

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JANUARY 18, 2023, 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 Stacy Caridi Melanie Golden Evan T. Kuperman David A. Liebergall	Mayor Deputy Mayor Trustee Trustee Trustee
Other:	Warren E. Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

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

Mayor Millman welcomed the students from Suffern High School who are sitting in for their class in Participation in Government.

Mayor Millman wants to thank the Town of Ramapo Police Department on their enforcement of overweight trucks in the area. Mayor Millman also reports that there is an increase in speeding within the Village as well as disregard for stopped school busses and as well as speeding school busses. Mayor Millman states that if anyone sees this occurring to contact the Town of Ramapo Police Department immediately.

Mayor Millman stated that Veolia Water Company contacted Village Hall that they would like permission to begin the road opening on Kings Gate over its entire length to repair aging water pipes to reduce water main breaks. This will appear later in the meeting.

Mayor Millman reports that the Village is very active in investigating illegal rentals and Airbnb. Residents are encouraged to report such activity to Village Hall for further investigation. A home can be rented for 30 days or more but cannot be rented for weekends or shorter time frames.

### **Building Department Report:**

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

- (6) building permits were filed. A total of \$1,434.00 in permit fees were collected.
- (8) Certificates of Occupancy were issued.
- (7) locations were inspected/reinspected; \$2,812.00 in Fire Inspection fees were collected during the month.
- (8) code violations were issued.

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

Village Attorney Berbit reported that the HPPC granted a Certificate of Appropriateness to a resident planning a new home at the corner of Viola and Spook Rock Road on the Scenic and Historic Roadway. 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.

### **Resolution No. 23 - 001**

Village of Montebello

Title: Adoption of Local Law No. 1 of 2023 to Amend the Sign Code, Chapter 143, to require English language text and characters for public safety and to aid in the dispatch of emergency services.

WHEREAS, at the request of the Mayor, the Village Attorney reiterated the following sequence of events:

1. The initial version of the sign law, proposed Local Law No. 2 of 2022, was subject to a public hearing which opened on October 21, 2022, and was continued on November 9, 2022, subject to response from the Rockland County Department of Planning and a recommendation from the Planning Board.

2. The Hearing was continued on November 9, 2022, with the comments of the Rockland County Department of Planning and recommendations of the Planning Board entered into the record, and the matter tabled pending review by the Village Attorney, regarding making the English lettering equal in size to the foreign language lettering.

3. Upon the recommendation of the Village Attorney made on December 21, 2022, proposed Local Law No. 2 of 2022 was amended as per the redrawn Local Law made by Nelson, Pope, & Voorhis reflecting in part the Planning Board recommendation, and was redesignated Local Law No. 1 of 2023, whereas the one significant change was to make the English language character portion a minimum of 3 inches in height, and said Local Law No. 1 of 2023 was to be recirculated, advertised and made available.

4. Upon questioning of the Village Clerk-Treasurer by the Village Attorney, he ascertained that due notice was given and that the Public Hearing could begin after the Legal Notice was read into the record; and

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held on Wednesday January 18, 2023, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY 10901 to consider adopting Local Law No. 1 of 2023, amending Chapter 143 Signs, and Chapter 195, Zoning entitled:

” LOCAL LAW NO. 1 OF THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 143 SIGNS & CHAPTER 195, ZONING, TO REQUIRE ENGLISH LANGUAGE TEXT AND CHARACTERS TO AID IN THE DISPATCH OF EMERGENCY SERVICES”

thus amending Chapters 143 and 195 of the Village Code, as more particularly set forth in said Local Law, but summarized as follows.

A new standard is added to a new subsection “M,” under §143-10, and parallel standards are amended in subsections 195-72. A, 195-79.1.M, 195-79.2. K, and 195-79.3.K which require signs to contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.

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.org](http://www.villageofmontebello.org)

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

Warren E. Berbit  
Village Attorney  
December 21, 2022

; and

WHEREAS, Public Hearing began at 7:21 pm, Deputy Mayor Caridi moved, and Trustee Kuperman seconded all in favor to open the Public Hearing; and

WHEREAS, at the request of the Mayor, the Village Attorney, explained the local law as making certain for reasons of safety that foreign language signage also included English to aid first responders and other members of public in identifying and finding locations within the Village thus also avoiding confusion and possible queuing on our roadways; and

WHEREAS, the Village Attorney explained the Local Law and amendment as proposed Local Law No. 1 of 2023, and asked that the following be included in the record:

1. Legal Notice and Affidavit of publishing and posting of Local Law No. 1 of 2023.
2. Proposed Local Law No. 1 of 2023.
3. Resolution No. 22-110 of October 19, 2022, to continue the Public Hearing (attached).
4. Planning Board reply of November 9, 2022, prepared by Regina Rivera (attached), which proposed modifying the proposed text of Local Law 2 of 2022 especially as regards the size of the English portion of the signage.
5. Balance of Record created under proposed Local Law No. 2 of 2022, including Rockland County Planning Department GML review of Local Law 2 of 2022, dated October 24, 2022 (attached) which stated they approved and had no comments or modification; and

WHEREAS, no one from the public spoke, Deputy Mayor Caridi moved, and Trustee Kuperman seconded, closing the Public Hearing at 7:24 p.m., all in favor, and the Board duly deliberated thereafter.

THEREFORE, BE IT RESOLVED, after a Public Hearing and due deliberation, that said Local Law, in its final form, including minimum character height of 3 inches or larger as conditions might dictate, be and hereby is approved to promote public safety by authority of Municipal Home Rule Law §20(5), to become effective upon filing with the Secretary of State, but not filing and keeping the Public Hearing open until the next regular meeting of the Village Board on February 15, 2023, just in case the amended proposed Local Law elicits another response from the Rockland County Department of Planning or any other parties.

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

Local Law No. 1 of 2023 dated December 14, 2022, approved, all in favor, subject to reconsideration should any further responses be received into the record.

**Resolution No. 23 - 002**

Village of Montebello

Title: Approval of Minutes for December 21, 2022

BE IT RESOLVED, the minutes of the Board of Trustees of December 21, 2022, be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Liebergall

Upon vote, motion carries unanimously.

**Resolution No. 23 – 003**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 18, 2023, and totaling \$209,648.97 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. 23 – 004**

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated January 18, 2023, for Professional Fees, and totaling \$21,695.65 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. 23 - 005**

Village of Montebello

Title: Declaration of Emergency to Allow Replacement of Kings Gate Road Water Main

WHEREAS, as more particularly set forth in the letter of Veolia as confirmed and recommended in the letter of Martin Spence, the Village Engineer, each dated January 13, 2023, and referenced as if set forth hereinafter at length, a permit is requested waiving the winter road work moratorium, which exists from November 15 to April 1, pursuant to §160-5A. of the Village Code, to allow replacement of the problematic water main in Kings Gate Road along its entire length from West Gate Road to Haverstraw Road, and which water main has been prone to failure thus creating water emergencies and safety and health issues; and

WHEREAS, this is a major construction project which is estimated to take 6 to 8 weeks, and which excavation will be backfilled and/or temporarily paved on a daily basis for public safety during the winter months, and which will be final settled, compacted and paved during the Spring/early summer all as overseen and approved by the Village Engineer, who shall set the sum to be deposited to cover said work as per his application of the Village fee schedule, and oversee and assist all other written due and timely notice of the residents impacted by said work; and

WHEREAS, replacing said water main will improve water service and health and safety in the area on a long-term basis avoiding outages and unplanned emergency work in the future, and is a highly desirable result.

THEREFORE, BE IT RESOLVED, that said winter work moratorium is hereby waived for the reasons set forth above and the associated permit shall be issued to replace the water main on Kings Gate Road, all contingent upon the conditions set forth by, the Village Engineer, including, but not limited to, payment of the escrow sum established by the Village Engineer to cover restoration of this work, daily back filling and/or paving, due notice to the residents, and final restoration of the roadway, all as determined by the Village Engineer.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Title: Acquisition of Street Lights and Conversion to LED's

WHEREAS, after searching for a professional consultant to guide the Village on the desirability and benefit of acquiring the street lighting by purchase from Orange & Rockland Utilities (ORU), and replacing same by LED standoff/lighting and related wiring and controls paid for by the Village, the Village came upon, investigated and met with RealTerm Energy US, LP, a Delaware Limited Partnership, and concluded that such possessed the requisite skills and expertise, and local geographic experience, to act as the Village's consultant to oversee the above activity and process; and

WHEREAS, as a consequence, RealTerm appeared before the Village Board on two dates, explained their role and the process, answered questions, and prepared, presented and explained a Professional Services Agreement to provide such services to the Village ("the Agreement"), and literature prepared, presented and explained in a Cumulative Cash Flow Analysis ("the Analysis"), and their belief that such acquisition and conversion would save the Village over a 20 year period approximately \$365,580 with the photocell option, or \$312,781 with the Smart Control Option, the proposal and analysis included herein for reference as if a part hereof; and

WHEREAS, the Village Attorney reports having marked the proposed Agreement, but that most of the suggested changes do not go to the essence of the Agreement, that the one absolute commitment appears to be authorizing "Task 1- GIS Streetlight Audit," and unless the Village, thereafter, approves the selection map, the Consultant will not proceed with the remaining tasks, the cost for Task 1 being \$35.15/fixture for about 171 fixtures; and

WHEREAS, assuming the project continues, Tasks 2 through 6 represent a cost of \$23.40/fixture, and Task 7, 20 percent of services/equipment and Tasks (7(b) thru 10, equates to 20% for management, 20%, all as more particularly set forth in the Agreement; and

WHEREAS, the Village Attorney reported and in-depth virtual meeting with the RealTerm team and Village Clerk-Treasurer wherein other options were discussed including pricing for same to allow the Village maximum flexibility in its choices; and

WHEREAS, the costs to the Village in addition to the above RealTerm fees will also include actual acquisition costs from ORU, and the acquisition costs for material and labor, the cost of financing if utilized all as estimated in the Analysis and the Village Clerk-Treasurer and Mayor report their belief that such can be properly funded and covered by ARPA funds available to the Village; and

WHEREAS, it appears that said acquisition and conversion to LED, with Smart Control, will save the Village substantial cost over the 20-year period, will result in a more reliable and better system with greater local control, and will provide more sophisticated lighting options for future needs.

THEREFORE, BE IT RESOLVED, that said Agreement with RealTerm Energy US, LP, is approved subject to the following:

1. RealTerm acceptance of the amendments proposed by the Village Attorney, or his determination that, if any are not acceptable to RealTerm, that such are not substantial.
2. That entering into the Agreement commits the Village to the Audit and paying for same (Task 1), but the remaining tasks are held in abeyance without unless the Village accepts the electronic inventory and moves forward.
3. That, in the Village's exclusive judgement should the estimated labor and/or material costs or significantly exceed the RealTerm cost estimates set forth in the Analysis, it can elect to not proceed with the project.
4. That the conditions set forth herein control and amend the Agreement to the extent differing from the Agreement, but that the Mayor may execute same as amended for the Village with this Resolution attached as a part thereof.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

**Resolution No. 23- 007**

Village of Montebello

Title: Approval of Contract for Application of Aquatic Pesticides (Gorman Ponds Park)

WHEREAS, under Phase I of the Kathryn Gorman Ponds Park improvements, the Board resolved in the Summer of 2014, to commence pond management in the form of the application of aquatic pesticides to control algae and nuisance aquatic weeds, the presence of which impeded water flows, diminished pond functioning and created unpleasant odors, amongst other negatives, said services awarded that year and each year since by following the Village's Procurement Policy, the intent being to continue the services which are viewed as beneficial to the Village and the environment of the ponds; and

WHEREAS, the Village Engineer, in following the Procurement Policy last year and issued a report dated December 30, 2022, copy attached hereto, has recommended renewing that contract given the proposal from the successful contractor last year. The Pond and Lake Connection "PLC", summarized as follows:



	<b>The Pond and Lake Connection</b>
<b>DEC Application Fees</b>	\$450.00
<b>Federal EPA Fee</b>	\$150.00
<b>Treatment Fees</b>	\$3,250.00
	\$2,850.00
	\$2,850.00
NOI Fee	
<b>Totals =</b>	<b>\$9,550.00</b>

<i>Comments</i>	<i>Based on initial treatment and 2 follow-up treatments recommended. All additional treatments add \$2,790</i>
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and

THEREFORE, BE IT RESOLVED, that said renewed contract be entered into with The Pond and Lake Connection, “PLC”, at a cost of \$9,550.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

**Resolution: 23 - 008**

Village of Montebello

Title: Authorization of IT to update office computers Village Hall

WHEREAS, The Village Clerk-Treasurer sought proposals for IT Services and updating the computers at Village Hall, which is summarized as upgrades for all desktops and servers; and

WHEREAS, these upgrades were part of the RFP process for Infrastructure and Management Services but inadvertently not added to the November resolution; and

WHEREAS, updating vs. purchasing new is more economically prudent.

THEREFORE, BE IT RESOLVED, that the proposal from Delaney Computer Services dated December 30, 2022, in the amount of \$4,577.62 for the upgrades for all desktops and servers in Village Hall, referenced as if set forth hereinafter, be and hereby is accepted and said sum be authorized to be expended for the forgoing purposes. Deputy Mayor Caridi made a motion and Trustee Kuperman seconded.

- Roll call:
- Mayor Millman - Abstained
  - Deputy Mayor Caridi - Approved
  - Trustee Golden - Approved
  - Trustee Kuperman - Approved
  - Trustee Liebergall - Approved

Upon vote the motion carries by a vote of 4 – 0 and 1 Abstained

**Resolution No. 23 - 009**

Village of Montebello

Title: Accepting Resignation and Appointment Member to the Planning Board

WHEREAS, Planning Board Member David Levine whose appointment expires April 2024, has tendered his resignation effective January 1, 2023, due to relocating; and

WHEREAS, the Mayor recommends the appointment of Ariel Aufgang, a resident of Montebello, who has been serving as Planning Board Ad-Hoc since July 2022.

THEREFORE, BE IT RESOLVED, that said resignation is accepted effective January 1, 2023, and said seat declared as vacant, and that effective January 1, 2023, Ariel Aufgang is hereby appointed, as Member of the Planning Board to serve until April 2024, or until a successor is duly appointed, and declare the Planning Board Ad-Hoc seat vacant.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Resolution: 23 - 010**

Village of Montebello

Title: Polling Place and Hours of Election

BE IT RESOLVED that the polling place for the Election of Village Officers, shall be held on Tuesday, March 21, 2023 at the Village Hall, One Montebello Road, Montebello, NY. The polls shall be open from seven o'clock in the morning until nine o'clock in the evening, local time; and

BE IT FURTHER RESOLVED that the Village Clerk-Treasurer shall notice and post same as required by the Election Law.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

**Public Comment:**

William Rivera of Nottingham Drive in Montebello wished to speak for the Suffern High School Participation in Government class. Mr. Rivera stated that the Kathryn Gorman Ponds Park was filled with trash even though there were several trash receptacles available. He stated that himself and several other classmates volunteered to clean the park the other day and they were shocked by the disregard for keeping it clean. Mayor Millman responded with thanks to Mr. Rivera and his classmates for their participation in the Board meeting as well as their volunteerism at cleaning the park. Mayor Millman suggested that Mr. Rivera write an article for our next newsletter from his perspective about the trash problems which we have been trying to address. We are pleased our beautiful park is so well used but urge the users to do a better job self policing.

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

**Old / New Business**

- Discussion on medical insurance
- Discussion on PILOT agreement terms.
- Open Board positions.

At 7:51 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss the above, seconded by Trustee Kuperman. Vote carried unanimously.

At 8:35 PM, Deputy Mayor Caridi made a motion to exit Executive Session, seconded by Trustee Kuperman. Vote carried unanimously.

At 8:35 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