

THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 17, 2008 AT THE VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance Millman	Deputy Mayor
	Steven Sorrillo	Trustee
	Marc Citrin	Trustee
	Stacy Caridi	Trustee
	Warren Berbit	Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/ Treasurer

Mayor's Report:

Mayor Oppenheim was pleased to report receipt of the second installment of mortgage recording tax. The amount was larger than expected and because of this has cut the operating deficit for the year in half.

The signed agreement for the Adopt-A-Road Program contract has been received from Manhattan Beer Distributors. They are adopting Dunnigan Drive, from Airmont Road down to Dress Barn.

A letter has been sent to O & R requesting net metering credit for excess electricity that is generated from the solar panels at Village Hall. The deadline for them to put this in place is February 2009.

The Mayor announced that he is proceeding with the historical marker for the historic boulder in the Indian Rock Shopping Center. Craig Long has written a brief summary of the history of the rock that will be put on the marker. The rock weighs approximately 17, 300 tons and is about one billion years old. This is a significant landmark in the Village. The developer of that shopping center will be donating the marker, Indian Rock LLC. We will hold a dedication ceremony when the marker is installed.

Mayor Oppenheim has requested that O & R replace an additional three mercury streetlights with the more energy efficient sodium bulbs.

The CLG grant request has been approved but the amount the Village will receive is still unknown.

Trustee Sorrillo gives an update of the renovations at the Community Center. The dais counter has been installed and construction has started on the bathrooms. Upon completion of the bathrooms, the Boards will be able to hold their meetings at the Community Center.

Mayor Oppenheim announced that the newsletter will be mailed out shortly and it will also be posted on the Village's web site.

A proposal was submitted for a video system for the Montebello Community Center. Unfortunately the proposal was withdrawn at the company's request. The Village will seek additional proposals and keep everyone updated.

Parks Commission Business:

Chairman Bob Congionti announced his term as Chairman will end this month and Nick Altebrando will take over that position. In addition, there are also other Commissioners that will be stepping down for personal reasons, the Parks Commission has submitted a list of potential replacements to the Mayor and are awaiting approval. Mayor Oppenheim thanked Mr. Congionti for all of his hard work and dedicated service to the Village. His efforts impacted the quality of life of all residents.

The next agenda item was a Public Hearing on a proposed Local Law entitled: "Amending the Zoning Law to provide for the expiration of relief granted by the Board of Appeals of the Village of Montebello". The Village Clerk/Treasurer 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, December 17, 2008 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 a Local Law for the purpose of amending the Zoning Law, in particular §195-108 of the Code of the Village of Montebello, to provide for the expiration of relief granted by the Board of Appeals.

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/Treasurer that the legal notice was published and posted as required by law and that copies of the proposed Local Law were made available to the Board of Trustees and the public.

The Village Clerk/Treasurer announced receipt of the following documents:

Memorandum from Robert Geneslaw, Village Planner, dated November 3, 2008 -

1. The examples given of reasons why a perpetual variance approval is undesirable could include amendments to the Comprehensive Plan after the grant of a variance, and development based on the variance could be inconsistent with the revised Comprehensive Plan.
2. We suggest considerations be given to adoption under the provisions of the Municipal Home Rule Law as well as Village Law, since it deals with variance expirations.

Memorandum from Robert Geneslaw, Village Planner, dated November 3, 2008 -

The proposed amendment to Chapter 195-108 of the Zoning Law would provide for expiration of variances if a building permit is not granted within a year; or if in association with Planning Board approval of a subdivision, site plan, or special permit at the time of expiration of those approvals. The proposed amendment is not within the definition of an "action" as noted in the SEQR regulations and is not subject to SEQR.

Memorandum from the Planning Board, dated November 4, 2008 unanimously in favor of the Village Board adopting the local law amendment.

GML Review by the County of Rockland Department of Planning, dated November 7, 2008; *approve – we concur that grants of relief by the Board of Appeals should be acted upon within a reasonable period of time. The Village's decision to provide an expiration of relief granted by the Board of Appeals will protect future surrounding property owners. A one year time frame seems appropriate.

At 8:20 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

No one wishing to speak, at 8:21 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

The Board members discussed the possible effects of the law if someone has received a variance and has not applied for a building permit within the year time frame regarding fees, a new homeowner not being aware of the variance.

Deputy Mayor Millman requested that anyone who has received a variance from the Zoning Board be notified they have a year to comply after adoption of this law.

Title: Adoption of Local Law- "Amending the Zoning Law to Provide for the Expiration of Relief Granted by the Board of Appeals of the Village of Montebello"

WHEREAS, a public hearing was held on December 17, 2008 on adopting Local Law No. 7 of 2008, "A Local Law Amending the Zoning Law to provide for the expiration of relief granted by the Board of Appeals"; and

WHEREAS, the Village Attorney ascertained from the Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the legal notice on December 7, 2008, the posting of same on December 5, 2008, and supplying said Local Law to the Trustees and making same available to the public on December 5th, 2008; 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, December 17, 2008 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 a Local Law for the purpose of amending the Zoning Law, in particular §195-108 of the Code of the Village of Montebello, to provide for the expiration of relief granted by the Board of Appeals.

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 the purpose of this law is to prevent unacted upon relief granted by the Board of Appeals from continuing in effect in perpetuity by making same expire if a building permit is not issued within one year, or if obtained in conjunction with a subdivision, site plan or special permit, at such time as the underlying approval expires; and.

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

1. Legal Notice and Affidavits.
2. Draft Local Law.
3. Resolution No. 08-121, Scheduling Public Hearing.
4. GML from Rockland County Department of Planning dated November 7,2008, recommending approval
5. Memorandum of Planning Board dated November 4, 2008 in favor of the law as proposed.
6. Memorandum of Robert Geneslaw dated November 3, 2008
7. Memorandum of Robert Geneslaw dated November 3, 2008, finding SEQRA to be inapplicable; and

WHEREAS, the Public Hearing portion was opened and closed at 8:20 p.m., no one from the public wishing to speak and the Village Board duly deliberated in public; and

WHEREAS, said Local Law eliminates the possibility that Board of Appeals granted relief continue in perpetuity if unacted upon after one year, or after the underlying approval expires, thus avoiding the possibility that said relief become ill-advised and detrimental over time due to changing circumstances and conditions.

THEREFORE, BE IT RESOLVED, that SEQRA is found to be inapplicable for the reasons set forth in the Planner's Memo, and that said Local Law to be known as §195-108 Subsection F. of the Code of the Village of Montebello, be and hereby is adopted by virtue of the Village Law and expressly by authority of §20(5) and §10 of the Municipal Home Rule Law, to become effective upon filing with the Secretary of State.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

The next agenda item was a Public Hearing on a proposed Local Law entitled: "Amending Chapter 163 of the Village Code of the Village of Montebello Relating to Public Improvements to be Constructed in Connection with the Subdivision of Land"

The Village Clerk/Treasurer 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, December 17, 2008 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 a Local Law for the purpose of amending Chapter 163 of the Village Code of the Village of Montebello relating to public improvements to be constructed in connection with the subdivision of land, providing procedures to regulate the process in advance of construction of such improvements, including (i) providing security, and (ii) attending a pre-construction meeting, and (iii) preparing and filing a check print setting forth said construction.

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/Treasurer that the legal notice was published and posted as required by law and that copies of the proposed Local Law were made available to the Board of Trustees and the public.

The Village Clerk/Treasurer read the following documents into the record:

Memorandum from Robert Geneslaw, Village Planner, dated November 3, 2008 –

The proposed amendment to Chapter 163 – Subdivision of Land relates to procedural preconstruction requirements for approved subdivisions. The necessary environmental review occurs before the approval by the Planning Board. The purpose of the proposed amendment is to clarify preconstruction requirements and procedures and is not subject to SEQR.

Memorandum from the Planning Board dated November 4, 2008 unanimously in favor of the Village Board adopting the local law amendment.

GML Review by the County of Rockland Department of Planning dated November 7, 2008 - *recommend the following modifications: we concur with the Village's decision to establish preconstruction requirements for public improvements in connection with approved subdivisions. These preconstruction requirements will ensure that the public improvements are constructed in accordance with the Village's standards and with the approved construction and improvement drawings, and that they are completed, either by the developer or by the Village at the developer's expense.

1. It should be noted that Section 2 of the proposed Local Law incorrectly refers to Chapter 165 of the Village Code. The subdivision of land is covered in Chapter 163. References to Chapter 165 must be changed to Chapter 163.

The Village Attorney gave a brief overview of the law noting that it will effectuate a four step process: all approvals must be obtained from all government agencies involved; developer will provide security for performing the work properly and safely; requires a preconstruction meeting with the Village Engineer; a check print created requiring everything that will be done. The amendment creates a controlled environment.

At 8:34 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

No one wishing to speak, at 8:36 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Resolution: 08-145

Village of Montebello

Title: Adoption of Local Law- "Amending Chapter 163 of the Village Code of the Village of Montebello relating to Public Improvements to be Constructed in Connection with the Subdivision of Land"

WHEREAS, a public hearing was held on December 17, 2008 on adopting Local Law No. 8 of 2008, "A Local Law Amending Chapter 163 of the Village Code of the Village of Montebello Relating to Public Improvements to be Constructed in Connection with the Subdivision of Land"; and

WHEREAS, the Village Attorney ascertained from the Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the legal notice on December 7, 2008, the posting of same on December 5, 2008, and supplying said Local Law to the Trustees and make same available to the public on December 5th, 2008; 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, December 17, 2008 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 a Local Law for the purpose of amending Chapter 163 of the Village Code of the Village of Montebello relating to public improvements to be constructed in connection with the subdivision of land, providing procedures to regulate the process in advance of construction of such improvements, including (i) providing security, and (ii) attending a pre-construction meeting, and (iii) preparing and filing a check print setting forth said construction.

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."

WHEREAS, the Village Attorney summarized the substance of the Proposed Local Law as the purpose of this law is to better regulate and control the construction of public improvements by establishing pre-construction requirements to secure the work, better protect the public, and coordinate the work thus avoiding haphazard construction as has happened in the past; and.

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

1. Legal Notice and Affidavits.
 2. Draft Local Law.
 3. Resolution No. 08-121, Scheduling Public Hearing.
 - 4.. GML from Rockland County Department of Planning dated November 7, 2008 recommending adoption of the Law, after correcting reference in Section 2.
 5. Memorandum from Planning Board dated November 4, 2008, in favor of the Law as proposed.
 6. Memorandum from Robert Geneslaw dated November 3, 2008.
 7. Memorandum from Robert Geneslaw dated November 3, 2008 regarding SEQRA, finding the action not subject to same
- :and

WHEREAS, the Public Hearing portion was opened at 8:34 p.m. and closed at 8:36 p.m., no one from the public wishing to speak and the Village Board duly deliberated in public; and

WHEREAS, said Local Law will result in better controlled, more secure, and safer construction of public improvements.

THEREFORE, BE IT RESOLVED, that SEQRA is found to be inapplicable for the reasons set forth in the Planner's Memo, and that said Local Law to be known as §163-15 Subsection F. of the Code of the Village of Montebello, including the correction suggested by the Rockland County Department of Planning which was incorporated in the draft law, be and hereby is adopted by virtue of the Village Law and §§ 10 and 20(5) of the Municipal Home Rule Law, to become effective upon filing with the Secretary of State.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

The next agenda item is a Public Hearing on the designation of Montebello Village Hall as a historic landmark.

The Village Clerk/Treasurer 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, December 17, 2008, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Village Hall, One Montebello Road, Montebello, New York 10901, to consider the recommendation of the Historic Preservation Commission as dated October 22, 2008 that the Village Board designate the structure and property known as "Montebello Village Hall", located at One Montebello Road (SBL: 55.8-1-2), as a local landmark, by operation of §195-60 of the Code of the Village of Montebello.

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.

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was published and posted as required by law and that copies of the application were made available to the public.

At 8:40 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

No one wishing to comment, at 8:40 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Deputy Mayor Millman thanked Mayor Oppenheim for submitting the application to the Historic Preservation Commission for the designation of Village Hall.

Mayor Oppenheim noted the importance of designating the Village Hall and its' environs to protect the history, any future changes will require a Certificate of Appropriateness from the Historic Preservation Commission.

The Village Attorney stated that the testimony of Craig Long and Sandra Ward given before the Historic Preservation Commission will be incorporated into the Public Hearing and the findings of the HPC be made a part of the hearing as well.

Resolution: 08-146

Village of Montebello

Title: Designation of Local Landmark for One Montebello Road, "Montebello Village Hall"

WHEREAS, as more particularly set forth in Resolution No. 08-139, referenced as if set forth hereinafter at length, the Board acted to schedule a Public Hearing to consider designating the Montebello Village Hall and its environs, located at One Montebello Road, identified as the

Ramapo tax map as 55.8-1-2, as a local landmark pursuant to § 195-60 of the Code of the Village of Montebello; and

WHEREAS, said action was prompted by an application to the Historic Preservation Commission, (“HPC”) for such designation, which Commission after a public hearing approved such designation by virtue of Resolution No. 08-007 adopted October 22, 2008; and

WHEREAS, a Public Hearing was held by the Village Board on December 17, 2008 and at the start of said Hearing the Village Attorney ascertained that due notice of said Hearing was given by virtue of publication, posting and mailing of Legal Notice which reads as follows:

"PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, December 17, 2008, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Village Hall, One Montebello Road, Montebello, New York 10901, to consider the recommendation of the Historic Preservation Commission as dated October 22, 2008 that the Village Board designate the structure and property known as "Montebello Village Hall", located at One Montebello Road (SBL: 55.8-1-2), as a local landmark, by operation of §195-60 of the Code of the Village of Montebello.

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

WHEREAS, the Village Attorney also ascertained that the Application and HPC Resolution was supplied to the Village Board and made available to the Public; and

WHEREAS, the following were recorded by the Village Clerk and make a part of the record:

1. Legal Notice.
2. Resolution 08-007 of the Historic Preservation Commission dated October 22, 2008.
3. Record before the HPC, including: application dated September 9, 2008 and attached letter dated August 28, 2008.
4. Resolution No. 08-139 of the Board of Trustees ; and

WHEREAS, no one wished to comment at the public hearing; and

WHEREAS, the Village Historian, Craig Long appeared and testified before the Historic Preservation Commission, as shared with the Village Board by virtue of the HPC Minutes and Resolution, the salient details being as follows:

1. Pearly Morse, who owned the entire property which came to be known as the Schwartz Estate, and then Montebello Pines, lived in the estate house therein, and severed off the corner parcel, which became the Village Hall, to build the home for his son, Stanley, and his bride, Blanche Ward.
2. The architect is believed to be George Fowler, who had a practice in NYC, but built and lived in the stone house on Mile Road opposite the side entrance to Suffern High School and was responsible for other stone structures in the area, including the first Suffern Free Library building.

and recommended that the subject structure and its environs be given local landmark designation; and

WHEREAS, the Applicant/Mayor, Jeffrey Oppenheim, 7 Birchwood Lane, by virtue of his prior testimony before the Historic Preservation Commission, also appeared and supported his application by referring to the comments made in his August 28, 2008 letter and September 9, 2008 application, in emphasizing the visual impacts of the subject property and its environs unto themselves and as a gateway to the Village, and the historic importance of the former owners; and

WHEREAS, Historic Preservation Commission member Sandra Ward added to the record before the Commission, which was shared with the Village Board, her knowledge and remembrances, Blanche Morse having been her Great Aunt, thus enabling her to identify persons and events depicted in the photographs supplied by the Historian, also amplifying Pearly Morse's importance to the federal government, he and his firm having served an important role as lead, investigative accountants looking into corporate corruption in and around the Depression Era; and

WHEREAS, after no more persons wished to speak, the public portion of the Public Hearing was closed at 8:40 p.m.; and

WHEREAS, the Village Board duly deliberated in public.

THEREFORE, BE IT RESOLVED that the Board adopts the Historic Preservation Commission findings pursuant to §195-60 (D) of the Village Code in making the following findings:

1. With respect to the criterion that the subject is associated with events that have made a significant contribution to the broad pattern of history of the Village of Montebello, Rockland County, the Hudson River Valley region, New York State or the United States of America, it concludes that the continued use of the home and environs as the first Village Hall owned by the Village represents association with events that significantly contributed to the broad pattern of history, as does the connection to Pearly Morse a significant historical figure with long standing familial connection to the area, that connection also including the Ward family, the latter dating back to the mid-1800's.

2. With respect to the criterion that the subject is associated with the lives of persons significant in our past, it concludes that association with those persons who formed the Village, as well as with the former owners, including Pearly Morse, associated with the development of the addressograph and with high level accounting investigations for the federal government, who built the house, circa 1922, as a wedding present for his son, Stanley, who married Blanche Ward, meets this criterion.

3. With respect to the criterion that the subject embodies the distinctive characteristics of a type, period or method of construction of that represents the work of a master or that possesses high artistic values or that represent a significant or distinguishable entity whose components may lack individual distinction, it concludes that as per the opinion of the Village Historian, the use of stone and slate, the natural architectural style and the columns and porch, such represents a fine example of Tudor construction with nature stone, and appears to be representative of George Fowler's work, a local architect of some renown ;and

BE IT FURTHER RESOLVED that the Village Hall and its environs be designated as a local historic landmark, and that notice of the designation be given to the Planning Board, Historic Preservation Commission, Building Inspector, and ZBA.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Resolution: 08-147

Village of Montebello

Title: Dedication of Coe Farm Road

WHEREAS, the Planning Board of the Village of Montebello, acted on March 11, 2003 to grant Final Approval to the Montebello Fields Subdivision and on April 11, 2000 to grant

Final Approval to Montebello West Subdivision, said maps filed, respectively, at Rockland County Clerk's Office Map No. 761, Book No. 123, Page No. 53 on October 29, 2003 and at Map Nos.7446+7447, Book Nos. 121, Page No.78+79 on July 18, 2001; and

WHEREAS, the Village Board, by action taken on September 20, 2006, Resolution No. 06-109, took dedication of a walkway easement and parkland; and

WHEREAS, the owners of said subdivisions, in particular of the public improvements therein, Montebello Fields, LLC and Viola Park Realty, LLC, purported to offer Coe Farm Road for dedication, as well as associated Easements, by virtue of letters received on July 23, 2008, as dated July 22, 2008, which included proposed dedication instruments, and such came on for discussion before the Village Board on September 15, 2008, said owners represented by Counsel, Donald Tirschwell; and

WHEREAS, as acknowledged by said Counsel at that meeting, reference made herein to the Minutes thereof, the dedication instruments were faulty, also purporting to deed in one instrument, Sousa Lane and Grist Mill Court, which roads were not ready for dedication; and

WHEREAS, a series of communications was exchanged between Counsel and the Village Attorney between July and December 2008, referenced as part of the record herein; and

WHEREAS, as represented as corrected, instruments and associated documents necessary for purposes of dedication were received by the Village on October 29, 2008, as covered by Counsel's letter dated October 27, 2008, said instruments being listed as follows:

1. Bargain and Sale Deed from Viola Park Realty, LLC of a portion of Coe Farm Road and of associated Shade Tree, Sight and Conservation Easements.
2. Bargain and Sale Deed from Montebello Fields, LLC of a portion of Coe Farm Road and of associated Shade Tree and Sight Easements.
3. Set of TP-584 and RP 5217 Forms for each deed.
4. Set of Title Reports for each deed ;and

WHEREAS, in anticipation of an Offer of Dedication of Coe Farm Road and associated easements the Village Engineer inspected the condition of the road surface, curbing, inlet and outlet structures, storm basins, gratings, and all associated fixtures, and on September 15, 2008 issued a report setting forth approximately 40 outstanding items requiring correction and, upon reinspection at the request of the developers' engineer, issued a report on October 24, 2008, indicating that 7 items remained needing to be corrected, and in an updated report dated December 11, 2008 after further reinspections still revealed 7 items needing correction, and in an updated report dated December 15, 2008, indicated 3 items needing corrections or conditions, one anticipated possibly being completed by December 17th, one relating to the planting of a shade tree which cannot be completed until the spring, and also anticipating the need to repave a newly filled or to be filled and paved drainage trench which is likely to settle; and

WHEREAS, with respect to the dedication instruments, including the contents of the various deeds, the Village Engineer, in his letter dated December 15, 2008 indicated that 3 corrections must be made to the Montebello West title report, and that a one year maintenance bond must be supplied pursuant to §163-18 of the Village Code in the amount of 10% of the original bond estimate, and, with respect to Montebello Fields , that title report coverage of the Conservation Easements is required; and

WHEREAS, in an updated report dated December 17, 2008, the Village Engineer reported that documents and construction related items are outstanding and specifically listed as follows:

Montebello Fields and Montebello West Subdivision (General):

1. Affidavit for Public Improvements by Village Engineer (s)
2. Posting a Maintenance Bond in the amount of 10% of the original bond estimate for a period of one year from date of dedication acceptance, as per Village Code, 163-18.
3. Construction Related Items (Outstanding)
4. Completion of Drainage Improvements along frontage at 26 Coe Farm Road, including any road repairs required at the trench and pavement overlay consistent with Village requirements.
5. Replace dead tree with similar species and size at 40 Coe Farm Road.
6. As a result of incomplete items at the time of final inspection and potential for trench/pavement repairs, a \$5,000 Cash Bond is required.

Montebello West Subdivision:

1. Coe Farm Road title report: Number 35 – the distance of 103.00 feet is not labeled on the Subdivision Plat.
2. Conservation Easement affecting Lots 6 – 14 (III.) title report: Number 3(c) and (d) – there is a discrepancy between the title report and the Subdivision Plat.
3. Conservation Easement affecting lot 19 (VIII.) title report: Number 1 – the distance of 331.51 feet is not labeled on the Subdivision Plat.

Montebello Fields Subdivision:

1. Provide title report for Conservation Easements; and

WHEREAS, the Village Engineer and the Village Attorney recommend taking dedication of Coe Farm Road and the associated Easements, subject to the conditions set forth herein.

THEREFORE, BE IT RESOLVED, by authority of §6-610 of the Village Law, that the dedication of the foregoing roadway and associated shade tree, sight and conservation easements, be accepted subject to the following conditions, and the Village Clerk authorized to arrange recordation of the associated conveyances once all conditions necessary to facilitate same are met, due notice to be given to the Town, County and New York State:

Montebello Fields and Montebello West Subdivision (General):

1. Affidavit for Public Improvements by Village Engineer (s)
2. Posting a Maintenance Bond in the amount of 10% of the original bond estimate for a period of one year from date of dedication acceptance, as per Village Code, 163-18.
3. Construction Related Items (Outstanding)
4. Completion of Drainage Improvements along frontage at 26 Coe Farm Road, including any road repairs required at the trench and pavement overlay consistent with Village requirements.
5. Replace dead tree with similar species and size at 40 Coe Farm Road.
6. As a result of incomplete items at the time of our final inspection and potential for trench/pavement repairs, a \$5,000 Cash Bond is required.

Montebello West Subdivision:

1. Coe Farm Road title report: Number 35 – the distance of 103.00 feet is not labeled on the Subdivision Plat.
2. Conservation Easement affecting Lots 6 – 14 (III.) title report: Number 3 (c) and (d) – there is a discrepancy between the title report and the Subdivision Plat.
3. Conservation Easement affecting lot 19 (VIII.) title report: Number 1 – the distance of 331.51 feet is not labeled on the Subdivision Plat.

Montebello Fields Subdivision:

1. Provide title report for Conservation Easements; and

BE IT FURTHER RESOLVED, that it expressly be understood that until the conditions are met including posting of the maintenance and cash bonds, the dedication is not effective, thus requiring that the developers continue with plowing Coe Farm Road, and further conditioning dedication upon the developers supplying notice in writing of the contractor(s) who will plow Coe Farm Road in the interim, as well as continue to plow Grist Mill Court and Sousa Lane, which information was previously requested by the Village Clerk.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-148

Village of Montebello

Title: Accept Resignation of Planning & Zoning Clerk

WHEREAS, Carol Adduce has tendered her resignation for purposes of retirement effective December 31, 2008; and

WHEREAS, Carol has served the Village of Montebello very ably as Clerk to the Planning and Zoning Boards since 1988, commencing virtually at the threshold of the creation of those boards; and

WHEREAS, Carol's attention to detail and knowledge of all matters which have been in front of her boards has proven to be as unique as it has been invaluable and can never be fully replaced; and

WHEREAS, Carol's qualities as a person as well as her long and dedicated service necessitate that she be recognized and written into the history of the Village as having played a significant role in its evolvement, and in the shaping of the many important projects dealt with by the Planning and Zoning Boards during her tenure.

THEREFORE, BE IT RESOLVED as follows:

1. That the resignation of Carol Adduce as Clerk to the Planning and Zoning Boards be and hereby is accepted effective December 31, 2008, and the position declared vacant as of that date.
2. That, the Village Board hereby spreads across the Minutes for posterity its gratitude and that of the citizens of the Village to Carol Adduce for a job extraordinarily well done over twenty years of dedicated service.
3. That the Village Board wishes Carol and Al many years of health, prosperity and joy in their new home in Arizona.

4. That the Village Clerk shall prepare two copies of this Resolution in ceremonious form to be originally signed, and shall have same framed; one to be presented to Carol Adduce and the other to be hung in a place of honor at the Village Hall or at the Community Center.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

The Mayor and Trustees thanked Carol for a wonderful job serving the Village for 20 years.

Upon vote, the Resolution carried unanimously.

Resolution: 08-149

Village of Montebello

Title: Accept Resignation of Building Inspector

WHEREAS, Harry Lewis has tendered his resignation for purposes of retirement effective 12/31/08; and

WHEREAS, Harry has served as the Village's first Building Inspector commencing on 12/01/01 when it took over operation of the Building Department; and

WHEREAS, Harry's knowledge of the applicable codes, experience, and unwavering attention to the law is renowned and unmatched throughout the State, and perhaps the Nation, he having served, or still so serving, the Villages of Airmont, Grandview, Nyack, Sloatsburg as well as Montebello in those capacities, in some cases as far back as more than twenty-five years; and

WHEREAS, in addition, Harry was a builder for thirty-six years, and served the Town of Stony Point as a Councilman for sixteen years, having over served as acting Supervisor for a period of time; and

WHEREAS, Harry was recently honored by the Village, along with other WWII veterans, for service to his country, having enlisted and served in the Navy in combat from about 1943-1946; and

WHEREAS, Harry Lewis is irreplaceable, has set an extremely high mark towards which future Building Inspector's will aspire, and it has been an honor and a privilege to know him and to have him serve the Village of Montebello.

THEREFORE, BE IT RESOLVED, as follows:

1. That Harry Lewis's resignation be accepted with extreme reluctance effective posterity, and the positions declared as vacant as of that date, the intent being to man the Department with two part-time Inspectors.

2. That the Village Board hereby spreads across the Minutes for posterity its gratitude and that of the citizens of the Village to Harry Lewis for a job uniquely well done as the Village's first Building Inspector.

3. That the Village Board wishes Harry joy and many good years in retirement

4. That the Month of December, 2008, be declared to be and shall be known as "Harry Lewis Month" in the Village of Montebello, in honor of Harry's service to the Village, and overall public service.

5. That the Village Clerk shall prepare two copies of this Resolution in ceremonious form each to be originally signed, shall have same framed;

one to be presented to Harry Lewis and the other to be hung in a place of honor at the Village Hall or the Community Center.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

The Mayor and Trustees thanked Harry for a wonderful job in serving the Village as its first Building Inspector and wish him the best of luck!

Upon vote, the Resolution carried unanimously.

Resolution: 08-150

Village of Montebello

Title: Polling Place and Hours of Election

BE IT RESOLVED, that the polling place for the Election of Village Officers, Two Trustees for four years shall be held on Wednesday, March 18, 2009 at the Village Hall, One Montebello Road, Montebello, NY. The polls shall be open from seven o'clock in the morning until nine o'clock in the evening, local time; and

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer shall notice and post same as required by the Election Law.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 08-151

Village of Montebello

Title: Michael Beim; Building Permit Refund

WHEREAS, an application for a building permit was submitted on August 12, 2008 for an addition to a single family residence belonging to Michael Beim, 55 Mayer Drive; and

WHEREAS, a fee of \$2,614.00 was paid in association with said application and the Building Department studied the plans and specifications and advised Mr. Beim that he would need to apply to the Zoning Board of Appeals for a variance; and

WHEREAS, the applicant has submitted a letter dated December 9, 2008, received December 10, 2008, stating that he has decided not to go forward with the construction of an addition to his house and requesting a refund of the building permit fee; and

WHEREAS, there appears to be no obligation to return said fees, but it appears reasonable and equitable that such occur in the circumstances, less the cost associated with processing the application reasonably estimated at \$1307.00 including the time of the Building Inspector and Clerk to the Building Department in reviewing said application and plans, and Village Clerk/Treasurer and the Village Attorney in conjunction with the application for a refund.

THEREFORE, BE IT RESOLVED, that for reasons set forth, the sum of one half of the permit fee, \$1307.00, be refunded to the applicant, representing the fee originally paid to the Village, less its estimated costs associated with said Building Permit application

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Title: Highway Agreement with the Town of Ramapo 2009

WHEREAS, the current agreement expires of its own terms on December 31, 2009, and the Town has proposed entering into a new agreement for the continuation of such services during the 2009 calendar year; and

WHEREAS, said proposed agreement, which is referenced hereat as if fully set forth hereinafter, a copy of which shall be attached to the Minutes hereof, is essentially identical to the expiring agreement except as noted below and except for increases, the amount to be paid to the Town to be \$421,120 or \$35,093.33 per month for twelve months; and

WHEREAS, the Town Attorney's office on December 11th advised of a typo in Paragraph NINTH of said Agreement and instructed all Village's to cross out the last part of sentence of Paragraph NINTH B which reads ... "and the Village's shall indemnify and hold the Town harmless from any such claims."; and

WHEREAS, as accepted by the Town Attorney's office as per the Village Attorney's reaction, the date in paragraph SIXTH is understood to be 2010, not 2009, and paragraph TWELFH is understood to be amended by adding ", provided the Town furnishes to the Village proposed 2010 changes on or before October 1, 2009"; and

WHEREAS, entering into such agreement appears to be in the best interest of the Village and the public, given the time frame and the need for such services.

THEREFORE, BE IT RESOLVED, that the Village shall contract with the Town of Ramapo for the provision of road and storm drain maintenance and snow plowing services for the 2009 calendar year including , as has been consistently understood, culvert and drainage system services, according to the terms of the proposed agreement with the provision that the Town understand that said agreement shall unconditionally cover the entire calendar year, and that the Village shall be indemnified and held harmless as set forth therein, including to the extent of any deductible on the Town's insurance policy wherein the Village is to be named as additional insured, this Resolution to form a part of said agreement and to be attached thereto.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Trustee Citrin would like to discuss alternative highway services for 2010.

Upon vote, the Resolution carried unanimously.

Title: Village Engineering Services 2009

WHEREAS, Spence Engineering, Consulting and Municipal Engineers supplied services as the Village Engineer in 2008, and the former Village Engineer, Brian Brooker, P.E. supplied services on projects commenced before the turnover for the purposes of continuity; and

WHEREAS, Spence proposes to continue to provide services for 2009 in a proposal dated September 26, 2008, referenced as if set forth hereinafter at length, a true copy of which shall be appended to the Minutes hereof ("The Proposal"), for the fixed fee services at a lump sum of \$ 30,000 per annum, which fixed amount now includes Land Disturbance work, and time billable professional engineering services at \$115.00 per hour, all as more particularly set forth in the Proposal; and

WHEREAS, Brooker is presently still involved in projects before the Planning Board, which may also be before the ZBA, and in municipal projects for which continuance on an hourly basis appears efficient and logical.

THEREFORE, BE IT RESOLVED, as follows:

1. That the Proposal of Spence Engineering as aforementioned to provide regular engineer services to the Village in 2009 be and hereby is accepted effective January 1, 2009 subject to the following conditions:
 - a. That it be understood that the Village's professional bill appeal procedure shall be appended to the proposal as a part thereof; and
 - b. That the agreement may be terminated by the Village upon ninety (90) days advance written notice without cause at its election.
2. That Brooker Engineering continue to be retained to perform engineering work on an hourly basis, which work shall include, at the discretion of the Village Board as may be exercised from time to time, projects before the Planning Board, and possibly the ZBA, with which Brooker has been involved; applications wherein Spence Engineering may be conflicted; and; other assignments in the discretion of the Village Board, subject to the following:
 - a. The willingness of Brooker Engineering to continue to perform such work hourly and in a timely manner.
 - b. A fee schedule consistent with Brooker's present hourly rates.
 - c. Continued acceptance of the Village's professional bills appeals procedure.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-154

Village of Montebello

Title: Planning Consultant - 2009

WHEREAS, Robert Geneslaw Co., the Planning Consultant for the Village of Montebello, for the purpose of working with the Planning Board and generally to provide planning services, proposes to do so on a per diem fee basis not to exceed \$10,000 per annum, plus \$15,000 for services related to the Comprehensive Plan per the attached Addendum under the terms of a proposal dated December 12, 2008, referenced as if set forth hereinafter a true copy of which shall be appended to the Minutes hereof, submitted by said firm which terms are identical to last year; and

WHEREAS, said firm has not increased its hourly rate for all personnel for review of applications before CDRC, Planning Board and Zoning Board of Appeals per the attached fee schedule which is the same as that for 2008; and

WHEREAS, said firm wishes to continue in such capacity and the Mayor recommends the continuance of same in the best interest of the Village, recognizing the Firm's 20 years of service to the Village.

THEREFORE, BE IT RESOLVED, that said proposal, be and hereby is accepted for the 2009 calendar year and the Mayor is hereby authorized to execute same on behalf of the Village.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-155

Village of Montebello

Title: Financial Consultant Services

WHEREAS, the Village's Financial Consultant Marvin Nyman has been providing financial consultant services to the Village.

WHEREAS, Mr. Nyman's services include budget preparation, assisting the Clerk/Treasurer, and maintaining the Village's financial records.

WHEREAS, the Financial Consultant proposes continuing such services for 2009 pursuant to the terms set forth in a proposal dated December 8, 2008, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof.

THEREFORE, BE IT RESOLVED, that Marvin Nyman continue to provide financial consultant services to the Village for the budgeted amount of \$ 17,784, paid in monthly installments of \$1482 for the period of Jan. 1, 2009 through Dec. 31, 2009

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-156

Village of Montebello

Title: Montebello Community Center Dais Change Order

BE IT RESOLVED, as recommended by the Architect, that the Belleville Contracting, Inc. Change Order in the amount of \$3850, necessary to lower the height of the dais at the Montebello Community Center to improve the sight line for meeting attendees, be and hereby is approved.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-157

Village of Montebello

Title: Amending Budget Adoption Resolution No. 08-143

BE IT RESOLVED, that Resolution No. 08-143 be amended to reflect the following: a change to the total assessment of \$140,463,738 to \$140,503,809; addition of pro-rata taxes due on certain parcels that no longer have an exemption in the total amount of \$2,138.04; the levy of outstanding professional fees on one parcel- 133 Spook Rock Road (41.17-1-65) in the amount of \$2,982.50.

BE IT FURTHER RESOLVED, that the appropriate budget lines be amended to reflect said changes with an amended tax rate of \$8.3746 per one thousand dollars of assessed value which reflects a tax rate reduction of .0025 percent or (a total of \$353.00).

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-158

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 17, 2008 and totaling \$ 126,187.17 are hereby approved and the claims listed thereon shall be paid.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-159

Village of Montebello

Title: M & M Painting-Change Order- Montebello Community Center

BE IT RESOLVED, upon the recommendation of the Architect, that the Change Order of M & M Painting dated December 15, 2008, in the amount of \$3500, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes thereof, for re-finishing, staining & varnishing doors, trim, steps, railing and display cabinet, and for repairing holes in sheetrock and the painting of the entrance, bathroom, kitchen, boiler room and slop sink area, be and hereby is approved, and said sum be authorized to be expended therefor.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution 08-160

Village of Montebello

Title: Parks Commission Resignation and Appointments

WHEREAS, Bob Congionti's designation as the Parks Commission Chairperson expires December 31, 2008, and he cannot be reappointed as Chairman due to the consecutive terms limitation, his seat as a Commissioner continuing until April 2012; and

WHEREAS, as a consequence, the Commission met and nominated Nick Altebrando as Chairperson effective January 1, 2009, with the anticipation that Mr. Altebrando's term as a Commissioner, which ends April 2009, will be extended by the Village Board; and

WHEREAS, Dr. Carmine Caponigro whose term expires April, 2009, tendered his resignation as a Commissioner for personal reasons, to facilitate a retirement oriented lifestyle, indicating that he would continue to assist as and when he could; and

WHEREAS, Bob Congionti and the Commission recommend that Robert Ullman, of Golf Course Drive, who is an Alternate through April 2009, be appointed to Dr. Caponigro's vacating seat, and that Jennifer Schindler, Mile Road, who has been attending meetings of the Commission, be appointed to Mr. Ullman's vacating Alternate seat; and

WHEREAS, the Mayor agrees with the recommendations.

THEREFORE, BE IT RESOLVED as follows:

1. That Dr. Carmine Caponigro's resignation be accepted effective immediately, his seat declared as vacant, and Robert Ullman appointed to fill same as a full member of the Commission until April, 2009, or until a replacement is duly appointed and sworn; and

2. That Robert Ullman's Alternate seat, now vacated, be filled by Jennifer Schindler until April, 2009, or until a replacement is duly appointed and sworn.

BE IT FURTHER RESOLVED, that the Village Board hereby spreads across its minutes gratitude to Bob Congionti for his dedicated service as Chairperson, and to Dr. Carmine Caponigro, for his service on the Commission, and for his steadfast support of the Village since it's formation, and wishes him many years of good health and happiness in the next phase of his life.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

The Mayor and Trustees thanked Bob Congionti and Carmine Caponigro for their service to the Parks Commission. Warren Berbit expressed to the Board that the new members sitting on the Parks Commission have great ideas and are excited to be part of the Commission.

Upon vote, the Resolution carried unanimously.

Resolution: 08-161

Village of Montebello

Title: Amending Resolution No.08-081

BE IT RESOLVED, that Resolution No. 08-081 be amended regarding the carpet cleaning in the meeting room portion of the building; acceptance of the proposal of Mr. K's Carpet Service in the amount of \$720.00, being hereby revoked; and

BE IT FURTHER RESOLVED, that the proposal of Roca Carpet, Inc., dated November 19, 2008 in the amount of \$610.00 for said service be accepted and said sum authorized to be expended therefor, said proposal referenced as if set forth hereinafter, a true copy of to be attached to the minutes hereof.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Old/New Business:

Mayor Oppenheim brought up the option for the Village's code enforcement to write tickets for parking violations to create another source of revenue. Trustee Citrin requested that this matter be tabled to a future meeting.

At 9:46 p.m. Trustee Caridi made a motion to enter Executive Session to discuss ongoing litigation and personnel matters, seconded by Trustee Citrin. Upon vote, the motion carried unanimously.

At 10:18 p.m. Deputy Mayor Millman made a motion to exit Executive Session, seconded by Trustee Citrin. Upon vote, the motion carried unanimously.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Citrin. Upon vote, the motion carried unanimously. The meeting adjourned at 10:19 p.m.

Respectfully submitted:

Debra Mastroeni, Village Clerk/Treasurer