

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, NOVEMBER 14, 2007, AT THE VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance Millman	Deputy Mayor
	Marc Citrin	Trustee
	Stacy Caridi	Trustee
	Steven Sorillo	Trustee
	Warren Berbit	Village Attorney
	Marvin Nymann	Financial Consultant

Recording Secretary, Debra Mastroeni, Village Clerk/ Treasurer

Public Comment:

Dorice Madronero - Regis Court – excited to see the changes being made with the Community Center and here at Village Hall. ATV's and mountain bikes are using the pipeline easement by her home all hours of the day to go up the mountain, it's a very dangerous matter and she feels the police need to monitor the situation. Duke Energy was supposed to install plantings, more supervision is needed. Ms. Madronero reported that someone has already been hurt very badly coming out onto Route 202.

Auditors Report: Dave Wemmer and Michael Rockefeller were present from the auditing firm of Korn Rosenbaum Phillips and Jaunting. This was the second independent audit they have performed on the Village's financial records. The auditors were pleased to report that the Village is in sound financial shape and there was no evidence of fraud or non-compliance. Deputy Mayor Millman requested that the audit report be posted on the Village's website.

Mayor's Report:

Mayor Oppenheim reminded everyone that the deadline for the STAR rebate is the end of this month. You can apply online at www.nys.gov. The Mayor commented on the audit report noting that there were no significant deficiencies in Village accounting. The auditors did find \$82,000 in the escrow account that can be transferred to the general fund. The audit was a clean report for the Village. Mayor Oppenheim announced that the solar system at Village Hall is completely installed and will be turned on this Sunday at noon. He has invited the elementary schools to attend and school children will actually flip the switch. A large grant from NYSERDA funded the installation of the solar panels.

Mayor Oppenheim noted that he has received a lot of complaints from residents regarding the removal of trees at the Sharay Israel site (Monsey Jewish) on Montebello

Road. The Village Code allows for cutting of trees where the building envelope is. On this particular site, that envelope is almost the entire property with the building and parking areas. They will have to replant any trees that were outside of the clearing line.

The Mayor extended Happy Birthday wishes to Building Inspector, Harry Lewis, who recently turned 82. The staff and the Mayor shared birthday cake with him.

Mayor Oppenheim reported that the Building Inspector and Asst. Building Inspector have completed their report on the conservation easements, and there appear to be a lot of violations. The Mayor is working on a letter with the assistance of the Village Attorney to allow people a six-month grace period to correct these violations.

In an effort to save the Village money, we have changed insurers, saving 25% in premiums and we are waiting for a \$600 refund from NYMIR. Mayor Oppenheim expressed his gratitude to Senator Morahan, since part of the \$60,000 grant can be utilized for the Community Center parking lot repairs. We have also received a grant from FEMA to help reconstruct the drainage culvert on Bayard Lane. Many thanks to Supervisor St. Lawrence and Town Highway Superintendent, Anthony Sharan, for supplying the piping materials for this project.

Mayor Oppenheim reminded the Board members to start working on their articles for the next newsletter, which should go out next month.

Mayor Oppenheim announced that the public hearing on the budget is this evening and there is a large tax increase. The Mayor explained that expenses have increased and revenues have decreased. One of the major increases is the bonding for the purchase of the Reform Temple of Suffern site, which was purchased after a public referendum that passed 4 to 1. We have already started the renovation work, cutting back trees and cleaning up the property. The building needs interior and exterior repairs, including the parking lot and driveway. The price of our garbage contract went up 25% and we have extended that service to the residents of Lackawanna Trail, who should have the same benefits as the rest of our residents.

On the revenue side, assessed valuation is down. The mortgage recording tax, which in the past has generated substantial revenue for the Village, is expected to significantly decline. The Village provides a lot of services and Village taxes are still low compared to Town and school taxes. The Mayor feels the numbers in the budget were put together in a responsible, prudent manner.

At 8:27 p.m., Deputy Mayor Millman makes a motion to open the public hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Richard Bernstein - 6 Charnwood Drive -- requested an explanation on the loss of the County grant for \$80,000.

Mayor Oppenheim responded: the grant was a Community Development Block Grant for handicap accessibility at Village Hall, we have received and utilized those funds for the Village Hall renovations.

Financial Consultant, Marvin Nyman, concurred with the Mayor, there are two large items that make a difference in the budget. Page 2 at the top, budgeted \$610,000 for Village Hall renovations, take that out of total appropriations. Remove the new bond from total appropriations for next year, and total expenses might only be 30,000 more than this year.

Scott Shindler - 1 Druid Court - garbage number is largest in the budget; did you look into other collectors?

Mayor Oppenheim explained that the Village must go out to bid for these contracts as required by law. The rate per household is in line with other villages in Ramapo.

Ms. Madronero states she brings her garbage cans down to the curb, when actually we are paying the carter to have side yard pick up. Can we possibly save money by cutting out the side yard pick up? A lot of her neighbors bring the trash to the curb as well.

No one else wishing to comment, at 8:35 p.m. Trustee Sorillo made a motion to close the public hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Parks Commission Business:

Chairman, Bob Congionti has reviewed the current ponds drawings with the originals. The size of the ponds may be miscalculated, need to re-estimate the total quantity of materials to be dredged. Original estimate was around 12,000 cubic yards. Alan Garfinkle is going to review these findings and advise.

Resolution: 07-150

Village of Montebello

Title: Adoption of 2008 Budget

BE IT RESOLVED, that the Tentative Budget be and hereby is adopted as the Budget of the Village of Montebello for the tax year 2008, being the same as the 2008 calendar year, in a total amount of \$ 2,336,507, and that the sum to be raised by taxation of real property \$ 1,134,607 shall be and hereby is levied, and that the warrant of the Village should be issued for the collection thereof, based upon a tax rate of 7.9029 per one thousand dollars (\$1,000) of assessed valuation, being and intended to be the sum to be raised by taxation divided by the total taxable assessment of \$ 143,567,829.

Motion: Trustee Sorillo

Second: Trustee Caridi

Discussion:

Trustee Caridi would like the Board to raise the percentage of the Village Clerk's salary increase to 5%. The Board members concur with the requested increase. The Mayor and Trustees give kudos to Debbie Mastroeni for a job well done.

Upon vote, the Resolution carried unanimously.

Resolution: 07-151

Village of Montebello

Title: Appoint Chairman of the Parks Commission

WHEREAS, the Parks Commission reports that it is unable to nominate one of its own as Chairperson to succeed Bob Congionti, and therefore, de facto, nominates Mr. Congionti to succeed himself; and

WHEREAS, Mr. Congionti is willing to so serve, but serving more than two successive terms requires Village Board approval.

THEREFORE, BE IT RESOLVED, upon the recommendation of the Mayor pursuant to Resolution No. 04-083 of the Village Board, that Bob Congionti is hereby appointed to serve as Chairperson of the Parks Commission from January 1, 2008 to December 31, 2008; and

BE IT FURTHER RESOLVED, that the Village Board hereby states its gratitude to Mr. Congionti for his service to date, and his willingness to continue serving as Chairperson.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

The Board members thanked Bob Congionti for his dedication and ongoing service.

Resolution: 07-152

Village of Montebello

Title: Accept 2006 Independent Audit

BE IT RESOLVED, that the audit report from Korn, Rosenbaum, Phillips & Jaunting, Certified Public Accountants, for the calendar year 2006 is hereby accepted.

Motion: Deputy Mayor Millman

Second: Trustee Sortillo

Upon vote, the Resolution carried unanimously.

Resolution: 07-153

Village of Montebello

Title: Award of Bid for Culvert Repair at Bayard Lane South

WHEREAS, sealed bids were sought for drainage work on Bayard Lane to repair a failed culvert viewed by the Village Engineer as essential for proper stormwater management as more particularly set forth in the specifications entitled "Culvert Repair at Bayard Lane South Project "; and

WHEREAS, said bids were opened on November 6, 2007, nine (9) having been received as follows:

RINO PAVING	42,075.00
ASCAPÉ LANDSCAPE & CONST.	25,118.00
CALMART CONSTRUCTION	37,373.00
IBZ CONTRACTING	24,930.00
UPSTATE CONCRETE & MASONRY	26,370.00
CONSERVE CONSTRUCTION	23,470.00
JMK ENTERPRISES	12,370.00

; and

WHEREAS, the Village Engineer, in his letter dated November 13, 2007 referenced as if set forth hereinafter, a true copy of which shall be appended to the minutes hereof, recommends the award of the bid to JMK Enterprises in the amount of \$12,370.00 as the lowest responsible bidder; and

WHEREAS, as previously reported, a grant in the amount of \$3,639.43 towards this work has been received from FEMA, and the Town of Ramapo Highway Department is supplying piping and stone for the project, at no additional cost to the Village.

THEREFORE, BE IT RESOLVED, that the bid in the amount of \$12,370.00 be and is hereby awarded to JMK Enterprises, subject to entering into a contract in a form as approved by the Village Attorney and Village Engineer, and receipt of all required documents in acceptable form (e.g., performance and maintenance bonds or security, insurance certificates, etc).

Motion: Trustee Sortillo

Second: Trustee Caridi

Mayor Oppenheim thanked FEMA for their grant; Supervisor St. Lawrence and Town of Ramapo Highway Superintendent, Anthony Sharan, for their assistance in supplying materials to defray the expense.

Upon vote, the Resolution carried unanimously.

Resolution: 07-154

Village of Montebello

Title: Fortune Way and Related Dedication

WHEREAS, the Planning Board of the Village of Montebello, acted on December 11, 2001, to grant Revised Final Site Plan approval to the Final Plat entitled "Montebello Park", as filed in Rockland County Clerk's Office Map No. 7547 Book 122 Page 79 on December 19, 2002, consisting of 11 lots from 27.54 acres +/- located on the north side of Montebello Road and the westerly side of Mayer Drive, which plan includes Fortune Way; and

WHEREAS, the Consultant Village Engineer, Brian Brooker, in an Affidavit for Public Improvements sworn to the 12th day of November, 2007, swears and deposes that Fortune Way, from Mayer Drive to cul-de-sac, as described in an Offer of Dedication and associated deed dated August 30, 2002, referenced as if set forth hereinafter, true copies of which shall be appended to the minutes hereof, is ready for dedication to the Village, and likewise swears that the five foot shade tree easement, drainage easement for lot nos. 2, 3, and 11, and drainage and sewer easements for lot nos. 8 and 9, all as pertains to the plan are likewise ready for dedication; and

WHEREAS, said easements are more particularly described in the instruments listed as follows, true copies of which shall be appended to the minutes hereof:

1. Shade Tree Easement made August 30, 2002
2. Sight Easement Lot #1 made August 30, 2002
3. Sight Easement Lot #2 made August 30, 2002
4. Conservation Easement Lot #1 made August 30, 2002
5. Conservation Easement Lot #2 made August 30, 2002
6. Drainage Easement and Maintenance Easements Lot's 2, 3, and 11 made August 30, 2002; and

WHEREAS, the Town Board of the Town of Ramapo, acted on April 11, 2007, to accept dedication of the sewer easement located in Fortune Way; and

WHEREAS, the Assistant Village Attorney, Ira M. Emanuel, in a letter dated September 13, 2002, to the Clerk to the Planning Board reported approving the associated documents referenced above, including the Offer of Dedication, various deeds, title policy, and RP and TP forms; and

WHEREAS, as a consequence, the Village Attorney reports that all appears to be in order to accept dedication, subject to obtaining an updated title insurance policy and the fees from the developer for the associated recordation's and filings, and recommends that Ira M. Emanuel with the assistance of the Clerk to the Planning Board oversee the recordation process, including obtaining the aforementioned payments and updated policy.

WHEREFORE, BE IT RESOLVED, pursuant to §6-610 of the Village Law, that the aforesaid dedications and grants be and hereby are accepted, subject to the aforementioned conditions, compliance with same and recordation to be overseen by the Assistant Village Attorney with the assistance of the Clerk to the Planning Board, and that due notice of the road dedication given to the Town, County and New York State.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-155

Village of Montebello

Title: Village Hall Renovation- Change Orders

WHEREAS, by virtue of his written advisements dated November 7, 2007, the Architect has found that the following Change Orders are necessary and just and should be accepted and paid when the work is completed:

1. Bertussi Plumbing, Change Order #3, additional floor duct in Planning & Zoning office, \$750.00
2. All Bright Electric, Change Order #1 (less flush floor outlet), five emergency/exit lights, \$2100.00

WHEREFORE, BE IT RESOLVED, that said Change Orders as described be and are hereby accepted, that same may be executed for the Village, and the associated sums audited and paid once the Architect signs off on the completed work.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 07-156

Village of Montebello

Title: Authorize Bidding for Siding Portion of the Montebello Community Center

WHEREAS, Trustee Sortillo, who is overseeing the restoration of the Montebello Community Center, reports that, after review by several painters, a majority strongly suggest that the two-story wood sided portion of the structure (the former house), be resided, the wood not being in good enough condition to warrant repainting; and

WHEREAS, after informally obtaining proposals, Trustee Sorrillo reports that it appears that the cost of vinyl siding will likely exceed \$20,000, thus necessitating bidding.

THEREFORE, BE IT RESOLVED, time being of the essence, that the Village Attorney and Village Engineer, quickly draw up bid specifications, that legal notice be published and posted, and that bids be opened on November 27, 2007 at 3 pm, local time.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-157

Village of Montebello

Title: Approval of Minutes

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of August 15, 2007 be and are hereby approved.

Motion: Trustee Citrin

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 07-158

Village of Montebello

Title: Brokerage Agreement-Montebello Community Center

WHEREAS, it is prudent for the Village to recoup part of the carrying costs of the new Montebello Community Center by leasing the unused portion while its use of the Center evolves and grows; and

WHEREAS, it appears that the former two-story house, the present offices portion of the premises may at this time be excess to the Village's needs; and

WHEREAS, as a consequence proposals were obtained from brokers, leading to final proposals from Prudential Rand Commercial Services, New City, and from Coldwell Banker Commercial NRT, Montebello, which were essentially identical in terms, and the representatives involved, Mark Glasol, Associate Broker at Prudential, and Yshay Manos, Sales Associate for Coldwell Banker appeared equally adept and enthusiastic, but the latter brokerage is located in Montebello and offered an amendment to its proposal, permitting the Village to find a tenant during the first 6 months without incurring a commission, which the other brokerage did not match.

THEFORE, BE IT RESOLVED, that a brokerage agreement in a form as approved by the Village Attorney be entered into with Coldwell Banker Commercial NRT, to find a suitable tenant in the judgment of the Village, preferably with not-for-profit corporation status, for the unused portion of the building at a per annum commission of 4% the first 5 years of the lease, or the equivalent, no commission to be earned if the Village finds the tenant, said agreement to be for a period of 6 months, renewable for another 6 months, and subject to no commission being earned for any option period.

Motion: Deputy Mayor Millman

Second: Trustee Sortillo

Upon vote, the Resolution carried unanimously.

Resolution: 07-159

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated November 14, 2007 and totaling \$ 261,994.77 are hereby approved and the claims listed thereon shall be paid.

Motion: Deputy Mayor Millman

Second: Trustee Sortillo

Upon vote, the Resolution carried unanimously.

Public Comment:

Maureen Danzig - 14 Babbling Brook - asked if we are considering solar panels for the Community Center building?

Trustee Sortillo responded that we are looking into the possibility.

Zsuzsa Neff – asked where Rio Vista is getting the land to make improvements to the turning lane on Hemion Road?

The Village Attorney responded that there must be a county right of way to be used for expansion.

Mrs. Neff questioned if we are obligated by law to take the lowest bidder?

Mayor Oppenheim responded that the law says “lowest responsible bidder”.

Mrs. Neff asked for an update on the negotiations with Verizon.

Mayor Oppenheim responded that he and the Village Attorney have spent a lot of time going over contracts Verizon has with other municipalities. Verizon is not meeting our requests and we fee very strongly about some of them. Essentially in a stalemate at present.

Ms. Madronero asked if the builder is responsible for removing the silt from the ponds?

Mayor Oppenheim responded that the builder is responsible but that a permit from the DEC was necessary.

The newest member of the Historic Preservation Commission, Sandra Ward, was present and the Board members welcomed her.

At 9:45 p.m. Trustee Caridi made a motion to enter Executive Session to discuss a personnel matter, seconded by Trustee Sorillo. Upon vote, the motion carried unanimously.

At 10:00 p.m. Trustee Citrin made a motion to exit Executive Session, seconded by Trustee Sorillo. Upon vote, the motion carried unanimously.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Caridi. Upon vote, the motion carried unanimously. The meeting adjourned at 10:01 p.m..

Respectfully submitted:

Debra Mastroeni, Village Clerk/Treasurer