

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JANUARY 15, 2014 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Orange & Rockland has begun the storm hardening program on Montebello Road. The culverts have been buried and once the weather improves the work will continue. The utility company has also performed tree removal along Viola Road; all this work is being done with the hope to avoid any long term blackouts in the event of a storm.

The proposed cell tower with Verizon is still under review. There are legal technicalities that have to be worked through. The Mayor will keep everyone informed.

Sousa Lane and Grist Mill Court have been paved and are now being plowed by the Village. The Village is still waiting for the deed and dedication documents from the developer's attorney. We have received the title reports at the request of the Village Attorney.

We have received an estimate from Tilcon to install the speed hump on Mayer Drive. The hump will be installed in the spring.

The Mayor noted that there are a lot of potholes everywhere, especially Spook Rock Road, Grandview and Mile Road. County Highway and the Town of Ramapo Highway Departments have both been notified to fix the pot holes. Temporary patches are done through the winter months. He encouraged residents to report any potholes to Village Hall.

The new design for the Montebello Road bridge has been posted on the Village's Facebook page, which immediately received 1000 "hits" after it was posted. People are very interested and concerned with this project. The County is expected to be sending the bids out this month, with work beginning in March. Demolition of the existing bridge will be the first phase of the project. The Mayor fully believes the County will stay on schedule and the new bridge will be finished this year, it has been two years since this bridge has been closed.

Mayor Oppenheim advised that there was a meeting with representatives from Cablevision in an effort to try and work out a renewal of the franchise agreement, which has expired. They did not agree to certain simple terms the Village brought to the table, and the Mayor is not happy with the situation. He stressed that residents are not going to be without cable because the Public Service Commission (PSC) automatically grants extension time. Cablevision is looking for a 15 year agreement but is not offering what they gave to the Town of Ramapo. Negotiations will continue in the best interest of the Village.

A resident on Marian Drive has requested that a STOP sign be installed at Lake Road and Marian Drive. At the request of the Board, the Village Engineer reviewed the request and recommends that the sign be installed at the intersection of Marian Drive and Lake Road.

Regarding Mr. Verna's property at 547 Haverstraw Road, Supreme Court Judge Garvey issued an order to the homeowner to completely restore the barn to its original condition by January 10, 2014. The homeowner illegally converted the barn in back of the property to a residence. If the improvements still exist after January 10, 2014, the Building Inspector is authorized to inspect the property every day through January 31, 2014; daily fines will be assessed by the Court. After the January 31, 2014 date, the Village will be authorized to enter the barn structure and remove all improvements that were done in violation of the 2007 Building Permit and restore the structure to a storage space.

Trustee Sorrillo questioned whether the Village can just walk into this building and demolish its contents. Chief Brower happened to be in attendance and stated that this is not as easy as it sounds. The Rockland County Sheriff's Department would handle the eviction of anyone that may be living there. If no one is living there, then it is a bit easier.

Chief Brower asked the Board if there were any issues they would like to discuss, or anything going on in the Village. He wished everyone a Happy New Year. He mentioned the weather related fatality that took place on Rt 202 this morning. The Chief also wanted confirmation that the Village is being contacted regarding major incidents. The Mayor and the Village Clerk responded in the affirmative.

The Board members thanked the Chief for coming.

Parks Commission Business:

No one from the Parks Commission was present. Mayor Oppenheim advised that the Village must update the emergency plan for the dam in Gorman Ponds Park.

The next agenda item was the continuation of the 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.

A letter was received from the Environmental Program Specialist at the NYSDEC; dated January 3, 2014, indicating they reviewed the proposed local law and feel it meets federal and state requirements.

The public hearing was held open from the previous meeting specifically awaiting this letter.

At 8:20 p.m., Mayor Oppenheim opened the floor to Public Comment.

At 8:20 p.m., no one from the public wishing to speak, Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

Resolution: 14-001

Village of Montebello

Title: Adoption of Local Law for Flood Damage Prevention and Repealing Chapter 92 of the Village Code

WHEREAS, a public hearing was commenced on December 18, 2013 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; and

WHEREAS, the Clerk read the Legal Notice into the record 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.” ;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 December 8, 2013 and posting of the Legal Notice on December 6, 2013 and supplying said Local Law to the Board members and making same available to the public on said date; and

WHEREAS, the Village Attorney explained the evolutionary process leading to this hearing as necessary to also adopt the new Flood Maps and to continue under the National Flood Insurance Program; and

WHEREAS, Village Engineer, Martin Spence, explained in greater detail that the replacement Law was in the form as suggested by FEMA, as more particularly set forth in his memo as dated November 13, 2013, which was read into the record;

WHEREBY, the hearing was opened at 8:50 p.m. and continued until January 15, 2014 to await approval by the NYSDEC which approval, dated January 3, 2014 was received on January 9, 2014; and

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

1. Legal Notice and Affidavits.
2. Proposed Local Law.
3. Memo of Village Engineer dated November 13, 2013
4. NYS DEC letter of Approval dated January 3, 2014
5. FEMA Flood Plain Maps effective date March 3, 2014

; and

WHEREAS, the following spoke at the public hearing:

1. No one spoke

and no one else from the public wishing to speak, the public hearing was closed at 8:20 p.m. on January 15, 2014.

THEREFORE, BE IT RESOLVED, that said Local Law, to be known as: Local Law No. 1 of 2014 to repeal and replace the Village's Flood Damage Protection Law Chapter 92 of the Village Code, and to accept the FEMA Flood Plain Maps, be and hereby are approved effective upon filing with Secretary of State.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

The next agenda item was a Public Hearing on a proposed Local Law to amend Chapters 146 and 195 of the Village Code and to add Chapter 143 entitled "Signs".

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, January 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 amending Chapters 146 and 195 of the Village Code, and to add Chapter 143 thereto, the purpose being to set forth at one place comprehensive sign regulations regarding outdoor and indoor signs. The objective is to clarify, and simplify where possible, and to better embrace the scenic beauty of the Village while facilitating the right and need of our residents, and businesses and homeowners and others with a need to communicate to those residents and businesses, and to those passing through the Village.

All members of the public and all interested parties are invited to attend and participate. All

interested parties are also urged to review the proposed Local Law 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 December 31, 2013 and published on January 5, 2014, and that copies of the proposed local law were made available to the Board members and the public, meeting the legal requirements.

At 8:25 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

Village Attorney, Warren Berbit, gave a brief summation noting that this evolved from the Planning Board, they worked on it long and hard as did the Village Planner, Robert Geneslaw. The Board of Trustees held a workshop with Mr. Geneslaw in May and reviewed all of the conceptual elements of the law. Definitions and clarity were added and the proposed local law clearly addresses all aspects regarding signs. As the draft has evolved, the Village Board has made recommendations as have the professionals, leading to this present version.

Village Planner, Robert Geneslaw, advised that he has been working closely with the Village Clerk, Debra Mastroeni, and the proposed local law was sent to the County of Rockland Department of Planning, General Code, and municipalities within 500 feet for their review. He also noted that Assistant Village Attorney, Ira Emanuel, had concerns regarding political signs and the change in the primary dates which would require the signs to be up for a much longer period of time.

Mr. Geneslaw noted that a three page response from the RC Department of Planning has been received but he had not had a chance to review in great detail, but noted from what he quickly perused that most of the items and comments were advisory.

A response was received from General Code. They indicated they did not do a detailed line by line review, but will do so if asked. They stated the general format of the draft code appeared fine, but were concerned that there is nothing in the provisions indicating that any existing sign provisions would be repealed. Duplicate provisions in various parts of the Code which may not be kept up to date would warrant confusion.

There are concerns with regard to temporary political signs. Residents have voiced concern over the number of signs placed around the village during election time, how long they can be kept up, and the mechanism on applying for a temporary permit.

When it comes to a federal election, constitutional rights may be affected if signs are not allowed to stay up for 6 months. Many members felt that would promote a visual blight.

Trustee Golden noted that the last recommendation by Mr. Berbit was to issue a sign for the purpose of a primary, then have a separate one for the election. Trustee Golden wondered if this was going to be a problem. Debra Mastroeni and Warren Berbit discussed this matter and both felt it was a good to take the primary signs down after the primary and have the candidates apply for a permit for the election. Trustee Sorrillo asked if the village could have a moratorium from

the time the primary signs are taken down, which is approx. 74 days, and then grant a permit to put signs back up.

Trustee Caridi wondered if something could be added to the code regarding signs that have fallen down or have blown away. Mr. Berbit felt that it's ludicrous to believe certain types of signs can withstand the weather; they blow and or dissolve into the storm drains and cause blight. They are no longer benefiting the candidate when they have blown down.

Discussion ensued on the length of time signs can be left up, placement of said signs and any restrictions that maybe associated. There are always possibilities if someone challenges these rules, especially with political signs, but that will be left up to the courts to decide if laws are broken.

Members felt that the way the law as presented to them, in this revised draft, is sufficient. If there are more than 74 days until the general election, candidates must remove the signs and reapply for the general election.

Mayor Oppenheim noted that over the years since he has been Mayor there really have not been any issues, people have been very compliant with the security deposit, and have also been compliant with cleaning up. They are aware that the Village holds a security check and that it will be cashed if they don't remove their signs. There are only a number of municipalities in Rockland County that have such stringent sign rules.

If it turns out that there are problems with the Sign Ordinance, it can always be revised.

Mr. Geneslaw touched on the subject of non-political signs, and how to establish limitation on how long they can be in place. The Village cannot prohibit signs but they can be subject to the same regulations as political signs.

Mr. Geneslaw stated with the new code the Board should anticipate prevention of as many potential problems as possible. It was suggested by Mr. Emanuel to drop the definition of political signs since they are trying to make them as close to temporary signs as they can. Mr. Geneslaw is not sure this is good idea, he felt that keeping definitions is good for the enforcement aspect, but he will take another look at the definition of political signs, ie. general election, special, primary, and referendum, and the time limitations.

Members discussed definitions and defining and separating categories of different signs. The way Mr. Geneslaw understood Mr. Emanuel's explanation is that political signs, as much as possible, should be treated the same as all other temporary signs. It does not seem possible to make them exactly the same, but what is in the code now should be merged together as much as possible.

All members are in agreement there should be a time limit for all signs, political or temporary. The limit should be a maximum of 74 days per permit, whether they pertain to an event or not. A new renewal would have to be made for any expired permit. The check will be deposited if

signs are not taken down, and deposit checks are not returned until after the Building Inspector has determined that the signs have been removed.

Another issue, advertising signs on vehicles. The Planning Board was concerned about vehicles advertising businesses; an example was the truck in the Outback parking lot, which was parked close to Rt 59, in essence advertising "Outback". They felt this was not appropriate and the Code should be revised. Mr. Geneslaw stated that this is a more difficult situation than anticipated, and members agreed this portion of the code should be eliminated.

The Mayor asked Mr. Geneslaw that if once the non-conforming sign law was approved, how many would be non-compliant? Mr. Geneslaw felt the Building Inspector would have a better idea of the number. People with non-compliant signs would have 6 months to conform or appeal to the Zoning Board.

Attorney Berbit asked questions regarding the appeals process. How long will it take, and what would the fastest way be to rectify the situation. He suggested building in a simple administrative procedure.

Regarding a response to the RC Planning Department's comments, Mr. Geneslaw will issue a memo.

Trustee Caridi made a motion to continue the Public Hearing at the next meeting of the Board of Trustees scheduled for February 19, 2014, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Public Comment:

Melissa Cooper – 48 Mayer Drive - concerned with residents not obeying the Leash Law. Dogs run into the street in a menacing manner. Questioned how this law is enforced? The Village Attorney directed the resident to contact the Ramapo Police.

Deputy Mayor Millman suggested reminder letters be sent to the neighborhood regarding the leash law.

The Mayor announced that on January 19th the Suffern Methodist Church will be having a Martin Luther King Day celebration. All are invited to attend. Also, at Spring Valley High School there will also be an event that everyone is invited to attend and celebrate.

Next on the agenda is the informal application of Montebello Crossing, LLC. This property is located at 250 Lafayette Avenue. The applicant has been before the Board before with his conceptual plan. The Board suggested changes be made to the proposed plan, and Brian Brooker, the Project Engineer, explained what revisions were made since the last meeting and new ideas. The property owner, Mr. Howard Josephs is also in attendance. Discussion on the zoning change for the assisted living facility, the conservation easement at the front of the property, and where the sign location will be placed. The three lots will serve as one site plan with cross easements.

This plan incorporates all of the goals that were previously discussed. They prefer to leave the zone on the existing property and do a zoning amendment for the assisted living facility. Mr. Brooker suggested a separate road name for the assisted living entry. Mayor Oppenheim mentioned that the Village has a local law pertaining to street names.

The walking trail will be left, and the parking area will comply with the NS Zone in the Village Code.

Village Planner, Robert Geneslaw, stated that the Applicant is doing a great job making all the changes the Village Board is requesting. Mayor Oppenheim stated he would like to see real specifics with the landscaping plan on the corner of Hemion Road and Rt 59, the more green the better. The Applicant will bring color renderings. Symmetry was stressed by the Board.

Attorney Berbit stated the next step the Applicant should make to move forward is to submit a more refined site plan, and to make a formal request to the Board with the zone changes they are seeking.

Mr. Josephs responded that they will come back with a full blown application.

Next on the agenda is discussion on the letter received from Michael Klein, Attorney for the Ramapo Valley Sports Park. This property is located at Rella Blvd and Airmont Road. Mayor Oppenheim has recused himself from discussion on this matter as he owns land in close proximity.

Deputy Mayor Millman takes control of the meeting. Deputy Mayor Millman advises the Board members that the Village Attorney and Village Planner have both advised that this would be considered a new application as there is new ownership of the property.

Village Attorney Berbit summarized what has taken place regarding the prior application for this proposed use. The Planning Board spent a great deal of time on this at the request of the Board of Trustees and the recommended consensus from them was that this was not an appropriate use for this site. The applicant could no longer proceed because he lost his contract vendee status and the Village Board did not choose to take legislative action on its own.

The Board should come to an informal consensus as to whether or not they are interested in hearing this application based upon the prior comments from the Planning Board and Village professionals. Is there enough interest to move forward with this project or is the applicant wasting their time and money? Mr. Klein's letter indicated that the project is still a sports complex, with indoor and outdoor fields.

Mr. Berbit noted that when the Comprehensive Plan was adopted in 2009, it did not include this particular use. The Board would have to amend the zoning code and the Comprehensive Plan.

Mr. Geneslaw pointed out that if the Board decides to allow the Applicant to appear informally with a plan, than decide to go forward with a formal application, there would have to be a

SEQRA environmental review process. There would be various public hearings involved. Although, a lot of the background work has been done, the procedural requirements have not.

The consensus of the Board was to allow the entity to submit a new application for consideration.

John Martin is present representing Ramapo Valley Sports Park and advises the Board that the application has not changed in terms of development and use, still the same. He stated he is getting the sense from the Board that they are not interested in this project.

Trustee Sorrillo responded that the interest is in being fair and they are willing to listen to the proposal.

Deputy Mayor Millman also countered Mr. Martin's assumption noting that the Board is interested, as was the informal vote a few minutes ago.

Mr. Martin asked procedurally what the next steps will be, and stated he is in disagreement with the bundling of the public hearings after the fact. It would be important early in the process to have a public hearing to hear the public's view and interest. It does not make sense to go forward and spend money if the public is not interested.

The Village Attorney advised the Board members to be careful about reacting to public opinion at an informational meeting and asked if the intent is to send out global notice to the entire community in hopes of getting a fair and balanced view. It is imperative that the Board follow procedural requirements with any application that comes before them. The applicant should not influence how the Board conducts itself.

Mr. Martin will submit a new application.

Resolution: 14-002

Village of Montebello

Title: Approval of Minutes for December 18, 2013

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of December 18, 2013 be and are hereby approved.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-003

Village of Montebello

Title: Appointment of Registrar and Deputy Registrar

BE IT RESOLVED, the Village Clerk/ Treasurer, Debra Mastroeni, be and hereby is appointed as Registrar of Vital Statistics, and Deputy Clerk, Shelly Flanagan-Ramos be appointed as the Deputy Registrar of Vital Statistics, each for a one year period effective January 1, 2014 until January 1, 2015 as provided by law.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-004

Village of Montebello

Title: Violation Search Request Refund- 15 Sterling Forest Lane

WHEREAS, a request for a Violation Search was submitted on September 19, 2013, for 15 Sterling Forest Lane, SBL: 48.15-1-12; and

WHEREAS, a fee of \$175.00 was paid in association with said request and the Building Department Clerk processed the request and sent a letter to schedule an appointment for same; and

WHEREAS, the applicant, Ashford Abstract Corp., has submitted a letter dated December 17, 2013, canceling their request for the violation search, and has requested a refund; and

WHEREAS, there appears to be no obligation to return said fee, but it appears reasonable and equitable that such occur in the circumstances, less the cost associated with processing the request thus far, reasonably estimated at \$87.50, including the time of the Building Department Clerk and Village Clerk/Treasurer and the Village Attorney in conjunction with the application for a refund.

THEREFORE, BE IT RESOLVED, that for the reasons set forth, the sum of one half of the violation search fee, \$87.50, be refunded to the applicant, representing the fee originally paid to the Village, less the estimated costs associated with said violation search request.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 14-005

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 15, 2014, and totaling \$ 83,431.79 are hereby approved and the claims listed thereon shall be paid.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-006

Village of Montebello

Title: Schedule Property Maintenance Hearing for 135 Spook Rock Road

WHEREAS, despite the issuance of several violation notices, the Building Inspector reports in his memorandum dated January 13, 2014, and letter to the owner dated January 7, 2014, that the premises located at 135 Spook Rock Road, Section 41.17, Block 1 and Lot 64, record owner Robert Storms, has continued in a non-maintained condition, representing a nuisance and a possible hazard to health and safety, and an eyesore; and

WHEREAS, it is reported that said conditions have persisted for some time prior to March 13, 2013, when the first Notice of Violation was posted in the more recent series of notices, but similar Notices going back to 2010 are found, including in 2011 when a civil compromise was entered into but later not adhered to; and

WHEREAS, the owner has failed to appear in Court despite a Bench Warrant, and it appears that the owner has not maintained his property, the grass being unmowed, and the property having become overgrown, and utilized as a junk yard with e.g., derelict cars, trucks, a van, tires, a boat, a smaller boat, boat trailers, several lawn mowers, bbq grills, three tractors, backhoes, other landscape equipment, numerous bicycles, construction material and equipment, scrap metal, shelving units, lawn furniture, all as more particularly set forth in Notices of Violation, Appearance Tickets, Information and series of photographs dated, for example, around March 13, 26 and 27, 2013, and January 2014 and such cannot be tolerated; and

WHEREAS, such condition appearing to violate §132-12A, §132-17 and 195-11 (B). (F) of the Village Code and §302.4 of the New York State Property Maintenance Code; and

WHEREAS, the Mayor and Building Inspector recommend that a hearing be held pursuant to §132-17, etc., of the Village Code, to determine whether the Village Board shall order that the conditions be corrected at Village expense and direction, the cost of same to be charged and assessed, to constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied and discharged, and shall be collected in the same manner and at the same time as other Village charges.

THEREFORE, BE IT RESOLVED, that a hearing be held pursuant to §132-17, etc., of the Village Code for the above purposes on February 19, 2014, beginning at 8:00 pm, local time,

or as soon thereafter as the matter can be heard, and that due notice thereof be given to the record owner and to the public as required by the Village Code.

Motion: Trustee Golden

Second: Deputy Mayor Millman

The Mayor stated the Village did not want to resort to this action, but for the health, safety and welfare of the residents this needs to be taken care of immediately. It is unfortunate it has come to this.

Upon vote, the Resolution carried unanimously.

Resolution: 14-007

Village of Montebello

Title: "STOP" Sign – Intersection of Marian Drive and Lake Road

WHEREAS, a resident reported an accident on Marian Drive at Lake Road; and

WHEREAS, as a consequence, this prompted an investigation and the Village Engineer, in a memo dated January 13, 2014, has recommended that a "Stop" sign be installed, along with a white painted stop bar at the west end of Marian Drive at its intersection with Lake Road, upon his findings that, although he did not find evidence of an accident in 2013, the orientation of Marian Drive proximate to Lake Road which is a through street, and also due to the proximity of Mills Road, makes installation of said sign desirable from a safety perspective, and meeting the requirement of the Manual on Uniform Traffic Control Devices, all as more particularly set forth in the memo, referenced as if a part hereof.

THEREFORE, BE IT RESOLVED, in the interest of public safety, that a "Stop" sign be installed on Marian Drive at the intersection with Lake Road, upon a finding that such will promote safety and meeting the standards of the Manual on Uniform Traffic Control Devices governing the installation of such a traffic control device, and that the Town of Ramapo Highway Department be authorized to install said sign and striping at a cost not to exceed \$300.00, thus accepting its proposal and said sum being authorized to be expended for this purpose.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Deputy Mayor Millman wants the public to know that the Village does not install stop signs to control speeding. This is a safety issue.

Upon vote, the Resolution carried unanimously.

Resolution: 14-008

Village of Montebello

Title: Award of Bid for Lake Road Demolitions and Restorations

WHEREAS, sealed bids were sought for the demolition and restoration of #8 and #14 Lake Road as part of the acquisition of same under the New York State Emergency Management Hazard Mitigation Program for FEMA Disaster No: 1993-DR-NY; and

WHEREAS, said bids were opened on March 19, 2013, nine (9) having been received as follows:

DANNY CLAPP LANDSCAPING, INC.	\$40,822.00	
RINO PAVING & CONSTRUCTION, INC.	\$85,290.00	
VICTOR ZUGIBE EXCAVATING, INC.	\$52,070.00	
SCAFFIDI PAVING & DRAINAGE, INC.	\$69,930.00	
CALMART ENTERPRISES, INC.	\$58,585.00	
NORTHERN CONSTRUCTION	\$68,993.05	
ADVANCED EXCAVATION & CONTRACTING CORP	\$84,265.00	
GIRL GONE GREEN	\$44,610.00	
BELLEVILLE LANDSCAPING, INC.	\$34,530.00	; and

WHEREAS, the Village Attorney and Village Engineer reviewed said bids and concurred that Belleville Landscaping, Inc. is the lowest responsible bidder at a total cost of \$34,530.00; and

WHEREAS, such award was already implicit as the application for funding for said work was premised upon the \$34,530.00, and a contract for said work was negotiated with Belleville.

THEREFORE, BE IT RESOLVED, that the bid for said demolition work in the amount of \$34,530.00 be and hereby is awarded to Belleville Landscaping Inc., in accordance with the Bid Specifications as prepared by the Village Engineer dated March 11, 2013, and subject to receipt of all required documents to accomplish said work in acceptable form (e.g., performance and maintenance bonds or security, insurance certificates, etc).

Motion: Deputy Mayor Millman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 14-009

Village of Montebello

Title: Appointment of Assistant Village Attorney

WHEREAS, when Ira M. Emanuel, the Assistant Village Attorney assigned to the Planning Board and the Zoning Board of Appeals, recuses himself the Village Attorney has traditionally handled the associated application, but due to demands on the Village Attorney's

time, and due to the possibility of a matter occurring in which the Village Board and Planning Board are jointly involved thus making it desirable that the Planning Board be separately guided, he has recommended that another Assistant Village Attorney be retained to handle such matters; and

WHEREAS, the Mayor concurs that it is desirable that another experienced Assistant Village Attorney be available in such circumstances; and

WHEREAS, after examining the credentials of various candidates and interviewing Robert Magrino, the Mayor recommends that he be appointed to the position of Assistant Village Attorney to work with the Village Attorney in handling Planning Board and Zoning Board of Appeals applications when Ira M. Emanuel has recused himself and the Village Attorney believes it appropriate that another attorney handle the matter; and

WHEREAS, the Village Attorney has also interviewed Robert Magrino, reviewed his credentials, and concurs that he possesses the requisite experience and ability to successfully provide such services, and Mr. Magrino presently provides related services to the Town of Orangetown and the Village of Suffern.

THEREFORE, BE IT RESOLVED, that Mr. Robert Magrino be and hereby is appointed as an Assistant Village Attorney for the purpose of handling cases before the Planning Board and Zoning Board of Appeals, at the direction of the Village Attorney in the aforescribed circumstances, for a term to expire at the Annual meeting in April 2014, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment at any time, compensation to be \$150.00 per hour, such to be passed through to the applicant for Planning Board work, but to be paid by the Village for Zoning Board of Appeals work.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Public Comments: No one wished to speak.

Old/New Business: None

At 10:17 p.m. Deputy Mayor Millman made a motion to enter Executive Session to discuss personnel matters, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

At 10:25 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 10:25 p.m.