

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, OCTOBER 19, 2011 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:08 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Mayor Oppenheim welcomed everyone and began his report by reflecting on the devastation caused by Hurricane Irene and how it impacted many of our residents. The Mayor went on to say that this evening the Board will recognize three individuals that volunteered their time and labor to assist the residents who were flooded out on Lake Road., Patrick Bednarski, Michael Sadowski and John Sadowski. The Mayor also issued a reminder to residents that were affected that the deadline for FEMA applications is October 31st. The Village has been working with the County Office of Emergency Management for assistance in getting state and federal officials together to try and get some help for our residents who suffered major losses.

Another consequence of Hurricane Irene is the closure of the Montebello Road Bridge. Trustee Caridi and Trustee Sorrillo attended a meeting of the County Legislature the other night where the matter was discussed. Trustee Sorrillo noted that replacement/repair of this bridge will be a very long process. The underpinnings may or may not be washed away, which is still being evaluated. The bridge will be closed at a minimum a year, year and a half. The entire bridge may have to be removed and rebuilt. Mayor Oppenheim noted that the Village Board sent a letter to the residents advising them of the closure of the Montebello Road Bridge and that the repairs on the Mayer Drive Bridge should be completed in the near future. Legislator's Wolfe and Meyers are trying to assist our efforts with the County to get this work done and the bridges opened.

Mayor Oppenheim noted that the Mayer Drive Bridge should be open in early December. He has been discussing the high traffic volume that will be rerouting to Mayer Drive because of the Montebello Bridge closure with Town and County officials looking for ways to enforce truck traffic from using these roads.

Mayor Oppenheim advised that Deborah Jindela has stepped down as the Community Garden

coordinator. The position will now be held by Lalitha Ravichandran and her husband with assistance from the Deputy Mayor, Lance Millman. A garden shed is being purchased and compost bins will also be put in place.

The consultant's report on Phase II of the Gorman Ponds Park is expected to be completed within the next few weeks.

The Village Engineer has met with the residents of Kevin Drive to discuss solutions for their drainage issues. The Engineer met with them on an advisory level only; he will not be designing the remedy nor will the Village be implementing work on private property. However, it will permit and oversee connection to its storm water system.

Mayor Oppenheim thanked Trustee Citrin for volunteering to assist him in reviewing the streetlight audit that was performed by Orange and Rockland. The Village is looking for ways to reduce the over \$20,000 a year cost for streetlights. The Mayor also advised that the Village has received a grant for an electric vehicle charging station. The charging station is expected to be installed at Village Hall tomorrow.

Mayor Oppenheim gave an update on the Tappan Zee Bridge, noting that the original analysis recommended bus and train rapid transit be included, and that now the Federal government is pushing the project forward without the rapid transit options. The consensus is that if the rapid transit is not included now it probably will never happen.

At this time, the Mayor presented Certificates of Appreciation to Michael and John Sadowski and Patrick Bednarski for assisting the flooded homeowners on Lake Road during Hurricane Irene. All of the Board members thanked them for their efforts and photos were taken.

The next agenda item was a Public Hearing on Chapter 132 the Property Maintenance Law for 2 Tanchak Court, owner Michael Campanella, SBL:40.20-1-13.1. 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, October 19, 2011, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901 pursuant to §132-17 of the Village Code, "the Property Maintenance Law", with respect to the property located at 2 Tanchak Court, Section 40.20, Block 1, Lot 13.1 in the name of record owner Michael Campanella, to determine whether said property thereon be considered a nuisance and hazard to health and safety and an eyesore, such that the Board order that said conditions be corrected at Village expense and direction, the cost of same to be charged and assessed to constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied and discharged, and to be collected in the same manner and at the same time as other village charges.

All members of the public and all interested parties are invited to attend and participate. The associated violation is on file and is available for inspection and review at the Village Office during normal business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."

The Village Attorney questioned the Village Clerk/Treasurer and concluded that due notice has been given by virtue of the publication of the legal notice on October 4, 2011, and posting on October 4, 2011, in the six locations throughout the Village as required by law. The property was properly posted by the Building Inspector on October 4, 2011.

The Village Attorney gave a brief summary of the purpose of the hearing noting that the property is not being maintained and is in violation of the Village Code and the NYS Property Maintenance Code.

The Village Attorney swore in the Building Inspector, Larry Picarello, to give testimony before the Board.

At 8:25 p.m. Trustee Caridi made a motion to open the Public Hearing, seconded by Trustee Sorriolo. Upon vote, the motion carried unanimously.

Mr. Berbit ascertained that the Building Inspector has worked for the Village for the past year and a half, had noticed the property, and that it was and remains unmaintained.

More particularly, in response to questions from the Village Attorney, the Building Inspector testified that he received a complaint from a neighbor of 2 Tanchak regarding the property being unkept and overgrown in excess of 10 inches, which is a violation of the Village Code and the NYS Property Maintenance Law. Mr. Picarello advised that he posted the property on September 15, 2011 and returned to inspect the property today and found it still uncut and not maintained.

The Village Attorney requested that the violation notice and photos be included in the record.

Mr. Berbit asked the Building Inspector if this property has been subject to the same procedure before. The Building Inspector responded that the property was posted before for the same reason and someone cut the grass. Since that time it has been neglected.

The Village Attorney thanked Mr. Picarello for his testimony.

The Village Attorney then reviewed on the record the fees that are to be levied against the property owner with the Village Clerk/Treasurer.

No one else from the public wishing to testify on this matter, at 8:27 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Title: 2 Tanchak Court-Chapter 132 Property Maintenance Hearing

WHEREAS, by virtue of Resolution No. 11-105 adopted on September 21, 2011, after public discussion and explanation of the Mayor and Building Inspector pursuant to the Property Maintenance Law, Chapter 132 of the Village Code, and Section 302.4 of the New York State Property Maintenance Code, the Village Board ordered that a Public Hearing be held on October 19, 2011 to ascertain whether conditions on the property located at 2 Tanchak Court, Section 40.20, Block 1, Lot 13.1, warranted that the Village Board determine that the condition of said property violates §132-13, thus warranting ordering that measures be immediately taken to correct same; and

WHEREAS, the Village Attorney reported having questioned the Village Clerk and ascertained that the Notice of Notice of Violation was posted on September 15, 2011 that the Notice of Public Hearing, worded as follows, which was summarized in the record, was posted on the property on October 4, 2011, was sent to the record property owner by regular and certified mail on September 29, 2011, to the address of the subject premises, and was published in the Journal News on October 4, 2011, thus causing him to conclude that due notice was given despite learning that mailings to the property were returned and that a diligent search for another address for the property owner was unavailing, and that the lending institution claims that the property owner is still in Title for the property:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, October 19, 2011, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901 pursuant to §132-17 of the Village Code, "the Property Maintenance Law", with respect to the property located at 2 Tanchak Court, Section 40.20, Block 1, Lot 13.1 in the name of record owner Michael Campanella, to determine whether said property thereon be considered a nuisance and hazard to health and safety and an eyesore, such that the Board order that said conditions be corrected at Village expense and direction, the cost of same to be charged and assessed to constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied and discharged, and to be collected in the same manner and at the same time as other village charges.

All members of the public and all interested parties are invited to attend and participate. The associated violation is on file and is available for inspection and review at the Village Office during normal business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m. ; and

WHEREAS, the Village Clerk reported receipt of the following which were included in the Record:

1. Notice of Violation of Building Inspector dated September 15, 2011.

2. Postings of property dated October 4, 2011.
3. Public Hearing Notice sent to owner on October 4, 2011.
4. Affidavit of Postings, Publication and Mailings, and Mailing Receipts.

;and

WHEREAS, the hearing was opened at 8:25 p.m., and the Building Inspector testified that he posted the violation and hearing notices as aforescribed, but that mailing to the property is futile as the mailings are returned, and that the property is overgrown and representing a danger and eyesore, and has been in this condition, and remained in that condition as of today; and

WHEREAS, the Village Clerk testified that her office mailed by regular and certified mail despite such being returned, and that the cost to the Village thus far on this served prosecution is as follows:

➤ Legal Notice Fee	\$ 59.59
➤ Building Inspector time	\$ 67.20
➤ Postal charges for mailing	\$ 5.98
➤ Village Attorney time	<u>\$150.00</u>

TOTAL: \$282.77 ;and

WHEREAS, this property previously came before the Village Board for the same purpose on August 11, 2011, and although a party or parties unknown acted shortly before the hearing to bring the property into compliance, by Resolution No. 11-102, the Board determined the cost to the Village at that time to be \$287.86 and resolved to add same to the charges to be imposed and levied should the property again be prosecuted as noncompliant with the Property Maintenance Law or the N.Y.S. Property Maintenance Code, as is the subject of this Public Hearing, said Resolution to be included in the Record hereof; and

WHEREAS, no one else wishing to be heard, the Hearing was closed at 8:27 p.m.

THEREFORE, BE IT RESOLVED, after due deliberation and giving full consideration to all testimony taken and evidence submitted at the hearing, as follows:

1. That the Village Board determines that, in the interest of public safety and property maintenance, that the property is in a dangerous and hazardous condition and represents an eyesore and a nuisance in violation of Chapter 132 of the Village Code in particular 132.13 thereof, and Section 302.4 of the NY Property Maintenance Code.

2. That, by authority of §132-17.B. of the Village Code and the NY Property Maintenance Code, the Village Board directs that said nuisance and violation of the property maintenance requirement be corrected by contracting with a landscaping service to remove debris, mow and trim the property to meet the requirements of §132.13 and that such be performed again whenever and if necessary in the judgment of the Building Inspector, the

property again becomes in a condition violating §132-13, assuming that the owner does not cause compliance with said requirements.

3. That the sums necessary to cause compliance, and all related expenses caused the Village, be and hereby are charged and assessed to address the property maintenance work to be s necessary to cure and prevent ongoing safety and aesthetic issues, upon the actual expenditure of same, should the owner fail to cure the outstanding issues or fail after curing same, to maintain the property in an appropriate fashion in the judgment of the Building Inspector, which said sums, plus any subsequently incurred sums, and any associated expenses caused the Village, including its expense of \$289.86 incurred in August, and \$282.77 incurred thus far herein, shall constitute a lien and charge on the subject real property against which it is hereby levied until said is otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other Village charges, said sums to be set and recognized by subsequent Village Board Resolution as and when incurred in furtherance of the determination made herein.

4. That it is not the intent of the Board that this action preclude prosecuting the owner for violating the Code, nor does same preclude the fining of the owner nor the grants of other relief as a consequence hereof.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

The next agenda item was a Public Hearing on the application of Janine Getler and Linda Gomes of 11 Fant Farm Lane for relief from the Conservation Easement on their property for placement of a fence.

The Village Attorney explained the procedure for conservation easement relief. The applicant pays an initial fee of \$250 for the Board to review and consider the request. If the Board decides to move forward and hold a public hearing on the matter, an additional fee of \$250 is required. On this particular application, the reason for relief was not compelling and the Board was not inclined to move forward but for the applicant offering to expand the conservation easement. Thus, the Board agreed to hold the hearing.

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, October 19, 2011, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901, to consider granting approval for A Conservation Easement variance to Janine Getler and Linda Gomes, 11 Fant Farm Lane to permit continued presence of a fence or a variation thereof diagonally crossing the Conservation Easement which

is located across the rear of the property especially given the offer to expand the Conservation Easement in trade for relief, e.g., by including the left rear triangular portion of the property in the Easement.

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 business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."

The Village Attorney questioned the Village Clerk/Treasurer and concluded that due notice has been given by virtue of the publication of the legal notice on October 9, 2011 and posting on October 9, 2011 in the six locations throughout the Village as required by law. The method of delivery of the legal notice by the applicant to surrounding property owners via regular mail and certified mail and the property was properly posted. The applicant submitted the Affidavit of Notification and Affidavit of Posting. The Village Board members were given the application on September 21, 2011.

The Village Attorney listed the documents that comprised the entire application: in addition to the public hearing notice and mailing affidavits there is an original application dated September 9, 2011, received on September 9, 2011, an Applicant's narrative statement with attached survey and photographs, the denial letter from the Building Inspector dated August 24, 2011 advising the applicant to appear before the Village Board to request approval, the Resolution scheduling the public hearing.

Mr. Berbit summarized the application for relief: The application is to maintain an existing fence that is located within the conservation easement. Reportedly, the builder installed the temporary fence at the request of the homeowner and was placed within the easement because it was the path of least resistance and would not entail any tree removals. Mr. Berbit advised that he has drafted a resolution based upon the homeowner's offer to donate land to the village to expand the size of the easement. He also noted that the Board has never granted any type of fencing other than black chain link within an easement. The Board would have to get the reaction of the Planning Board regarding any expansion of the easement since they established the original easement. The homeowner has conveyed to the Village Attorney that they are willing to agree to all conditions imposed by the Boards and/or the Village Engineer.

Trustee Citrin noted that he has looked at the property survey provided and that it appears that the conservation easement may extend the full rear of the property, but unable to differentiate where it ends. The subdivision map would identify the easement clearly. In other words, what seems to be a cut off may be no more than a dimensionary line.

Mr. Berbit suggested allowing the applicant to testify to her knowledge of same as she is a real estate attorney.

At 8:48 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

The applicant, Janine Getler is present and stated that on lot 3 there is no conservation easement and on her lot, lot 4, that the easement is located on one portion of her lot. When placing the fence she did not realized that portion of her property was part of the easement. She also expressed her desire to maintain the trees on her property and not have to remove them to put her fence in if she has to fit it in the non-easement area. She expressed her willingness to go around the perimeter of the easement with the color and type of fencing the Board preferred.

Trustee Citrin asked if the purpose of the fence is to keep her dogs on her property.

Ms. Getler responded, “Yes, and to keep neighbor’s dogs off of our property”.

Andrew Popik - 22 Golf Course Drive- stated that he warned the applicants that their fence was in the Conservation Easement, that he was not opposed to the variance but if the Board granted one, he would request relief and a lot of others in the area would do the same. He also noted that there should be no question as to where the easement is, that his survey clearly shows the entire conservation easement on the rear of the property as shown on the site plan prepared by William Youngblood dated May 16, 2011, which was included in the record.

Trustee Citrin viewed the map and concurred that the conservation easement extends across the full rear of 11 Fant Farm Lane. Mr. Berbit concurred that a misimpression had apparently been fostered by a dimensionary line and the Applicants testimony.

Discussion continued between the Board members, Ms. Getler and Mr. Popik

Trustee Sorrillo stated that the Board has preserved these conservation easements and relief is seldom granted and must be for a much more significant reason than fencing in a dog.

Trustee Caridi noted that many residents have requested relief and been turned down.

Deputy Mayor Millman stated that regardless of whether the public hearing is continued or not the location of the conservation easement should be substantiated. Dogs are supposed to be leashed and not running freely, that needs to be addressed.

Trustee Citrin explained that if an exception is made for her dogs, everyone will be asking for the same relief. To the best of his recollection, relief has only been granted in the past for the safety of young children. He cannot support granting this application.

No one else wishing to comment, at 9:06 p.m. Trustee Caridi made a motion to close the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Resolution: 11-111

Village of Montebello

Title: Conservation Easement Relief - 11 Fant Farm Lane

WHEREAS, Janine Getler and Linda Gomes of 11 Fant Farm Lane, in their letter dated September 9, 2011 and received September 9, 2011 with attached survey and photographs, requested a variance from the 50' wide conservation easement which runs along the back and right side of their property, said proposed variance to permit continued presence of a fence or a variation thereof diagonally crossing the Conservation Easement, which they find necessary to contain their dogs, also having noted that the present temporary fence was placed by the developer, and that to enfold a sufficient area a fence wholly outside the Conservation Easement would necessitate the removal of several trees, and offered to expand the Conservation Easement in trade for relief, e.g., by including the left rear triangular portion of the property in the Easement, in the stated belief that such was not already in the Easement; and

WHEREAS, at phase 1 of the application for such a variance , the Village Board by Resolution # 11-103, acted on September 21, 2011 to permit this application to proceed to phase 2, the Public Hearing phase; and

WHEREAS, a Public Hearing was held on October 19, 2011, and the Village Attorney ascertained thereat with the Village Clerk that due notice was given thereof by mailing, posting and publication, and the Village Clerk read the legal notice into the record as follows:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, October 19, 2011, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901, to consider granting approval for A Conservation Easement variance to Janine Getler and Linda Gomes, 11 Fant Farm Lane to permit continued presence of a fence or a variation thereof diagonally crossing the Conservation Easement which is located across the rear of the property especially given the offer to expand the Conservation Easement in trade for relief, e.g., by including the left rear triangular portion of the property in the Easement.

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 business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.

; and

WHEREAS, the following were included in the record:

1. Resolution scheduling Public Hearing.
2. Legal notice dated October 9, 2011 (and affidavits of publishing, posting and mailings).
3. Application Letter with attached survey and photograph documents.

4. Applicant's Narrative Statement
5. Denial Letter of the Building Inspector dated August 24, 2011
6. Map offered by neighbor

;and

WHEREAS, at the hearing the Applicants appeared, by Ms. Getler, and testified as follows:

That they, too, want to preserve trees, and don't mind enlarging the easement and the area fenced. That the developer placed the temporary fence in the Easement at their request, but that they did not know until the day of the closing that a Conservation Easement was involved. That they would welcome removing the current fence in the Easement, and placing a permanent black chain link fence around the perimeter of the enlarged easement, while avoiding all trees; and

WHEREAS, Andrew Popik, residing at 22 Golf Course Drive, a next door neighbor, appeared and testified as follows:

That he warned the Applicants that the invasive fence was in the Conservation Easement, and that the Easement runs the full width of the property as demonstrated by the survey of his adjacent property, and the vicinity depicted thereon. He further stated that although he was not directly opposed to the variance, if one was granted for the reasons stated, then he would seek a similar variance, as likely would others in the area causing a domino effect.

WHEREAS, in rebuttal, Ms. Getler then stated her belief where the Conservation Easement ended was based upon a stone wall that she had the developer extend; and

WHEREAS, Trustee Citrin pointed out that the line being construed to represent the cut-off end of the Conservation Easement appeared to simply be a two-sided dimensional arrow showing the width of the Easement which was confirmed by the Popik map; and

WHEREAS, in the Board deliberations which ensued, it appeared to the Board that there was insufficient justification to grant the easement, even if the Easement was to be expanded, albeit it did not appear that such was the case as the better proof was that the Conservation Easement already ran the full width of the property.

THEREFORE, THE BOARD RESOLVES AND FINDS AS FOLLOWS:

1. That the Application for a Conservation Easement variance is denied based upon the Board's past practice of not granting such a variance without a compelling reason, such as child safety, finding that a desire to fence in dogs is not a compelling reason to invade the Conservation Easement, despite Applicant's explanation to otherwise create a sufficient area would require removal of trees as of right (the Board finding their desire laudable, but not sufficiently compelling in the circumstances).
2. That the offer to expand the Conservation Easement in return the Board trusts was made in good faith in the Applicant's stated belief that the Conservation Easement did not run across the entire rear of her property, although it now appears that the ambiguity has been cured on the record, and that the Conservation Easement already runs the entire width of the property.
3. That the invasive fence must be removed and the Conservation Easement allowed to return to its natural state.
4. That, in the interest of equity, the Applicant's fee for phase 2 of the process, \$250.00, be refunded.

Motion: Trustee Citrin

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

The Mayor and the Deputy Mayor both reiterated that since they have been on the Board, relief has never been granted within a conservation easement unless there was a hazard to the safety of an individual or children. The easements are in place for a reason and the Board is intent on preserving them for that purpose.

Public Comment: No one wished to speak.

Resolution: 11-112

Village of Montebello

Title: Approval of Minutes for August 11, 2011

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of August 11, 2011 be and are hereby approved.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 11-113

Village of Montebello

Title: Services of Process Server for Justice Court Prosecutions

WHEREAS, the Assistant Village Attorney assigned to Justice court prosecutions, Jay Golland, reports the need to regularly utilize the services of a Process Server in order to advance those cases involving recalcitrant parties who do not appear in court despite due notice; and

WHEREAS, authorizing and arranging for the services of a Process Server is reasonable and prudent and necessary in the circumstances in order to enforce the Village Code and the purposes thereof.

THEREFORE, BE IT RESOLVED as follows:

1. That the Village Clerk, with the assistance of the aforesaid Assistant Village Attorney, establish a list of experienced Process Servers prepared to meet the needs of the Village at a reasonably competitive price according to the Village Procurement Policy.
2. That the Village Clerk is authorized to retain such services on a needs basis without further action of the Village Board at the request and explanation of the Assistant Village Attorney assigned to the Justice Court, for the afore discussed purposes.
3. That the cost of such services be reported to the Village Board on a regular basis, no less frequently than its monthly regular meeting such that a pattern and expense of use can be developed over time, to ascertain whether the Village Board needs to further regulate the subject.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 11-114

Village of Montebello

Title: Independent Audit Proposals for 2011, 2012, and 2013

WHEREAS, the Board of Trustees has authorized an independent audit of the Village's financial statements annually since 2004; and

WHEREAS, the Village Clerk/Treasurer sent out letters of interest seeking proposals from auditors for the 2011, 2012 and 2013 fiscal years, and the following proposals were received, earliest year first:

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Vanacore, DeBenedictus, DiGiovanni & Weddell, LLP,	<u>\$18,000</u>	<u>\$18,000</u> , and	<u>\$18,000</u> .
Nugent & Haeussler, P.C.	<u>\$15,000</u>	<u>\$16,000</u> , and	<u>\$17,000</u> .
Korn, Rosenbaum, Phillips & Jauntig, LLP	<u>\$12,500</u>	<u>\$12,675</u> , and	<u>\$13,250</u> .

WHEREAS, it is prudent that such services be obtained, and the fees for same seem reasonable, and Korn, Rosenbaum, Phillips & Jauntig, LLP, proposing the lowest fees, has done audit work for the Village in the past and the Village Board has been pleased with such services.

THEREFORE, BE IT RESOLVED, that the Proposal of Korn, Rosenbaum, Phillips & Jauntig, LLP be accepted, said firm being retained to perform independent auditing services, and the fees set forth in the Proposal authorized to be paid for same, the Village reserving the right to terminate the arrangement in any year for the succeeding year.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 11-115

Village of Montebello

Title: Snow Removal/Landscaping Services 2011/2012

WHEREAS, the Village Clerk/ Treasurer sent out RFP's for Snow Removal and Landscaping Services at Village Hall and the Montebello Community Center, and for Landscaping Services, separately, at the Viola Road Cemetery, around the 7 Village roadside entry signs, and along Ponds Park for the grassy margin between it and Senator Levy Drive, and Landscape and Maintenance around the pond areas, including the pathway and parking area for the period December 1, 2011 to November 30, 2012; and

WHEREAS, proposals were received from Belleville Landscaping, Inc., and Pro-Cut Lawns Landscaping and Contracting, Inc., referenced as if set forth hereinafter, true copies of which shall be appended to the Minutes hereof, the salient details of which are as follows:

	Snowplow and Landscape Village Hall and Community Center, Mow Edge of Ponds Park (Senator Levy Dr.) and Landscape Cemetery and Village Signs, Parking Areas and Pathway Ponds
Pro Cut Lawns*Landscaping and Contracting, Inc.	19,250.00
Belleville Landscaping, Inc.	16,560.00

;and

WHEREAS, it appears that Belleville Landscaping, Inc. has offered the most economical proposals, and combined proposal, also noting the apparent absence of snow depth and salting escalating provisions except if a loader is needed for heavy snow with the prior approval of the Village.

THEREFORE, BE IT RESOLVED, that the Village Board upon due deliberation, does hereby accept the combined proposal of Belleville Landscaping, Inc. for Snow Removal and Landscaping Services at Village Hall, the Montebello Community Center, and Landscaping Services, alone, at the Viola Road Cemetery, around the 7 entry signs, and along Ponds Park for the grassy margin between it and Senator Levy Drive, maintenance around the pond areas including the pathway and parking area for the period December 1, 2011 to November 30, 2012 at an all inclusive package price of \$16,560.00, plus loader/truck charges if needed, as more particularly set forth in the proposal, and authorizing that said sum be expended for said purposes, contract to be in a form as approved by the Village Attorney, the only potential extra costs being use of a front end loader for a heavy snowfall, with the prior approval of the Village.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 11-116

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated October 19, 2011, and totaling \$140,643.61 are hereby approved and the claims listed thereon shall be paid.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Title: Authorizing the Retention of Feerick Lynch MacCartney, PLLC-
Attorneys at Law as Special Counsel

WHEREAS, the Village Board has been advised that certain constitutional claims have been made in a pending Justice Court matter, People v. Novie ; and

WHEREAS, the Village requires legal assistance by qualified and experienced legal counsel in municipal and constitutional law; and

WHEREAS, the Firm of Feerick Lynch MacCartney, PLLC (the "Firm") having now been retained by Travelers, the insurance carrier in the related federal case, Novie vs. V. of Montebello, 10CV9436, has the requisite background for such services required.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein.
2. The Village retains this Firm and the Mayor of the Village is hereby authorized to execute any required documents regarding the legal services of Feerick Lynch MacCartney, PLLC as Special Counsel for the Village at the hourly rate of \$250 per hour plus all reasonable and necessary expenses incurred in connection with any representation regarding the pending Justice Court litigation entitles People v. Novie, said Firm estimating an expenditure of 10 to 20 hours herewith.
3. Given the close connection to the related federal case, and that a result in Justice Court can impact the same, application should be made to Travelers to also have the services in the Justice Court matter included as part of its defense of the Village, as well as a demand made to obtain reimbursement of the \$5,000 paid to Feerick Lynch MacCartney, PLLC, prior to Travelers reversing its prior denial of coverage.

Motion: Trustee Citrin

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

At this time, Mayor Oppenheim presented his proposed budget for 2012 to the Board members.

Resolution: 11-118

Village of Montebello

Title: Public Hearing on Tentative Budget for 2012

BE IT RESOLVED, that a Public Hearing is to be held on the Tentative Proposed Budget for the fiscal year 2012 on November 16, 2011 at 8:00 P.M. local time or as soon thereafter as the matter can be heard, such that a Budget for said year can be adopted.

BE IT FURTHER RESOLVED, that the Village Clerk-Treasurer is hereby directed to notice and post same.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

The next agenda item was a discussion on the road resurfacing schedule.

Mayor Oppenheim discussed the letter from the Village Engineer dated October 19, 2011 whereby he recommends that the Board consider delaying the resurfacing of Orchard Street and Belvedere Path until the spring. The milling and paving contractors are extremely backed up; there would be a substantial increase in the cost of the milling work if done now; the end of acceptable season due to colder temperatures is approaching; and, avoiding road detours due to the two bridges being closed. The Village Engineer also feels the unit prices will be significantly lower in the spring.

Upon discussion, the Board members are in agreement with the Village Engineer's recommendation and would like the Mayor to send a letter to the Orchard Street residents advising them of the change in schedule and the reasons for same. In addition, he should explain that the necessity for a speed hump on that road may have changed and request feedback from the residents regarding that.

Old and New Business:

Mayor Oppenheim announced that on Sunday at 1 p.m. at the Lafayette Theatre in Suffern a special documentary will be shown, the story of RLUIPA (the Religious Land Use and Institutionalized Persons Act) adopted by Congress in 2000.

The Mayor advised that he has received a letter from resident, Barbara Iatropoulos, in favor of the Board adopting a renter's law to maintain the quality of life in Montebello.

The Board members discussed the reduction in the Village's assessed value of approximately 5 million dollars and the need to maintain a surplus amount that will offset the need for much higher tax increases in the future. Montebello has not had a tax increase in 3 years and although the Board has kept expenses down every year, revenues are down as well and the Board feels they have no choice but to exceed the 2% tax levy.

Resolution: 11-119

Village of Montebello

Title: Proposed Local Law No. 3 of 2011 to Override the Tax Levy Limit Established in General Municipal Law

WHEREAS, as a consequence of a reduction in the Village's taxable assessment base of approximately 3.33 % as reported by the Assessor of the Town of Ramapo, with the attendant consequence that the Village's tax rate would have to be increased a commensurate amount before even increasing the Village's tax levy, coupled with the tax levy limit imposed by General Municipal Law ("GML") §3-C, and given the stage of the budgetary process for calendar year 2012, the Mayor, after consultation with the Village's Financial Consultant and Village Clerk/Treasurer, recommends scheduling a Public Hearing pursuant to GML §3-C just in case the need arises to increase the levy above the tax levy limit; and

WHEREAS, as a consequence the Village Clerk has obtained a proposed Local Law to override said tax levy limits, referenced hereat as if set forth hereinafter, a true copy to be appended to the Minutes hereof.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on November 16, 2011, or as soon as the law may require, to consider adoption of the proposed local law should the budgetary process necessitate that said tax levy limit be exceeded.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Caridi. Upon vote, the motion carried unanimously. The meeting adjourned at 10:07 p.m.