THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 16, 2006 AT VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:05 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Winsome Downie-Rainford	Deputy Mayor, Trustee
	Jeff Oppenheim	Trustee
	Marc Citrin	Trustee (arrived at 8:05 p.m.)
	Lance Millman	Trustee
Absent:	Kathryn Gorman	Mayor
	Warren Berbit	Village Attorney

Recording Secretary, Camille Guido-Downey, Deputy Village Clerk

The first item on the agenda is a public hearing for a variance request on 1 Golf Course Drive.

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees on Wednesday, August 16, 2006, at 8:00 p.m. or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider the application of Maria and Marc Greenbaum, 1 Golf Course Drive, requesting relief from the irregularly shaped Conservation/Drainage Easement running across said property, to permit the encroachment of stone patio pavers, 4' cyclone fence and landscaping placed within said easement for stated reasons of health and safety.

All members of the public and all interested parties are invited to attend and participate. The application will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.

It was noted that Trustee Citrin arrived at 8:05 p.m.

The Village Attorney confirmed with the Deputy Village Clerk that the legal notice was published on August 6th and posted as required by law on August 7th and that copies of the application were made available to the Board members and the public on August 7th. Mr. Berbit also confirmed that the public hearing was sent to the abutting homeowners.

The Village Attorney noted that Mr. & Mrs. Greenbaum were present and asked if any additional correspondence was received?

The Deputy Village Clerk read a memo dated July 18, 2006 from Maria and Marc Greenbaum.

The purpose of this letter is to apply for relief for the portion of our fence and stone patio pavers that were installed along the drainage easement on our property.

The fence was installed for the safety and well being of our family, friends and visitors. It also deters the geese from defecating on our lawn which is not only important for required property maintenance, but for the health of our children that play in our yard. In addition, the fence deters black snacks and snapping turtles from entering our yard while also allowing the wildlife to live undisturbed.

The patio pavers enhance the value of the real estate by proving appropriate aesthetics to the landscape while continuing to maintain the rural appearance of the community. Both the pavers and fence continue to protect

the balance of the original landscape design.

Moving the fence and the pavers would be impractical for the use of the pool. As you can see from the survey; that the special circumstances, the curve of the particular easement, and the completed construction of the in-ground pool makes it extremely difficult to move the fence and the pavers.

We only want what is reasonable and just. At no time did we intend to break rules or do anything in the wrong way. We obtained permits for both the fence and the pool and utilized two companies that do a great deal of business in the Village of Montebello; Wayside Fence and B&B Pools and Spas. It appears unfair to ask for the pavers and fence to be moved after we obtained and followed appropriate protocol for the two projects before we started.

We obtained the appropriate permits upon the inspection of the site that was roped and staked before we had the fence installed by Wayside Fence Company. After the installation we asked for a final inspection to be completed. We were told after the installation that we needed a survey to locate the fence and make sure that it did not encroach on the easement. When we asked why we were not told to get the survey done before the installation to ensure proper location, we received no answer.

We ask that you please adjust the regulations so that substantial justice for not being guided before the construction is secured. We are aware that the planning board may grant an exception for any requirement and undue hardship would result because of the peculiar conditions pertaining to the property in question.

Memo from Harry Lewis, Building Inspector dated August 14, 2006, re: Marc Greenbaum, 1 Golf Course Drive, Swimming Pool, Fence and Stone Pavers in the Conservation Easement.

Please be advised that this narrative is to inform the Village Board of the above subject as follows:

On June 17, 2004 Mr. Greenbaum filed an application for a four (4) foot high fence and permit #486-04 was issued on June 21, 2004 subject to notes on the contractor's (Wayside Fence Co.), estimated that shows the location of the fence (see attached contractor's estimate sheet with my notes).

On July 6, 2004 Mr. Greenbaum request a final inspection of the fence for a Certificate of Occupancy/Use; the inspection was approved subject to the fence location along the Conservation Easement being located.

On July 13, 2006 a letter was sent to Mr. Greenbaum informing him that the permit #486-04 for the fence has expired and an extension for one year was required for the expired permit. Mr. Greenbaum complied (see attached letter) and filed for the extension of permit #486-04 on July 17, 2006.

Not hearing from Mr. Greenbaum in regards to the new survey a Violation Notice and a copy of the inspection card was sent to him on October 22, 2004 (see attached) and again on November 15, 2004 a Notice of Violation was sent to Mr. & Mrs. Greenbaum and again not hearing from them I issued an Appearance Ticket on July 13, 2006 to Marc Greenbaum for use of a fence without the required Certificate of Occupancy/Use (see attached copy of the Appearance Ticket, my deposition, etc.)

After Mr. Greenbaum received the Appearance Ticket he brought the updated survey dated June 29, 2006 that showed the fence and part of the stone pavers encroaching into the Conservation Easement. Mr. Greenbaum was notified he would have to remove the fence and anything else within the Conservation Easement or apply

to the Village Board for relief for having the fence, etc. located into the Conservation Easement.

Mr. Greenbaum elected to go before the Village Board for relief from the Village Board and my comments are that all of this created a tremendous amount of work on the Building Department when we could have been doing more important things like issuing building permits to residents who were waiting some time for their building permits rather than writing letter, violations notices, phone calls and issuing Appearance Tickets. The two hundred fifty ($250.00) dollar fee to go before the Village Board in no way compensates the Village for all the trouble we are put through. The fee should be at least five hundred ($500.00) dollars. It would be a lot more if they have to pay the cost to remove and relocate the fence.

Memo from Robert Geneslaw dated August 15, 2006 Re: Request for relief from Drainage and Conservation Easement at 1 Golf Course Drive: SEQR

The Village Board has received a request for relief from a Drainage and Conservation Easement at 1 Golf Course Drive that was disturbed by the installation of a fence and patio pavers. (See letter from Maria and Marc Greenbaum dated July 18, 2006 and accompanying survey). The disturbance was linear in nature, not more than 10 ten feet wide at its widest point and extending approximately one hundred twenty five feet parallel to the easement boundary of the property.

We have been asked to review the request with respect to any evaluation necessitated by the State Environmental Quality Review Act (SEQRA), which requires that “No agency involved in an action may undertake, fund or approve the action unless it has complied with the provisions of SEQRA” (617.3(a)). In this situation the Village Board of Trustees is the agency, as the easement is an interest in property running to the Village, and no other agency has authority to act “Action: is described as a project or physical activity, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure.

Since the request is for relief relating to minor physical activities that have already taken place, it is our opinion that no environmental review is necessary. We also note that construction of a single family residence on an approved lot is a type II action, not subject to environmental review (617.5(c)(a)).

If the Village Board agrees, this memo should be referenced in any resolution adopted by the Board, as evidence that the Board did not overlook SEQR.

At 8: 20 p.m. Trustee Oppenheim made a motion to open the public hearing, seconded by Trustee Millman. Upon vote, the motion carried unanimously.

Mrs. Greenbaum stated that she felt that she was not guided by the Village's Building Inspector through this process. She feels that as a new homeowner this process was very discouraging and upsetting. Mrs. Greenbaum was shocked after the fence was installed to hear from the Building Department at the final inspection that the fence had to be moved. Mr. & Mrs. Greenbaum stated that they were never informed from the Building Department that a temporary C of O could have been issued for the pool, instead they heard this news from their neighbor. There were many mistakes done during this whole project. The Building Department had them change the temporary fencing two to three times.

Trustee Oppenheim questioned why there was a delay in time from 2004 to 2006.

Mrs. Greenbaum answered that this process was very frustrating and the original fence was changed because it was not up to code.

Trustee Citrin questioned Mr. & Mrs. Greenbaum if they are aware that their fence is on their neighbors property.

Mr. & Mrs. Greenbaum answered yes and they will be moving that section of the fence.

Mr. Dae Won An, 3 Golf Course Drive, the neighbor, indicated that he would be seeking the same relief.

The Village Attorney stated that on the fence contractor's Wayside's estimate, it stated that they "will not encroach on the drainage or conservation easements". Therefore, the need was known before construction.

At 8:35 p.m. Trustee Oppenheim made a motion to close the public hearing, seconded by Trustee Downie-Rainford. Upon vote, this motion carried unanimously.

Trustee Millman discussed making a motion to grant a partial variance requiring that the applicants move the fence off of the neighbor's property and at least 1 foot from the Conservation Easement except along the easterly side and back of the pool, the movement of pavers being determential to the pool.

Trustee Downie-Rainford agreed with Trustee Millman.
Mr. & Mrs. Greenbaum stated that they are concerned with the proposed movement of the fence because their child has down syndrome and has a problem with distances. Mr. & Mrs. Greenbaum stated that they also have a swing set where the proposed fence would be.

Trustee Oppenheim stated that if the swing set is in the conservation easement then it must be moved. Trustee Oppenheim agreed with Trustee Millman and feels that this is a good compromise.

Trustee Millman clarified that in no way is the Village Board establishing a precedent if a resident spends a lot of money on pavers or any other structure in the conservation easement that a variance will be granted. Each case is to be handled on it own.

Trustee Citrin questioned if the Greenbaum's were making a claim that the Building Inspector mislead or improperly informed them?

Mr. & Mrs. Greenbaum answered that they were not lead at all.

The Village Attorney stated that a revised resolution detailing where to move the fence, etc. will be inserted in the Minutes, and supplied to the Greenbaum's, Building Department and the attorney for the Village who handles the justice court.

Resolution: 06-096 Village of Montebello

Title: Greenbaum Conservation Easement Variance

WHEREAS, Mr. & Mrs. Marc Greenbaum, 1 Golf Course Drive, in their letter dated July 18, 2006 with attachments, requested variances from the irregularly shaped Conservation/Drainage Easement running across said property, to permit the encroachment of stone patio pavers, 4' cyclone fence and landscaping placed within said easement for stated reasons of health and safety; and

WHEREAS, a Public Hearing was held on August 16, 2006, and the Village Attorney ascertained thereat with the Village Clerk that due notice was given thereof by mailing, posting and publication, and the Village Clerk read the legal notice into the record; and

WHEREAS, according to the applicants, the variances improve aesthetics and address safety concerns and the improper placements occurred because they relied on their fence contractor and the Building Department would not offer advise; and

WHEREAS, the following were included in the record:

1. Resolution scheduling the Public Hearing.
2. Legal notice dated July 31, 2006 (and affidavits of publishing, posting and mailings).
3. Greenbaum application with attached survey dated July 18, 2006.
4. Wayside Fence Co. Contract dated 5/11/04 with note: “fence not to encroach in any easements”.
5. Building Permit applications dated 5/10/05 with notation “installed in-ground vinyl sided pool with 4' fence to code”.
6. Color marked survey showing encroachments from 3 to 12' into conservation and drainage easement.
7. Appearance ticket No. 0176 with attachments.
8. Appearance ticket No, 0177 with attachments.
9. Memorandum of Building Inspector dated August 14, 2006
10. 7 color photos submitted by the Greenbaums; and

WHEREAS, the Greenbaums spoke in favor of their application; and

WHEREAS, one neighbor appeared, Dae Won An, 3 Golf Course Drive, who indicated that he will be seeking similar relief; and

WHEREAS, in the course of deliberating, reviewing the Building Inspector's report and questioning the applicants, the Board ascertained that the Greenbaum's ignored notices and warnings, and were not inclined to seek relief until prosecution was commenced for violating the easements and failure to obtain a Certificate of Use for the fence.

THEREFORE, BE IT RESOLVED, that said variance is granted, as limited hereinafter, upon the following findings:

1. There does not appear to be any naturally occurring vegetation that was or will be negatively impacted.

2. The shapes of the ponds are not conducive to a precisely described protective buffer.

3. Other than the costs, and it appears that the applicants will have to move a portion of the fence which intrudes on the neighbor's property irrespective the decision in the variance, there appears to be no compelling reason not to move a majority of the fencing to the northwest and east of the swimming pool, out of the easements.

4. To be consistent with the above, given the location of the pool and the proximity of the easements to its northeast corner, there is no practical or economical way to conform without resulting in placing a fence virtually touching a corner of the pool, thus significantly hampering the use of same and requiring the tearing

out of a majority of the pavers and landscaping at that location.

5. That although the Board will not be hesitant to deny relief in most cases involving violating of the Village's easements, especially where the applicants ignore warnings and notices, it is mindful that the incursion being permitted does not appear significant as compared to the easements as a whole, and as balanced against the cost and disruption caused the applicants and their use of the swimming pool if the variances were denied in their entirety; and

BE IT FURTHER RESOLVED, that such grant is conditioned as follows:

1. That the fence shall be moved at least one-foot outside of the easements from the point on the fence nearest the intersection of the pool path with the pavers, and to the east thereof to the eastern property line.

2. That the fence shall also be moved at least one foot outside of the easements from the point where the fence intersects the building envelope as shown on the survey westward, to the intersection with the westerly property line.

3. That any pavers or other materials caused to become located on the easement side of the fence be removed and the fence is moved, and the land restored to the natural condition.

4. That the new location of the fence be staked and certified by the surveyor to be at least one foot outside of the easements, and that the Building Department be given the opportunity to confirm that such is the case before the fence is reinstalled.

5. That the applicants follow the procedure to obtain a Certificate of Use for the fence, and that the applicants enter into a civil compromise to settle the outstanding prosecutions, in an amount recommended by the Assistant Village Attorney as approved by the Village Attorney, such that the Village is made whole with respect to the cost of prosecution; and

BE IT FURTHER, RESOLVED, that the Board finds that environmental review under SEQRA is not necessary for the reasons set forth by the Village Planner in his memo dated August 15, 2006.

Motion: Trustee Oppenheim

Second: Trustee Millman

Roll Call Vote:

Trustee Citrin	Abstained
Trustee Millman	Aye
Trustee Oppenheim	Aye
Trustee Downie-Rainford	Aye

Upon vote, the Resolution carried.

Public Comment:

Rich Jamison-24 River Road stated that he is concerned with the proposed speed humps. If a car is traveling fast and hits a hump, the car will be airborne and feels that better police enforcement is the answer. Mr. Jamison stated that he is very pleased with the new paving on River Road.

Les Klein-14 Lake Road stated that on Lake Road there is a problem with speeding and he has not seen police enforcement. His concern is an accident and/or a person getting struck by a car.

Hannelore Renud-8 Heatherhill Lane thanked Trustee Oppenheim for his proposal, the Village had to do something. Surveillance on Brigadoon would reduce speeders.

Josephine Bracken-3 East Place thanked Trustee Oppenheim for the proposal since the speeding problem in Montebello has increased.

Allison Klein-14 Lake Road stated that on Lake Road there are 2 or 3 street lights that are out and need to get repaired.

Sgt. Emma stated that the Village of Montebello has one police car dedicated to the Village.

Parks Commission

No one from the Parks Commission was present, however, the Village Attorney stated that a design was submitted from an Eagle Scout for the 9/11 memorial garden by the oak tree. The Commission would like a general reaction to the proposal.

The Board requested copies of the design for review.

The next agenda item is to schedule a public hearing for a variance request for 35 Senator Levy Drive.

Resolution: 06-097 Village of Montebello

Title: Schedule Public Hearing Re:
Anthony Piazza, 35 Senator Levy Drive, Conservation Easement Relief

BE IT RESOLVED, that a Public Hearing be held at the next Regular Meeting of the Village Board on September 20, 2006, to consider granting a variance to Anthony Piazza, 35 Senator Levy Drive, to permit the erection of a 4-foot high chain link fence in the conservation easement, which fence is to surround a swimming pool which is to be constructed; and

BE IT FURTHER RESOLVED, that due notice be given to the neighbors and the public as required by law and Village regulations.

Motion: Trustee Citrin

Second: Trustee Millman

Upon vote, the Resolution carried unanimously.

The next agenda item is to schedule a public hearing for a variance request for 3 Golf Course Drive.

Resolution: 06-098 Village of Montebello

Title: Schedule Public Hearing Re:
Dae Won An, 3 Golf Course Drive, Conservation Easement Relief

BE IT RESOLVED, that a public hearing be held on September 20, 2006, to consider granting a variance to Dae Won An, 3 Golf Course Drive, to permit the maintenance in a conservation/drainage easement of an approximately 30 square feet portion of a patio and approximately 120 feet of fencing associated with a swimming pool.

BE IT FURTHER RESOLVED, that notice be mailed to the neighbors, and notice given to the general public by publishing and posting, all as required by Village Law and regulations.

Motion: Trustee Millman

Second: Trustee Oppenheim

Upon vote, the Resolution carried unanimously.

The next agenda item is to schedule a public hearing for a variance request for 8 Divot Place.

Resolution: 06-099 Village of Montebello

Title: Schedule Public Hearing Re:
Allison & Matthew Grossman, 8 Divot Place, Conservation Easement Relief

BE IT RESOLVED, that a public hearing be held on September 20, 2006, to consider granting a variance to Allison & Matthew Grossman, 8 Divot Place, to permit the placement of a 4' high chainlink fence in the conservation easement which runs along Par Road for claimed reasons of safety.

BE IT FURTHER RESOLVED, that notice be mailed to the neighbors, and notice given to the general public by publishing and posting, all as required by Village Law and regulations.

Motion: Trustee Citrin

Second: Trustee Oppenheim

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution for the approval of a contract with Cornell Cooperative Extension for stormwater education and outreach.

Resolution: 06-100 Village of Montebello

Title: Stormwater Management Education and Outreach Program

WHEREAS, Sterns & Wheler, LLC, the environmental engineers retained by the Village to assist it with its annual Stormwater Management Program, advises that it is mandatory, under the Stormwater Phase II Regulations that it offer an ongoing educational and outreach program to its residents and municipal personnel regarding stormwater management, and recommends that it meet this requirement by contracting with the Cornell Cooperative Extension of Rockland, ("Cooperative Extension"); and

WHEREAS, as more particularly set forth in a 2006 Stormwater II Educational Program Agreement, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof,

in order to meet the educational requirement the Cooperative Extension has offered to contract with the Village for the 2006 calendar year at a cost of $1,000 to provide the necessary services, which services shall include amongst other things:

1. Conducting a Stormwater Symposium and planning/zoning board workshops.
2. Conducting a code enforcement workshop.
3. Providing at least 6 educational articles for distribution.
4. Making at least 3 PSA's (public service announcements).
5. Developing educational fact sheets and flyers for distribution to the Village residents.
6. Serving as an informational center.
7. Attending the Village's annual stormwater management meeting upon request.
8. Helping to recruit volunteers and collaborate to deliver a variety of related services.
9. Related activities.

THEREFORE, BE IT RESOLVED, that said Agreement be entered into with the Cooperative Extension, and the sum of one thousand dollars ($1,000) authorized to be expended therefore.

Motion: Trustee Oppenheim

Second: Trustee Millman

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution for traffic calming in Montebello.

Trustee Oppenheim explained that a study was conducted over a 5-year period in Oakland, California on the effectiveness of speed humps in reducing child pedestrian injuries, which was reduced by 50-60%. The proposed resolution is allowing residents to complete a petition for speed humps on their street. The placement of the speed humps will be determined by the Village, the cost is estimated at $2,000 per hump, the petition needs to be signed by 100% of the residents of the street also 100% of the adjourning streets, public hearings will be held, and feels that this idea is worth trying.

Trustee Downie-Rainford stated that last month the Village Board received information from Tony Sharan, Superintendent of the TOR Highway, which was similar to what you are proposing.

Tony Sharan stated that the information he gave to the Village was for interlocking, removable, bolted down bumps. At 20 mph if the plows hit a hump, the truck will have damage and the hump will also. The Town will not raise its plows for the humps.

Trustee Oppenheim stated after speaking with Brooker Engineering their opinion was to try it out.

Tony Sharan stated that sometime ago the Town was involved in a lawsuit because a school bus hit a speed bump and a child hit their head, the bus was doing 30 mph and the Town lost the suit. A car will go air-borne if it hits a hump at 30 mph.

The Village Attorney questioned what type or shaped hump a plow can accommodate?

Tony Sharan answered that the Town does not have angled plows versus plows to a point, so it can not

accommodate any humps.

Trustee Millman made a motion to change the percentages to 75%.

Trustee Oppenheim and Trustee Citrin agreed.

Resolution: 06-101 Village of Montebello

Title: Traffic Calming Program for Montebello

WHEREAS, speeding on residential streets is a common complaint of concerned citizens; and

WHEREAS, although the enforcement of speed limits by the Ramapo Police is an effective means of reducing speeds, limited resources do not allow such enforcement on a consistent Village-wide basis; and

WHEREAS, a comprehensive five-year study by a team of Oakland, California doctors-the study, "A Match Case-Control Study Evaluating the Effectiveness of Speed Humps in Reducing Child Pedestrian Injuries" as featured in the April 2004 American Journal of Public Health-has found that children living on blocks with speed humps have 53% to 60% lower chance of being injured or killed by motorists; and

WHEREAS, this study is particularly important because it is one of the few rigorous analyses performed in the United States on the effectiveness of speed humps in reducing pedestrian deaths and injuries. The doctors who conducted the study scrutinized emergency room records for five years and carefully mapped crash and speed hump locations, while correcting the income disparities between victims; and

WHEREAS, a speed hump is a gradual rise and fall of the pavement surface along the roadway extending across the pavement width, generally, speed humps used on residential streets are 12 to 22 feet long with a maximum height of 3 to 4 inches; and

WHEREAS, speed humps cause a gentle vehicle rocking motion that causes drivers to slow down to approximately 20 mph at each hump, which, depending upon street geometry, are placed every 200 to 600 feet, thus speed humps become self-enforcing because drivers slow down at the humps and in between properly spaced successive humps; and

WHEREAS, the opinions of affected property owners should be taken in to account when deciding whether to utilize traffic calming methods that may otherwise adversely impact their perceived quality of life.

THEREFORE, BE IT RESOLVED, that the Village of Montebello shall institute a Traffic Calming Program to allow citizens to request the installation of Speed Humps on certain neighborhood roads with the following requirements:

1. The placement of speed humps may be requested by any citizen of Montebello. The specific number and locations of such speed bumps shall be determined by the Village Board at the recommendation of a Traffic Consultant.

2. In order to make a request a citizen will need to successfully complete a Traffic Calming-Speed Hump Application, a copy of which shall be attached to the minutes hereof, which shall require the following:

a. The name of the street, segment of street, or streets proposed for Speed Humps.

b. The name and address of every homeowner on the proposed street or streets.

c. The name and address of every homeowner who lives on any street that connects to the proposed street(s) and who would have no other alternate means of egress to avoid the encountering of the Speed Humps.

d. The signatures of 75% of the above listed households (the Affected Households) supporting the request for speed humps on the designated street(s), briefly explaining the plan and purpose of the request, and acknowledging that they understand the following:

The installation of Speed Humps on the designated street(s) will require the installation of additional signage warning drivers of the presence of the humps. These signs also indicate the speed which drivers are advised to travel over the hump. To be properly visible, the speed hump will be marked with diagonal bright stripes. The location and number of humps will be determined by the Village Board or the Village's Traffic Consultant and they may be placed at relatively frequent intervals (200-600 feet). Speed humps may increase noise levels due to vehicle braking and may increase the response time of emergency vehicles. Support of the petition by signing shall constitute a waiver by the households of any claims upon the Village for any loss or damage that the homeowner may suffer or claim to suffer as a result of the installation of the speed humps on the proposed street(s).

3. The installation of Street Humps will not be placed on the following:

a. Streets where fewer than 75% of the Affected Households support by way of a signed petition, the placement of Speed Humps.

b. County Roads, State Roads, Private Roads or any road not owned by the Village of Montebello.

c. Streets with fewer than 10 homes.

d. Streets that are construed by the Village Board as high volume “Through Streets” in the Village (including but not limited to Mile Road, Montebello Road, Hemion Road and Lake Road).

e. Streets with more than two lanes or with a speed limit of over 30 mph.

f. Street sections which are curved or where the street slopes uphill/downhill (generally greater than 8% grade).

g. Any street that is a primary access route for emergency vehicles and where the humps would cause unacceptable delay in response time to emergencies.

h. Any street where the Village Board believes, on the advice of the Village Traffic Consultant, that such humps are ill advised for any reason.

4. Procedure for Submission, Verification and Processing of the Petition

Upon completion of the required petition with 75% of the Affected Households supporting the proposal, the applicant will submit the petition to the Village Clerk. The proposal will then be scheduled for a Public Hearing of the Village Board and all Affected Households will be notified by mail at least 10 days in advance of the Public Hearing and the general public shall be notified by posting and publication. The application and legal notice shall also be submitted to the Police Department, Fire Department, Emergency Services, Town Highway Department, a Traffic Consultant, and other relevant parties for comment. After the Public Hearing the Village Board shall approve or deny the request after reviewing all of the above evidence in the best interest of the public. Street hump requests will be funded in the order received and approved, unless the Village

Board determines that conditions on a particular street, as demonstrated by speed or accident statistics, require greater priority.

5. Removal of Speed Humps

Speed humps installed upon citizen petition pursuant to this policy may be removed either by the Village upon a determination brought on by its own initiative after a public hearing that the removal is required for public safety reasons, or by petition of a substantial majority (67% or more) of affected households who petitioned for the humps, requesting the removal. If removal by petition is granted, the petitioning households shall pay the cost of removal, which sum shall be deposited with the Village prior to the removal.

Motion: Trustee Oppenheim

Second: Trustee Citrin

Roll Call Vote:

Trustee Oppenheim	Aye
Trustee Downie-Rainford	Aye
Trustee Citrin	Aye
Trustee Millman	Aye

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution for the approval of the renewal of the Village's insurance.

Resolution 06-102 Village of Montebello

Title: Renewal of Village Insurance

WHEREAS, it is prudent that the Village maintain insurance coverage for loss to property, general liability, hired car-non owner auto, crime, public officials, boiler/machinery, and umbrella liability, etc. as has been covered in prior years; and

WHEREAS, it is the ongoing recommendation, as was the case last year, that the Village continue said coverage with the New York State Municipal Insurance Reciprocal (NYMIR) at a cost of $26,433.50 including dues and capital contributions, as recommended by the Mayor, Village Clerk/Treasurer and the Binder Agency as prudent and in the best interest of the Village.

THEREFORE, BE IT RESOLVED, that insurance coverage for the Village be renewed with NYMIR in the coverages and amounts duplicating the present coverage for the period of September 7, 2006 to September 7, 2007; and

BE IT FURTHER RESOLVED, that the terms and conditions of such insurance and undertaking shall be as set forth in the face of same, which policies and undertaking shall be appended to the minutes hereof as if fully set forth hereinafter.

Motion: Trustee Oppenheim

Second: Trustee Downie-Rainford

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution for the approval of Marvin Nyman's services to be obtained thru Richard Fortunato's office.

Resolution: 06-103 Village of Montebello

Title: Financial Consultant Services

WHEREAS, the Village's Financial Consultant, Marvin Nyman, in his letter dated August 12, 2006, a true copy of which shall be appended to the Minutes hereof, due to an addition to his outside firm associations, has requested that, effective September 1, 2006, his services be obtained through the firm of Richard Fortunato, CPA, PC, located on Spook Rock Road in Wesley Hills, instead through the firm of Berson & Corrado, LLP, in Ramsey, NJ; and

WHEREAS, Mr. Nyman will be reachable at either firm, and there are no other changes in the terms or conditions of his hiring.

THEREFORE, BE IT RESOLVED, that, effective September 1, 2006, the services of the Village's Financial Consultant, Marvin Nyman, be obtained from the firm of Richard Fortunato, CPA, PC, instead of from the firm of Berson & Corrado, LLP, under the same terms and conditions as set forth at the Annual Meeting.

Motion: Trustee Oppenheim

Second: Trustee Downie-Rainford

Roll Call Vote:

Trustee Citrin	Abstain
Trustee Millman	Aye
Trustee Downie-Rainford	Aye
Trustee Oppenheim	Aye

Upon vote, the Resolution carried.

The next item on the agenda is a resolution for the approval of Martin Spence to design the crash gate for Canterbury Lane/Viola Road.

Resolution: 06-104 Village of Montebello

Title: Authorization to Design “Crash Gate” for Canterbury/Viola Road

BE IT RESOLVED, pursuant to the general hiring Resolution for outside engineering services, that Martin Spence, P.E. be retained to design the crash gate system closing off Canterbury Lane at Viola Road, including preparing documents sufficient to obtain written proposals or bids, if the cost is estimated at exceeding the bid limit for public works, said design to at least accommodate the following:

1. Maximize pull-in distance for emergency vehicles arriving via Viola Road.

2. Permit access to the driveways of the two northern most homes on Canterbury Lane from south of the gate.

3. Minimize visual impact and provide pedestrian access.

4. Use innovative gate design, as may be necessary, to provide sufficient clearance for emergency vehicles while accommodating the elevation change across the road; and

BE IT FURTHER RESOLVED, that this hiring, at $75 per hour, not exceed the cost of $2,500 without further action of the Village Board.

Motion: Trustee Oppenheim

Second: Trustee Millman

Roll Call Vote:

Trustee Citrin	Abstain
Trustee Oppenheim	Aye
Trustee Downie-Rainford	Aye
Trustee Millman	Aye

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution to schedule a public hearing for the Village to accept dedication for the Montebello Fields parkland and pathway.

Resolution: 06-105 Village of Montebello

Title: Schedule Public Hearing to Accept Parkland - Montebello Fields Subdivision

BE IT RESOLVED, that a public hearing be held at the Regular Village Board meeting on September 20, 2006, to consider taking dedication of parkland and a pathway from the Montebello Fields Subdivision.

Motion: Trustee Oppenheim

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution to upgrade the Village's mailing system.

Resolution: 06-106 Village of Montebello

Title: Upgrade to Digital Mailing System

WHEREAS, the lease on the current mailing station, a Hasler model, Ascom System 220

Plus, expired on May 31, 2005, and the Village Clerk reports having obtained proposals for comparable mailing systems suitable to the Village's needs and in order to be in compliance with the US Postage Service by December 2006, as follows:

Hasler: WJ110 Mailing System and WJWP10 scale
36 mos. @ $164/mo; 90 day warranty; maintenance @ $31/mo; $150 free postage.

Pitney Bowes: DM400 Mailing System and 10lb. integrated weighing platform; 36 mos. $154/mo, 90 day warranty; including maintenance.

all as more particularly set forth in the proposals referenced as if set forth hereinafter, true copies of which shall be appended to the Minutes hereof.

THEREFORE, BE IT RESOLVED, that a lease be entered into with Pitney Bowes for 36 months at $154 per month, including 90 day warranty, for the model DM 400 with 10lb weighing platform.

Motion: Trustee Oppenheim

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

The next item on the agenda is a resolution approving the abstract and schedule of claims.

Resolution: 06-107 Village of Montebello

Title: Approval of Abstract and Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 16, 2006 and totaling $116,934.56 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Oppenheim

Second: Trustee Millman

Upon vote, the Resolution carried unanimously.

Old & New Business

Trustee Citrin stated that Valley National Bank is proposing to build next door to Kindercare. This proposed two-story building will add additional parking and more traffic. The Village code does not allow for a single use bank, but the bank would prefer such a one-story structure. The bank has been advised by the Planning Board that a variance cannot be granted. Can the code be changed? The bank is not interested in a two-story building and the Village might not be either.

Trustee Oppenheim stated that the Monsey Jewish Center was before the Planning Board last week and it was standing room only. This project is a great concern of the residents and the Village Board should pay attention to the status of this project.

The Village Attorney stated that he would like to hear from the Village Planner about the bank. He stat-

ed the belief that the concept was part of the Village Center approach.

Trustee Millman made a motion, seconded by Trustee Oppenheim, to give permission for the Village Clerk/Treasurer to purchase a 17-19 inch monitor for her computer at a cost not to exceed $300.

Upon vote, the motion was approved unanimously.

Trustee Oppenheim stated that during his conversation with Tony Sharan, there is a list of undedicated roads in Montebello and on the list there was Golden Road and Zeck Court. Trustee Oppenheim directed the Village Clerk to research the list and check on Zeck Court and Golden Road.

Trustee Oppenheim stated that the proposal that was received from Brooker Engineering for the Lowenfel's driveway is $7,500, which is twice the amount that was proposed from Ruckels. It was the consensus of Board to not approve due to the cost and to send a letter to the Lowenfel's that their drainage issue will likely be covered by the Rio Vista drainage improvements. If not, the subject will be revisited.

Trustee Oppenheim stated that a letter was received from Mr. Stewart regarding the sale of his unit on Lackawanna Trail.

The Village Attorney stated that it has been confirmed that the eligible buyer is still interested in the unit. The committee reduced the maximum resale price because plants were not present for which the seller got a credit.

Trustee Oppenheim stated that he is waiting on letters from Brooker Engineering on the cost of dredging the ponds, and to date they have not been received.

The Village Attorney stated that estimates were to be forthcoming, and an Executive Session will be held in September for the Pines.

Trustee Oppenheim stated that a proposal was submitted for the mold in the Village Hall basement. What was submitted to the insurance company?

Trustee Oppenheim stated that Harry Lewis is retiring, appointment should be made off of the civil service list and the Board wants to interview the candidates.

Trustee Downie-Rainford questioned what was the resolve with 333 Haverstraw Rd?

Trustee Downie-Rainford attended a Hurricane Conference on August 3rd at the County offices and feels that the Village is very well prepared.

Trustee Millman requested that the agendas be faxed to the Trustee's offices when complete.

At 10:55 Trustee Downie-Rainford made a motion to adjourn, seconded by Trustee Millman. Upon vote, the motion carried unanimously.