

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, MARCH 20, 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 due to the Public Hearing tonight, he will keep his Mayor’s report short. Mayor Millman announced that the Village Elections concluded last night, and that Trustee Egenhauser and Trustee Humphrey have won their respected election, and we are happy to have them remain on our team. We thank everyone who came out to vote.

The Mayor greeted several students from the Suffern High School Participation in Government (PIG) program and as is our practice asked them to come up with a question about the Village which comes to them as the witness the meeting.

Public Comment:

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

Building Department Report:

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

- (15) building permits were filed. A total of \$8,442.00 in permit fees were collected.
- (11) Certificates of Occupancy were issued.
- (21) locations were inspected; \$1,500.00 in Fire Inspection fees were collected during the month.
- (10) code violations were issued. (4) violations were resolved.

Historic Preservation and Parks Commission (HPPC)

With no one from the HPPC wishing to speak, Mayor Millman stated that he attended the last HPPC meeting and discussed the upcoming Jazz Festival that will be held at Village Hall on September 8. He stated that we will have 3 wonderful jazz groups performing and that we will have more information as we get closer to the date. The Mayor announced, especially to the students in attendance from the Suffern High School's Participation in Government class that we will need high school volunteers for the event. At this point, the Mayor closed this portion of the meeting.

Public Hearing – Local Law 1 of 2024

At request of the Mayor, Village Attorney questioned the Village Clerk-Treasurer who read the legal notice into the record and confirmed timely publicity and posting, provision of all documents to the Board and for public and circulation of all GML §239 and SEQRA documents causing Village Attorney to find due notice.

The Village Attorney indicated to open hearing which will have to be continued due to the absence of Planning Board and Rockland County responses.

Deputy Mayor Caridi motioned to open the Public Hearing seconded by Trustee Egenhauser at 7:23 PM, all in favor.

Jonathan Lockman, Village Planner explained the project and its history before the Village Board. It presently as proposed consists of five (5) lots on about 17 acres in the Estate. Overlay Zone – Lot 1 contains Minetto Farmhouse and outbuildings; Lots 2, 3 and 4 single family homes; and Lot 5, eight (8) duplex homes and a pool complex, Lot 5 being condominium ownership. The project previously approved by the Planning Board consisted of the same Lot 1, plus 11 single family homes. The maximum living square footage is the same, but in eight (8) more residences.

Marsel Amona – owner of Stonehedge Project wished to thank everyone for their time.

Public Comment:

Jacob Schlesinger of 4 Topaz Court stated that he moved to Montebello for single family housing and so they can live here under the strict zoning laws. The purpose of living in Montebello is not to live in an area with multiple houses. He objects to changing the law as it does not help the environment, it only helps the developer.

Jeffrey Sapir of 10 Topaz Court stated that the neighborhood was in favor of the 11-home subdivision but not a 20-home subdivision. He has attended the Planning Board meetings. He states they were happy with the 11 homes. He stated that it will have a huge impact on the area and environment. He quoted Village Attorney Berbit's newsletter article "that people thanked him for making such a beautiful place in Montebello and newcomers want us to preserve what drew them to Montebello." The project

is not keeping what Montebello is in preserving the historic area. He requests the board not approve the local law and preserve Spook Rock Road the way it is. Jacob Schlesinger spoke again about the added traffic impact for that area.

Chaya Schlesinger of 4 Topaz Court stated that she moved here to live in a home and in a area like she is currently living in. She feels like she is living in a resort. She stated that the new proposed plan will have too many cars. She stated they were not preserving the farmhouse but adding all the houses to that area. She stated that the developer is greedy and only wants to make money and they do not care what anyone has to say. Stated there will be too many cars and will not be preserving their neighborhood. She firmly objects to this development.

Jeffrey Sapir spoke again about the site plan not only has duplexes but will have 2 30x60 swimming pools, pond, and cabana house. They are afraid that neighborhood people will be coming and going using the pool.

Mayor Millman stated that the condo association rules will have to state that no outside people may use the pools.

Joel Abramowitz of 1 Smolley Drive – Monsey wished to speak. He stated that subdividing the plots would ruin the area. The people that live there have an expectation of living there will be ruined by this. They pay taxes based on their expectations.

Mayor Millman stated that Airmont Road is experiencing high traffic, and the addition of large trucks will impact the area. He and the Village are working on a more global solution.

The Public Hearing will continue at this time as the GML and Planning Board comments have not been received yet. The Public Hearing will be continued at the next Board of Trustees meeting on April 17, 2024, at 7:00 pm with a motion by Deputy Mayor Caridi at 7:40PM, seconded by Trustee Golden. All in favor.

Mayor Millman reminded everyone that the Planning Board and the Village Board are two independent boards, and the Village Board cannot influence the Planning Board in any way.

Resolution No. 24 – 022

Village of Montebello

Title: To Hold a Public Hearing for Local Law No. 2 of 2024

“A LOCAL LAW AMENDING CHAPTER 42, ALARM SYSTEMS, TO INCREASE THE PENALTIES FOR OFFENSES TO DETER FALSE ALARM CALLS; AND TO EXPAND THE ENFORCEMENT AUTHORITY TO OTHER OFFICERS WITHIN THE VILLAGE”

WHEREAS, the Village periodically reviews its Codes to ensure that its various provisions continue to be consistent with New York State Law and meet its needs. The Village identified certain provisions of Chapter 42 Alarm systems, that needed amendment to provide for better enforcement and higher penalties for repeat offenses.; and

WHEREAS, the Village Board directed the staff to prepare code amendments to address these issues; and

WHEREAS, the proposed amendments provide increased penalties for false alarm offenses to provide a greater deterrent to violators and expand the enforcement authority to other officers within the village to facilitate improved enforcement.

THEREFORE, BE IT RESOLVED as follows:

1. That, pursuant to 6 NYCRR 617 (SEQR), the following shall occur:

A.) That the Village Board classifies the action as a Type II for the purposes of SEQR, as it involves ministerial administration of Alarm System enforcement without an environmental impact; and

2. That a Public Hearing shall be held on April 17, 2024, beginning at 7 PM local time, on said Local Law 2 of 2024 amending Chapter 42, Alarm Systems, as aforementioned; and

3. That the Village Clerk is authorized to post and publish any required Legal Notices to be “drawn by the Village Attorney”.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote motion carries unanimously.

Public Comment by Suffern High School Participation in Government Student Representative:

Lecei Pavel, Student from 13 Stage Street – Airmont asked a question about who benefits from home building and construction and taxes. Mayor Millman and the Board responded, balancing between preserving nature vs. creating places to live and the rights of property owners.

Resolution No. 24 – 023

Village of Montebello

Title: Approval of Minutes for February 21, 2024

BE IT RESOLVED, the minutes of the Board of Trustees of February 21, 2024, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 24 - 024

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 20, 2024, and totaling \$136,772.06 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 24 – 025

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 20, 2024, for Professional Fees, and totaling \$22,860.39 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 - 026

Village of Montebello

Title: Return of Building Department Permit – 62 West Gate Road

BE IT RESOLVED, as per the request from Morris Klein, dated February 23, 2024, that Building Permit fees for 62 West Gate Road in the amount of \$21,932.00 be returned to him, as the Board application is withdrawn.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution carried unanimously.

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 5, 2024, 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 or are in a failing condition, to be funded as a line expense as budgeted, including utilizing CHIP's, EWR, POP, Pave New York Funding, and any utility cost sharing effort according to specifications proposed by the Village Engineer, with the understanding that this list can change if any utility projects get scheduled, and any remaining balance to be funded from unallocated surplus, as needed, such cost estimates as follows for paving and milling:

1. Catherine Court (\$16,364.61 mill / pave)
2. Danielle Court (\$23,352.74 mill / pave)
3. Kings Gate Road (\$77,046.34 mill / pave)
4. Mayer Drive (E. Mayer to 202) (\$85,408.74 mill / pave)
5. Orchard Circle (\$75,436.42 mill / pave)
6. Regis Court (\$32,693.83 mill / pave)
7. Robin Hood Road (\$126,228.62 mill / pave); 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 Cavaliere Industries in an amount not exceeding approximately \$549,103.01 (noting that the uncertainty of gas prices may raise the final Asphalt Price Adjustment (APA) cost) including, adding to the above, the cost of traffic control and trucking, price adjustment and engineering 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 per the Spence Engineering budget estimate dated March 5, 2023 referenced as if set forth herein; 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, EWR, POP, and Pave NY funds at +/- \$84,822.76, ORU Cost Sharing (Kevin* & Orchard) \$122,453.25, Veolia Cost Sharing (Kings Gate & Catherine) at \$91,827.00, and Current budgetary funds of \$250,000.00; and

* Work done in 2023

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. 24 – 028

Village of Montebello

Title: Arbor Day Tree Planting 2024

WHEREAS, as consistent with the Village’s past practice of honoring Arbor Day, the Deputy Village Clerk explored proposals from vendors to purchase one tree, 2-inch caliper, no less than 7 ft. in height a White or Pink Dogwood tree, to be planted and mulched at Village Hall, and:

WHEREAS, several vendors were contacted, and the following proposals were received, and;

Vendor	Tree Proposal	Price Quote
Belleville		No Response
D&D Tree		No Response
Perfect Cut		No Response
Ecoscape		No Response
Evergreen	Rugtan stellar pink dogwood 2 in caliper \$935 Mulch per yard \$190	\$1,125.00
Christopher Meredith	Install (1) 2” caliper Pink or White Dogwood Tree – supply & install, mulch tree ring after installation	\$475.00
Prime Landscaping		No Response
Cutri’s Group		No Response
Steve’s Lawns		No Response

; and

WHEREAS, based on the proposals as outlined, the proposal from Christopher Meredith at a total cost of \$475.00 is the best option.

THEREFORE, BE IT RESOLVED, that authorization is hereby granted to expend the sum of \$475.00 from the Shade Tree Fund to acquire and plant the tree on the grounds of Village Hall as outlined per the proposal of Christopher Meredith.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

Resolution No. 24 - 029

Village of Montebello

Title: Lease Agreement

WHEREAS, as set forth in Resolution No. 23-145 as approved by the Village Board on December 20, 2023, the second floor of the offices at the Dr. Jeffrey Oppenheim Community Center at 350 Haverstraw Road was vacated by the prior tenant thus causing the Board to approve renovations of same and creating separately locked access in readying same for an independent tenancy which work is completed; and

WHEREAS, Rand Commercial, who had earlier success in renting the premises, has been assisting with the new rental process leading the Mayor and Village Attorney to recommend entering into a Brokerage Agreement with Rand Commercial to lease the second floor of the office portion of the premises, since the Village Attorney was able to successfully negotiate changes to the proposed Terms of Agreement, in the form of a Rider amending same which, together with the Lease Listing Agreement, Terms of Agreement, Rider and floor plan, form the complete agreement (“The Agreement”); and

WHEREAS, the salient features of The Agreement include rental of the second-floor office portion of the premises, for one year or more at a commission of one month’s rent, irrespective the potentially longer length of the lease, listing to expire in 9 months, referenced hereat as if fully set forth hereinafter; and

WHEREAS, the Broker has accepted the Agreement, and such has been fully signed and dated, subject to formal acceptance by the Village Board per the recommendation of the Mayor.

THEREFORE, BE IT RESOLVED, that entering into said Lease Brokerage Agreement for the second floor of the subject premises be and hereby is approved, effective immediately.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carried unanimously.

Resolution No. 24 – 030

Village of Montebello

Title: Certifying of Elected Officials

BE IT RESOLVED that the results of the Village Special Election held on March 19, 2024, be and hereby is certified, and the following declared as elected:

Michael Humphrey, Trustee for a term of three years by a vote of 178 to 1; and

Bruce Egenhauser, Trustee, for a term of one year, by a vote of 177 to 1; and

it being understood that said terms end on the first business day in April, or until a successor is elected and sworn.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Public Comment

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

Old / New Business

- Mayor Millman announced that the Annual Memorial Day Remembrance Ceremony will be held on Sunday, May 26, 2024, at 9:00 am at Village Hall.
- Mayor Millman announced that this year’s Arbor Day Tree Planting Ceremony will be held on Friday, April 26, 2024, at 1:00pm at Village Hall.
- Mayor Millman announced that the Village will be undertaking the updating of our 2017 Comprehensive Plan and that Trustee Melanie Golden will be the chairperson for this.
- Mayor Millman commented that there is a Repair Café that travels to different locations, and he would like to see if they would be interested in utilizing the Dr. Jeffrey Oppenheim Community Center.
- Mayor Millman announced that the Village of Montebello is proud to announce that they have received recognition as a 2023 Tree City.

- Mayor Millman stated that we are moving forward with the LED purchase conversions with RTE Energy Solutions. After discussion within the Board, they have decided that all the lights should be considered for the conversion in order to keep all the lights the same. The Board also asked if the Smart Controls can be added to the Community Center lights.

At 8:37 PM, Trustee Golden made a motion to go into Executive Session to discuss personnel matters, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 8:56 PM, Trustee Golden made a motion to exit the Executive Session, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 8:57 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.