

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MAY 15, 2024, 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
	Bruce Egenhauser	Trustee
	Michael Humphrey	Trustee
	Warren E. Berbit	Village Attorney

Absent:

Recording Secretary: Joan Will	Village Clerk-Treasurer
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### **Mayor's Report:**

Mayor Millman stated that part of Montebello Road from Mile Road to Hemion Road, and then from Hemion Road to the bridge over the Thruway, those segments being County roads, will be milled and paved by Rockland County Highway Department starting May 16<sup>th</sup>.

Mayor Millman reminded everyone of the Memorial Day Remembrance Celebration on Sunday, May 26<sup>th</sup>. The ceremony will be held on the Village lawn starting at 9 AM. This year's speaker is Navy Veteran, Maureen Morgan. There will be the Color Guard and students from the local elementary school reading the Gettysburg Address, and refreshments to follow.

Mayor Millman attended the Town of Ramapo Police award ceremony this morning. Many police officers and detectives were given awards. Congratulations to them all. Also, it was announced that Chief Martin Reilly will be retiring in June and Captain Daniel Hyman will be the new Chief of Police. We wish Chief Reilly well in his retirement and we welcome the new Chief.

Mayor Millman reminded everyone of the upcoming Montebello Jazz Festival which will take place on Sunday, September 8<sup>th</sup> from 1 pm to 6 pm on Village grounds. We will have three professional jazz quartets and food trucks will be available to purchase food.

Mayor Millman is happy to report that the new signs limiting trucks to a 5-ton limit on Montebello and Mile Road are now up and police are issuing fines.

Mayor Millman stated that in Kathryn Gorman Ponds Park there have been a few issues with bonfires being especially dangerous since gasoline was apparently used to start the fires. If you see or hear of such an activity, call the Police Department or Village Hall.

Mayor Millman is happy to announce there is a renewed interest in the organic community garden located at Village Hall. There are over 40 plots with only 2 spots that are still open. If anyone is interested, please contact Village Hall.

Mayor Millman announced we have joined the Town of Ramapo with several other villages in putting together a \$15 million joint grant request. Our village has sent a letter requesting \$1.55 million for the Village. This money would be used to put in a potential new traffic light at Mile and Montebello Road, repairing the paths and trails at KGPP and replacing the sidewalks and ramps around Village Hall.

### **Continuation of Public Hearing for Stonehedge**

Mayor Millman addressed the attendees present for the continuation of the Public Hearing on Stonehedge. He stated that the Public Hearing will be continued until the next meeting. The positive news is that the Village Board listened to what everyone said at the last meeting, as did the builder, and that convinced him that it would be better for him to go back to the original development of the 11 additional single-family homes versus duplexes. He has decided to go back

to the Planning Board and present the 11-home project again. Assuming that the application proceeds at pace, he will likely withdraw the duplex project before the Village Board. If so, the duplex project application will be withdrawn.

**Resolution 24-066**

Village of Montebello

Title: Continuation of Public Hearing Stonehedge

WHEREAS, a Public Hearing before the Village Board is continued on proposed Local Law No. 2 of 2024 (formerly proposed Local Law No. 1 of 2024) to permit approval of a subdivision consisting of 5 lots, including the Minetto historic homestead and cottage, 3 single family homes and 8 duplexes, located at 220 Spook Rock Road; entitled: Stonehedge Farm Subdivision, until June 12, 2024, at 7:00 pm.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

**Suffern High School Montebello Top 10%**

Mayor Millman welcomed the Top 10% Montebello students from Suffern High School and their families. He congratulated and recognized the following students for their accomplishment: Chelsea Calvin, Zach Chang, Emma Chin, William Cronk, Kailee Dennis, Allison Doherty, Ben Fox, Joseph Gelb, Christina Joseph, Ezra Koreen, Neha Krishnan, Campbell McGarrigal, Aaron Pearlman, Tyler Pomerantz, and Teodor Purice. Each student who was present was presented with a Certificate of Merit and posed for pictures with the Mayor and the Village Board of Trustees.

**Building Department Report:**

The following is the Building Department Report for the month of April 2024:

- (14) building permits were filed. A total of \$28,176.00 in permit fees were collected.
- (14) Certificates of Occupancy were issued.
- (2) locations were inspected; \$6,625.00 in Fire Inspection fees were collected during the month.
- (10) code violations were issued. Three (3) violations were cleared up.

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

The commission met on Wednesday, May 1st.

Jazz Festival Update – September 8, 2024

- After a full discussion, Chairperson Moetzing and Member Mocio will oversee food vendors and food trucks. Chairperson Moetzing has already begun reaching out to food vendors and started eliminating ones who cannot attend or who want a money guarantee.
- Member Madronero and Member Goldstein will oversee the marketing, advertising, and reaching out for corporate sponsorships.
- Member Ellsworth will oversee security and parking. Mayor Millman is to reach out to the Sheriff's Department.
- Member Israel and Member Levin will oversee porta potty rentals.

Historic Preservation

- Certificate of Appropriateness status – 37 Viola Road – Applicant David Fried was absent from the May 1 meeting. He is still in the process of presenting the landscaping renderings and is scheduled for the next meeting on June 5.

- A Certificate of Appropriateness as determined at the May 1<sup>st</sup> meeting, will be issued once the applicant has submitted all renderings and planting plan.

#### Parks

- Cleanup of the parks will be discussed at the June 5 meeting.
- A list of roles and responsibilities for Members of the Commission will be discussed.

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

#### **Public Comment:**

Gwen Leeds of 4 Brigadoon Drive spoke of the neighborhood changing and they have a lot of new neighbors. Her belief is the landscaping ordinances are repeatedly not being followed. If a neighbor every spring doesn't cut their lawn when it's above what the ordinance allows and gets a warning, then again allows it to grow does he then get another warning or does he get a violation?

Mayor Millman answered they could get a warning/violation notice every week. Even with the amount of rain lately they should have cut their lawn by now. The Code Enforcer has been out and has placed more than 20 violations this morning. If they continue to violate then they will be required to appear in Montebello court and they can be hit with fines for ongoing violations. If there is an issue it needs to be reported so file a complaint and we will send out the Code Enforcer.

Mr. and Mrs. Leeds stated they don't want the job of coming into Village Hall to complain. What can the Village do to address the changing community?

Mayor Millman stated that what the Village can do is when the Code Enforcer goes out, he can talk to them and educate them on the violations and if they are a repeat offender, we will have them go to court. That's the best we can do. The Village Attorney pointed out that the Village can take action, but they are entitled to due process, and they can challenge the action. It's a difficult and elaborate process, and we will need specific (what, when, where) eyewitness testimony to speed the process.

Mrs. Leeds pointed out that the issues are not only with lawn maintenance. There are also issues with trash, garbage cans being left out, etc.

Peter Cordaro of 10 Heather Hill Lane spoke of neighbors not closing their trash cans and animals getting in them and throwing trash all over. He questioned that wouldn't it be the landlord who owns the home be responsible for the maintenance of the property if the tenants aren't?

Mayor Millman said that yes, the landlord is responsible for the maintenance. He explained we have a law that if a property owner is absent, they must designate a local representative and if they rent out their home, they must notify the Village of that too. The landlords are the ones who will get hit with the violations.

Andrew Ackerman of 11 Heather Hill Lane spoke about people running businesses out of their home. He gave an example of someone running a dog sitting business that creates an "insane amount of noise", seven days a week. He wanted to know if that had been reported to the Village.

Trustee Golden pointed out that our Building Department issues a monthly report that points out violations that have been posted on businesses being operated out of homes that don't have approval. It is up to the community to notify the Village Hall of these issues and to file complaints. If it is not communicated to the Village then we cannot do anything about it unless our Code Enforcer witnesses this on his own.

Mr. Ackerman stated that the residents have a loss of confidence in the Village getting these issues resolved.

Mayor Millman pointed out prior to the residents coming in front of the board that there are issues within the Village that we are unaware of. If the issues are not reported to Village Hall, then there is nothing we can do unless our Code Enforcer or Building Inspector witnesses this on

their own. When made aware of these issues, we actively look into it more and take aggressive actions.

Veronica Cordaro of 10 Heather Hill Lane spoke of her neighbors with garbage all over the lawn. She is frustrated that the owner of the property is not making sure it is being maintained. She also bought up another home in the neighborhood that she believes was being used as a “dormitory”. She mentioned that the same home took down a bunch of trees.

Mayor Millman wanted to know if she had reported these issues in detail. He reiterated that if these complaints were not brought into Village Hall then we have no way of knowing what is going on. The Mayor said that our Code Enforcer does actively patrol the Village and he has a list of properties that we are aware of issues that the Enforcer follows up on. Trustee Golden reiterated that residents need to bring up these issues and take pictures and send them into Village Hall so we can have physical evidence of the issues.

Robin Ackerman of 11 Heather Hill Lane thanked the Mayor for sending someone to enforce the cleaning up of garbage after she sent in an email yesterday.

The Village Attorney spoke of one of the issues being that people are upset but many times they do not want to report on their neighbors, so they do not want to log a formal complaint. Sometimes the information they provide is too vague and it’s hard for the Village to send an inspector to investigate the complaint and witness the violation. Our inspector has to catch the activity in order to prosecute. Residents need to act as a complainant and be very specific with their complaint (what you saw, when you saw it, take pictures). This information is what is used to build a case.

Robin Ackerman of 11 Heather Hill Lane wanted to follow up on Mrs. Cordaro’s question and wanted to know if “dormitories” are legal.

Mayor Millman said that dormitories are not legal. The Village does have a gathering law. But the gathering law does not encompass a dormitory type of situation. That would have to be approved in a larger scaled site plan meeting all requirements.

Andrew Ackerman asked if there is a different law for residents to remove trees versus commercial property. He pointed to the number of trees removed at 34 North Airmont Road.

Village Attorney Berbit explained that yes, there are different regulations for residential tree removal and commercial tree removal. Commercial tree removal is done in order to accommodate the building and they have to submit a landscaping plan. In both cases, tree removal should be kept to the minimum necessary. Trustee Golden reiterated that if someone buys a piece of land, they will have to remove trees in order to build.

A representative of the Town of Ramapo police provided updates on the following:

- Speed monitoring
- Commercial truck enforcement on Montebello Road
- Kathryn Gorman Ponds Park
- Soliciting
- Focus in the morning and afternoon is school bus monitoring

Andrew Ackerman wanted to know what the difference between a dormitory and roommates. There is a residence near him that has several men living there. And it seems to change regularly.

Mayor Millman said we don’t have an answer for that now, but it should be reported to Village Hall, and we will follow up on it.

Hajira Khan of 6 Brigadoon Drive wanted to know how do the violations work. She has seen the same home have violations over and over again and it doesn’t seem to make any difference.

The Village Attorney answered that the judge makes the decision of what the final fine is after a trial, or whether to approve a settlement. The Village has predetermined fines, but the judge makes the decision based on the evidence. Unless there is a negotiated settlement the process does

take time. If the defendant then violates a court order, they can also be found in contempt of court. Also repeated violations can layer on more fines.

Mrs. Khan wanted to know if there is any way the Village can send out an email to residents to let the know that the grass needs to be cut by a certain date or their property will be violated.

Mayor Millman explained that unfortunately the Village does not have an e-mail address for every resident. The best way to get the information is for residents to visit the Village website or read the Village newsletter when it is sent out.

Mrs. Khan wanted to know if we have a registry for renters.

Village Attorney Berbit explained that we do have a law that absentee homeowners are to register their property, not only if they are renting it out, but also to name a responsible local person with authority to act in an emergency, and also empowered to bind the owner. This is also to protect tenants who may be in the residence and first responders.

**Resolution: 24 - 067**

Village of Montebello

Title: Tree Removals along Montebello Road and 449 Haverstraw Road

WHEREAS, there are several dead/endangering trees located along Montebello Road (between Finnegan Lane and Mile Road) on the Village ROW and dead/damaged trees within the historic cemetery located at 449 Haverstraw Road for which the Village has previously assumed responsibility; and,

WHEREAS, the Village Engineer has confirmed these trees are a danger and has solicited and review proposals from a tree contractor to perform the removal of multiple dead trees as outlined above; and

WHEREAS, based on the recommendation of the Village Engineer, the following proposals have been submitted:

<b>Vendor</b>	<b>Project Breakdown</b>	<b>Price Quote</b>
Perfect Cut Tree Service	-Remove approx. 13 trees marked along Montebello Road	\$5,600.00
	-Remove all marked trees inside cemetery	<u>\$3,750.00</u>
		<b>\$9,350.00</b>

; and

WHEREAS, based on the estimates as outlined, the recommendation of the Village Engineer is to award the contract to Perfect Cut Tree Service in the amount of \$9,350.00.

THEREFORE, BE IT RESOLVED that the proposal of Perfect Cut Tree Service be accepted at a total cost of \$9,350.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

**Resolution No. 24 – 068**

Village of Montebello

Title: Approval of Minutes for April 17, 2024

BE IT RESOLVED, the minutes of the Board of Trustees of April 17, 2024, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

**Resolution No. 24 - 069**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

THEREFORE, BE IT RESOLVED, the Abstract and Schedule of Claims dated May 15, 2024, and totaling \$133,624.74 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution was carried unanimously.

**Resolution No. 24 – 070**

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated May 15, 2024, for Professional Fees, and totaling \$23,212.65 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution was carried unanimously.

**Resolution: 24 - 071**

Village of Montebello

Title: New Tires for 2019 Ford Ranger

WHEREAS, the current tires of the 2019 Ford Ranger XL have had several repairs/patches and have not been replaced since the truck was purchased; and,

WHEREAS, the Village Clerk-Treasurer had the Assistant Building Inspector get quotes from several retailers for purchase and installation of four (4) new tires; and

WHEREAS, estimates were sought from several retailers to perform said work, yielding the following:

Vendor	Project Breakdown	Price Quote
Tallman Tire	(4) Firestone Destination LE 3 Owl Tires/Disposal Fee/Tire Tax – Mount & Balance plus Wheel Alignment	Parts: \$760.00 Labor: \$329.99 Total: \$1,089.99
Eastern State Tire Automotive Center – West Nyack, NY	(4) FS Destination LE3 11T Owl Tires/Car Tire Disposal Fee – Mount & Balance plus Wheel Alignment	Parts: \$816.00 Labor: \$319.00 Total: \$1,035.80
Eastern State Tire Automotive Center – West Nyack, NY	(4) S Wrangler AR-A Owl/Car Tire Disposal Fee – Mount & Balance plus Wheel Alignment	Parts: \$544.00 Labor: \$219.00 Total: \$763.00
Mavis Tire & Auto – Mahwah, NJ	(4) Fire Destination LE 3 OWL Tires – Mount & Balance plus Wheel Alignment	Parts: \$739.96 Labor: \$169.95 Total: \$909.91
Mavis Tire & Auto – Mahwah, NJ	(4) Toyo Open Country HT II Owl Tires – Mount & Balance plus Wheel Alignment	Parts: \$615.96 Labor: \$169.95 Total: \$785.91

; and

WHEREAS, based on the estimate as outlined, the recommendation of the Village Clerk-Treasurer is to award the contract to Eastern State Tire Automotive Center .in the amount of \$763.00.

THEREFORE, BE IT RESOLVED that the proposal of Eastern State Tire Automotive Center be accepted at a total cost of \$763.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

**Resolution No. 24 - 072**

Village of Montebello

Title: Accept Credit Card Payments for Municipal Fees

WHEREAS, the Village of Montebello has used the services of csg Forte for tax collection on our website since 2022; and

WHEREAS, the Village Clerk -Treasurer advises that residents have repeatedly requested for several years the convenience of paying their fees via credit card and, she recommends that such occur as beneficial to the residents and the Village; and

WHEREAS, csg Forte has provided the Village Clerk – Treasurer with a quote for a terminal within the Clerk’s office that will allow residents to pay their municipal fees with a credit card, as set forth in a proposed Sales Order dated May 15, 2024, and a companion email of that date, each referenced as if set forth hereinafter, the salient details being as follows:

1. a one-time terminal cost of \$400.
2. no annual maintenance charge.
3. at a cost per use of 2.5% payable by the user.

THEREFORE, BE IT RESOLVED, that the Village Clerk – Treasurer is authorized to have csg Forte install a credit card terminal at Village Hall for a one-time purchase fee of \$400 and no yearly support fee, and to take the steps necessary to advise our residents of the ability to pay Village municipal fees this way.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

**Resolution: 24 - 073**

Village of Montebello

Title: Emergency Plumbing Repairs at Village Hall

WHEREAS, upon the plumber checking a leak in the main bathroom at Village Hall several other issues were noted that need immediate repair including a sprinkler leak, boiler maintenance, and a hot water heater leak; and,

WHEREAS, the Village Clerk-Treasurer received estimates on these repairs from the plumber as follows:

<b>Vendor</b>	<b>Project Breakdown</b>	<b>Price Quote</b>
Ken Malone Plumbing	-Fix 2 different leaks on water main and other on sprinkler line	\$325.00
	-Boiler needs maintenance water package-fix valve, expansion tank, safety valve, fill & test	\$750.00
	-Supply and install new Boiler	
	Labor and materials for all	\$3,500.00
		<b>\$4,575.00 total</b>

; and

WHEREAS, based on the estimates as outlined, the recommendation of the Village Clerk-Treasurer is to award the contract to Ken Malone Plumbing for emergency repairs in the amount of \$4,575.00.

THEREFORE, BE IT RESOLVED that the proposal of Ken Malone Plumbing be accepted at a total cost of \$4,575.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

**Resolution 24 - 074**

Village of Montebello

Title: Mutual Agreement to end Pending 2024 Landscaping Contract

WHEREAS, after an RFP for 2024 Landscaping of Village Hall and Dr. Jeffrey Oppenheim Community Center and other Village owned property was duly advertised and distributed, by virtue of Resolutions 24-021 adopted February 21, 2024, such was contingently awarded to Evergreen Landscaping, Inc. (“Evergreen”) as the apparent lowest responsible bidder, subject to it meeting the various conditions set forth in the RFP, contract, and other documents and communications; and

WHEREAS, given the start of the growing season and limited time within which to commence the various services contemplated under said contract, Evergreen was permitted to commence work, however, subject to final contract upon it meeting the necessary conditions; and

WHEREAS, it is recognized and mutually agreed, that although Evergreen commenced work, it never fully succeeded meeting all open conditions and thus, upon mutual agreement, it was agreed that Evergreen would cease any further work on or after May 9, 2024, and that a sum of \$1,650.00 would be paid to it in full and complete satisfaction of any work already done, and that both the Village and Evergreen (“the Parties”), would waive, and consider as satisfied, any claim each might have against the other such being understood to be in their mutual best interests, without any attribution of fault, one against the other.

THEREFORE, BE IT RESOLVED, for the above reasons as follows:

1. That this Resolution marked “So Agreed” signed by the respective parties before a Notary shall serve as a Mutual General Release of each party for and against and other pertaining to any claims relating to the subject of this Resolution.
2. That upon the payment to Evergreen of \$1,650.00, and exchange of this Resolution signed and Notarized as a Release, that no other work is expected from Evergreen and the pending contract is terminated, and of no force nor effect.

Motion: Trustee Golden

Second: Deputy Mayor Caridi



Upon vote, motion carried unanimously.

**Resolution: 24 - 075**

Village of Montebello

Title: 2024 Landscaping Service Contract

WHEREAS, BY VIRTUE OF Resolution No. 24 - 074 adopted this evening, the pending agreement for 2024 Landscaping Services with Evergreen Landscaping, Inc., awarded by Resolution No. 24-021, was vacated by mutual agreement; and

WHEREAS, as a consequence of the above, and due to the ongoing immediate need for landscaping services given the lateness of the season, negotiations with the next lowest apparent responsible bidder, Christopher Meredith, Inc., Pomona, NY took place leading to the following agreement, as more particularly set forth in the contract between Christopher Meredith, Inc., and the Village referred to as if set forth hereinafter, including the following terms and conditions:

1. Landscaping services as per the RFP and contract catching up with any missing services from the start of the season in the judgement and with the guidance of the Village Engineer, Martin Spence, or designee, and continuing with all ongoing landscaping services for the balance of the year as contemplated by the RFP, contract and related documents.
2. Reflecting the shortened year and services done by others, a total fee of \$35,200 for the year to be paid on or about the 1<sup>st</sup> of each month for preceding month for 8 months commencing with June 1, 2024, to be paid at an installment of \$4,400 per payment.
3. Contract contingent upon meeting the several conditions set forth therein.

THEREFORE, BE IT RESOLVED, that effective immediately and subject to Christopher Meredith, Inc. meeting the conditions as outlined, said Landscaping Services Contract for the balance of 2024, be and hereby as awarded to Christopher Meredith Inc. it being understood that the services hereunder and for the duration of said contract are modified is necessary to reflect the later start as overreferenced.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

**Public Comment:**

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

**Old / New Business**

- Sherwood Family Cemetery - the Village is working on preserving this property.
- Memorial Day – Mayor Millman asked the Board if they are going to be available. The Mayor will pick up the coffee and donuts for the event. He encouraged anyone available to come and assist.

At 8:40 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss negotiated contractual matters, seconded by Trustee Golden. Vote carried unanimously.

At 9:10 PM, Deputy Mayor Caridi made a motion to exit the Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 9:11 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