

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 15, 2007 AT THE VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:06 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

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

The first agenda item was a public hearing on a proposed Local Law amending §195-60B.(2)(a) of the Village Code to increase the membership of the Historic Preservation Commission.

The Village Clerk read the legal notice into the record:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, August 15, 2007, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Village Hall, One Montebello Road, Montebello, NY 10901, to consider a Proposed Local Law amending §195-60 B. (2) (a) of the Village Code to increase the membership of the Historic Preservation Commission from three (3) to five (5) members at large, and to commensurately increase the term to five (5) years.

All members of the public and all interested parties are invited to attend and participate. The proposed Local Law 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.

The Village Attorney confirmed with the Village Clerk that the legal notice was published and posted on August 5, 2007 and made available to the Board members and the public.

At 8:08 p.m. Trustee Citrin made a motion to open the public hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

No one wishing to comment, at 8:11 p.m. Trustee Citrin made a motion to close the public hearing, seconded by Trustee Sorillo. Upon vote, the motion carried unanimously.

Resolution: 07-114

Village of Montebello

Title: Adoption of Local Law Increasing the Membership
of the Historic Preservation Commission

WHEREAS, a public hearing was held on August 15, 2007 on adopting a Local Law entitled: "A Local Law amending §195-60 B.(2)(a) of the Village Code to increase the membership of the Historic Preservation Commission"; and

WHEREAS, the Village Attorney ascertained with the Village Clerk/ Treasurer that due legal notice was given by virtue of the publishing of the legal notice on August 5, 2007, the posting of same on August 5, 2007 and supplying said Local Law to the Trustees and making same available to the public on August 5, 2007; and

WHEREAS, the Clerk read the Legal Notice into the record as follows:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, August 15, 2007, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Village Hall, One Montebello Road, Montebello, NY 10901, to consider a Proposed Local Law amending §195-60 B. (2) (a) of the Village Code to increase the membership of the Historic Preservation Commission from three (3) to five (5) members at large, and to commensurately increase the term to five (5) years.

All members of the public and all interested parties are invited to attend and participate. The proposed Local Law 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.; and

WHEREAS, the Village Attorney summarized the substance of the Proposed Local Law as restoring the Historic Preservation Commission to five (5) members with five (5) year staggered terms, and also continuing with an Ad Hoc Member, at the request of the Chair and the Commission to be certain that a quorum would always be present and to reap this benefit of the expertise developed by the Commission over a longer period of time; and

WHEREAS, the following documents were received and included in the record:

1. Legal Notice
2. Affidavit of Posting and Publication
3. Local Law; and

WHEREAS, the public hearing was opened at 8:08 p.m. and the following appeared and gave testimony:

No one wished to comment; and

WHEREAS, said Local Law is in the public good as it will improve the functioning of the Historic Preservation Commission.

THEREFORE, BE IT RESOLVED, that said Local Law to be known as Amendment to §195-60 B.(2)(a) of the Code of the Village of Montebello, be and hereby is adopted by virtue of §20(5) of the Municipal Home Rule Law, to become effective upon filing with the Secretary of State.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Mayor's Report:

Mayor Oppenheim started his report by noting the Board's continuing efforts to save the Village money, he spoke with the answering service and was able to achieve a 50% reduction in the fee based on our utilization. The Mayor went on to report that the Village has applied for a grant from FEMA for storm related damage to the Bayard Lane culvert, and the Village will be receiving \$3,133 to offset the cost of replacing underground piping that has deteriorated and causes periodic flooding. The Board has also been getting quotes for Village insurance and is looking to reduce the present cost by 25%. Mayor Oppenheim announced that the 9/11 Memorial Garden has been completed by Scout Peter Zelem and the Village will hold a dedication ceremony on 9/11 at 5 p.m.. The Mayor invited all to attend and announced that the guest speaker for this event will be Gordon Wren, Director for the County Emergency Services. Mayor Oppenheim proudly announced the completion of the installation of the speed humps on Mayer Drive noting that this is the only program in the State of New York that allows people to take speed control into their own hands. The feedback has been extremely positive and neighbors are now able to walk along the roadways, some meeting each other for the first time.

The Mayor gave an update on the RTOS site, specs have already been sent out for the landscaping work and some repairs. The Phasing project at Village Hall is continuing, this is taking time due to the fact that the Village offices are still functioning while the renovation work is being done. Extension of the outdoor sprinkler system has been completed and the roof repair work is about to begin. Mayor Oppenheim has spoken with the Building Inspector and the conservation easement report will be in the Board's hands for the next meeting. The Building Inspector has found significant conservation easement violations throughout the Pines development but very few in the Coe Farm Road development. The Mayor announced that the Village has also applied for a grant for the RTOS site from the Environmental Protection Fund of the NYS Department of Parks. Senator Morahan has written a letter of support on our behalf, we thank him for doing so. The Village Engineer has asked the developer of Coe Farm Road to install grates over the catch basins because of the large open area, considers this a safety issue for children. Mayor Oppenheim advised the Board members that the Building Inspector has sent out letters to the electrical underwriters advising them to make sure that a building permit has been issued for the work prior to their sign off. This measure will assist homeowners in making sure they get the work permits and C of O's, to avoid problems in the future.

Public Comment:

Frank Corbo – Robin Hood Road – informed the Board that he has received a violation from the Building Inspector for having a car parked in a tent on his property. Mr. Corbo noted that the tent is surrounded by large trees and to move the tent he would have to cut the trees, he does not feel the tent should be considered a structure, there is no floor and no electricity.

Mayor Oppenheim asked the Village Attorney to define what designates an accessory structure?

The Village Attorney responded that the Building Inspector interprets the Code and if someone disagrees with that interpretation they would go to the Zoning Board of Appeals, not the Village Board.

Parks Commission Business:

Chairman, Bob Congionti was present and discussed landscaping the Village entry signs, he has received three proposals and they are in the range of \$300 to \$350 per sign. Mr. Congionti also noted that the Montebello Civic Association has pledged to contribute between \$600 and \$1,000 towards this beautification project.

The status of the pond dredging application to the DEC was also discussed.

Resolution: 07-115

Village of Montebello

Title: Appointment of New Members and Terms
to the Historic Preservation Commission

WHEREAS, the present terms of the Members of the Historic Preservation
Commission end as follows:

Hannelore Renuid,	April, 2010
Josephine Bracken,	April, 2009, (Chairperson)
Neely McCormick,	April, 2008
Valerie Rainford,	April, 2008, (Ad Hoc Member); and

WHEREAS, by Local Law No. 5 of 2007 adopted this evening, amending §195-60 B.
(2) (a) of the Village Code, the number of Members was increased from three (3) to five (5),
and the staggered terms to five (5) years; and

WHEREAS, the Mayor wishes to appoint Wayne Leone, residing at 61 Mile Road, as
a new regular member, after changing Valerie Rainford's status to the same, and Chantal
Schwartz residing at 146 Spook Rock Road, as the Ad Hoc Member, and that all terms be
adjusted to effectuate the change to a five-year stagger.

THEREFORE, BE IT RESOLVED, that the Members and AD-Hoc Member be
appointed or reappointed as follows, terms to be as stated:

Hannelore Renuid,	April, 2012
Josephine Bracken	April, 2011, (Chairperson)
Neely McCormick	April, 2010
Valerie Rainford	April, 2009
Wayne Leone	April, 2008
Chantal Schwartz	April, 2009, (Ad Hoc)

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-116

Village of Montebello

Title: Rescind Resolution No. 07-111

BE IT RESOLVED, that Resolution 07-111, scheduling a public hearing for this evening to perform a balancing test with respect to the Town’s plan to install a free-standing clock at the former St. Gregorios property, Rte 202 and Mayer Drive, is hereby rescinded upon the report of the Village Attorney that the Town has filed for a building permit, thereby accepting the Village’s jurisdiction over the particular matter.

Motion: Deputy Mayor Millman

Second: Trustee Sorillo

Upon vote, the Resolution carried unanimously.

Resolution: 07-117

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, have advised that it is mandatory under the EPA Phase II Stormwater Regulations, particularly addressing minimum control measures 1 and 2, that it offer an ongoing educational and outreach program to its residents and municipal personnel regarding stormwater management, and has recommended 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 2007 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 requirements the Cooperative Extension has offered to contract with the Village for the 2007-2008 contract

year (April 1st through March 31st) at a cost of \$1000.00 to provide necessary services, which services shall include amongst other things:

1. Conducting a Stormwater Symposium and Planning/Zoning Board workshop
2. Engage in Youth Education.
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, including maintaining a website.
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 and activities.

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

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-118

Village of Montebello

Title: Village Insurance 2007/2008

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, in an effort to control expenses, Mayor Oppenheim sought additional proposals other than our current insurer, NYMIR; and

WHEREAS, the following quotes were received: NYMIR - \$24,572; Travelers-\$25,346 and American Alternative recommended by Nicholas Salerno of Salerno Brokerage Corp in the amount of \$18,500.

THEREFORE, BE IT RESOLVED, that insurance coverage for the Village be contracted with a new carrier American Alternative through Salerno Brokerage Corp. duplicating, and in some cases increasing the present coverage for the period of September 7, 2007 to September 7, 2008, in the amount of \$18,500 saving the Village approximately

\$7,000, provided that the Village Clerk obtains a positive report from at least 3 municipal references supplied by Salerno with respect to his brokerage and American Alternative, but if such is not the case, that a Special Meeting of the Village Board be convened as soon as practicable, but no later than August 27, 2007, to reconsider this action; 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: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-1119

Village of Montebello

Title: Tax Collection Software & Service Agreement

WHEREAS, the Village Clerk-Treasurer recommends entering into an agreement (Agreement) with Software Consulting Associates, Inc. (SCA) for the provision of license and service agreement pertaining to SCA's Property Assessment System and Tax Collection System, including services related to installing of and running same; and

WHEREAS, as more particularly set forth in said Agreement, referenced as if set forth hereinafter, a true copy of which should be appended to the minutes hereof, the fee for same is \$8200, payable in two installments, representing the base license fee, installation and training, data conversion from the current system, and the first year's service fee, the service fee in the next two years to be \$1500 per annum, and thereafter, unless terminated, per SCA's ongoing fee structure; and

WHEREAS, the Village Attorney has reviewed the Agreement and recommends the following changes:

Paragraph 3, 3rd line, add after "contracts": ", upon a minimum 60 day prior notice to and the agreement of Montebello"

Paragraph 7, 3rd line, add before "indemnify": "defend,"

last line, add at end: "in which case all sums paid hereunder shall be refunded to Montebello."

Paragraph 9, 3rd line, add at end: "unless such provisions are substantive in nature, in which case this Agreement shall be considered of no further force nor effect, and the sums paid hereunder shall be refunded to Montebello".

THEFORE, BE IT RESOLVED, that said Agreement be entered into and said sums authorized to be expended, contingent upon the Agreement being amended as recommended herein by the Village Attorney, or as similarly amended with his approval.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-120

Village of Montebello

Title: Engineering Inspection Services – Former Reform Temple of Suffern
in Furtherance of Resolution No. 07-112

WHEREAS, at the July 18th Board of Trustees meeting, the Village Board adopted Resolution 07-112 entitled “Engineering Inspection Services-Former Reform Temple of Suffern”; and

WHEREAS, amended proposals were reviewed by the Village Attorney and he recommends that the proposal from Bart Rodi, P.E. dated July 23, 2007 be accepted.

THEFORE, BE IT RESOLVED, in furtherance of Resolution 07-112, that Bart Rodi, P.E., as selected by the Village Attorney, be retained to perform said services, which include all services as contemplated by the Trustees, at a fee of \$2,200, which is authorized to be expended therefor.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-121

Village of Montebello

Title: CDBG-Citizens Advisory Committee

BE IT RESOLVED, as selected by the Mayor, that the following be appointed as the Citizen Advisory Committee to the Community Development Block Grant Program for the fiscal year 2008:

Josephine Bracken, residing at 3 East Place
Elizabeth Stevens, residing at 642 Haverstraw Road
Jacqueline Padilla, residing at 38 Lackawanna Trail

Motion: Deputy Mayor Millman

Second: Trustee Sorriello

Upon vote, the Resolution carried unanimously.

Resolution: 07-122

Village of Montebello

Title: Accept Proposal to Improve Heating System for Offices

WHEREAS, in the course of the ongoing renovation of the Village Hall, it was discovered that the radiator elements in the Village Clerk's and Planning and Building Clerks' offices are too close to the floor for efficient air circulation, and are deficient in size; and

WHEREAS, time being of the essence given the ongoing work, proposals were sought by informal means to correct the problem, and, after further negotiations, a proposal was obtained from Bruce Kuhn Plumbing and Heating in the amount of \$2,180 to perform corrective work, said proposal referenced as if set forth hereinafter, a true copy of which shall be appended to the minutes hereof; and

WHEREAS, given the timing and the need to improve the heating system efficiency in the subject rooms, the Mayor and Village Clerk-Treasurer have recommended that said work be awarded to Bruce Kuhn Plumbing and Heating.

THEREFORE, BE IT RESOLVED, it appearing reasonable and prudent that said work be immediately awarded in the circumstances, that said proposal of Bruce Kuhn Plumbing and Heating be awarded, and \$2,180 authorized to be expended therefor.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 07-123

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 15, 2007 and totaling \$228,629.02 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Caridi

Second: Trustee Sorriello

Upon vote, the Resolution carried unanimously

Resolution: 07-124

Village of Montebello

Title: Authorization to Apply to FEMA-Bayard Lane Culvert

BE IT RESOLVED, as recommended and prepared by the Village Engineer, that application be made to FEMA for repair of a storm damaged culvert on Bayard Lane, a copy of said application to be attached to the minutes hereof, and the Village Engineer, Martin Spence authorized to sign same.

Motion: Trustee Citrin

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to comment.

Old and New Business:

Deputy Mayor Millman informed the Board that he and Trustee Caridi have been working on Montebello Day and things are coming together nicely. A number of food establishments are donating food and local bands that some residents play in are donating their time.

Trustee Citrin commended the Mayor for challenging the FAA's proposed flight changes.

Trustee Caridi noted that the parkland on Route 202 looks fantastic since it was cut. Trustee Sorriello reported that he has spoken with some of the residents and they are very pleased with the appearance.

Mayor Oppenheim advised the Board that back in March he sent the NYS Dept. of Transportation a letter regarding the noise on Route 202 and asked them to consider reducing the speed limit within Montebello to 35 mph, the same as the Village of Suffern.

The Board members held a lengthy discussion on landscaping around the Village signs.

Resolution: 07-125

Village of Montebello

Title: Funding for Village Signs Landscaping

BE IT RESOLVED, as requested by the Parks Commission as reported by the Chairperson this evening that authority is hereby granted to establish plantings around up to 4 Village signs: at a cost to the Village not to exceed \$700, conditioned by the following:

1. Written proposals in acceptable detail from the landscaper.
2. Contribution by MCA of at least 50% of the cost.
3. Confirmation to the satisfaction of the Village Attorney that permission has been obtained from the State and County as a function of the ownership of the associated road.
4. Location of signs to be landscaped as requested by Parks Commission:

Spook Rock Road and Grandview Avenue;
Airmont Road;
Montebello Road and Lake Road; and
Spook Rock Road and Carlton Road,

Motion: Trustee Sorrillo

Second: Trustee Caridi

Roll call vote:	Trustee Citrin	Aye
	Trustee Sorrillo	Aye
	Trustee Caridi	Nay
	Deputy Mayor Millman	Nay
	Mayor Oppenheim	Aye

The Resolution carried 3-2.

New Business:

Mayor Oppenheim referenced the letter from Parks Commissioner, Amy Rapoport regarding the shade tree plantings on Coe Farm Road. The developer has responded that the plantings were done at the direction of the Village Engineer. Since the developer was directed by the engineer, we have no further recourse.

At 10:20 p.m. Mayor Oppenheim made a motion to enter Executive Session to discuss a financial matter that could impact a pending contractual matter, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

At 10:42 p.m. Trustee Citrin made a motion to exit Executive Session, seconded by Deputy Mayor Millman. Upon vote, the motion carried unanimously.

Trustee Citrin made a motion to adjourn, seconded by Deputy Mayor Millman. Upon vote, the motion carried unanimously. The meeting adjourned at 10:43 p.m.