

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 21, 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 reported that Planning Board Member Donald Wanamaker has passed, and the board wishes to extend their condolences to the family. Don served on the Planning Board from April 2012 to April 2020 and is remembered as a nice gentleman who enhanced the Planning Board with his extensive knowledge and intelligence.

Mayor Millman reminded everyone that the Village of Montebello Jazz Festival will be held on September 8th from 1 – 6pm. The Village has received notification of seven sponsors thus far. All are invited to this free event. There will be Cousin's Maine Lobster Truck and Roll & Smoke BBQ Truck with delectable food items and beverages for sale.

Building Department Report:

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

- (13) building permits were filed. A total of \$12,674.00 in permit fees were collected.
- (13) Certificates of Occupancy were issued.
- (13) locations were inspected; \$6,125.00 in Fire Inspection fees were collected during the month.
- (18) code violations were issued. (10) violations were cleared up.

Historic Preservation and Parks Commission (HPPC) Report

The commission met on Wednesday, August 7th.

Jazz Festival Update

- Food Trucks
 - Cousins Maine Lobster truck – booked
 - Roll & Smoke BBQ truck – booked
- Port a Potties (2) – booked
- Talent – booked.
- Volunteers – reaching out to the Youth Academy – Chairman Moetzinger and Member Mocio will be in attendance; other members are checking their schedules
- Security – booked
- Advertising – banners and lawn signs will be put up once they arrive at Village Hall and the Newsletter will be issued before the festival.

Historic Preservation

- **Certificate of Appropriateness status:**

- Applicant David Fried, 37 Viola Road, was issued a Certificate of Appropriateness. He submitted his last document, a letter of certification by his landscaper which completed his conditions.

Parks

- Village Hall made arrangements with the hired contactors to maintain/repair the park's minor issues on their scheduled site visits.

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

Public Comment:

Town of Ramapo Police Officer David Small was in attendance tonight. He announced that he is the community police officer and tries to attend the board meeting. He discussed an uptick in burglaries in the area and reminded everyone to lock their homes and vehicles. He also discussed the wildlife, especially bears and emphasized not to put out the trash until the morning of pickup.

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

PRESENTATION OF 2023 YEAR END AUDIT REPORT

Mayor Millman discussed the 2023 Year End Audit Report and found it to be satisfactory.

Resolution: 24 - 093

Village of Montebello

Title: Accept 2023 Independent Audit Report

BE IT RESOLVED that the audit report from EFPR Group, Certified Public Accountants, for the calendar year ending December 31, 2023, is hereby accepted.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution No. 24 – 094

Village of Montebello

Title: Adoption of Local Law No. 2 of 2024, Amending the Zoning Code, Chapter 195, to lower the number of HPPC members from nine to seven to increase efficiency

WHEREAS, a Public Hearing was opened on August 21, 2024, on proposed Local Law No. 2 of 2024, dated July 17, 2024, and entitled:

LOCAL LAW NO. 2 OF THE YEAR 2024

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO LOWER THE NUMBER OF HPPC MEMBERS FROM NINE TO SEVEN TO INCREASE EFFICIENCY

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

1. Lowering HPPC members at large from seven regular members with two ad hoc members to five regular members with two ad hoc members, decreasing the overall membership from nine to seven.
2. Amending the quorum from four to three to reflect the change in the number of full members.

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on Sunday, August 11, 2024 and was posted Tuesday, August 6, 2024 at several places within the Village, and that said Notice and the version of said Local Law before us this evening were provided to the Trustees and made available to the public on Monday,

August 5, 2024 and were posted at several places, published on the Village’s website, and notices were hand affixed to the doors of the meeting room:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday August 21, 2024, beginning at 7:00 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. 2 of 2024, amending Chapter 195 Zoning, entitled:

“A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO LOWER THE NUMBER OF HPPC MEMBERS FROM NINE TO SEVEN TO INCREASE EFFICIENCY”

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

1. Lowering HPPC members at large from seven regular members with two ad hoc members to five regular members with two ad hoc members, decreasing the overall membership from nine to seven.
2. Amending the quorum from four to three to reflect the change in the number of full members.

All interested parties are invited to attend. The proposed laws 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.

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

Warren E. Berbit
Village Attorney

July 24, 2024; and

WHEREAS, the Public Hearing was opened to the floor on August 21, 2024, at 7:13 pm by motion by Trustee Melanie Golden and seconded by Deputy Mayor Caridi, all in favor, and the Village Attorney requested that first the following be included in the Record:

1. Resolution No. 24-084 of July 24, 2024, approving holding a Public Hearing (attached).
2. Legal Notice, and Affidavit of Publishing and Posting (attached).
3. Draft Local Law No. 2 of 2024, dated July 17, 2024.
4. GML review from Rockland County Planning Department dated 8/2/2024 (attached)
5. Village of Montebello Planning Board Response dated 8/14/2024 (attached); and

WHEREAS, the Village Attorney pointed out that presently there are 6 appointed regular members and no Ad-Hocs so that will be addressed; and

WHEREAS, no members of the public were present and therefore none wished to speak, Deputy Mayor Caridi moved and seconded by Trustee Golden, to close the Public Hearing at 7:15 pm, all in favor.

THEREFORE, BE IT RESOLVED, after a Public Hearing and due deliberation, that said Local Law be and hereby is approved by authority of Municipal Home Rule Law §20(5), to become effective upon filing with the Secretary of State:

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

Trustee Egenhauser - approve
Trustee Humphrey - approve

Local Law No. 2 of 2024 dated July 17, 2024, approved, all in favor.

Resolution No. 095

Village of Montebello

Title: River Road Speed Table

WHEREAS, the Village Board established a Traffic Calming Program by virtue of the procedure set forth in Village Board Resolution No. 06-101, whereby a neighborhood may petition for the installation of speed tables (“speed bumps”) to calm traffic road segments alleged to be dangerous; and

WHEREAS, as more particularly set forth in Resolution 24-092, referenced as if set forth herein after, a Speed Table Petition was received in two parts, in July 2023 and June 2024, seeking the installation of same on River Road between Rocklyn Drive and Moriah Lane and, by virtue of Resolution No. 24-092 a Public Hearing was held this evening, August 21, 2024, pursuant to the opinion of the Village Engineer and Village Attorney, that the combined Petition was found sufficient to proceed after the Petitioners were given the opportunity to gather the additional signatures necessary in a Supplemental Petition; and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on Sunday, August 11, 2024 and was posted Tuesday, August 6, 2024 at several places within the Village, and that said Notice and the version of said petition before us this evening were provided to the Trustees and made available to the public on Monday, August 5, 2024 and were posted at several places, published on the Village’s website, and notices were hand affixed to the doors of the meeting room; the Public Hearing began at 7:23 pm, Deputy Mayor Caridi having so moved, and Deputy Mayor Caridi seconded, all-in favor; and

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Village Board of the Village of Montebello on August 21, 2024, at 7:00 p.m. local time, at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY 10901, or as soon thereafter as the matter can be heard, re: installing speed table or tables on River Road between Rocklyn Drive and Moriah Lane, pursuant to the recommendation of the Village Engineer dated June 19, 2024, as brought on by the Petitions of the local residents by application of the procedures set forth in Resolution No. 06-101, in furtherance of Resolution No. 24-092 of the Village Board.

Interested parties are invited to attend and participate in said Public Hearing

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

Warren E. Berbit, Village Attorney

Dated: July 24, 2024

WHEREAS, the Village Attorney requested that the following be included in the record:

1. Petition and Supplemental Petition
2. Opinion letter of Village Engineer dated June 19, 2024
3. Resolution No. 24-092
4. Legal Notice of Public Hearing and to First Responders; and

WHEREAS, the Village Attorney explained the process, confirmed cumulatively sufficient signatures and the Village Engineer's positive report, but requested that the hearing be continued to allow a reaction to the marked proposed location, and the following spoke at the meeting:

1. William Warren – 7 River Road, in favor of speed calming device
2. Others in the audience who generally acknowledged same
3. No one else wishing to speak; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Village Engineer will mark the prospective location for a 20-day comment period, and after considering such as may have been received, finalizing such location.
2. That the Public Hearing be continued at the September 18, 2024, meeting of the Village Board to facilitate the above reaction and consideration thereof.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

Resolution No. 24 – 096

Village of Montebello

Title: Approval of Minutes for July 24, 2024

BE IT RESOLVED, the minutes of the Board of Trustees of July 24, 2024, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

Resolution No. 24 - 097

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

THEREFORE, BE IT RESOLVED, the Abstract and Schedule of Claims dated August 21, 2024, and totaling \$648,752.98 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 - 098

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated August 21, 2024, for Professional Fees, and totaling \$28,019.93 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously

Title: Replacing the Upstairs A/C Air Handler at Village Hall

WHEREAS, the current A/C Unit which cools the upstairs at Village Hall was not working correctly; and,

WHEREAS, the Village Clerk-Treasurer had Blend Air Mechanical come to service the unit. Recommendation was made that the air handler system be replaced due to issues with freon and several leaks in the ductwork; and

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

Vendor	Project Breakdown	Price Quote
Blend Air Mechanical Corp	Installation of new air handler; removal of old system; parts and labor	\$6,792.00
Ken Malone Plumbing & Heating	Replace on air handler; new drain pan and float switch; removal of old system; parts & labor	\$5,685.00

; and

WHEREAS, based on the estimate as outlined, the recommendation of the Village Clerk-Treasurer is to award the contract to Ken Malone Plumbing in the amount of \$5,685.00.

THEREFORE, BE IT RESOLVED that the proposal from Ken Malone Plumbing be accepted at a total cost of \$5,685.00, the expenditure of which for these purposes is hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Old / New Business

- Mayor Millman discussed that the Village is still in talks with regards to the Cell Tower and that a scheduled balloon test will be arranged.
- Mayor Millman discussed that the Village Attorney is working with Orange and Rockland on the contracts for the streetlight purchase.
- Mayor Millman announced that Lynmark and Westrock Pools were two of the top donors for the Jazz Festival.
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Public Comment:

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

At 7:38 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss contract negotiations and possible litigation, seconded by Trustee Golden. Vote carried unanimously.

At 8:22 PM, Deputy Mayor Caridi made a motion to exit the Executive Session, seconded by Trustee Egenhauser. Vote carried unanimously.

At 8:22 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.

Respectfully submitted:

Joan Will, Village Clerk-Treasurer