

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 15, 2012 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:02 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance N. Millman	Deputy Mayor
	Steven A. Sorrillo	Trustee
	Stacy Caridi	Trustee
	Melanie Golden	Trustee

Others Present:	Warren Berbit	Village Attorney
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Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Mayor Oppenheim began his report by thanking Village resident John Moroski for performing at the Summer Concert; the weather was beautiful and we had a great turnout. Kudos to the Parks Commission for a job well done.

Mayor Oppenheim announced that our Fire Inspector Frank Wilson has resigned. The Mayor is recommending that Christopher Kear be hired for the position. Mr. Kear is presently the Fire Inspector in New Hempstead and Wesley Hills, as well as a fireman in Connecticut. Everyone should have received a copy of his resume. Mr. Kear is in attendance to meet everyone.

The Mayor advised that the Rockland County Highway Department is responsible for the Airmont Road thruway overpass and will be paving that portion of Airmont Road late September early October. The overpass is in terrible shape. We have also requested that the County take care of the numerous potholes along Spook Rock Road. The road has become a real hazard to drive on.

At the last Board meeting members had requested to start receiving the Tree Removal Permit Approval List via email. The Mayor thanked the Village Clerk and Deputy Clerk for sending this.

Mayor Oppenheim noted that he received a letter from Amy Rapaport suggesting replacement of all mercury streetlights to sodium bulbs that are more energy efficient. He has made it his mission to work with Orange & Rockland to have all the light bulbs replaced in the streetlights around the Village. The Village has been participating in a 2% switch program for years now, which allows up to 2% of the bulbs to be switched out to sodium. Orange and Rockland changed the program to include the entire county under

the 2%, on a first come basis. We asked that all of our mercury streetlights be changed, they have agreed to change 3 this year and will add to that number depending on how many other municipalities request changes.

Mayor Oppenheim noted that recent articles have started circulating in local newspapers regarding who should pay for street lighting on county roads. He stated many municipalities are now realizing there are many street lights that are not necessary, many of these lights are located on county roads and the county should pay for lighting on their roads. The Village is saving money because we took the initiative and had unnecessary streetlights removed.

After two streetlights were removed on Vivian Place, a letter was received from a resident requesting to have them put back. Orange & Rockland now wants to charge over \$4,000.00 to put these two lights back in. We have decided to replace one of the streetlights instead of two. Mayor Oppenheim noted that Mrs. Mirabile, from 7 Canterbury, called and thanked the Board and everyone else who was involved for turning the streetlight back on in front of her home.

As mentioned last month, Orchard Street was repaved but the yellow center line was not put down the middle, there was a concern that running the yellow line may encourage people to drive faster. Psychologically when drivers see a yellow line they tend to think of it more of a highway. The speed hump on Orchard Street will not be constructed until the Montebello Bridge is opened back up.

There is money left in the budget for re-paving. Mayor Oppenheim recommended paving Victory Road, which is in the worst shape. Trustee Caridi had photos which she passed around. Resurfacing Victory Road will run slightly over budget, but it's imperative that it be done.

Trustee Sorrillo was concerned about time running out this year for paving, asphalt companies close down in September/October. The Mayor said there is plenty of time, at least until the ground freezes. The road will be done in the next few weeks.

A number of complaints have been received from a resident living in Rio Vista about the fire siren alarm. The Tallman Fire Dept. had agreed to cease activating this alarm between 11 p.m. and 6 a.m., but it has been going off during those hours. Residents from Ramapo Cirque have been complaining about this for some time. Trustee Caridi lives in that area and stated it is really bad, if you are in the area of that siren when it goes off, especially the side by Rio Vista or the Cirque your body literally vibrates, it is so loud. It is a shame that the Tallman Fire Department is not willing to help these residents.

Mayor Oppenheim has spoken to George Doremus, Fire Chairman of the Tallman Fire Department about this issue. The siren is physically located in the Village of Suffern and he is not certain he can resolve this problem. He will continue to try to work it out, but again stated he does not know how much he will be able to accomplish.

The Mayor announced that he would like to get a newsletter out in September, and asked the Board members to submit their articles in the next couple of weeks.

Trustee Golden attended a meeting regarding the new Tappan Zee Bridge proposal, discussion to follow further in the meeting.

Mayor Oppenheim discussed the outstanding dam repair work in the Gorman Ponds Park. The Village Attorney, Warren Berbit and the attorney for JMK (Montebello Pines developer) have been in discussion regarding the dam repair work. Mayor Oppenheim stated he would like to have JMK pay the money that it will cost to make the repairs to the dams, and the Village will have the work done.

Mayor Oppenheim asked Attorney Berbit if he had an estimate of what the amount may be.

Mr. Berbit responded that he had rejected that idea, but if the Village wants him to change that stance he will. He stated the Village cannot get the work done for the prices they (JMK) got. We would have to go through the whole bidding process with specifications, which “changes the whole game”. A letter was recently sent to JMK’s attorney stating that “enough is enough” let’s get this project going. We are awaiting a response from them.

Mr. Berbit advised that the developer is being resistant with completing the work unless he receives a stipulation from the Village guaranteeing that this is the only work that has to be done. Mr. Berbit expressed that there may be unanticipated underlying issues when the dams project is started and he does not want to recommend a stipulation if this in fact turns out to be the case.

Mayor Oppenheim demanded resolution to this issue this season. The Parks Commission has been waiting for this repair work to be completed so they can move forward with the ponds. The Mayor requested that this issue be settled by next month. Mr. Berbit also indicated that the developer also has a time imperative, lest it have to renew its’ letter of credit.

The Mayor advised that there will be a Resolution this evening to enter into a Pilot Agreement with Raymour & Flanigan who recently purchased the Dress Barn building on Dunnigan Drive. The Mayor mentioned that Raymour & Flanigan have already agreed to purchase a bench in Gorman Ponds Park.

Mayor Oppenheim advised that there has been no new news regarding the Verna case in Supreme Court.

The Mayor spoke with Michael Klein, the attorney representing the Indian Rock Homeowners Association. The Association has requested someone from the Village Board attend their Association monthly meeting on August 16th. The Mayor advised that

he has a prior commitment this month but would be able to attend their next meeting. The Association has new Board members and they have some concerns that they would like to discuss. One of the things that they would like to talk about is the Village taking dedication of Lackawanna Trail.

The 2011 independent audit report has been completed by Korn Rosenbaum LLC. All of the Board members were given a copy of the report. Also, in the packets is a budget comparison report through July. The Village surplus this year will be approximately \$140,000. This is great news as tax payer dollars are being used wisely and efficiently.

Mayor Oppenheim advised that questions arose regarding the Village boundary lines in the area of the NYS Thruway. These issues must be figured out sooner rather than later now that there is a Montebello Court. Attorney Berbit touched on the meets and bounds description and what problems law enforcement personnel may have when issuing traffic infractions in this area. The Village Attorney noted that the description is clear; the mile marker for the Village should start at 27.6 and end at the Suffern border.

Mayor Oppenheim welcomed Chief Brower. The Chief was in attendance to speak on the upcoming Police Test on November 17th; the last day to submit the application is September 26th. This test is given every four years and he encouraged everyone that qualifies to take the exam and to attend the tutorial sessions at the Fire Training Center on October 6th, 13th and 14th. This one test will provide the applicant an opportunity to be on several lists. The Chief asked that the Village publicize this upcoming exam as much as possible.

The topic changed to the possibility of permitting alcohol at the Montebello Community Center. The Mayor asked Chief Brower whether the police had any particular guidance or recommendations. Chief Brower advised the Mayor to check with our legal counsel.

Deputy Mayor Millman advised Chief Brower about BB gun discharge near the Gorman Ponds Park. He went on to state that the Village is interested in setting a fire arm discharge law that would not allow firearms to be within 100' of a public park. He asked the Chief if he was aware of any other instances of target practice or his thoughts on this matter. Chief stated he would have to do research. Attorney Berbit stated the Village could create a "no fire zone", which would be, for example, "no shooting within 500' of a public place or park".

Lastly, the Mayor requested the active intervention of the police to discourage speeding within the Village. Numerous complaints were received, particularly on Montebello Road, and now that school is beginning in the next few weeks he would strongly appreciate the presence of the Ramapo Police Department.

The Board thanked Chief Brower for attending the meeting.

Parks Commission:

Amy Rapoport, Parks Commissioner, stated Michael Sadowski, the Eagle Scout doing his project in the Gorman Ponds Park made a presentation at the Parks meeting. He followed up with an email that he will have to raise funds to obtain the mulch if it is not approved by the Board, and he is not sure that he will be able to raise enough money. He needs 35 yards of mulch to do 580' of the second section of the path. Mayor Oppenheim advised that we are entitled to free mulch from the Solid Waste Authority. The Parks Commission also asked the Scout to remove 680 feet of broken up asphalt from the end of the cul-de-sac where it meets the bridal path above pond 7.

Ms. Rapoport and Board Members discussed the cost scenarios from AKRF Engineering, which went from \$215,000 to \$263,000 to do the pond remediation, which is not a guarantee that this will work to remediate the ponds problems and to alleviate the algae. They also discussed installing electrically powered fountains. Approximately \$5,200 per pump depending in the size of the pond how many will be needed.

Trustee Sorrillo is very concerned about investing in a filtration system that may not work once everything is finished. He suggested looking at other townships that have stagnant ponds.

Discussion ensues regarding the dredging and how the plan will work out. Mayor Oppenheim's main concern is that something be done now; the ponds are stagnant and getting worse and worse, he would like to get an engineer out to the site to take a look at the electrical aspect.

Attorney Berbit stated he will figure out the acreage of the ponds, and went on to summarize how he thought the problem with the ponds should be mitigated.

Deputy Mayor Millman did not like the idea of the pumps running all the time which may create a "humming" sound. People like to take walks for the tranquility; they may not want to hear noise.

Trustee Sorrillo stated for the record he would have a problem spending on a "hopeful" remedy.

The next agenda item was a Public Hearing on Property Maintenance to determine whether property located at 196 Spook Rock Road be considered a nuisance and hazard to health and safety.

The Building Inspector is present at the meeting to testify to the various violation notices.

Attorney Berbit provided a summarized background of the issues with this property which is in violation of the Village's zoning code and NYS Property Maintenance Code:

The home appears to be abandoned. It is in disheveled shape. Reportedly, the homeowners passed away. Apparently, the son lives nearby and was at one time maintaining the property; he seems to have lost interest in maintaining the property.

The Village has not been able to make contact with anyone who may be controlling the estate.

The Village can make the repairs and then re-levy against the property to recoup the monies, which has been done 5-6 times already with properties this year.

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, August 15, 2012, 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" and §302.4 of the New York State Property Maintenance Code, with respect to the property located at 196 Spook Rock Road, Section 49.9, Block 1, and Lot 12 in the name of record owners Ralph and Betty Iorio, to determine whether said property and the structures thereon be considered a nuisance and hazard to health and safety and an eyesore, such that the Board properly ordered that said conditions be corrected at Village expense and direction, after the property was posted and Notice to Correct was ignored, and that said costs may 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 confirmed with the Village Clerk/Treasurer that as required by law the legal notice was published in the Journal News on July 5, 2012 and posted in the six locations throughout the Village on July 6, 2012. The notice was also sent to the home address and to the son of the owner, James Iorio. Due notice was given.

At 8:59 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Attorney Berbit called Lawrence Picarello, Building Inspector to testify. Mr. Berbit swore in Mr. Picarello.

Mr. Berbit asked Mr. Picarello if he is employed or serves in the capacity of the Building Inspector for the Village of Montebello?

Mr. Picarello responded: I serve as Building Inspector and Code Enforcement officer.

Mr. Berbit: Are you familiar with the subject of tonight's hearing?

Mr. Picarello: I am familiar with this property.

Mr. Berbit: when was the first time the property came to your attention?

Mr. Picarello: I have been driving by it for years, and it has gotten worse and worse and worse, frankly I am surprised no one has contacted the village office about it. I acted and posted it in violation on May 18th, it has been getting progressively worse.

(Mr. Picarello distributes photos of the property to the Board and asked “if they are familiar with this?”)

Mr. Berbit: let the record show the distribution of photographs of the property. Is that correct?

Mr. Picarello: that is correct.

Mr. Berbit: what is the date of the photographs?

Mr. Picarello: those were taken on August 14th, but they are substantially the same as they have been, with the addition recently of the two toilets.

Mr. Berbit: can you describe in narrative fashion what you viewed on the property in the past several months?

Mr. Picarello: the property is overgrown, there are broken branches littering the property, there are broken fences in disrepair, the weeds and grass are certainly over 10 inches, well over 10 inches, several feet in some places, uh....the rear deck is totally overgrown with brush, um... it's just generally an eyesore, the house does seem to be secure, but it's in pretty bad shape.

Mr. Berbit: is there any sign of habitation?

Mr. Picarello: there is no sign of habitation at all.

Mr. Berbit: you mentioned the new advent of toilets on the property.

Mr. Picarello: there were two toilets dumped in front of the property facing Spook Rock Road, it's on the eastside of Spook Rock Road.

Mr. Berbit: so they are there now?

Mr. Picarello: they are there now.

Mr. Berbit: in your opinion is the property an eyesore?

Mr. Picarello: it's absolutely an eyesore.

Mr. Berbit: in your opinion is the property a health and safety hazard?

Mr. Picarello: it's a health and safety hazard and it's attractive to someone who might want to further dump there.

Mr. Berbit: now, there came a time when you saw somebody actually working there. Is that correct?

Mr. Picarello: no

Mr. Berbit: is there someone you knew of that was actually caring for the property or had concern for the property?

Mr. Picarello: there is a gentleman in the village who I've met through other building permits, Mr. Iorio, who is the son of the record owners, Betty and Ralph Iorio, and we reached out to him and he basically said he was not involved with this particular property any longer.

Mr. Berbit: when you say "any longer", it connotes to me that he was involved at one point; can you indicate what his involvement was at that point?

Mr. Picarello: no I can't.

Mr. Picarello: just to be very clear he wanted nothing to do with it right now.

Mr. Berbit: do you know, did he reveal the circumstances to you of what happened to his family?

Mr. Picarello: no he did not, I heard but its only hearsay that they are deceased.

Mr. Berbit: and what would need to be done to this property at this point to bring it up to speed?

Mr. Picarello: a good cleaning of the branches, debris or that it can even be cut, so there is a fair amount that would have to be done for it just to be cut. Once that's done, I don't know if a conventional mower would cut it anymore, but it needs a good clean up and a raking and cutting to get it to an acceptable level of reasonable lawn.

Mr. Berbit: and how about the other things you mentioned that are in disrepair?

Mr. Picarello: there are some old fences that I would suggest just being taken down. They can't be repaired, they are just totally broken and falling over, ah, there are a number of trees that are dead and losing branches, particularly in the front, you can see from the pictures. It needs a good amount of labor.

Mr. Berbit: and I want to go over the chronology of the notices you posted and such.

Mr. Picarello: yes, the first one, violation notice and letter was written on May 18th, I posted, I personally posted the property on May 18th, um..; there was no response, so on June 8th, I wrote an appearance ticket and mailed it. I was advised to identify the property owners as they are actually the owner of record, so the appearance ticket was re-written on July 3rd, identifying Ralph and Betty Iorio as owners on record. The public hearing posters were posted on July 30th, I returned every week or so, I go through to see if the house is still secure, or if it has gotten worse, and like I said the addition of the toilets, that's been pretty recent.

Mr. Berbit: clear notice of our Code and the NYS Code?

Mr. Picarello: they are clearly in violation of the Village 10 inch grass and weed code, which is section 132-13 and also NYS property maintenance code which is similar, it's again grass and weeds, that is NYS property maintenance code section 302.4.

Mr. Berbit: ok. Is there anything else you would like to add before the Board has any questions?

Mr. Picarello: no, pictures speak for themselves.

Mr. Berbit asked if anyone on the Board wish to ask the Building Inspector any questions?

Mayor Oppenheim responded: "no questions".

Mr. Berbit noted that Mr. Picarello could be excused. The Board thanked Mr. Picarello for attending the meeting.

Mayor Oppenheim received email communication from a neighbor of 196 Spook Rock Road, Ms. Judi Busman who expressed her deep concern of the appearance of this home. She is trying to sell her home down the road and feels this property is diminishing her property value. She was unable to attend the meeting this evening.

Attorney Berbit asked the Village Clerk/Treasurer to read Ms. Busman's email correspondence dated July 6th into the record:

"Dear Sir or Madam,

I live at 198 Spook Rock Road and am trying to sell my house. The house next door at 196 Spook Rock Road has been abandoned. As I understand, there is some kind of litigation in the family pending over it. Up until this year, the owner at least mowed the lawn and attempted to make it look presentable. This year it has remained without any care. This is a major problem, and please see this as a formal complaint. I was involved in the formation of the Village of Montebello, and on the Planning Board for 8 years.

Thank you for your assistance, Judi Busman."

Mr. Berbit to Mr. Picarello: how many hours do you estimate that you put into the activities at this house.

Mr. Picarello: I would say at least 10 hours.

Mr. Berbit called upon the Village Clerk/Treasurer, Debra Mastroeni to ask what expenses the Village has occurred.

Ms. Mastroeni stated the fee for the legal notice in the Journal News was \$74.74, the postal charge for mailing was \$.45 cents, the Building Inspector's time for 10 hours at \$33.90 per hour is \$339.00 and the attorney fee for 2 hours is \$300.00. Total is \$714.19.

Mr. Berbit asked if any attempt was made at getting an estimate from a contractor to clean the property?

Ms. Mastroeni responded: not yet.

There are no further comments. Mayor Oppenheim asked for a motion to close the Public Hearing.

At 9:10 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Resolution: 12-090 Village of
Montebello

Title: 196 Spook Rock Road - Chapter 132 Property Maintenance Hearing

WHEREAS, by virtue of Resolution No. 12-087 adopted on July 18, 2012, after public discussion and explanation by 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 August 15, 2012 to ascertain whether conditions on the property located at 196 Spook Rock Road, Section 49.9, Block 1, Lot 2, warranted that the Village Board determine that the condition of said property violates §132-17, 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 two appearance tickets were written dated on June 8th, 2012 and July 8, 2012, that the Notice of Public Hearing, worded as follows, which was summarized in the record, was posted on the property on July 30, 2012, was sent to the son of the record property owners, James Iorio, by regular mail on July 25, 2012 because the property owners are believed to be deceased, and was published in the Journal News on July 5, 2012 and posted in six locations throughout the Village on July 6, 2012, thus causing

him to conclude that due notice was given:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, August 15, 2012, 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" and §302.4 of the New York State Property Maintenance Code, with respect to the property located at 196 Spook Rock Road, Section 49.9, Block 1, and Lot 12 in the name of record owners Ralph and Betty Iorio, to determine whether said property and the structures thereon be considered a nuisance and hazard to health and safety and an eyesore, such that the Board properly ordered that said conditions be corrected at Village expense and direction, after the property was posted and Notice to Correct was ignored, and that said costs may 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.

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

1. Violation Notice dated May 18, 2012
2. Appearance Tickets dated June 8, 2012 and July 3, 2012
3. Postings of property dated July 30, 2012.
4. Public Hearing Notice sent to the deceased property owners' son on July 25, 2012.
5. Affidavit of Postings, Publication and Mailings, and Mailing Receipts.

;and

WHEREAS, the hearing was opened at 8:59 p.m., and the Building Inspector testified that he posted the violation and hearing notices as aforescribed; that the property is overgrown and represents a danger and eyesore, and has been in this condition, and remained in that condition as of today; the grass being unmowed, and the property having become overgrown with debris and plant matter spilling over and the fencing being in disrepair and that generally the property represents an attractive nuisance; and

WHEREAS, the Village Clerk testified that her office mailed Notice of Public Hearing and Resolution No. 12-087 by regular mail to the property owners' son, published and posted same, and that the cost to the Village thus far in this matter as

follows:

Legal Notice Fee	\$ 74.74	
Building Inspector time (10 hrs. @ \$33.90)	\$ 339.00	
Postal charge for mailing	\$.45	
Village Attorney time (2 hrs. @ \$150)	\$ 300.00	
	TOTAL:	\$ 714.19 ;and

WHEREAS, the following also testified at the hearing:

Lawrence Picarello, Building Inspector, Village of Montebello;and

WHEREAS, during the course of the Hearing the following were added to the record: photographs taken by the Building Inspector and e-mail from neighbor, Judith Busman; and

WHEREAS, no one else wishing to be heard, the Hearing was closed at 9:10 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 NYS Property Maintenance Code.

2. That, by authority of §132-17.B of the Village Code and the NYS 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 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 \$714.19 incurred thus far, 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 grant of other relief as a consequence hereof.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Public Comment:

Amy Rapoport, 5 Kings Gate Road; is wondering when Orange & Rockland will be putting the streetlight pole back up in front of her house that came down in the storm.

The Village Clerk/Treasurer is working on the issue; she cannot give her an exact date.

Ms. Rapoport stated that asphalt is so expensive now, wondered if the village has been exploring different avenues with concrete instead? The Mayor stated a few years ago the Village looked into various different possibilities, and what the Board is doing now is the most cost effective.

The Mayor spoke about the free mulch available at the Solid Waste Authority and asked the Village Clerk/Treasurer to look into this.

The next agenda item was the independent Auditor's Report for fiscal year 2011.

Dave Wemmer and Mike Rockefeller were present from the auditing firm of Korn, Rosenbaum, Phillips & Jauntig, LLC.

The Mayor mentioned earlier that he read through the report and it appeared the accountants have given the Village another thumbs up this year.

Mr. Wemmer stated it was definitely another thumbs up. It was a good year, the Board had an appropriated fund balance from last year's fund balance of about \$365,000.00, anticipating it's going to be \$365,000.00 less than the expenditures, it turned out the difference is only about \$114, 000.00 so there was certainly savings in the transportation area, and the revenue was higher than budgeted, so this was certainly a positive.

In addition to the report we have acquired communication with the governing body, which is separate from, which is basically saying that , we had no disagreement with management, there were no issues, there were no unsolved

issues, there were no corrected or uncorrected errors in records that have to be reported. There are basically no issues that have to be reported, it's good, there are not only no disagreement from management, there was perfect cooperation from management. We thank Debbie Mastroeni and her team for their assistance and patience with us disrupting a normal routine when they are working. They were very collegiate.

In the audit report also there is another letter which addresses internal control issues and addresses compliance with audit regulations, and again, with both of those there are no issues they need to report. Internal controls are working well, compliance regulations are working well too. There were positive experience to report all over.

Korn, Rosenbaum, Phillips & Jauntig have been independently auditing the village books for six years now. The Mayor emphasized six clean years, which is great, recognizing that the Village Board has two CPA's serving.

Deputy Mayor Millman asked Mr. Wemmer if the firm checked to see if the Village has adequate off site coverage or back up if the computer system goes down. Mr. Wemmer replied it is part of the questions that are asked, but he would have to go back to research the question in order to give an accurate answer.

No further questions; the Board members thanked the auditors for their report and are pleased with their findings.

The final audit will be available on the Village's website in PDF form.

The Mayor introduced the new Fire Inspector Christopher Kear. Mr. Kear gave a brief chronology of his credentials. He lives in New City and is presently a P/T Fire Inspector in the Villages of Wesley Hills and New Hempstead and a full time fireman in Greenwich CT. His wife is a teacher at Viola Elementary School. Mr. Kear came highly recommended from the former Fire Inspector Frank Wilson.

The next agenda item is a request for a waiver from Verizon New York, Inc. to obtain a road opening permit for Montebello Road by the entrance to Ramapough Cirque. That section of Montebello Road was resurfaced within the last five years and therefore, any road opening request must go before the Board of Trustees for a waiver.

Mr. Tim Andrews, a representative from Verizon stated that Verizon's franchise requires them to complete the FIOS installation to residents in the Ramapough Cirque neighborhood in a specific time frame, therefore engineers have updated the sketch plan of action whereby they may not have to excavate the entire road width, but as required by law they have to expose the gas main near the center of Montebello Road. They are proposing a 2' by 6' long trench over top of the gas main, with a hydraulic ram they will push to either side of the road without having to open the entire road, there is a five year

warranty on their work, if anything goes wrong with the patched area, Verizon is responsible. The work will take approximately one day to complete, and Mr. Andrews hopes to start at the end of August.

Trustee Caridi mentioned that schools start September 5th.

The Board is concerned about the area of the opening and how it will be closed. Discussion on the entrance and exit of Ramapough Cirque and The Knolls.

Mayor Oppenheim states that this road opening will not benefit the taxpaying residents of Montebello, who will have to pay for the repaving of this road, these FIOS lines are being installed to benefit the residents of the Village of Suffern. He asked Mr. Andrews if Verizon would be willing to do something specific for Montebello residents as they would be the ones having to defray the cost? Mr. Andrews asked what may be acceptable to the Board and he could absolutely ask Verizon.

Mayor Oppenheim mentioned contributing to the installation of the speed humps proposed for Orchard Street. He felt that was a reasonable request. Attorney Berbit mentioned possibly defraying some of the cost for the Victory Road paving.

Trustee Sorrillo was in favor of the road opening closure going curb-to-curb, not patch work.

The Board tabled this matter to await a response back from Verizon regarding the Mayor's request.

Resolution: 12-091
Montebello

Village of

Title: Authorization for Justice Etelson to Attend Judicial Training Session

WHEREAS, as more particularly set forth in his letter of request dated July 24, 2012, a true copy of which shall be appended to the Minutes hereof, Justice Etelson advises of the requirement that he attend State required judicial training sessions at the NYS Magistrates' Convention in Syracuse, September 9 through 12, 2012; and

WHEREAS, Justice Etelson further reports that the registration fee is \$50.00 and the 3 night lodging is \$393.50, for which the State will reimburse \$97.00 plus mileage, leaving him out of pocket \$346.50, for which he seeks reimbursement.

THEREFORE, BE IT RESOLVED, that Justice Etelson is authorized to attend said convention, and that the Village shall reimburse \$346.50 as aforescribed upon presentation of the appropriate documentation.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 12-092 Village of
Montebello

Title: Chipping of Branches Along Pathway-Gorman Ponds Park

WHEREAS, by virtue of Resolution No. 12-082, the Village Board authorized the cutting down of vines strangling trees in the Gorman Ponds Park and the cutting up of fallen trees; and

WHEREAS, in authorizing such work it was not clear how much material would be left on the ground, leading to the recommendation now by the Parks Commission that the cut up branches be chipped, and such used as mulch in the Park; and

WHEREAS, the same contractor is willing to provide said services at the reasonable additional fee of \$750.00.

THEREFORE, BE IT RESOLVED, upon the recommendation of the Parks Commission, that the sum of \$750.00 be authorized to be paid to R & L Lawn Services, LLC, to perform the aforesaid chipping services in said Park, which shall be considered a capital expense since the chips will be utilized to develop a new trail.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-093 Village of
Montebello

Title: Acceptance of Fire Inspector's Resignation and Appointment of Fire Inspector P/T

WHEREAS, Mr. Frank Wilson, P/T Fire Inspector for the Village of Montebello has tendered his resignation effective August 31, 2012; and

WHEREAS, the Village Clerk/Treasurer canvassed other Village's and found a potential candidate, Christopher Kear, to fill his position and at the direction of the Mayor interviewed him and finds him qualified to fill said position; and

WHEREAS, Mr. Christopher Kear, who is presently a P/T Fire Inspector for the Villages' of Wesley Hills and New Hempstead, is interested in filling said position for the Village of Montebello.

THEREFORE, BE IT RESOLVED, that the resignation of Frank Wilson is hereby accepted effective August 31, 2012 allowing for a transition to the new Fire Inspector; and

BE IT FURTHER RESOLVED, that Christopher Kear be hired as P/T Fire Inspector effective August 15, 2012, at \$18.73 per hour not to exceed 10 hours per week, understanding that for 15 days he will overlap with the present Fire Inspector to allow for a smooth transition, and then will fill the vacated position; and

BE IT FURTHER RESOLVED, the Village Board does hereby express its sincere gratitude to Frank Wilson for his exemplary work on behalf of the Village of Montebello and wishes him well in his future endeavors.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

SEQ CHAPTER \h \r
1Resolution: 12-094

Village of
Montebello

Title: Appointment of Member to Historic Preservation Commission

WHEREAS, the Mayor recommends the re-appointment of Rosemary Mocio as a member of the Historic Preservation Commission for a term to expire at the Reorganizational Meeting in April 2017, or as soon thereafter as a successor can be appointed and sworn; and

WHEREAS, it had been intended that Ms. Mocio's previous appointment as a member become effective April 2012.

THEREFORE, BE IT RESOLVED, that Rosemary Mocio is hereby appointed as a member of the Historic Preservation Commission, retroactive to April 2012, for a term to expire at the Reorganizational Meeting in April 2017.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-095
Montebello

Village of

Title: Accept Independent Audit Report for 2011

BE IT RESOLVED, that the audit report from Korn Rosenbaum LLC, Certified Public Accountants, for the calendar year 2011 is hereby accepted.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Deputy Mayor Millman asked the Village Clerk/Treasurer if the Village is still under contract for another year.

She responded "yes".

Trustee Sorrillo questioned using the same auditors every year.

Upon vote, the Resolution carried unanimously.

Resolution: 12-096
Montebello

Village of

Title: Reinstallation of Streetlight on Vivian Place

WHEREAS, a request was sent to Orange & Rockland Utilities from the Village to "turn off" a number of streetlights throughout the Village including 2 streetlights located on Vivian Place; and

WHEREAS, the Village was at all times informed by Orange & Rockland that all turn-offs were reversible at no extra charge, and that such would not entail removal of the poles and underground wiring; and

WHEREAS, the streetlights on Vivian Place were scheduled for "turn off" in error; and

WHEREAS, Orange & Rockland has provided the Village Clerk/ Treasurer with a letter dated "5/24/12" but which she did not receive until 8/2/12, advising of the cost to provide electric facilities and re-install (2) 70 Watt S/V wooden pole mount streetlights on Vivian Place in the amount of \$4,220.00; and

WHEREAS, as noted, the Village was unaware that it could incur this cost and the Mayor upon re-visiting Vivian Place was able to determine that one streetlight in the cul-de-sac would suffice.

THEREFORE, BE IT RESOLVED, that Orange & Rockland be notified to re-install (1) 70 Watt S/V wooden pole mount streetlight in the cul-de-sac on Vivian Place, placement to be determined by Orange & Rockland to optimally illuminate most of the cul-de-sac area; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the expenditure for (1) streetlight for Vivian Place to be re-installed in the approximate amount of \$2,110.00, said payment to be made under written protest reserving the right to recoup said monies due to information provided by Orange & Rockland upon which the Village relied, that removal of the lights was reversible at no cost to the Village.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Trustee Golden questioned why the Village has to pay when O&R stated in a letter received that it would be no-charge. Orange and Rockland will not put the pole back until they are paid. The Village will pay the monies under protest, and try to get reimbursed.

Upon vote, the Resolution carried unanimously.

The next agenda item is a Resolution to approve the installation of inlets along the Gorman Ponds Park pathway to improve the drainage conditions.

Resolution: 12- Village of
Montebello

Title: Gorman Ponds Park Inlets Along Pathways

WHEREAS, as a consequence of washouts occurring during Hurricane Irene, Martin Spence, the Village Engineer, drew up specifications for the installation of additional pathway outlets with the expectation that such would fix the washouts and prevent a reoccurrence; and

WHEREAS, proposals were solicited in the form of an RFP according to the Village's Procurement Policy, and two proposals were received as summarized in the Memorandum from the Village Engineer dated July 31, 2012, as follows:

- | | | |
|----|-------------------------|-----------|
| 1) | Danny Clapp Landscaping | \$2625.00 |
| 2) | Belleville Landscaping | \$3525.00 |

true copies of which shall be appended to the Minutes hereof; and

WHEREAS, the Village is in receipt of \$,1500.00 in Hurricane Irene aid which may be expended for this purpose (from New York State Division of Homeland Security and Emergency Services, State Office of Emergency Management- Federal share \$1125.00 and State share \$375.00); and

WHEREAS, it appears that both proposals are compliant with the Specifications, and that the proposal from Danny Clapp Landscaping is the lowest in cost to the Village.

THEREFORE, BE IT RESOLVED, that the proposal of Danny Clapp Landscaping in the amount of \$2625 for inlet work be accepted, that the \$1500 in aid be expended for this purpose and that the balance of \$1125 also be authorized to be expended, the balance understood to be a capital improvement to the Park.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Discussion:

The Board members discussed the drawing from the Village Engineer and have questions about exactly where the inlet drains are going, how many will be installed, will these take care of the erosion problems, etc.

The Board would like the Village Engineer to attend the meeting next month to answer all the questions. Deputy Mayor Millman and Trustee Sorrillo withdrew their motions and the Resolution was tabled until the September meeting.

Resolution: 12-097 Village of
Montebello

Title: Raymours Furniture Company, Inc., PILOT Agreement

WHEREAS, in order to foster economic growth and job opportunities, the County of Rockland Industrial Development Agency ("IDA") is empowered to undertake the acquisition and financing of projects pursuant to Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws ("the Enabling Act"), and Chapter 564 of the Laws of 1980, all as amended from time to time; and

WHEREAS, by exercise of this authority the IDA proposes to so act with respect to the facilities located at 30 Dunnigan Drive, Village of Montebello, being section 55.06, Block 1, Lots 3.1 and 3.2 on the Tax Map of the Town of Ramapo, for the acquisition of such facility and the renovation thereof, and the acquisition and installation of certain equipment and machinery, to be utilized as a warehouse, distribution facility and administrative offices by Raymours Furniture Company, Inc. as Sublessee of Suffern CDC, LLC, Lessee; and

WHEREAS, as a consequence of the "straight lease transaction" it is necessary for

the IDA to take title and control, and by a "Head Lease", said property is leased by the IDA to the Lessee, said property becoming tax exempt, thereby necessitating entering into a Payment in Lieu of Tax Agreement, ("PILOT Agreement") whereby the Lessee agrees to pay taxes to the impacted taxing entities for the 11-year life of the PILOT Agreement, including to the Village of Montebello, Ramapo Central School District, Town of Ramapo and County of Rockland; and

WHEREAS, by virtue of the terms of said PILOT Agreement, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, Pilot Payments shall be based upon the assessed value ("AV") for Lot 3.1 of \$4,010,000.00 and for Lot 3.2 of \$475,000.00 beginning in 2015 for a 10-year period for Village Taxes for said period and purpose, and for the first year of the Agreement, for Village taxes in 2014, the A.V. shall be \$4,850,000.00 and \$575,000, respectively, and thereafter for the next 10 years as set forth above, subject to upward adjustment should all but 10,000 square feet of office space not to be converted to warehouse space as the Agreement contemplates, said Agreement to control if it varies from this Resolution, said PILOT payments determined by the multiplying the various tax rates for the then current tax levy by the assessed values set forth above; and

WHEREAS, PILOT Payments will be made to the Director of Finance of the Town of Ramapo who shall act as the Escrow Agent for the taxing entities; and

WHEREAS, as more particularly set forth in the PILOT Agreement, PILOT payments are secured by a Letter of Credit and the IDA has authority to accelerate the terms of the Agreement, and end the arrangement whereby the property will be placed back upon the taxable assessment roll without benefit of the fixed AV, amongst other remedies, should there be a breach by the Lessee; and

WHEREAS, entering into the PILOT Agreement appears to be in the best interest of the Village and its citizens, and helps foster economic growth and job opportunities, and foster the refurbishment and upgrading of the subject property.

THEREFORE, BE IT RESOLVED, that approval is hereby given to enter into the aforesaid PILOT Agreement.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Mayor Oppenheim noted that Dress Barn is still going to occupy approximately 10,000 sq. ft. of office space.

Upon vote, the Resolution carried unanimously.

Resolution: 12-098
Montebello

Village of

Title: Support for Replacement of Tappan Zee Bridge

WHEREAS, construction on the Tappan Zee Bridge began in 1952 and the bridge opened for use in 1955; and

WHEREAS, the Tappan Zee Bridge was designed to be functional for 50 years and has now been in operation for more than 55 years; and

WHEREAS, numerous studies have identified the deteriorated and insufficient condition of the bridge; and

WHEREAS, during the past 20 years, traffic volumes on the bridge have grown by nearly 30 percent and it carries approximately 138,000 vehicles per day; and

WHEREAS, the traffic utilizing the bridge far exceeds its design capacity; and

WHEREAS, the bridge does not meet current New York State Department of Transportation bridge and highway standards with respect to such essential characteristics as land and shoulder width; and

WHEREAS, the accident rate for the bridge is double the state average; and

WHEREAS, the bridge provides the only interstate highway crossing of the Hudson River for the 48-mile stretch between the George Washington Bridge and the Newburgh-Beacon Bridge; and

WHEREAS, travel across the bridge is frequently characterized by long delays as a consequence of the volume and number of accidents; and

WHEREAS, in April 2000, a Long Term Needs Assessment and Alternatives Analysis was completed by the New York State Governor's I-287 Task Force which called for replacement of the existing Tappan Zee Bridge because it was concluded that rehabilitation of the existing bridge would be highly disruptive, perhaps as costly, and not as beneficial in mobility enhancement or meaningful congestion relief as compared to a replacement bridge; and

WHEREAS, New York State officials announced plans to replace the Tappan Zee Bridge with a new bridge in 2008; and

WHEREAS, various reports have analyzed replacement of the bridge and various alternatives, as well as the potential the environmental impacts of the same; and

WHEREAS, the proposal as well as alternatives and potential environmental and community impacts have been the subject of public outreach and numerous hearings and opportunities for the submission of comments; and

WHEREAS, a new bridge will provide for safer and more convenient and efficient travel;
and

WHEREAS, building a new bridge is anticipated to create or sustain more than 45,000 jobs
and to provide new economic opportunities for businesses on both sides of the Hudson
River and across the entire northeast region.

NOW, THEREFORE, BE IT RESOLVED that, for the foregoing reasons, the Board of
Trustees of the Village of Montebello supports the efforts to replace the Tappan Zee Bridge
with a new bridge as currently proposed; and

BE IT FURTHER RESOLVED that the Board of Trustees supports Governor Cuomo's
efforts to expeditiously cause the construction of a new Tappan Zee Bridge; and

BE IT FURTHER RESOLVED that the Board of Trustees urges all public officials to
demonstrate support for the expeditious replacement of the Tappan Zee Bridge as currently
proposed in order to enhance and promote the safety, economic well-being and
convenience of the residents of the region; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor
Cuomo, Senator Schumer, Senator Gillibrand, Representative Engel, County Executive
Vanderhoef, Legislature Alden Wolfe, Legislature Schoenberger, State Senator Carlucci
and Assemblypersons Jaffee and Rabbitt.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Roll Call	Village of	Trustee Golden	Aye	Abstain:	Trustee
Sorrillo		Trustee Caridi	Aye		
		Deputy Mayor Millman	Aye		
		Mayor Oppenheim	Aye		

The Resolution carried.

Resolution: 12-099

Village of
Montebello

Title: Approval of Minutes

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees
of July 18, 2012 be and are hereby approved.

Motion: Trustee Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 12-100 Village of
Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 15, 2012, and totaling \$115,172.39 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Caridi

Second: Trustee Sorriello

Upon vote, the Resolution carried unanimously.

Resolution: 12-101 Village of
Montebello

Title: Re-surfacing of Victory Road

WHEREAS, the Village Engineer in his memo dated August 8, 2012, being his annual survey of the conditions of the Village roads, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, recommends that Victory Road be repaved, such designated as highest priority for repaving Village-wide, at a total estimated cost of \$70,000 under the Tilcon contract arranged through the Town of Ramapo, said cost to be paid by the Village, said work being necessary and justified given the state of disrepair of the road; and

WHEREAS, time is of the essence in committing to the re-paving in order to take advantage of the lower unit cost represented by said Tilcon contract.

THEREFORE, BE IT RESOLVED, that said work on Victory Road be and hereby is authorized in the circumstances, a sum not to exceed \$70,000 be expended, said \$64,000 sum to come from the 2012 budget line item for that purpose and, the balance not to exceed \$6,000.00 from the contingency fund.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Village of
Montebello

Title: Appointment of Member to Historic Preservation Commission

WHEREAS, there is a vacancy on the Historic Preservation Commission and the Mayor has received a letter of interest and resume from Matthew R. Moetzing, an Attorney, residing at 2 Fant Farm Lane, to serve on the Commission, and recommends his appointment.

THEREFORE, BE IT RESOLVED, at the recommendation of the Mayor and Village Historian, that Matthew R. Moetzing be appointed as a Member of the Historic Preservation Commission for the remainder of a term to expire in April 2015.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

The next agenda item was a discussion on amending the rules and regulations for the Community Center to allow serving beer and wine.

The Board members were given a draft of rules and regulations for an alcohol policy that the Village Attorney created. They will review and discuss at the next meeting.

Old and New Business:

The Board discussed whether or not to stripe Orchard Street. The consensus was not to stripe it.

Deputy Mayor Millman brought up the bb gun issue noting that it seems unusual that the offender was not issued any type of ticket from the police. The Deputy Mayor questioned the other Board members about sending out a letter from the Village.

At 10:50 p.m. Mayor Oppenheim made a motion to enter Executive Session to discuss personnel matters, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

At 11:01p.m. Deputy Mayor Millman made a motion to exit Executive Session, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously. The meeting adjourned at 11:02 p.m.

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