

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, OCTOBER 15, 2014 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	Mayor
	Lance N. Millman	Deputy Mayor
	Stacy Caridi	Trustee
	Steven A. Sorriilo	Trustee
	Melanie Golden	Trustee

Others Present: Warren Berbit Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Mayor Oppenheim announced that the newsletter has been mailed out and is also posted on the Village's website.

The Mayor hoped everyone had gone through the audit proposals for discussion this evening. The Deputy Mayor advised that he and the Village Clerk/Treasurer will be meeting with the firm that submitted the lowest proposal on Friday. They will report their findings to the Board and their recommendation for retaining this company.

The Montebello Road resurfacing has not been fully completed by the utility company. It will be finished in the next few days. There will be an interruption in the flow of traffic while this work is being performed.

The Mayor provided an update on the property maintenance issues at the Storms residence at 135 Spook Rock Road; according to the Building Inspector, Mr. Storms has made substantial progress in cleaning up the property. Hopefully this will continue without the need to get the Rockland County Sherriff's Department involved.

The Mayor was pleased to report that the Village has received a nice credit from Orange and Rockland on our solar net metering accounts in the amount of \$471.00. This benefits the taxpayers as the Village is saving money.

The Mayor thanked Senator Carlucci for his efforts in obtaining a \$50,000 grant for resurfacing of Mile Road. He also thanked the Village Clerk/Treasurer for initiating this request through Senator Carlucci. Mayor Oppenheim noted that it's nice to get support from the state.

Trustee Sorrillo advised that the manhole covers on Mile Road are higher than the road surface and need to be adjusted. The Mayor responded that any issues will be addressed next year prior to paving taking place.

Mayor Oppenheim advised that the Village Attorney is actively working on the on-going issue regarding adherence to the age restriction requirements at the Rio Vista Condominium. This will be discussed further in Executive Session.

The Mayor noted that a window was broken out in Dr. Gottlieb's office and is being repaired. The cost is below the insurance deductible.

A letter was received from Mr. Litwack, a resident on Canterbury Lane requesting that his street be re-paved. Mayor Oppenheim noted that the determination of which streets are resurfaced is made by our Village Engineer. This letter will be passed along to him for next year's evaluation. Canterbury Lane is in need of work.

Mayor Oppenheim advised that he has received a report from the County that the property located at 196 Spook Rock Road will be auctioned off on November 14th or 15th. The outstanding tax bill will be paid up to date when sold.

The Village has received a Notice of Claim. The Mayor will discuss this further in Executive Session.

The Mayor advised that he has received a letter regarding the use of the annual beautification fee that is paid due to the pilot agreement with the Crowne Plaza. Mr. Goldstein would like that portion of Airmont Road to look more appealing as you approach Executive Boulevard. This will be discussed further.

Lastly, a complaint was received from a resident that wishes to erect a fence on his property with the "good side" facing in instead of out. In accordance with our zoning code, the good side is to face out to neighboring properties. A variance would be needed from the ZBA in order to erect the fence with the good side facing in. The resident stated in his letter that a variance from the ZBA would cost more money and would put him at risk of possibly not receiving the approval. He is upset at the bureaucracy of not being able to put up a fence backwards. He has indicated that his neighbors would be fine with the placement of the "ugly" side toward them. Mayor Oppenheim offered to share the resident's letter with the Board if they would like to read it. Mr. Berbit was asked to review for possible response.

Deputy Mayor Millman gave a brief report on Montebello Day. All of the food vendors showed up and there were two great bands providing music. He acknowledged the high school students who volunteered to help from the Suffern and Clarkstown schools, they did a great job. It was a great day and the weather held out again.

Trustee Golden gave an update on the WARD referendum vote that took place on September 30th. This special election was very contentious, with Judge Garvey invalidating the entire process and ordering a new election be held. The two major issues were who could vote and how

you were allowed to vote. The Town has filed an appeal and is seeking a stay of destruction of the ballots. A decision should be rendered within the next ten days. Mayor Oppenheim clarified his mention of the Community Center being used as a polling site in the newsletter; he did not state that it was the only polling site for Montebello residents.

At this time, the Mayor distributed his proposed budget for 2015 to the Board members. The Mayor noted that his proposal is to stay within the tax levy limit so that residents can receive a credit from the state. The Board will hold a budget workshop and a public hearing before the budget is adopted.

Public Comment:

Lisa Rino – questioned the irregularities in the WARD system voting. Trustee Golden gave an overview of what took place and that the legal issues were now in the hands of the court system.

The next agenda item was a Public Hearing on a proposed Local Law to Override the Tax Levy Limit Pursuant to General Municipal Law §3-c.

The Village Attorney asked the Village Clerk/Treasurer to 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 15, 2014 at 8:00 p.m. or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, N.Y. 10901, to consider a local law which would allow the Village of Montebello to adopt a budget for the calendar year commencing January 1, 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

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

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was posted on October 3, 2014 in the six locations throughout the Village, and published in the Journal News on October 5, 2014, meeting the legal requirements. Copies of the proposed Local Law were made available to the Board of Trustees and the public on October 3, 2014.

The Village Attorney concurred that due notice was given.

At 8:17 p.m. Trustee Caridi made a motion to open the Public Hearing, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

The Mayor explained that a few years ago the Legislature and Governor passed a law that local municipalities could not raise taxes above a certain limit. The limit was established at 2%. If municipalities were going to raise taxes more than the 2%, they would have to pass a local law to override the set limit. This is a procedural process that does not make a lot of sense, but has to be done to preserve options while the budgeting process is under way.

No one wishing to comment, at 8:18 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Resolution: 14-090

Village of Montebello

Title: Adoption of Local Law No. 3 of 2014 to Override the Tax Levy Limit
Established in General Municipal Law

WHEREAS, a public hearing was held on October 15, 2014 on adopting Local Law No. 3 of 2014, "A Local Law to Override the Tax Levy Limit Established in General Municipal Law"; and

WHEREAS, the Village Attorney ascertained with the Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the Legal Notice on October 5, 2014, and posting of the Legal Notice on October 3, 2014, and supplying said Local Law to the Trustees and making same available to the public on October 3, 2014; and

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

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, October 15, 2014 at 8:00 p.m. or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, N.Y. 10901, to consider a local law which would allow the Village of Montebello to adopt a budget for the calendar year commencing January 1, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

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

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

1. Legal Notice and Affidavits.
2. Proposed Local Law. ; and

WHEREAS, the Public Hearing portion was opened at 8:17 p.m. and closed at 8:18 p.m., no one from the public wishing to speak and the Village Board duly deliberated in public.

THEREFORE, BE IT RESOLVED, that said Local Law, to be known as Local Law No. 3 of 2014 to Override the Tax Levy Limit Established in General Municipal Law, said Local Law to become effective immediately contingent upon filing with Secretary of State.

Motion: Trustee Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 14-091

Village of Montebello

Title: Approval of Minutes for September 17, 2014

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of September 17, 2014 be and are hereby approved.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-092

Village of Montebello

Title: Authorization to Apply for JCAP Grant

BE IT RESOLVED by the Board of Trustees of the Village of Montebello at a regular meeting thereof held on October 15, 2014, that authority is hereby granted to apply for a 2015 Justice Court Assistance Program (JCAP) Grant.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-093

Village of Montebello

Title: Changing Date of Village Election

WHEREAS, a General Village Election for the election of Village Officers is required to be held in March, 2015, and pursuant to Election Law §15-104(a) the general village election is to be held on the third Tuesday in March, which in 2015 falls on March 17th; and

WHEREAS, pursuant to §15-104(b), when such third Tuesday falls on March 17th, the Village Board shall provide by resolution that such general election be held the 18th day of March.

THEREFORE, BE IT RESOLVED, that in 2015, the General Village Election be held on Wednesday, March 18, 2015.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-094

Village of Montebello

Title: Designation of Offices to be Filled at Village Election

WHEREAS, the next general election for officers will be held on Wednesday, March 18, 2015; and

WHEREAS, the Board of Trustees must designate by resolution and publication the offices which are to be filled at such election and the terms thereof.

THEREFORE, BE IT RESOLVED, that the Board of Trustees designates that the offices of Mayor and two Trustees are to be filled at the general election on Wednesday, March 18, 2015 and that the term of these offices will be four years, commencing at noon on April 6, 2015; and

BE IT FURTHER RESOLVED, that the Village of Montebello constitutes One Election District for the General Village Election.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-095

Village of Montebello

Title: Public Hearing on Tentative Budget for 2015

BE IT RESOLVED, that a Public Hearing is to be held on the Tentative Proposed Budget for fiscal year 2015 on November 12, 2014 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 including that the meeting will be held at Village Hall.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-096

Village of Montebello

Title: Canopy Lighting at Pavilion

WHEREAS, the Village Clerk reports that the canopy lighting system in the pavilion at the Village Hall is in need of replacement, and that, as a consequence according to Village's procurement policy, she has sought proposals to replace same; and

WHEREAS, said Clerk further reports receipt of the proposal of J.V.C. Electric Co, Inc., dated September 30, 2014, in the amount of \$2,120.00, to install nine (9) LED Canopy lights, all as more particularly set forth in said proposal referenced as if set forth hereinafter, a true copy of which shall be appended to the minutes hereof; and

WHEREAS, said Clerk recommends the award of said work to J.V.C. Electrical Co, Inc. in the amount of \$2,120.00, as necessary and prudent; and

THEREFORE, BE IT RESOLVED, that the aforesaid electrical work be awarded to J.V.C. Electrical Co, Inc., in the amount of \$2,120.00, according to the terms of J.V.C's proposal # 201409301.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 14-097

Village of Montebello

Title: Replacement of Glass at Montebello Community Center

WHEREAS, the Village Clerk reports the need to replace a damaged window and screen in the office portion of the Community Center, which caused her to seek proposals according to the Village's Procurement Policy; and

WHEREAS, the Village is in receipt of two proposals referenced as if set forth hereinafter, true copies of which shall be appended to the Minutes hereof, summarized as follows:

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|----------------------|----------|
| 1) Touch of Glass | \$350.00 |
| 2) Monsey Glass, Co. | \$348.89 |

each reported without tax ; and

WHEREAS, the proposals are essentially identical, but the Monsey Glass proposal requires coming on site for an exact measurement which might necessitate a pricing adjustment.

THEREFORE, BE IT RESOLVED, upon the recommendation of the Village Clerk, that the work be awarded to Touch of Glass at a cost of \$350.00.

Motion: Trustee Golden

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-098

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated October 15, 2014, and totaling \$ 132,879.16 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Golden

Second: Trustee Sorrillo

Deputy Mayor Millman requested that better planning be implemented when sending out a newsletter that will be advertising a village event. The fall newsletter which advertised Montebello Day apparently was not delivered to many households in a timely manner, which he believes accounted for poorer attendance. In the future, any newsletter that announces an event must go out earlier to allow processing by the postal system.

Upon vote, the Resolution carried unanimously.

The next agenda item was a review of a request by a resident on Victory Road to have a STOP sign installed at the intersection of Victory and River Road. This request has been forwarded to the Village Engineer for his review and recommendation.

Public Comment: No one wished to speak.

The Board members discussed dates to hold a workshop meeting on the proposed budget for 2015. The date of October 29th was selected at 7:30 p.m... The workshop will be held at Village Hall as the Community Center is in use that evening. The Village Clerk will confirm the date and time with the financial consultant and then confirm with the Board.

Old and New Business:

The Mayor noted that he attended a board meeting in the Village of Suffern regarding the proposed development on Orange Avenue. He advocated on behalf of the village residents in favor of the proposed zone change that would allow upscale apartments. He feels that Suffern is Montebello's downtown and that this new development would help revitalize Suffern. The school district would not agree to the pilot agreement and the Suffern Village Board denied the zone change.

Deputy Mayor Millman advised that John Martin of the Ramapo Valley Sports Park Project has submitted maps showing color coded locations of the buffers, setbacks, etc. that the Board members requested. Mr. Martin would like to walk the property with the Board members and the Deputy Mayor would like to schedule those walk throughs. The Board members will coordinate doing the site visits. The Village Attorney noted that the public has a right to participate in the site visits as well.

The Deputy Mayor was approached by a group called “Do Not Stand Idly By” to request that the Village Board take a stand on gun control, and help set standards in the gun industry. The group is trying to gather, throughout the Country, officials to come on board to try to get the gun manufacturers to be held accountable for the way that they go about distributing, purchasing and offering guns to the public. It was requested that a letter be sent to the USCOM regarding this matter. The Village would be the first in Rockland County to take a stand.

Trustee Golden stated she was all for anything against gun violence. Trustee Sorrillo wanted more information as he had just received the packet on this issue. He was hesitant to move forward at this time, and wanted to research first. Deputy Mayor Millman will reach out to Mr. Mosbacher to possibly do a presentation before the Board.

At 8:44 p.m. Mayor Oppenheim made a motion to enter Executive Session to discuss litigation and personnel matters, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

At 8:55 p.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 Golden. Upon vote, the motion carried unanimously. The meeting adjourned at 8:55 p.m.