THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, SEPTEMBER 17, 2014 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
	Stacy Caridi	Trustee
	Steven A. Sorrillo	Trustee
Absent:	Melanie Golden	Trustee
Others Present:	Warren Berbit	Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Mayor Oppenheim announced that Trustee Golden is out of town and will not be in attendance.

The Mayor noted that Montebello Day is this Sunday, September 21st. Deputy Mayor Millman advised that he and Trustee Caridi have been busy planning another great day. There will be two bands performing; a lot of great food from various restaurants in the area, and lots of rides again for the children. Hopefully the weather holds out. The Mayor thanked Deputy Mayor Millman and Trustee Caridi for years of excellent work and organizing the day.

The newsletter has gone out. The Mayor hoped everyone received it in time for the Montebello Day announcement. It is posted on the Village's Facebook page and the web site. There is also a banner hanging at Village Hall.

Authorization was given to HPC Member, Bill Ellsworth, from the Rockland County Highway Department to bring a piece of the stone pillar from the Montebello Road Bridge to Village Hall. This is a dated stone that will be displayed at Montebello Day.

Mayor Oppenheim reported that the bridge is coming along very nicely. The Mayor does not think the bridge work will be completed until next spring. He has posted various pictures on the Village's Facebook page of the demolition and replacement progress. He encouraged everyone to stop by and take a look at the project. It's a major job the County is doing.

The Mayor thanked the members of the Ramapo Valley Garden Club, especially Helen Airo, for planting 200 daffodils at Gorman Ponds Park. It was a magnificent contribution on their part, and it's wonderful to have volunteers do something like this.

There was a gathering this week honoring the former Zoning Board Chairman, John Urcioli, many of his friends and neighbors attended. The Mayor thanked John again for his many years of service to the Village.

Deputy Mayor Millman announced that volunteers are welcome and needed to help out on Montebello Day. Just show up and see Trustee Caridi or myself.

The Mayor advised that the speed hump on Mayer Drive has been installed. There is a photo in the fall newsletter.

There are still issues with obtaining dedication of Sousa Lane and Grist Mill Court. This process has been turned over to the Village litigators; there is no good explanation as to why this has not been done yet. All the paving work has been done on the street, it's merely the developer's failure to act, which is very confusing as to "why at this point", they refuse to act and dedicate to the Village. Updates will be provided.

The ponds in the Kathryn Gorman Ponds Park have been treated with chemicals to try and kill the algae. It turned out the Department of Environmental Conservation has a clause that states you are not allowed to use chemicals that contain copper after Labor Day; apparently the chemicals that are being used have a chelated copper, which is not actually the copper that is prohibited by the DEC, but the company hired by the Village is unable to administer any further chemicals to the ponds. Hopefully the Village will not have to pay for any treatments that are not being provided. The algae in the ponds will start dying with the onset of the cold weather anyway.

The Village has obtained a court order to allow the Rockland County Sheriff's Department to enter the property owned by Mr. Storms at 135 Spook Rock Road. Many, many attempts were made to contact Mr. Storms to clean up his property to no avail. The Village can now enter the property and remove the "junk" with the assistance of the Sheriff's Department. It's a sad and tragic circumstance that this had to get to this point. One last notice will be sent to the homeowner from the Sherriff's Department. Attorney Berbit stated this process will have to be well executed, a plan will be drawn up involving the Building Inspector and the Sherriff's officers, and they will need direction from the Village when ready to go. There will be associated charges with this whole process as well, as the Sheriff charges a fee and items from the property will need to go into storage, which will incur charges. The Village will try and recoup the monies through levying on the annual village taxes, but that may prove difficult. The Attorney will sort through all the particulars. The Board asked questions regarding the property clean up and if the Village will be liable for any valuable items that may be thrown away. There are new and junk items on this property.

The Mayor updated the Board on the letter that was sent a few months ago regarding the traffic signal at Executive Blvd. and Airmont Road. He would like to see a blinking yellow light between the hours of midnight and 5 a.m. A response was received from the Town Highway Superintendent stating they would require a report from the Village's traffic consultant suggesting the change. The Village Clerk noted that she heard the Town was going to do a study on the entire corridor, so they would pay for the study.

Mayor Oppenheim reported that Orange & Rockland will be resurfacing a portion of Montebello Road after they are finished working on the main underground feeder lines. Orange and Rockland will also be paving the patch along Mile Road where they have been replacing a main gas line.

The Mayor announced that the Priority Response Group from Orange and Rockland has extended an invitation to municipal officials to attend a meeting to discuss changes to O&R's new process for clearing downed wires blocking roadways. The meeting will be held on October 1st at 1 p.m. at the Ramapo Town Hall.

Trustee Caridi and Deputy Mayor Millman both said that they would try to attend.

The Village participates in a radiation public health project; there is a radiation counter at Village Hall that monitors spikes in airborne radiation. The project detected an unusually high spike of radiation last month in Stony Point and Ossining and has issued a press release. Mayor Oppenheim noted that Rockland County has documented public health issues.

Mayor Oppenheim advised that the 15 year Cablevision franchise renewal agreement has been approved by the Public Service Commission.

Deputy Mayor Millman asked about the proposed Verizon cell tower proposal. The Mayor responded that there are issues with the land being wetlands. They were looking into the possibility of a different location on the same property.

A request has been made to Senator Carlucci for funding to re-pave Mile Road. A lot of the traffic that is generated on this roadway is county wide, not just from local residents.

Assemblywoman Jaffee obtained $7,500 for the Village to help pay for a generator at Village Hall. Although now we may not need it as much since Orange and Rockland is installing the underground feeders, it will enable us to keep Village Hall operational during major power outages. It is very much appreciated and a big "thank you" is sent out to Assemblywoman Jaffee.

The Mayor advised that an agreement has been signed with a realtor to obtain a rental for the office space currently occupied by Dr. Gottlieb. The Mayor expressed his disappointment that the broker has not yet advertised the space by putting up a sign. A recent email was received from the broker advising that he has been out of the country on vacation and that the sign will be up before the end of the week. (The rental is in the MLS listing, however.)

Mayor Oppenheim advised that he visited the property at 67 Viola Road regarding the homeowner's request to place a fence on the Village's "paper street" and request to purchase same. At the Board's direction, the Village Clerk sent a letter to Mr. Walsh requesting a title report and an updated property survey for the Board to be able to evaluate his request. We cannot move forward on this request until these documents are received.

The Mayor announced that on September 30th there will be a Special Election on the Ward Referendum to determine whether or not the ward system should be evoked for electing town council members, and also to vote to have six town council members instead of four. The Mayor encouraged everyone to come out and vote and advised that the Community Center will be used as a polling site.

Deputy Mayor Millman questioned where residents are supposed to go to vote. The Village Clerk responded that they should probably go to the same site that they normally vote at. The charge to the Town for using the Community Center as a polling site will be the same as what the Board of Elections pays.

Parks Commission Business: No one was present from the Parks Commission.

Public Comment: No one wished to speak.

At this time, Mayor Oppenheim went to #16 on the agenda: discussion regarding a letter received concerning violation of the age restrictions at Rio Vista of Montebello Condominiums.

The Mayor summarized the details of the letters: this is an adult 55 and older community, a letter from the HOA's attorney advises that one of the residents has her daughter, who is under the age of 45 living with her. A letter was received from Mr. Peter Botti, the resident's attorney stating that her husband had recently passed away and her daughter was living there as a caretaker to assist her mother who was severely injured in an automobile accident back in 1999.

There was also a complaint received from Kathryn Gorman, a resident who resides in the complex, regarding this same issue. Another resident, Mr. John Gannon, a member of the Board of Managers of Rio Vista at Montebello is in attendance to speak on this issue as well.

Mr. Gannon stated that the Board of Managers was aware of Ms. DeStefano's situation with her husband passing away; everyone felt compassion for her. They did tell her that the situation with her daughter living at her home could not go on forever; Ms. DeStefano stated her daughter was living there on a temporary basis as she had lost her rental apartment. There was never any discussion regarding her disability or her daughter taking on the role as her mother's caretaker. Ms. DeStefano works full time, she drives on her own, picks up her mail and never indicated that she needed assistance at home. It appears that both daughters are living there now, and one of the daughter's boyfriends is staying on weekends.

After 6 months, the President approached Ms. DeStefano and asked her about her daughters living arrangements. She then stated that when she bought her unit at Rio Vista she was not aware that it was 55/45 and she did not see any reason why her daughters could not live with her. At this time, the HOA is 99% sure, that both daughters are living in the unit. Since the conversation between Mr. Gannon and Ms. DeStefano, she has retained an attorney.

The Board of Managers attorney sent a letter to Ms. Destefano's attorney advising of the age restrictions. Her attorney responded in a carefully worded letter which referenced New York Law and reasonable accommodations for a disabled individual.

Mayor Oppenheim asked approximately what age are the daughters.

Mr. Gannon guessed, late twenties, early thirties. They are not school age children. They are both working. Mr. Gannon stated Maureen (Ms. DeStefano) still works as well.

The Mayor bought up the second complaint regarding the use of the parking lot. He did not know if that was an issue for the Board, the homeowners association would probably handle that.

Mr. Gannon said there is no issue with that.

The Mayor asked if it's the position of the HOA that this is a violation and they want it corrected or something that the HOA should be accommodating.

Mr. Gannon replied that he is in no position to determine whether Ms. DeStefano needs someone to take care of her, he does know she lost part of her leg in 1999 in an automobile accident; he does not know to what extent her disability applies. Whatever determination was made subject to that accident, but he knows she is certainly able to drive, pick up mail, have a job, and initially when discussed she never indicated that she needed her daughter to take care of her.

He stated she had actually said at the time that she had two bedrooms and could have both daughters live with her.

The Mayor asked the Village Attorney to what degree is the Village's responsibility and to what degree is this the HOA's responsibility?

Mr. Berbit responded that the HOA has responsibility and he equates this to the Indian Rock HOA. It's up to the Village Board, we can be more aggressive. In Indian Rock, they relied on the HOA. They stepped in where needed, and voiced concerns when needed. The Board of Trustees does have the independent right to step in and enforce our code regulations.

He recalled when coming up with the rules and regulations/by-laws, that there was a logical discussion because this is a 55 and over community, later modified to 45/55, that there may be a need for a caregiver at some point. A caregiver would most likely be younger and needed "around-the-clock" They would either move in, or have shifts part of the time. So on and so on. Mr. Berbit most definitely recalls a discussion on that. He believed there was language put in to this effect. He did not have all the files in his office, the Village Clerk checked and found what appears to be draft language, he does not think it was the final language, but implies that such language does exist. Article 12, 1(A).

He read the language. (The language does not include the modification when the age was changed to 45).

The Homeowners Association has the authority to enforce this type of violation and most likely our Building Inspector does also. Mr. Berbit stated that the way the language reads before the age was changed was very convoluted; he would never have allowed the language to finalize the way it is written. He does recollect that there was some latitude.

Mr. Berbit stated we have to get to the bottom of what all the rules and regulations read in this particular area, secondly, either way he is confident that the intent was to allow for this in a real situation. There has to be a real situation though. Thirdly, he is confident that this is not the intent and should not be interpreted, although liberally it is a slippery slope, that suddenly there is a whole family flooding in, young kids and so on.

Irrespective whether in fact Ms. DeStefano is entitled to the designation as disabled, and to have a caregiver present, there was never the intent to suddenly have two daughters living there apparently on a permanent basis. He did not think this was a fair interpretation. There are a couple of fronts and we really need to find out what the language says. Is Ms. DeStefano really disabled?

Mr. Berbit has information that confirms what Mr. Gannon was saying, that in fact she holds a substantial job, travels to Goshen, New York every day, alone, so apparently, she is ambulatory to some degree. And if she needs assistance it may be to get ready for work in the morning.

Mayor Oppenheim suggested possibly getting Ms. DeStefano to attend a Board meeting. She can be sworn in and asked a few questions.

The Mayor stated that the position of Mr. Yanowitz, the HOA attorney, is that it's a violation, and that the Village should take action. Mayor Oppenheim asked at what level the Village should take action, the Building Inspector. The Village Board? To give her due process rights to come in and speak before the Board?

Attorney Berbit said this could be done, but he would also like to see some sort of medical substantiation, how should she be characterized, what capability she does have and doesn't have, by her doctor. He will let the HOA attorney question that aspect.

Deputy Mayor Millman cut in, he recognized Kathy Gorman as wanting to speak, but asked Mr. Berbit a question.

Under disabled, there are certain types, so he did not know if there was one definition or not. He gave a few examples. Mr. Berbit was not sure what the final language ended up being in the HOA rules and regulations, but they do not use disabled in the wording.

He read an excerpt from the draft rules. There is different terminology.

The Board is being cautious regarding the American Disabilities Act. Mr. Gannon has stated that the HOA cannot afford a lawsuit.

Kathryn Gorman - 8 West Ryan Mansion Drive, Montebello - stated they are filled with compassion for anyone with a handicap or disability. However in the world that we live in the word disabled can just be tossed. However, the homeowner does have a prosthetic leg from a car accident, long before she moved in, to purchase this house. She does not see any handicap plates, any handicap stickers, she walks, she has attended HOA meetings, and she works, every day. She had been a nurse in Nyack years ago, and she married a pediatrician, who passed away from

leukemia, just recently, before they were going to close on their home, but the records show she is the owner of record on the deed alone.

Ms. Gorman does not know her except to say "hello" at the mailbox. But, the HOA is concerned with two daughters living there and the boyfriend visiting on the weekend. This is becoming a permanent situation, which we were led to believe in the beginning it was not going to be, her daughter lost her apartment and she was going to stay with her awhile, now it has become the disability issue.

Ms. Gorman would like to see a subcommittee with the HOA, Ms. DeStefano and Mr. Berbit, perhaps a member of the Village Board, to sit down and try and resolve this amicably. Then if the Board sees there is a need to take action, go from there. Everyone bought homes in there with the 55 and over concept because they are in that age group. Everyone recognized the need to maybe have to hire a home health aide to help them if the need arose in the future; she actually installed an elevator in her unit in case she ever needed it to go downstairs. It's not a question of being "anti" getting help, but it appears very strange to have both daughters; she is concerned if one of the daughters get married and they have a family, then there are school buses, it's a slippery slope. Disability can just be a doctor saying your disabled, is their legal stuff? Is she getting social security disability checks? What is the depth of her characterization as well? No one wants to be sued. She would like this to be worked out in an amicable way if it could.

The Mayor asked Ms. Gorman how many homes were occupied.

She replied she believes "16". Mr. Gannon spoke up and said "15"; one is on its way to closing.

Mayor Oppenheim asked how many people per home, reply from Mr. Gannon was "primarily 2". So there are about 30 people living there.

The Mayor asked how it was living there, Mr. Gannon replied, it's great.

Ms. Gorman said it was reported that the developer told Ms. DeStefano "not to worry, your disabled, just claim disability". This is here say though as there is nothing in writing.

Again the Mayor asked Attorney Berbit his recommendation on which way the Village was going to handle this matter. He replied that we have to get the final documents that were filed with the Attorney General's office.

Mayor Oppenheim suggested a hearing, but Mr. Berbit stated, not to proceed so fast. We need to do some fact finding. He then thought the HOA and Village can do some fact finding, come up with reasonable means by which the Board can make a fair decision. One thing Mr. Berbit can do is, exchange letters between attorneys and ask for clarification from them without taking a position on either side, let's see what they are willing to respond to.

Mayor Oppenheim asked him to work on this.

Ms. Gorman asked if the HOA Attorney, Mr. Yanowitz can contact Mr. Berbit, he responded "yes". That was acceptable; the Village Board was ok with that. Mr. Berbit noted that this issue was primarily an HOA issue, they are the eyes and ears of the community, it affects their lives directly, but they are able to approach the Village Board if they need assistance, and this is what they have done. The Village can decide to take over, or decide to join forces with the HOA.

Trustee Sorrillo asked who is responsible to act.

The Village Attorney responded that the HOA is primary.

Trustee Sorrillo asked, why the Village would decide to do anything other than stand back and watch. Is there a valid reason for us to be involved in this issue? Mr. Berbit responded, if a condition of the approval has been violated that ultimately the village may want to vindicate the legislative intent.

Deputy Mayor Millman noted that the Village Board set the guidelines for the HOA. The HOA is primary, the Village is secondary.

Trustee Caridi noted that the deed restrictions were signed at closing.

Trustee Sorrillo concurred, she is in breach of the deed restrictions.

Ms. Gorman stated that Ms. DeStefano claimed she was not given a prospectus. Attorney Berbit noted that whatever Ms. DeStefano claimed in that respect does not matter; it is recorded in the title and is part of a deed restriction that was signed. Ms. DeStefano is in breach.

Mr. Millman said that there are bigger issues here, under the current circumstances, if Ms. DeStefano were to pass away and the daughters are living there, they would have to sell the property. He wondered who would enforce the sale, the Village or the HOA.

Mr. Berbit stated the HOA could go to court to get a court order. The court order would be to effectuate the deed restriction.

Discussion on how long a "visitor" is actually able to stay. Some thought 60 days. This time frame has passed and now Ms. DeStefano is claiming she needs a caretaker through her attorney.

Mr. Gannon stated that because the HOA is a new board they really do not have the financial means to get involved with a legal battle. The other thing is that this is the primary rule for this community, so he would like to establish a conclusion, or basically it's a free for all, and anyone can do whatever they want.

Ms. Gorman stated that until Mr. Turco sells all the units, he has veto power. After they are all sold, the HOA will become their own legislative body, so to speak. The Mayor asked what Mr. Turco's position was on all of this. Mr. Gannon spoke up and said Larry wanted to remain neutral in all of this.

Mayor Oppenheim asked Ms. Gorman and Mr. Gannon if the issue with the fire siren across the street was settled. It has not been and Ms. Gorman stated she hoped it never was. She does not want it moved.

Mr. Gannon stated he disagreed, 99.9% of the homeowners in the community were looking for a quieter means of alerting the fire personnel. The siren is blasting loud.

The Mayor noted that the siren is located in the Village of Suffern.

The Mayor advised that the Village Attorney will do further research and reach out to the other attorneys involved.

The Board members thanked the two homeowners for coming in.

Next on the agenda is discussion regarding building permit renewal fees for Denise Ollis and Don Kulek of 53 Mayer Drive. The homeowners are not present.

Mayor Oppenheim gave a brief summary as this was before the Board last month. The homeowners are seeking relief from building permit fees as the work was completed but a Certificate of Occupancy was not issued. The last inspection done by our former Building Inspector was disapproved for various reasons including the installation of a fireplace that was not on the original permit application. The homeowner is requesting a reduction of the fee for the building permit.

The Village Attorney noted that the permit was renewed in 2008 and was never closed out as there were outstanding issues that were not addressed by the property owner. The Building Inspector has also expressed that it would set a poor precedent to grant any relief as the homeowner has had ample time to rectify the situation.

At the August Board meeting, the homeowner was advised to have a licensed professional certify the installation of the fireplace. The homeowner has submitted that certification to the Village. After discussion, the Board is not in favor of reducing the permit fee but is amenable to waiving any civil compromise as this matter is being prosecuted in our court.

Resolution: 14-082 Village of Montebello

Title: Building Permit Fees – Ollis/Kulek – 53 Mayer Drive.

WHEREAS, Denise Ollis and Don Kulek, the owners of the premises located at 53 Mayer Drive, have requested relief from their obligation to pay a full Building Permit fee relating to the 2003 addition to their premises which they have been utilizing since completion on or about 2005 without a Certificate of Occupancy, having failed to get final approval despite a cycle of building permit expirations and renewals, their last permit expiring June 3, 2010, primarily due to the inclusion of a fireplace not on the filed plans, but also due to other failed aspects of the overall work, last inspected on 11/21/05; and

WHEREAS, the owners seek equitable relief from the Building Permit fees claiming an inability to get the original architect to return over the intervening 9 years; and

WHEREAS, the Building Inspector in his memo dated August 20, 2014 is opposed to equitable relief believing such not justified give the last 9 years occupying the addition unlawfully, and multiple opportunities to correct the matter, the Owners simply having failed to do so leading to a second Notice of Violation and prosecution in Justice Court which is on-going for unlawfully occupying the addition without a Certificate of Occupancy, repeating a 2008 prosecution. He thus recommended against setting the precedent of rewarding such behavior by the grant of any relief, being prepared to enter the premises to do a final inspection when and if a new building permit is properly obtained; and

WHEREAS, the Village's Prosecuting Attorney, Jay Golland, awaits a Village Board determination and guidance regarding proceeding with the prosecution; and

WHEREAS, the Village Board has given due consideration the matter, including the claims of the applicant, the state of the record, the Building Inspector's comments including the desire not to set a poor precedent especially where, in his view, the equities do not favor the applicant, nor even balance their failure to act for at least 9 years.

THEREFORE, BE IT RESOLVED, the Village Board hereby finds and decides as follows:

1. It is mindful, as explained by the Village Attorney, that to get equity one must give equity or, put another way, one must "approach with clean hands".

2. That the owners have been willing to reside, apparently unlawfully, in the addition without a Certificate of Occupancy for at least 9 years, and that if they truly were determined to resolve the situation they would have done so long ago, and not awaited until now, under the compulsion of a second prosecution.

3. That the fault for renewed and expired permits rests with the Applicants, the board being unimpressed with the claim that over all this time, the fault lies entirely with the Owners being able to get the original architect to revise the plans. Indeed, as pointed out by the Village Attorney, in all this time the work and plans could have been checked and certified by any architect or professional engineer licensed to do business in New York. In addition, the Owners had to know when they agreed to add the fireplace that it was not part of the approved plans.

4. Further, the Board is also informed that there were other problems with the work which may still need to be corrected. (e.g., per 11/21/05 inspection: insulation of the attic access; missing ceiling fixtures; railing needed on

front stairs; central system requires copy of alarm company contract for smoke and co2 detectors.

5. The Board is not unmindful of the economic burdens of paying for multiple building permits, and that Owners appear to have finally obtained a sign-off on the fireplace, but such repetitive attention by the Village, and now having to re-inspect old work, has burdened the Village in time and expense, including clerk and administrative time, the time of its Building Inspector and of its Prosecuting Attorney, Village Attorney and the Village Board.

6. The Board must also be concerned that the Building Inspector is troubled that granting relief herein would set an ill-advised precedent.

7. Thus, in balancing the equities and duly considering all factors, the Village Board denies the request for relief to the extent of finding that the Owners must apply for a Building Permit for the addition, paying the full fee associated with same. However, it directs that the prosecution be held in abeyance for 60 days from the date hereof (or until the next court date 60 or more days from the date hereof). Assuming that the Certificate of Occupancy is obtained in that period of time, it directs that the Prosecuting Attorney withdraw the pending Violation without the payment of a fine or Civil Compromise.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-083 Village of Montebello

Title: Approval of Minutes for August 20, 2014

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of August 20, 2014 be and are hereby approved.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-084 Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated September 17, 2014, and totaling $154,980.92 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Deputy Mayor Millman questioned the location of the village sign was that was damaged due to a car accident. The Village Clerk responded, on Viola Road by the back entrance to the college.

He asked about the village sign that was located by Orchard Street, Ms. Mastroeni responded that was also damaged by a car in an auto accident, but the person responsible did not have insurance and is being prosecuted in our Village Court. The replacement cost for the sign is $890.

Upon vote, the Resolution carried unanimously.

The Mayor read the resolution for Independent Audit Services for years 2014, 2015 and 2016. Deputy Mayor Millman thought it was prudent for the Clerk to interview the firms before making a determination, and since there was not a dire need for this resolution to be passed at this meeting, it was tabled for next month. Deputy Mayor Millman would like to be present for the interview process.

Resolution: 14 - 085 Village of Montebello

Title: Roof and Window Repairs at Community Center

WHEREAS, the windows and roof over the foyer area of the Montebello Community Center are in need of replacement and repair, as evidenced by rotting wood and the appearance of water infiltration and mold; and

WHEREAS, the Village Engineer, prepared RFP's and specifications for said work, dated July 28, 2014 and July 29, 2014, referenced as if set forth hereinafter, copies to be appended to the minutes hereof; and

WHEREAS, the Village Clerk/Treasurer reports receiving the following proposals in relation to the RFP's:

Belleville Inc.	Window Replacements	$6,900
	Roof Repairs	$3,255
DST Contracting	Window Replacements	$10,650
	Partial Roof Repairs	$875

WHEREAS, subsequent to the above, for which work time is of the essence to avoid further deterioration, the Village Engineer reports today of the need to expand the roofing scope

of work to replace saturated substrate insulation at a capped total roofing cost not to exceed $4,000, while recommending that the window repairs be awarded to Belleville at a more reasonable cost of $6,900 vs. $10,650.

THEREFORE, BE IT RESOLVED, as per the proposal and the recommendations of the Village Engineer that said window work be awarded to Belleville Inc. at a cost of $6,900, and that proposals be sought on the revised roofing work including the added substrate insulation replacement work, at a total cost not to exceed $4,000.00, final scope and cost to be approved on site by the Village Engineer, conditioned upon submission to the Village's insurer, and any adjustments necessitated thereby.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 14-086 Village of Montebello

Title: Brokerage Agreement to Lease Office Portion of Community Center

WHEREAS, the present tenant of the office portion of the Montebello Community Center is vacating on or about September 30, 2014; and

WHEREAS, it is prudent to place same on the rental market as soon as possible to minimize the period of vacancy and, accordingly, the Village Clerk – Treasurer, Village Attorney and Mayor had been negotiating with the broker who previously rented the premises for the Village, but at its last meeting the Board tabled the Resolution to rehire same, and directed that other brokerages also be explored and that due to the time element, the village could proceed by polling the Board by email, as to choice of broker subject to ratification at this meeting; and

WHEREAS, as a result of this process the board directed that subject to ratification this evening, that Raj Bajaj of Remax Professional Realtors be retained as the broker/brokerage to find a tenant for said premises pursuant to a brokerage agreement, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof; and

WHEREAS, more particularly, said brokerage agreement is for a listing through 12/31/14, with commission of 4% of the leasehold if tenant is found by the brokerage or an agent thereof, or 5% if found by another broker or agent, but each reduced 1% after 3 years for leases exceeding said period; and

WHEREAS, as based upon his view of the office rental market in the region, and supportive materials as supplied, said broker concerned that the offices premises be listed at $23 per S.F. as based upon 2350 leasable square feet, including CAM and Real Estate taxes, and given separate metering on all utilities but water, the tenant to pay its own utility charges, that water to be shared 50/50 with the Village; and

WHEREAS, the brokerage and listing terms appeared reasonable in the circumstances, time being is of the essence.

THEREFORE, BE IT RESOLVED, that said brokerage agreement is hereby ratified and approved as entered into retroactive to August 26, 2014, and the property listed for rental as aforedescribed.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution 14-087 Village of Montebello

Title: Piggyback – County Energy Supply Contracts

WHEREAS, in his letter by e-mail dated September 15, 2014, Christopher Schiller, President, Resolution Energy Group, reports that the County of Rockland, after proceeding by bidding has awarded energy supply contracts to M & R Energy Resources for natural gas, per RFB-RC-2014-091, for 24 months starting October 1, 2014 at $4.803 per Mcf, and to Liberty Power Corp for electric for 36 months starting October 1, 2014, at $0.07847 per KWh, all as more particularly set forth in said e-mail and the award letters dated, respectively September 11, 2014, such e-mail and award letters referenced as if set forth hereinafter at length, true copies of which shall be appended to the minutes hereof; and

WHEREAS, the Village Attorney confirms that the Village may "piggy back" under § 103(16) of the GML, to obtain the benefit of said fixed price contracts, and the Village Clerk confirms that such are economically advantageous to the Village, price and stability-wise, and recommends entering into agreements with the County and Resolution Energy Group to piggy back said contracts.

THEREFORE, BE IT RESOLVED, for the foregoing reasons that the Village piggy back under the aforesaid fixed price County energy contracts in the best interests of the Village, subject to contract with Resolution Energy Group being in a form acceptable to the Village Attorney.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-088 Village of Montebello

Title: Set Public Hearing to Override Tax Levy Limit

WHEREAS, as a consequence of the tax levy limit imposed by General Municipal Law ("GML") §3-c, such permits adoption of a Local Law authorizing a Local government's governing body to override the property tax cap for the coming fiscal year by a vote of 60% of said governing body in case the need arises to increase the levy above the tax levy limit.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on October 15, 2014, at 8:00 p.m., or as soon thereafter as the matter can be heard, to consider adopting a Local Law lifting the tax levy limit pursuant to GML §3-c, thus creating that option should the Village Board determine such to be necessary in adopting a budget and associated tax levy for calendar year 2015.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 14-089 Village of Montebello

Title: Property Maintenance: 135 Spook Rock Road

BE IT RESOLVED, as requested by the Prosecuting Attorney in furtherance of addressing the violations of property maintenance for the premises located at 135 Spook Rock Road (to wit; maintaining a "junk yard"), that authorization is hereby granted to act on the Writ of Assistance granted by the Court, which empowers the Sheriff to clear said property as directed for a Sheriff's Fee of $149.12, subject to the Village developing a plan for the removal and/or relocation of the personal property and vehicles on the premises.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Old Business: None

New Business:

The Village sent a letter to Mr. John Martin, Ramapo Valley Sports Group, advising of an outstanding balance for professional services. Further action will not be taken on the application until the fees are paid. An escrow account must be established to cover future charges.

A very nice letter was received from Judge Etelson complimenting the new Court Clerk Andrea Petitti.

Deputy Mayor Millman asked if the sub-committees that were reviewing the Ramapo Valley Sports Group application had to stop review until professional fees were paid. Mr. Berbit responded that the professionals should not incur additional fees until the outstanding fees are paid.

The Village Attorney advised that he has reviewed the memo from the Village Planner summarizing the workshop session that was held on this application on August 5, 2014, and concurs that the Board is waiting for the applicant to stake the property to show the buffer and setbacks.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Caridi. Upon vote, the motion carried unanimously. The meeting adjourned at 9:25 p.m.