

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 17, 2016 AT THE MONTEBELLO COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Recording Secretary, Gloria Scalisi, Village Clerk-Treasurer

Mayor's Report:

Mayor Millman shared that he was contacted by Fios who advised Nicks Music will be replacing MTV Hits effective September 9, 2016.

The Mayor advised that the Newsletter was being finalized and would go out shortly.

Mayor Millman shared that the Primary Elections will be held on September 13, 2016 and invites all out to vote to exercise their rights as citizens.

Mayor Millman spoke of a meeting he and Village Attorney Berbit had with Raymour & Flanagan's Senior VP and General Counsel about noise issues. Attorney Berbit said this was a productive meeting with a better tone than the previous meeting. Raymour & Flanagan will be more consistent with not starting construction before 8am, stopping by sunset and not working on Sunday's and legal holidays. It will be more attuned to what it promised in its letter dated 6/1/15. However, this is a work in progress.

The Mayor extended his thanks to the Town of Ramapo Police Department for patrolling the area and making sure things are kept in order, including being reactive to the noise complaints.

The Mayor announced that the Town of Ramapo will be holding a 9-11 Memorial Service. This will take place on Friday, September 16, 2016, 10:00am in the Town Counsel Hall.

Parks Commission:

Chairman of the Parks & Recreation, Tony Piazza discussed the planting of the evergreens and possibly using a deduction from the tree escrow fund to create a noise barrier approximately parallel to Route 202 adjacent to Coe Farm Road. Attorney Berbit advised that as the adjacent property is part of our Parkland it will be ok to use. Chairmen Piazza also shared that the trail will also be maintained.

Public Comment:

Amy Rapaport of the Parks Commission discussed the critters in the Community Garden. She shared that there are 4 existing holes which the exterminator plugged for this purpose. However, it is not working. Mrs. Rapaport suggested a low voltage fence. Mayor Millman was concerned for potential injury, and also asked Village Clerk Scalisi to contact the insurance company and obtain liability information as we have children at play and dog walkers frequenting our grounds. Mrs. Rapaport also suggested additional mulch be put down to minimize the weeds that are growing wild. Deputy Mayor Caridi shared that a solution of Epsom Salt, Pepper and Garlic deters groundhogs.

The Village Clerk was asked to get a quote from Belleville regarding an inexpensive stone wall around the outer edge.

Dorice Madronero spoke of ATV's being illegally ridden and causing a hazardous situation over the Natural Gas Pipeline behind her house. The Ramapo Police Officer who was present said when ATV's are identified the owners will be notified, fined and even arrested.

With school back in session, there is a growing concern of parking on the shoulder of the middle school. Parent very often disregard the "No Parking" signs during football games and other events. We will communicate with the District/School to try to minimize this safety issue.

At this point, the Mayor closed the public comment portion of the meeting.

The Mayor gave the floor to Village Attorney Berbit to discuss the Public Hearing. Attorney Berbit asked the Village Clerk to read the Public Hearing Notice into the record. Village Clerk Scalisi read the Public Hearing Notice as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, August 17, 2016 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 a Local Law for the purpose of amending the Peddling and Soliciting Law appearing in Chapter 129 of the Code of the Village of Montebello, creating a Do No Knock Registry, and tightening other aspects of the Law, including increasing penalties for a violation.

The proposed local law should be read in its entirety.

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.

Gloria Scalisi
Village Clerk/Treasurer
Village of Montebello
One Montebello Road
Montebello, NY 10901
(845) 368-2211

Attorney Berbit asked the Village Clerk when and where the Public Hearing Notice was posted. Village Clerk Scalisi stated that the Public Hearing Notice was posted in 8 locations throughout the Village on August 5, 2016. Attorney Berbit then asked when and where it was published. The Clerk stated the Public Hearing Notice was published on August 7, 2016 in LoHud. Attorney Berbit asked if the Local Law was made available to the public, to which the Village Clerk responded yes. Village Attorney asked if the Local Law was made available to the Board of Trustees, Village Clerk responded, yes. Attorney Berbit advised that due Legal notice was given.

The Mayor asked Attorney Berbit for a brief overview of the Public Hearing.

Attorney Berbit explained that he amended Chapter 129, entitled Peddling & Soliciting, creating a Do Not Knock Registry and making additional changes. Within these changes, the terms of the fine structure was increased, even to include the possibility of incarceration if its' a third offense within a 24 month period. Attorney Berbit expressed that he has made this fine structure more stringent to discourage this type of behavior. Attorney Berbit has requested Village Clerk to prepare a spreadsheet for the No Knock Registry.

Mayor Millman requested that Deputy Mayor Caridi look into printing the No Knock signs and stickers.

Mayor Millman also requested a table be set up for Montebello Day giving our residents the opportunity to sign up for the No Knock Registry.

At 9:08 pm Deputy Mayor Caridi made a motion to open the Public Hearing, seconded by Trustee Golden, all in favor.

Amy Rapaport questioned the term “real property” and how it can be misinterpreted by agents coming onto their property. Attorney Berbit explained that homeowners can make their own signs which imparts the message no hawking, peddlers, solicitors, or the equivalent, it has the same affect, it does not have to be an official sign.

With no one else wishing to be heard Deputy Mayor Caridi made a motion to close the Public Hearing at 9:10 pm, seconded by Trustee Golden, all in favor.

At the Village Attorney’s request, at 9:10 pm Deputy Mayor Caridi made a motion to reopen the Public Hearing, seconded by Trustee Golden, all in favor.

Attorney Berbit wanted to make sure the Legal Notice and proposed Local Law were in the record. In addition, he asked the Village Clerk if there had been any responses to General Municipal Law or any letters from trustees, staff or public. Village Clerk responded that Rockland County Department of Planning responded that they defer to local determination. Village Clerk offered that she and Deputy Clerk, Diana Montgomery submitted letters as well as three emails forwarded by Deputy Mayor Caridi. Village Clerk continued to explain that the substance of the aforementioned was the feeling of having their privacy violated. Villages are also thanking the Village Board for acting on their behalf with the No Knock Registry.

Deputy Mayor Caridi announced 2 additional emails she was sent by Villagers expressing their appreciation that the Village Board is acting on this increasing problem of Peddlers and Solicitors.

All these communications were included in the record.

At 9:19 pm Trustee Golden made a motion to close the Public Hearing, seconded by Deputy Mayor Caridi, all in favor.

Resolution No. 16-070

Village of Montebello

Title: Adoption of Local Law: Amending Chapter 129, entitled Peddling and Soliciting, creating a Do Not Knock Registry and making additional changes.

WHEREAS, a public hearing has been held to consider amending Chapter 129 of the Village Code, entitled Peddling and Soliciting, by creating a Do Not Knock Registry and updating the fining provisions; and

WHEREAS, the Mayor began by briefly outlining the proposed law, and asking the Village Attorney to make inquiry of the Village Clerk to ascertain whether due legal notice was given; and

WHEREAS, the Village Attorney found that due legal notice was given after ascertaining that the following legal notice, read into the record by the Village Clerk, was published on the 7th day of August, and was posted at six locations within the Village on August 5, 2016 and that copies of the legal notice and the proposed law were made available to the trustees and public on August 7, 2016:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, August 17, 2016 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 a Local Law for the purpose of amending the Peddling and Soliciting Law appearing in Chapter 129 of the Code of the Village of Montebello, creating a “Do No Knock Registry”, and tightening other aspects of the Law, including increasing penalties for a violation.

The proposed local law should be read in its entirety.

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.

Gloria Scalisi
Village Clerk/Treasurer
Village of Montebello
One Montebello Road
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Warren Berbit, Attorney

Dated: August 7, 2016

;and

WHEREAS, Deputy Mayor Caridi moved and Trustee Golden seconded, all in favor, that the Public Hearing be opened at 9:08 pm; and

WHEREAS, the Village Attorney made a presentation summarizing the proposed law indicating that although Chapter 129 was codified in 2005, it had not been substantially reviewed since 1988/89. At that time the main issues requiring legislative control pertained to out-of-state magazine sales people, organized groups claiming to be raising proceeds for charity by selling candy door to door, itinerant salespeople, such as of encyclopedias and vacuum cleaners, driveway sealers, and the like. Complaints now more pertain to itinerant home improvement contractors and real estate salespeople going door-to-door soliciting houses for sale, in some cases with reported aggressive tactics. While the law at present does allow for the placement of "No soliciting or peddling" signs on resident's property, the amendment also creates a "Do Not Knock-Registry" maintained at Village Hall to better prevent disturbance of our residents who wish such protection. In addition, the fine structure is upgraded to better reflect the passage of 25 years.

WHEREAS, the Village Attorney requested that the following be included in the record:

1. Legal notice dated August 7, 2016 and Affidavits of Publication and Posting.
2. General Municipal Law review Chapter 129 notice letter, including:
Due to lack of staff and timing at the Rockland County Planning Department, we do not have a written determination but have a verbal determination approving the Local Law since "the proposed zoning code amendment will have no adverse impacts on any County-wide interests, this matter is remanded for local determination."
3. The proposed Local Law.
4. Reports from staff, Trustees and residents as follows:
 - a) Gloria Scalisi, Village Clerk/Treasurer
 - b) Diana Montgomery, Deputy Village Clerk
 - c) Deborah Munitz, 5 Rose Hill Road, Montebello, NY
 - d) Jan Rosenblum, 6 Emerald Lane, Montebello, NY
 - e) Jeanette Kunow, 21 Charnwood Drive, Montebello, NY
 - f) Lori DeRario, 1 Wilbur Road, Montebello, NY
 - g) Paula Southren, 5 Regis Court, Montebello, NY

The latter five e-mailed to Deputy Mayor Caridi.

and;

WHEREAS, all members of the public who wished to be heard were heard, including:

Name	Address
Amy Rapoport	5 Kings Gate Road, Montebello, NY
Dorice Madronero,	5 Regis Court, Montebello, NY,

each of whom favored this amendment ;and

WHEREAS, after no other member of the public wishing to speak the Public Hearing was closed at 9:10 pm, motion by Deputy Mayor Caridi, second by Trustee Golden, all in favor, ;and

WHEREAS, at the request of the Village Attorney, the Public Hearing was re-opened at 9:10 pm, motion by Deputy Mayor Caridi, second by Trustee Golden, all in favor, to consider including the last aforementioned 3 emails, which just arrived, into the record, and to change the definition of Hawking and Soliciting, recommended by the Village Attorney in light of Officer Gravina of the Ramapo Police Department speaking on the record about enforcement issues, especially real estate sales people ;and

WHEREAS, the Public Hearing was closed again at 9:19 pm, motion by Deputy Mayor Caridi, second by Trustee Golden, all in favor, ;and

WHEREAS, the Board fully deliberated and determined that it was in the public interest to adopt the amendments to Chapter 129, including amending the aforementioned definition.

THEREFORE, BE IT RESOLVED, that said amendment as set forth in the proposed local law, be and hereby is enacted, to become effective upon filing with the Secretary of State with the following change:

Amend § 129-4B., (1) the definition of Hawking and Peddling by adding:, “including the listing of real property for sale,” in the second line, after “services”.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Mayor Millman moved to set up a Public Hearing, Amending Chapter 122 of Village Code, Areas, by adding Article II, Use Regulations Parks and Recreation.

Mayor Millman asked Village Attorney Berbit to read into the record a Resolution rescheduling a Public Hearing for Chapter 122.

BE IT RESOLVED, that the resolution to schedule the Public Hearing on the Parks and Recreation Regulations Law be amended to change the hearing date to September 21, 2016, date of the next Village Board meeting, or as soon thereafter where the matter can be heard.

Motion: Deputy Mayor Caridi

Seconded: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 16-071

Village of Montebello

Title: Release Letter of Credit for SMK Rose Hill Subdivision, Village of Montebello, NY
SE File No. 200-62

WHEREAS, SMK Rose Hill Subdivision has asked for release of a \$2,400.00 Letter of Credit pertaining to SE File No. 200-62 which work is claimed as complete; and

WHEREAS, the Village Engineer, Martin Spence, as set forth in his email dated August 10, 2016, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, and for the reasons set forth therein, approves releasing the Letter of Credit SE No. 200-62 under SMK Rose Hill Subdivision in the amount of \$2,400.00, work to which the LOC pertained having been successfully completed according to the Village Engineer; and

THEREFORE, BE IT RESOLVED, that authority is granted to return said Letter of Credit in the amount of \$2,400.00 to the applicant.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 16-072

Village of Montebello

Title: Approval of Minutes for July 20, 2016

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of July 20, 2016 be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 16-073

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 17, 2016, and totaling \$377,934.68 are hereby approved and the claims listed thereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Public Comment:

Mayor Millman once again opened the Public Comment portion of the Village Board meeting.

With no one wishing to speak the Public Comment portion of the meeting was closed.

Old Business:

Discussion ensued regarding signage for the renaming of the Montebello Community Center. The Mayor thanked Deputy Mayor Caridi for working diligently on the signage for the renaming of the Center to the "Dr. Jeffrey Oppenheim Community Center".

Mayor Millman asked the Village Clerk for an update on the clearing of the rock wall at the Montebello Community Center. Village Clerk Scalisi shared that the lowest quote remains that of Belleville landscaping. The Mayor offered that he has asked for two options, one being just the front wall and the other of the front and back wall.

The Mayor along with Deputy Mayor Caridi and the Parks Commission are working on Montebello Day. The Mayor extends an invitation to anyone wishing to lend a hand, please reach out to the Village Clerk Scalisi at Village Hall.

Mayor Millman shared that the founders, previous Mayors, Deputy Mayors and Trustees are all being invited to participate in the 30th Year Celebration of Montebello.

Trustee Golden made mention of any planting to memorialize the 30th Anniversary of Montebello. Mayor Millman suggested reaching out to the Parks Commission for a recommendation in planting a tree on the grounds of Village Hall.

Deputy Mayor Caridi shared that Chabad would like to contribute a recycling project to the Montebello Community Center. Mayor Millman asked for a drawing to be submitted to share with all the board members.

At 9:43 pm Deputy Mayor Caridi made a motion to enter into Executive Session to discuss personnel matters, seconded by Trustee Golden, all in favor.

At 10:15 pm Deputy Mayor Caridi made a motion to exit Executive Session, seconded by Trustee Golden, all in favor.

At 10:15 pm Deputy Mayor Caridi made a motion to adjourn the meeting, seconded by Trustee Golden.

Upon vote, Resolution carried unanimously.