

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 18, 2013 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

#### Mayor's Report:

Mayor Oppenheim advised that he again contacted Orange & Rockland regarding the removal of the trees and stumps on Viola Road. It has been more than a month or two and we were initially told approximately two weeks. This is unacceptable. Trustee Caridi stated there are three crews working on this project, one to remove tops of trees, one to take away that debris, and then another one to remove and grind up stumps.

The Mayor also advised that Orange and Rockland has begun working on its storm hardening program on Montebello Road. They are burying large concrete boxes and marking out the roadway. The scheduled start date is early spring. According to Orange and Rockland Utilities, this project will prevent major power outages within the Village.

Mayor Oppenheim is pursuing an effort to coordinate the traffic lights on Airmont Road to try and get the traffic flowing more smoothly. This portion of the roadway is maintained by the County, and some of the lights are maintained by the Town. The State is involved because of the Thruway, and the Village pays for the electricity of these lights. There are many different agencies that need to get involved to coordinate this effort. This project will also involve the Village of Airmont, as the Mayor would like the lights timed properly out to Route 59 and that is their jurisdiction.

The Mayor was pleased to announce that Montebello is the first to participate in Rockland County with a Citizen Radiation Monitoring Station that is hooked up to one of the computers at Village Hall. This is due to Indian Point being close in proximity to Montebello. The Village Clerk-Treasurer will be in charge of this monitoring.

The winter newsletter has been mailed. Everyone should be receiving one in the next few days and it will be posted on the Village's web site. There is lots of information inside.

The Village has encountered a potential problem with the plans for the proposed cell tower in the Berbit Nature Preserve on Spook Rock Road. These issues are being worked on with the Village Attorney and Verizon.

The Village has closed on the 8 and 14 Lake Road homes. The demolition of these houses will be done in the next month or so with grant money from the New York State Department of Environmental Conservation. The contracts are signed with the contractor for this work and the properties will become open space.

Grist Mill Court and Sousa Lane have been paved but the dedication documents have not been completed.

The Mayor gave an update on the Montebello Bridge: It turns out the County needs to obtain sign off approval from the State Historic Preservation Office before any work can begin. The documents were sent to the State months ago, and the County has not heard back, also the Army Corp of Engineers needs to sign off. Also, the NYSDEC does not allow any work in their waterways until after March 1<sup>st</sup>. The bidding process itself takes 30-60 days. There are matters that have to be dealt with: one major issue is pilings being driven into the ground; overhead access is needed, and there are electrical and phone lines overhead that will need to be moved. The Mayor is keeping a handle on the situation.

Mayor Oppenheim advised that there is a need to appoint an Assistant Attorney to the Planning and Zoning Boards as Mr. Berbit and Mr. Emanuel are conflicted on some projects that come before the Boards. A number of candidates were sought after but Robert Magrino was the only qualified one interested under the terms the Village was offering. There will be a resolution at some point, but not tonight. The Mayor supplied the Board members with Mr. Magrino's resume and will invite him to attend a future meeting.

The Mayor advised the Board members that he, Attorney Berbit and Ms. Mastroeni had a meeting with Mr. Hoch and Mr. Dullaghan, representatives from Cablevision. The franchise agreement will expire the end of January and a new one will have to be signed. Revisions to the agreement were discussed at the meeting; we used the Town of Ramapo's agreement as a negotiating tool. One of the things under consideration is completely free internet service at both of the Village's locations. A public hearing will be scheduled for our January meeting, unless we do not reach tentative agreement by then.

Recycling will not be picked up on Wednesday, Christmas day but will be picked up on the following Wednesday, which is New Year's Day. This information is posted on the Village's website and Facebook page.

The Board will review the proposed Flood Damage Prevention Law with the Village Engineer, Martin Spence, who will be in attendance later this evening. The public hearing will be opened this evening and will be continued until next month, as comments have not been received from the NYSDEC.

The tax rate was adjusted slightly due to another assessment reduction. There is a resolution tonight reflecting this. The adjustment amount was approximately \$500. Bottom line is there was no tax increase in Montebello this year.

At this time, Town of Ramapo Councilman, Daniel Friedman is present and wishes to address the Board. He has been visiting all the villages in Ramapo at their meetings over the last month. He clearly states that he is not here representing the Town, but himself. He is interested in opening up the lines of communication between his office and village officials. He felt fostering the lines of communication can be very beneficial, everyone is here to serve the people. He spoke about the Town's budget having an initial tax increase of 24.8% and how he worked to restructure the budget, lowering the tax increase town wide and removing the tax decrease for unincorporated Ramapo. He is very concerned about the Town's finances, and has spent a great deal of time with the Town's auditors. He stated the Town Board members will now receive monthly reports on the Town's finances to prevent deficits.

Trustee Caridi noted that residents are worried and troubled about the financial stability of the ballpark.

Councilman Friedman noted that the stadium brought in revenue of \$860,000 in 2012. He noted that ticket sales remain very strong and they expect a million in revenue this year. He also noted that the taxpayers of Ramapo are not liable; the LDC is paying the bonds. Mayor Oppenheim asked about the expenses of the stadium. Mr. Friedman did not have that concrete information. Discussion on the Elm Street Housing project, the LCD, and how the housing project is linked to the stadium.

Mr. Friedman announced for a second time, he is concerned about the Town's finances, and that is why he is staying on top of it.

Deputy Mayor Millman thanked Mr. Friedman for coming in and is excited that a town councilman is getting involved at a village level. Mayor Oppenheim concurred and noted that this is the first time in his 11 years in local government that a council member has come to a meeting. This speaks volumes to his character.

The Board members thanked him for coming in.

The next agenda item was Parks Commission Business. No one from the Parks Commission was present.

The next agenda item was a Public Hearing on a proposed Local Law for Flood Damage Prevention as authorized by the NYS Constitution, Article IX Section 2, and Environmental Conservation Law, Article 36.

The legal notice was as follows:

“PLEASE TAKE NOTICE, that a Public Hearing will be held on December 18, 2013, at 8:00 p.m., or as soon thereafter as the matter can be heard at the Montebello Community Center, 350

Haverstraw Road, Montebello, New York 10901, to consider adopting a proposed Local Law for Flood Damage Prevention as Authorized by the NYS Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

In a form as suggested by FEMA and U.S. Department of Homeland Security, and necessary to continue to participate in the National Flood Insurance Program (NFIP), said Local Law would replace Chapter 92 of the Village Code, which will be repealed, the changes being evolutionary.

All members of the public and all interested parties are invited to attend and participate. The proposed Local Law will be available for inspection and review at the Village Office during normal business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.”

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was posted December 6, 2013, and published on December 8, 2013, meeting the legal requirements. Copies of the proposed local law were made available to the Board of Trustees and the public at the same time. The Village Engineer sent a Draft copy of the Law to the NYSDEC, and Ms. Mastroeni sent one to General Code. The Village Attorney noted that it appears due notice was given.

At 8:50 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Mayor Oppenheim asked the Village Engineer to comment on the proposed Local Law.

Mr. Spence spoke about replacement of the entire local law regarding Flood Damage Prevention (Chapter 92 of the Village Code). Back in 2011 FEMA issued new flood plain maps for special flood prone areas. They have been under review since then, with FEMA asking villages for comments. They are now in the adoption stage and this local law is part of that map modernization. This law will repeal the existing law, there are new state and federal guidelines, some definition changes and reference guidelines that are more current. The law must be adopted by January 31, 2014. He noted that by the Board adopting this local law, it will enable the residents that are located in these special flood prone areas to continue to obtain flood insurance through the National Flood Insurance Program.

Mayor Oppenheim asked if comment has been received from the DEC yet. Mr. Spence responded “not yet, but the Village met the deadline for their review by submitting on December 3, 2013.” Mr. Spence advised that there is no need to adopt the law tonight; it can wait until the next Board meeting in January. The law must be adopted though in order for residents to participate in the flood insurance program.

Mr. Spence recommended that the Planning Board not the Zoning Board deal with any environmental issues pertaining to flooding. They are the determining Board that reviews and gives approval on wetland permits and stream protection permits. The Village Engineer is the Local Flood Plain Administrator.

The fee for an application to the Planning Board will remain the same under the fee schedule.

At 8:55 p.m. Deputy Mayor Millman made a motion to continue the public hearing at the next scheduled meeting of the Board on January 15, 2014, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Village Engineer, Martin Spence informed the Board that the location for the speed hump on Mayer Drive has been marked out and there have been no comments /complaints received from residents in that area thus far. The speed hump will not be installed until the spring.

The Board members thanked Mr. Spence for attending the meeting.

Public Comment: No one wished to speak.

Resolution: 13-137

Village of Montebello

Title: Approval of Minutes

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of November 13, 2013 be and are hereby approved.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-138

Village of Montebello

Title: 2014 Agreement with Financial Consultant

WHEREAS, the Village's Financial Consultant Marvin Nyman has been providing financial consultant services to the Village since its inception; and

WHEREAS, Mr. Nyman's services include budget preparation, assisting the Clerk/Treasurer in maintaining the Village's financial records, preparation and submittal of the New York State AUD and Constitutional Tax Limit Report as well as an annual audit of the Justice Court accounts; and

WHEREAS, the Financial Consultant proposes continuing such services for 2014 pursuant to the terms set forth in a proposal dated November 15, 2013 referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof.

THEREFORE, BE IT RESOLVED, that Marvin Nyman continue to provide financial consultant services to the Village for the budgeted amount of \$20,642.00 paid in monthly installments of \$1,720.00 for the period of January 1, 2014 through December 31, 2014, as compared with \$18,870.00 for the recent year.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Deputy Mayor Millman asked about the separate billing for the Court Audit. Ms. Mastroeni responded that the court audit is now included in the annual fee.

Upon vote, the Resolution carried unanimously.

Resolution: 13-139

Village of Montebello

Title: 2014 Contract Agreement with Village Planning Consultant

WHEREAS, Robert Geneslaw Co., the Planning Consultant for the Village of Montebello, who, by the services of Robert Geneslaw, individually, has served the Village in that capacity for over 25 years, for the purpose of working with the Planning Board and Zoning Board of Appeals and generally to provide planning services, proposes to do so on a per diem fee basis not to exceed \$10,000 per annum, which includes services for the implementation to the Comprehensive Plan proposals under the terms of a proposal dated December 9, 2013, referenced as if set forth hereinafter a true copy of which shall be appended to the Minutes hereof, submitted by said firm which terms are identical to last year; and

WHEREAS, said firm has increased its hourly rate for all personnel for review of applications before CDRC, Planning Board and Zoning Board of Appeals per the attached fee schedule; and

WHEREAS, said firm wishes to continue in such capacity and the Mayor recommends the continuance of same in the best interest of the Village, recognizing the Firm's 25 plus years of service to the Village; and

THEREFORE, BE IT RESOLVED, that said proposal, be and hereby is accepted for the 2014 calendar year and the Mayor is hereby authorized to execute same on behalf of the Village.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-140

Village of Montebello

Title: 2014 Contract Agreement with Village Engineer

WHEREAS, Spence Engineering, Consulting and Municipal Engineers ("Spence") supplied services as the Village Engineer in 2013; and

WHEREAS, Spence proposes to continue to provide services for 2014 in a proposal dated October 15, 2013, referenced as if set forth hereinafter at length, a true copy of which shall be appended to the Minutes hereof (“The Proposal”), for the fixed fee services as a lump sum of \$30,000.00 per annum, and time billable professional engineering services at \$95.00 -\$120.00 per hour, all as more particularly set forth in the Proposal.

THEREFORE, BE IT RESOLVED, as follows:

1. That the Proposal of Spence Engineering as aforementioned to provide regular engineer services to the Village in 2014 be and hereby is accepted effective January 1, 2014, subject to the following conditions:
  - a. That it be understood that the Village’s professional bill appeal procedure shall be appended to the proposal as a part thereof; and
  - b. That the agreement may be terminated by the Village upon ninety (90) days advance written notice without cause at its election.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 13-141

Village of Montebello

Title: 2014 Highway Services Agreement

WHEREAS, the Village has been contracting with the Town of Ramapo on a calendar year basis for highway services and road maintenance, including snow and ice removal and maintaining the storm basin system and roadway culverts, and related services; and

WHEREAS, said contract, by its own terms, requires that each party notify the other of its intention to renew for the following year by October 14<sup>th</sup>, assuming that the Town notifies of any proposed changed terms by October 1 of the current year; and

WHEREAS, the Town sent to the Village a proposed contract for 2014, as received on November 21, 2013, identical in terms to the 2013 contract, at an annual price capped at \$429,542, or \$35,795.16 monthly, less any refund should the cost be less on a Time and Material basis, which reflects negotiations by the Village which previously clarified the terms and conditions especially Exhibit D, and confirmed that culverts are included, that the tree removals, except in an emergency, shall require prior estimate of cost, are included, and more clearly stating the economic terms, and balancing paragraphs TENTH and ELEVENTH, and the Town has accepted the changes, all as more particularly set forth in a true copy of the Contract and Exhibit D which shall be appended to the minutes hereof.

THEREFORE, BE IT RESOLVED, as recommended by the Mayor in the interest of prudence, public safety, and controlling costs, that the Village accept the proposed contract with the Town, which shall be entered into for highway and related services in 2014, the Mayor being authorized to execute same for the Village, with the conditioning Resolution from prior years and this Resolution attached to, and considered part of the contract, for the purpose that such clarify and better reflect the full understanding of what the services are to be supplied by the Town and the economic terms including the clarifying changes to Exhibit D previously made by the Village Board and accepted by the Town.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 13-142

Village of Montebello

Title: 2014 Building Inspector Services Agreement

WHEREAS, over the past five years the Village annually entered into a 5G Agreement with the Town of Ramapo for a qualified individual to be supplied to the Village, on a less than full time basis of 20 hours per week, to perform the services of Building Inspector for the Village, overseeing the Village's Building Department including all plan review, building inspection services, issuance of permits and Certificate of Occupancies, and prosecutions as necessary; and

WHEREAS, the Village wishes to continue using the services of Lawrence Picarello to perform said duties in the capacity of Building Inspector for the Village pursuant to the above Agreement; and

WHEREAS, the Town gave prior notice to the Village that there would be an increase for said services from \$1,232.00 per week to to \$1,281.20 per week to reflect an increase in its costs.

THEREFORE, BE IT RESOLVED, that the Agreement, referenced as if set forth hereinafter, a true copy to be appended to the Minutes hereof, be entered into with the Town of Ramapo pursuant to Article 5G of the General Municipal Law, effective January 1, 2014, to retain the services of Lawrence Picarello for 20 hours per week at a cost of \$1,281.20 per week, as more particularly set forth in said agreement; and

BE IT FURTHER RESOLVED, that although the Agreement is for the calendar year, it is especially noted in the circumstances that it may be terminated at any time by either party, upon 30 days written notice.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-143

Village of Montebello

Title: 2014 Pest Control Contract

WHEREAS, the current pest control contracts with Termicide Ltd which services the Montebello Community Center and with Western Pest Services which services the Village Hall each expire on December 31, 2013; and

WHEREAS, despite regularly scheduled monthly service by both contractors, several call backs were necessary due to obvious signs of rodent and pest presence; and.

WHEREAS, the Village Clerk obtained proposals from various pesticide companies for monthly maintenance of rodents and spraying for insects, as more particularly set forth in the proposal contract documents referenced as if set forth hereinafter, true copies which shall be appended to the Minutes hereof, with monitoring and service charges included, as summarized as follows:

	Initial Visit at Village Hall	Monthly Service Village Hall	Initial Visit at MCC	Monthly Service at MCC	Combined Price for monthly Service
<b>Termicide Ltd., New City, NY, (currently services MCC)</b>		95.00		50.00	145.00
Pest Shield, Suffern, NY	395.00	60.00	495.00	80.00	140.00
<b>Western Pest Services, Paramus, NJ, (currently services Village Hall)</b>		49.00		49.00	98.00
Rockland Pest Control, Suffern, NY					110.00
CMA Pest Control, Mohegan Lake, NY					105.00

; and

WHEREAS, for the aforesaid reasons, and given the uneven services by the current contractors, reports of references and the thoroughness and apparent competence of Rockland Pest Control, the Village Clerk- Treasurer recommends the award of the combined contract to same at a monthly cost of \$110.00, which is minimally higher than the lowest cost proposals, but less than the current total cost of \$111.00 a month, for the aforesaid reasons.

THEREFORE, BE IT RESOLVED, that the proposal of Rockland Pest Control be and hereby is accepted, and that \$110.00 per month for maintenance of rodents and spraying for insects be authorized to be expended for both village properties, contract to be in a form as acceptable to the Village Attorney and the Village Clerk-Treasurer.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-144

Village of Montebello

Title: 2014 Fueling Agreement with Town of Ramapo

WHEREAS, the Town of Ramapo has offered to renew a Fueling Agreement with the Village of Montebello for one year effective January 1st, 2014 pursuant to Article 5G of the General Municipal Law; and

WHEREAS, as more particularly set forth in said Agreement, referenced as if fully set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, the Village's two vehicles may be fueled at the Town's facility on Pioneer Avenue, Tallman and the Village agrees to pay for such usage at the Town's cost plus 20% administrative fee to cover the Town's expense, said total cost to the Village being less than obtaining fuel by other means.

THEREFORE, BE IT RESOLVED, that said Agreement be entered into, and the Mayor authorized to execute same on behalf of the Village.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-145

Village of Montebello

Title: Amending 2014 Tax Warrant

BE IT RESOLVED, that the tax warrant dated November 13, 2013, be amended to reflect a change in the assessed value from \$126,208,843 to \$126,149,268, therefore, adjusting the tax rate per thousand from 9.3092 to 9.3136.

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer is hereby authorized to levy the following professional and property maintenance fees against the 2014 Village tax bills for the following property owners:

Rockland Estates Homes, LLC, 84 Viola Road, Tax Lot Number 49.15-1-17  
professional fees - \$560.00

Jadgat Singh, 1 Cobblestone Farm Court, Tax Lot Number 48.08-1-50  
property maintenance fees - \$593.20

Michael Campanella, 2 Tanchak Court, Tax Lot Number 40.20-1-13.001  
property maintenance fees - \$4,043.20

Denton Friedman, 8 Bruce Court, Tax Lot Number 41.17-1-12  
property maintenance fees - \$918.20

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-146

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 18, 2013, and totaling \$ 203,440.45 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution 13-147

Village of Montebello

Title: Amending Village Health Insurance and Medical Benefits for Retirees

WHEREAS, after studying other villages, and in an effort to treat village “covered persons” comparably and equitably , and to correct a flaw in the Village’s Plan, the Mayor has suggested that the following changes be made, and after due consideration during discussion in the Budget Workshop, the Village Board has come to agree.

THEREFORE, BE IT RESOLVED, that Resolution No.’s: 00-060 and 04-138, and the Village of Montebello Medical Benefit Plan for Retirees, be amended by the following, and to the extent inconsistent therewith, the following shall control:

1. Effective January 1, 2014, the contributions towards the cost of health insurance for covered persons, continuously employed by the Village for ten (10) or more years, shall be

increased to 85% of the single member cost and 45% of the additional cost of family coverage, if selected.

2. Any condition or provision presuming to discontinue health insurance coverage upon the Medicare Eligibility of a covered person shall be considered as void, and of no further force nor effect; and

BE IT FURTHER RESOLVED, that due, and timely notice of these changes be given to NYSHIP, and covered persons, and that the Village of Montebello Medical Benefit Plan for Retirees be revised to reflect the above changes.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 13-148

Village of Montebello

Title: Cablevision Franchise Agreement- Public Hearing

WHEREAS, the franchise agreement with Cablevision of Rockland/Ramapo LLC (“Franchisee”) expires on January 31, 2014; and

WHEREAS, the Mayor, Village Clerk-Treasurer and Village Attorney report having met internally to review the proposed renewal agreement, and also having met with the Franchisee to negotiate in person on December 18, 2013, and having tentatively reached a proposed Franchise Agreement for 15 years subject to holding a Public Hearing and Public Service Commission approval.

THEREFORE, BE IT RESOLVED, that a Public Hearing pursuant to Title VI of the Communications Act and Article 11 of the NY Public Service Law be held at the Regular meeting of the Village Board on January 15, 2014, commencing at 8:00 p.m., local time, or as soon thereafter as the matter can be heard, to consider entering into a Cable Franchise Agreement with the Franchisee for a 15 year period, commencing February 1, 2014; and

BE IT FURTHER RESOLVED, that holding said Public Hearing as scheduled is expressly conditioned upon receipt from the Franchisee no later than January 4, 2014 of the proposed Agreement sufficiently reflecting the changes negotiated between the parties, making such available for review by the Village Board and the public by said date.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

There were very reasonable requests made in reference to the proposed Cablevision Agreement and the Mayor would like Cablevision to heed them.

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Old/New Business:

Deputy Mayor Millman stated that the Village received a letter from attorney, Michael Klein representing the Ramapo Valley Sports Park/John Martin. In the letter Mr. Klein advises that the applicant would like to meet with the Village Board to discuss proceeding with their previous application for a zoning law amendment to develop a sports park. Mr. Klein notes that the property is under new ownership, Rella Partners, LLC and they have given their consent to the Ramapo Valley Sports Group to proceed.

The Deputy Mayor advised that after speaking with the Village Attorney and Village Planner, their recommendation is that a new application should be filed, but prior to this, the Board must decide informally if it is interested in hearing a zone change application for this property. Unfortunately, this evening there are not enough Board members to consider this.

The Village Attorney noted that if there were enough members present to vote, it would be to decide if there is enough positive interest to have the applicant submit an application. We don't want the applicant to waste time, energy, effort and expense. Last time the Planning Board voted 3 to 2 recommending against the project to the Village Board as its consultative arm. The Village Board did not take its own initiative to move forward when the applicant lost the owner's consent.

Deputy Mayor Millman stated that the matter would be discussed at the next meeting when all of the Board members are present.

Trustee Caridi feels that the Village Board should hold a public hearing to get feedback from the residents. She doesn't feel they should have to make a new application.

Mr. Berbit explained why a new application is appropriate, noting there are many variables with this project, and it is very intensive. Project could come back varied from the initial application. The Village's Comprehensive Plan would also have to be revised by a Public Hearing the Board votes to change the zoning.

The Deputy Mayor also feels the Board should discuss the Planning Board's findings to make sure they want to move forward with this type of project.

At this time, Deputy Mayor Millman allowed Mr. Martin to comment.

John Martin – in the interest of time, requested that the Board members meet before the next scheduled meeting to discuss the project.

The Village Attorney advised that that would require a special meeting of the Board.

Deputy Mayor Millman stated that the subject will be placed on the next agenda for discussion.

Mr. Martin stated that he is under the assumption that they can submit an amended application and not start all over with new fees.

Mr. Berbit noted there has been a tremendous amount of time spent on this project, as well as fees spent, but noted that fees fall under the Village Board's discretion.

Deputy Mayor Millman reiterated that the opinion of the Village's professionals is that a new application be filed with the appropriate fees.

Mr. Martin stated the project could take on two phases depending on the approval time, possibly completing the winter development first followed by the spring development, working on the indoor field later on. There are no deadlines in the current contract with the new owner.

Mr. Martin also advised that when the property was originally surveyed it was purported to be approximately .6 or .7 acres smaller. The work done on the plans was based on the smaller size, therefore the reduction is more of a technical reduction, having no impact on what was proposed; the square footage of the property is actually larger.

Deputy Mayor Millman noted that the Board would do its best.

Mayor Oppenheim revisited the issue of hiring a new Assistant Attorney and requested that the Village Attorney set up an interview with the potential candidate, Robert Magrino. The Mayor would like to offer a resolution at the next meeting.

Deputy Millman asked if it was in the Village's best interest to retain a firm rather than a sole practitioner so someone else would be available to fill in if he was not available

Mayor Oppenheim noted that the present Village Attorneys are paid \$150 an hour. Our current assistant attorney Mr. Emanuel does not feel this is adequate. A survey was conducted on wages from other village and towns, and this is the going rate for most; the towns do pay a little more.

No other matters to discuss, Mayor Oppenheim made a motion to adjourn, seconded by Deputy Mayor Millman. Upon vote, the motion carried unanimously. The meeting adjourned at 9:45 p.m.

