board and Village of Suffern are in discussion for a new PILOT program for the Brookfield property (old Novartis site).

Mayor Millman updating that in regard to Rockland Community Power the Village has bowed out of their bid process. We told them that at this time we no longer wish to participate.

## **Building Department Report:**

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

- (10) building permits were filed. A total of \$6,574.00 in permit fees were collected.
- (9) Certificates of Occupancy were issued.
- (9) locations were inspected; \$4,525.00 in Fire Inspection fees were collected during the month.
- (10) 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:**

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

## **Presentation: RealTerm Energy**

Steve Harriman – Director, Client Initiatives

Michael Coyle – VP Sales and Marketing

The presentation was to answer questions that the Board had in regard to the LED Streetlight Conversion.

It was explained that it would be considered an asset to the Village in need of insurance coverage. The lighting could be controlled with smart control software. The proposal includes pole labeling and disposal of old fixtures. The turnaround of the project would be 9 months after the Professional Service Agreement Audit is concluded. Maintenance is built in for 10 years.

Board agreed that the next step would be to review the Professional Service Agreement with our Village Attorney.

## **Continuation of Public Hearing – Coe Farm Speed Table**

The Village Attorney would like to review the new information and Supplemental Petition, and to continue the Public Hearing at the next meeting.

**Resolution No. 22 - 138**

Village of Montebello

Title: Coe Farm Speed Table

BE IT RESOLVED, in furtherance of Resolution No. 22-119, dated October 19, 2022, that receipt of the Supplemental Petition be and hereby is acknowledged, that it appears that the required additional signatures are contained thereon, and that, therefore, the Public Hearing shall continue at the next Regular Meeting of the Village Board on December 21, 2022.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, motion carried unanimously.

**Student Appearance**

William Rivera of 12 Nottingham Drive – Montebello appeared for Government Studies class and asked a question of the Board.

**Resolution: 22 - 139**

Village of Montebello

Title: Adoption of 2023 Budget

WHEREAS, a Public Hearing to adopt the 2023 budget was opened at 8:10 p.m. on November 9, 2022, by motion by Deputy Mayor Caridi and seconded by Trustee Golden, all approved; and

WHEREAS, no one from the public spoke; and

WHEREAS, motion to close the Public Hearing at 8:11 p.m. was motioned by Deputy Mayor Caridi and seconded by Trustee Golden, all approved.

THEREFORE, BE IT RESOLVED, that the Tentative Budget be and hereby is adopted as the Budget of the Village of Montebello for the tax year 2023 in a total amount of \$2,775,937 and that the sum to be raised by taxation of real property, \$1,255,372, shall be and hereby is levied, and that the warrant of the Village should be issued for the collection thereof, based upon a tax rate of 10.82018 per one thousand dollars (\$1,000) of taxable assessed valuation, being and intended to be the sum to be raised by taxation divided by the total taxable assessment of \$116,021,362; and

BE IT FURTHER RESOLVED, that in addition, the Village Clerk-Treasurer is hereby authorized to re-levy unpaid professional and property maintenance fees on those properties subject to same.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

The Board was polled:	Mayor Millman	-	Aye
	Deputy Mayor Caridi	-	Aye
	Trustee Golden	-	Aye
	Trustee Kuperman	-	Aye
	Trustee Liebergall	-	Aye

**Presentation: Stonehedge**

Marsel Amona submitted an updated iteration of the Stonehedge Project for the Board to review and discuss.

**Resolution 22 - 140**

Village of Montebello

Title: Stonehedge Heights - Public Hearing

WHEREAS, after several appearances before the Village Board, the applicant, Marsel Amona, requested that the application be withdrawn, but then engaged in informal negotiations in discussion with the Mayor and further informal appearances before the Village Board; and

WHEREAS, an informal agreement has apparently been reached under which both parties seem to be willing to proceed, each understanding that if the application proceeds to the Planning Board, it will have authority to approve the site plan and, as Architectural Review Board (ARB), the design of the individual residences and the duplex units; and

WHEREAS, the Mayor and the applicant by Mr. Amona have exchanged letters and e-mails, last being a letter from Mr. Amona dated November 8, 2022, with 3 attached exemplative maps; and

WHEREAS, irrespective the above November 8<sup>th</sup> letter with attachments, which in part are problematic, the parties appear close enough to warrant an attempt to address any remaining differences.

THEREFORE, BE IT RESOLVED, in order to ascertain whether informal agreement is possible to move this matter forward, that the following findings are made:

1. That a reduced number of eight duplex units are involved going forward, but the maps supplied with the November 8<sup>th</sup> letter are inconsistent to one another and need to be conformed, and in expanded format to be more readily decoded and understood. That the Plan will include 3 one family residences, and the severed Minetto lot will include the existing one family dwelling and the caretaker's cottage, as is as to size, as separate dwelling units.

2. That the duplex units as paired will vary in size and design as determined and approved by the Planning Board as ARB, but as consistent on the average with each having an FAR impact not to exceed about 4,000 square feet and actual living space not to exceed about 2,900 square feet, for the smaller units, and adding 500 SF to the larger units, in part as a result of limited sized basements about half with full ceiling height, and half not to exceed 6 ft. 3 in, all without egress windows or doors or living space such as bedrooms.

3. That the entire project may be condominium type ownership if approved by the NY Attorney General.

4. That once acceptable roads are developed by the applicant same shall be accepted by the Village for dedication once approved as acceptable by Village Engineer.

5. That it is of the essence of the understanding, that each part of the paired duplex units shall markedly vary from the other in design, and if possible, size, and that the paired duplex units shall likewise vary substantially from the other paired units in the judgement of the Planning Board, and of same as the ARB.

6. That, especially given the applicant's history of moving slowly, the Village Board cannot, and will not agree to the applicant's attempt to self-impose a cut-off date but does agree to attempt to jointly proceed expeditiously as actions and circumstances reasonably permit.

7. That assuming that informal agreement is achieved this matter shall be placed on the agenda to continue the Public Hearing once confirmation and the maps are received.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

### **Public Hearing Local Law No. 2 of 2022**

The Board has received comments from Rockland County Planning Board and additional comments from our Village Planner and Deputy Village Attorney. The Planning Board needs to review. At this time, the Board will table this Public Hearing for more clarification of terminology and will request a review by our Counsel.

Move to table, all in favor.

**Resolution No. 22 - 141**

Village of Montebello

Title: Approval of Minutes for October 19, 2022

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

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, motion carries unanimously.

**Resolution No. 22 – 142**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated November 9, 2022, and totaling \$127,820.41 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

**Resolution No. 22 - 143**

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated November 9, 2022, for Professional Fees, and totaling \$18,635.55 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

**Resolution No. 22 - 144**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Shade Tree Fund

BE IT RESOLVED, the Abstract and Schedule of Claims - Shade Tree Fund dated November 9, 2022, for Shade Trees, and totaling \$3,360.00 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

**Resolution No. 22 - 145**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – ARPA Funds

BE IT RESOLVED, the abstract and Schedule of Claims – ARPA Funds dated November 9, 2022, for ARPA Funds, and totaling \$424.00 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

Title: Authorization of IT and Cyber-Security Services for Village Hall

WHEREAS, The Village Clerk-Treasurer sought proposals for IT Services and updating the Village’s Cyber-Security for Village Hall, which is summarized as follows:

<b>Vendor</b>	<b>Proposal</b>	<b>Price Quote</b>
Delaney Computer Services	Infrastructure and Management Service (access point, firewall, smart switches, remote monitoring) including email, server and set up INCLUDING: warranty renewals and firewall licenses	\$1,871.00 per month \$190.68 per month
Delaney Computer Services	Cyber-Security including password managers, antivirus, end user security awareness training, cybersecurity monitoring, Cloud Shield backup	\$367.50 per month

; and

WHEREAS, the proposals each include Infrastructure and Management Services and Cyber-Security for a 36-month period; and

THEREFORE, BE IT RESOLVED, that the proposal from Delaney Computer Services in the amount of \$1,871.00 per month for management services, \$190.68 for warranty renewals and licenses, and \$367.50 for Cyber-Security, be and hereby is accepted and said sum be authorized to be expended for the forgoing purposes.

Trustee Golden made a motion and Deputy Mayor seconded.

Roll call:

- Mayor Millman - Abstained
- Deputy Mayor Caridi - Aye
- Trustee Golden - Aye
- Trustee Kuperman - Aye
- Trustee Liebergall - Aye

Upon vote the motion carries by a vote of 4 – 0 - 1.

Title: Approving Bid Results for Village Hall Roof Repairs and Replacement of Roof at Senior Center

WHEREAS, the Village Hall roof is in need of repair and the Village Clerk-Treasurer contacted our Village Engineer, Martin Spence to explore proposals from vendors to repair and replacement same, yielding the following:

<b>Vendor</b>	<b>Brief Description</b>	<b>Base</b>	<b>Alternate</b>	<b>Total</b>
Riedel Contracting Warwick, NY	BASE: Remove and replace slate tile roof as per attached specs including gutters and downspouts and painting as necessary Village Hall ALTERNATE: Senior Roof	\$139,125	\$50,000	\$189,125
Elite Work Home Improvements (DBA Domus Construction) Clifton, NJ	BASE: Remove and replace slate tile roof as per attached specs including gutters and downspouts and painting as necessary Village Hall ALTERNATE: Senior Roof	\$47,300	\$26,800	\$74,100

; and

WHEREAS, based on the proposals as outlined per the attached bid results, the Village Engineer suggests the proposal from Elite Work Home Improvements (doing business as (DBA) Domus Construction (sister company) which is a licensed contractor in the County of Rockland, license #H-22026, at a total cost of \$74,100.00 is the best option, subject to the administration approving composite shingle samples.

THEREFORE, BE IT RESOLVED, that authorization is hereby granted to expend the sum of \$74,100.00 to repair the Village Hall and Senior Roof as outlined per the proposal of Elite Work Home Improvements (DBA Domus Construction) to be funded by DASNY SAM Grant.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 22 - 148**

Village of Montebello

Title: To Hold a Public Hearing Amending Chapter 167 re: Increasing Certain Tax Exemption Income Eligibility Limits

WHEREAS, by virtue of Resolution No. 18-069, Local Law No. 2 of 2018 was adopted amending Chapter 167 of the Village Code providing for real property tax exemptions in conformity with then recent amendments to NYS Real Property Tax Law §485-b relating to various tax exemptions including: “; partial Tax Exemptions for Homeowners with Disabilities and Limited Incomes; a Partial Tax Exemption for Real Properties of Senior Citizens;” At that time effective January 2, 2018, the permitted income level was increased in all categories all as based upon sliding tax reduction schedules ranging from 50%, for income of \$29,000 or less through 5%, for income more than \$36,500 but less than \$37,400, as more particularly listed in said schedules; and

WHEREAS, the Town of Ramapo advised that, it intended to follow recent amendments to Real Property Tax Law (RPTL) §485-b, increasing the eligible annual income sliding scales from the above to a range of less than \$50,000 for a 50% exemption, down to 5% for \$57,500 but less than \$58,400, in each of two categories as aforementioned, to wit: Homeowners with Disabilities and Senior Citizens in the case of each type of said exemption, all as more particularly set forth in the amended §485-b and the Town Board's Resolution scheduled for its meeting of October 26, 2022, referenced as if set forth hereinafter; and

WHEREAS, the increase appears justified and still relatively modest given the context, and it is preferable that the Village and Town conform in this regard given the Town's role as the Village's Assessment Unit and the Town's function as Receiver of Taxes, and that the Village's intent when adopting Local Law No. 3 of 2018 was to parrot the RPTL limits as and when amended by the State Legislature.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held at the Regular Meeting on December 21, 2022, to amend Chapter 167 of the Village Code to embrace the higher income eligibility limits of NYS RPTL §485-b in the two categories as aforementioned, that an amended Local Law be drafted, and legal notice be published and posted, and that notice be given of this intent to the Town of Ramapo, such that both remain in conformity regarding said eligibility limits.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

**Resolution: 22 - 149**

Village of Montebello

Title: Designation of Offices to be Filled at Village Election

WHEREAS, the next Village Election for offices will be held on Tuesday, March 21, 2023; and

WHEREAS, the Board of Trustees must designate by resolution and publication the offices which are to be filled at such election and the terms thereof.

THEREFORE, BE IT RESOLVED, that the Board of Trustees designates that the offices of Mayor and three Trustees are to be filled at the Village Election on Tuesday, March 21, 2023, and that the term is four years for the Mayor and two Trustees, and two years for the remaining term of the third Trustee, commencing at noon on April 1, 2023; and

BE IT FURTHER RESOLVED that the Village of Montebello constitutes One Election District for the Village Election.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

**Resolution No. 22 - 150**

Village of Montebello

Title: Fire Department – Ice Training Drills

WHEREAS, the Tallman Fire Department, by its letter dated November 1, 2022, 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: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 22 - 151**

Village of Montebello

Title: Eagle Scout Project – Bat Houses

WHEREAS, Michael Milillo, Boy Scouts of America Troup Number 21, appeared before the Village Board on September 21, 2022, proposing as his Eagle Scout Project supplying and installing 4 bat houses on 2 poles as more particularly described and for the reasons set forth in his 3-page proposal entitled “Eagle Scout Proposal: Bat Houses” referenced as if set forth hereinafter, a true copy to be appended to the minutes hereof; and

WHEREAS, the initial reaction by the Mayor and Village Board was positive, pending a review of Village properties near water and a selection of location or locations therefrom, except the Village Hall and Dr. Jeffrey Oppenheim Community Center; and

WHEREAS, said project appears environmentally beneficial in providing a safe haven for bats which help limit the mosquito population, and also increase public awareness of the importance and habitat of bats.

THEREFORE, BE IT RESOLVED, that said project is hereby approved at 8 and 10 Lake Road and the Warren E. Berbit Nature Preserve, 250 Spook Rock Road, each location to be specified by the Village Engineer, subject to the following:

1. Submission of more exact and specific plans for the poles, houses, and installation thereof.
2. Explanation of maintenance requirements for houses and poles, who will maintain same and predicted durability.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

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**

- Tax Exempt List – several properties who are tax exempt which we need to check if they are putting trash out since they are not paying for the service.

At 8:56 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss contractual policies, seconded by Trustee Liebergall. Vote carried unanimously.

At 9:30 PM, Deputy Mayor Caridi made a motion to exit Executive Session, seconded by Trustee Liebergall. Vote carried unanimously.

At 9:31 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Liebergall. Vote carried unanimously.

Respectfully submitted:

---

Joan Will – Village Clerk-Treasurer