

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JANUARY 18, 2017 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 Stacy Caridi Melanie Golden Steven A. Sorriolo	Mayor Deputy Mayor Trustee Trustee
Others Present:	Warren Berbit	Village Attorney
Absent:	Steven H. Beldock	Trustee

Recording Secretary, Joan Will, Village Clerk-Treasurer

#### Mayor's Report:

Mayor Millman gave a brief overview of the article in the Journal News regarding a Pro Forma notice from AGC which impliedly could impact our bond rating by Moody's. The Mayor made mention of the unfortunate and untimely passing of the prior Village Clerk at a time which apparently slowed up materials to be sent to our auditors. He was confident that there would be no negative consequences. Mayor Millman assured all this is being rectified, and that the Village remains financially very strong.

#### Parks Commission:

Regarding Gorman Ponds Park, Chairperson of the Parks Commission, Anthony Piazza, stated in late fall/early winter (early December 2016) some leaks around Pond 2 were observed. Also noted some recent shifting of the pier to the north which appeared to have rotated since prior inspection. Mr. Piazza said he met with Martin Spence, the Village Engineer on site and it was determined that the conditions make it wise to relocate the viewing platform to be constructed under Phase III with no loss of viewing and such was an acceptable alternate location. This facilitates repairs. They redesigned the location and provided the plan to the contractor. The revised plan attempted to design generally consistent in scope so no extras would be realized. The contractor requested a \$8,700 increase in price. We briefly spoke with the contractor regarding this issue and it was the position of the Village that no extra should be realized due to the scope of work being the same or maybe less. We have multiple calls/emails to the contractor. The contractor is in the middle of moving their office location, which may be a cause for delay in calls. The decision was made that if extra cost involved, hold in abeyance until repairs made, but do not change location.

Chairperson Piazza also made mention of the “No Skating Signs” for Gorman, and that a 50% deposit is required to proceed.

Discussion ensued regarding the Village sign that was damaged. Village Clerk Will advised that there was an accident at the end of December 2016, where an out of control car slid off the road, hitting the sign. Clerk Will advised that our insurance carrier was notified and the replacement of sign will be covered by the responsible party’s insurance.

Chairmen Piazza made mention of the damaged fence at the Route 202 cemetery. Village Clerk Will has put feelers out to see if this is a project that can be picked up by the Eagle Scouts.

With no one else present to speak, Mayor Millman closed this portion of the meeting.

Public Comment:

Mayor Millman opened the floor to anyone wishing to be speak.

Michelle Price of 5 Par Road and Mr. Peter Epstein of 10 Birdie Drive expressed their concerns regarding the speeding on Par Road.

Mr. Joe Solard of 22 Champion Parkway shared concerns and suggested stop signs.

Mayor Millman invited all interested residents to stay for discussion during the speed hump public hearing that would be opening shortly.

With no one else present to speak, Mayor Millman closed the Public Comment portion of the meeting.

Mayor Millman asked that Village Attorney Berbit give a brief overview for the Public Hearing on Par Road Speed Humps.

Village Attorney Berbit asked the Village Clerk Will to read the Notice of Public Hearing into the record and it was read as follows:

### **“NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a Public Hearing will be held by the Village Board of the Village of Montebello on January 18, 2017, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard, re: installing a speed hump/speed humps on Par Road, between North Airmont Road and Caddy Lane, pursuant to the recommendation of the Village Engineer dated November 16, 2016, as brought on by the Petitions of the local residents by application of the procedures set forth in Resolution No. 06-101, in furtherance of Resolution Nos. 16-091 and 16-114 of the Village Board.

Interested parties and persons are invited to attend and participate in said Public Hearing.

By Order of the Village Board  
Joan Will  
Village Clerk/Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, New York 10901  
(845) 368-2211

Warren E. Berbit, Village Attorney  
Dated: December 22, 2016”

Attorney Berbit asked Village Clerk Will when and where the Public Hearing Notice was posted. The Clerk stated that the Public Hearing Notice was posted in 7 locations throughout the Village on January 6, 2017 and published on January 8, 2017 in The Journal News. Attorney Berbit asked if the Petitions, Engineer’s Report and File was made available to the public and the Trustees, to which the Clerk responded, “ yes”.

Village Clerk Will gave a summation of Spence Engineering’s recommendation report dated November 16, 2016 by reading the conclusion from same as follows:

The length of the roadway can accommodate one (1) speed hump approximately at the west limits of park property. The speed hump (or table) is constructed with an overall length of 14' and rises 4" above grade. These devices are used as a method for traffic calming. The street geometry and layout dictates the location of the speed hump.

Speed Humps have been used in various locations within the Village previously with success and little or no negative impacts. Generally, the speed humps installed have not diverted traffic or caused difficulties with emergency vehicles or snow removal operations. Overall, the speed humps have had positive effects on traffic calming.

A speed hump installed within this section will have positive impacts on the reduction of speed. We recommend the installation of a speed hump. The location of a single speed hump can be 100' from the driveway location on lot 29 on the attached map. This will provide adequate distance for signage and not be located in the front yard of the lot, but just east of the driveway.

Attorney Berbit advised that due Legal Notice was given and that the Public Hearing could be opened.

At 8:29 pm Trustee Golden made a motion to open the public hearing, seconded by Trustee Sorrillo, all in favor.

Michelle and Darius Price of 5 Par Road and Peter Epstein of 10 Birdie Drive all expressed their concerns of the speeding on Par Road and that they are in favor of speed humps. Mr. Joe Solard of 22 Champion Parkway also spoke in favor of speed humps as well as stop

signs to reduce the speeding. There was concern that the downhill from North Airmont Road was conducive to speeding.

With no one else wishing to speak, at 8:37 pm Deputy Mayor Caridi made a motion to close the public Hearing, seconded by Trustee Golden, all in favor.

After Boards discussion following was presented:

Resolution No. 17 - 001

Village of Montebello

Title: Par Road Speed Hump

WHEREAS, by virtue of Resolution No. 16-091 and for the reasons more particularly set forth therein, the Village Board chose to aggregate Speed Hump Petitions submitted by the residents in and around Par Road, between North Airmont Road and Caddy Lane, in finding a sufficient basis per Resolution 06-101 to send the petitions for review by the Village Engineer as to feasibility and safety, and said Engineer, in his opinion dated November 16, 2016, found such to be viable as a matter of public safety; and

WHEREAS, as a consequence, by virtue of Resolution No. 16-114 the Village Board determined that this Public Hearing be held on whether a speed hump or humps be approved and installed pursuant to said petitions, subject to due notice to all potentially impacted residents, the Town and first responders; and

WHEREAS, the Village Attorney questioned the Village Clerk, Joan Will, who reported that the following legal notice which she read into the record were posted as required on January 6, 2017, was published on January 8, 2017, in The Journal News, was sent by mail as the Village Board directed in compliance with Resolution No. 06-101, and that the petitions were available for inspection at Village Hall:

**“NOTICE OF PUBLIC HEARING”**

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Interested parties and persons are invited to attend and participate in said Public Hearing.

By Order of the Village Board  
Joan Will  
Village Clerk/Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, New York 10901  
(845) 368-2211

Warren E. Berbit, Village Attorney  
Dated: December 22, 2016”

; and

WHEREAS, the Village Board voted at 8:29 pm to open the Public Hearing, and the Mayor asked that the Village Attorney explain the process, and work with the Village Clerk to get all pertinent documents into the record; and

WHEREAS, as directed, the Village Attorney explained the procedure as required by Resolution No. 06-101, and that the Village Board had concluded that filing the petition in pieces was sufficient as such were to be looked at as an aggregated whole, yielding 15 household signatures out of a maximum 16 possible, thus surpassing the 75% required, said households being located upon the impacted segment of Par Road, between North Airmont Road and Caddy Lane, and on Birdie Drive and Chip Circle, and in cooperation with the Village Clerk, the following was included in the record:

1. Resolution Nos. 06-101, 16-091 and 16-114 of the Village Board.
2. Petitions dated July 15, 2015 and June 9, 2016, respectively.
3. Opinion of Village Engineer dated November 16, 2016, the recommendation portion read into the record in its entirety.
4. Notices sent via US Mail to Rockland County Highway Department, Town of Ramapo Police Department, Town of Ramapo Highway Department, Tallman Fire Department, Ramapo Valley Ambulance Corps and residents on Par Road, Birdie Drive and Chip Circle.

;and

WHEREAS, once the record was produced the floor was opened to the petitioners and the public, and the following spoke as noted:

- |    | Name           | Address         |
|----|----------------|-----------------|
| 1. | Michelle Price | 5 Par Road      |
| 2. | Peter Epstein  | 10 Birdie Drive |

3. Joe Solard 22 Champion Parkway
4. Darius Price 5 Par Road

All were in favor; downhill off N. Airmont Road conducive to speeding; worried for children, especially Mr. & Mrs. Price who indicated they are lot 29, and do not object to the proposed placement. Mr. Solara also requested stop signs.

;and

WHEREAS, no one else wishing to speak, the Village Board voted to close the public hearing at 8:37pm, and deliberated, generally, as per the BE IT RESOLVED findings.

THEREFORE, BE IT RESOLVED, after duly deliberating in public and considering the entire record and all testimony that the Village Board determines as follows:

1. That it is prudent in the interest of public safety to find that a good case has been made to install one speed hump approximately at the location outlined by the Village Engineer in his letter, 100 feet east of Lot No. 29.
2. That the Village shall mark said location, and the location for the associated warning signs, and shall gather and consider all comments made within 30 days of said placements, the Village Engineer having the authority to make the final placement after having considered all comments. However, should snow or ice obscure said markings, the trial period shall be extended accordingly in the judgement of the Engineer.
3. That once the location is finalized, every effort shall be made to install said speed hump during the Village's 2017 annual road repaving program if feasible and possible, but if not, such shall be accomplished during the 2018 program.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote Resolution carried unanimously.

Mayor Millman thanked all residents for participating in the public hearing.

The Mayor asked Village Attorney Berbit to give a brief overview of the public hearing on the Ware Subdivision-Average Density.

Village Attorney Berbit asked the Village Clerk Will to read the Notice of Public Hearing into the record and it was read as follows:

## **“NOTICE OF PUBLIC HEARING”**

PLEASE BE INFORMED that a Public Hearing will be held by the Village Board at the Montebello Community Center, 350 Haverstraw Road, Village of Montebello, on January 18, 2017, at 8 pm local time, or as soon thereafter as the matter can be heard on the following:

Allowing the Planning Board at its request to utilize clustering (or average density zoning) pursuant to §195-15.A of the Village Code and the Density Zoning Resolution No. 88-17, on the proposed three (3) lot Loren Ware Subdivision, located on the south side of Wilbur Road 700 feet west of Route 202, and being 40.2-1-5 on the Tax Map of the Town of Ramapo.

All interested persons are invited to attend and to give testimony as they may so choose.

By Order of the Village Board

Joan Will, Village Clerk/Treasurer

Warren E. Berbit, Village Attorney

December 22, 2016

The Village Attorney asked Village Clerk Will when and where the Public Hearing Notice was posted. The Clerk stated that the Public Hearing Notice was posted in 7 locations throughout the Village on January 6, 2017 and published on January 8, 2017 in LoHud. Attorney Berbit asked if the Notice, Application, Maps and related documents were made available to the public and the Trustees, to which the Clerk responded, “ yes”.

Attorney Berbit advised that due Legal Notice was given and that the Public Hearing could be opened.

At 8:46 pm Deputy Mayor Caridi made a motion to open the public hearing, seconded by Trustee Golden, all in favor.

Ryan Karben, Applicant’s Attorney and Joe Haller, Surveyor for the Applicant, both expressed their opinion on the subdivision, favoring Average Density/Clustering.

Mr. & Mrs. Weintraub, purchaser of the adjacent property expressed their interest, concerns, appearance and location of the homes to be built.

Whereat no one else wished to speak, Deputy Mayor Caridi made a motion to close the public hearing, 8:58pm, seconded by Trustee Golden, all in favor except Trustee Sorrillo who abstained.

Mayor Millman thanked all interested parties for their participation in the public hearing. The Board deliberated and the following Resolution was presented.

Title: Loren Ware Subdivision - Average Density/Clustering

WHEREAS, as more particularly set forth in its Notice of Intent dated December 13, 2016, the Planning Board requests that it be given authority in its discretion to grant average density/clustering treatment to the proposed 3-lot Loren Ware Subdivision located at 10 Wilbur Road, and being 40.20-1-5, on the Tax Map of the Town of Ramapo; and

WHEREAS, the Village Board has authority to grant such permission pursuant to §195-15.A of the Village Code, Average Density Resolution No. 88 -17 , and the NYS Village Law §7-738; and

WHEREAS, the Village Attorney and Assistant Village Attorney both recollected the Village Board acting by Resolution to grant such blanket authority to the Planning Board, but a diligent search did not yield such Resolution, thus leading, as a precaution, to the holding of this Public Hearing; and

WHEREAS, it appears that the Applicant seeks with the Planning Board's agreement, that said subdivision be afforded average density/clustering as the better environmental approach to the subdivision, when comparing the hypothetical conforming subdivision map with the proposed average/clustered version, the latter moving the homes away from the wetlands, and avoiding road access through same; and

WHEREAS, the Planning Board has declared Lead Agency status under SEQRA, and the Village Board does not object to same; and

WHEREAS, at the direction of the Mayor, the Village Attorney made inquiry of the Village Clerk-Treasurer, regarding publishing and posting of the Legal Notice, which was read into the record as follows:

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Allowing the Planning Board at its request to utilize clustering (or average density zoning) pursuant to §195-15.A of the Village Code and the Density Zoning Resolution No. 88-17, on the proposed three (3) lot Loren Ware Subdivision, located on the south side of Wilbur Road 700 feet west of Route 202, and being 40.2-1-5 on the Tax Map of the Town of Ramapo.

All interested persons are invited to attend and to give testimony as they may so choose.

By Order of the Village Board



Joan Will, Village Clerk/Treasurer

Warren E. Berbit, Village Attorney

December 22, 2016

;and

WHEREAS, the Village Attorney concluded that adequate legal notice has been given to conduct the public hearing, upon the Village Clerk-Treasurer also reporting the publishing and posting of the Legal Notice, and that the Notice of Intent of the Planning Board, the Application for Average Density/Clustering, and the average density/clustering subdivision map, and hypothetical conforming map, were made available for review by the public and the Village Board; and

WHEREAS, at the instruction of the Mayor, the Village Board moved to open the Public Hearing at 8:46 pm, the Village Attorney then briefly summarizing the purpose for the Public Hearing, and asked that the following be included in the record:

1. Legal Notice
2. Notice of Intent from Planning Board dated December 13, 2016
3. Application dated May 10, 2016, including Narrative and both subdivision maps entitled, respectively, Cluster Subdivision Plan for Ware Subdivision dated February 9, 2016 and Layout Plan for Ware Subdivision dated October 20, 2016.
4. Responses from any agencies or others as follows:

None

;and

WHEREAS, the floor was opened to public comment at 8:46 pm and the following spoke on the subject:

1. Ryan Karben, Attorney, for the applicant.
2. Joe Haller, Surveyor, for the applicant.
3. Mr. & Mrs. Weintraub, purchaser of adjacent property, expressed interest /concern for appearance and location of homes to be built; and

WHEREAS, no one else wishing to speak, the Public Hearing was closed at 8:58 pm, and the Board deliberated in public as follows:

1. Trustee Sorrillo indicated his intent to abstain because he lives abutting the parcel, but he is concerned about the wetlands.
2. Trustee Golden confirmed that clustering can be used to protect wetlands.
3. Mayor emphasized that our Planning Board and ZBA are very careful, and pay full attention to our laws and environmental issues.

4. Trustees generally wished to give the Planning Board latitude to better protect the environment, and confirmed as emphasized by the Mayor that interested parties could appear before the Planning Board.

THEREFORE, BE IT RESOLVED, after due deliberation, that the Village Board finds that the subject property is a candidate for average density/clustering due to such better addressing the wetlands, and thus that authority is hereby granted pursuant to §195-15.A, for the Planning Board in its discretion to allow average density/clustering treatment of the Loren Ware Subdivision, thus accordingly modifying the applicable area and bulk provisions of Chapter 195, subject to the following conditions:

- I. Planning Board should be especially attentive to protecting the wetlands.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Polling as follows:

Mayor Millman	Yes
Deputy Mayor Caridi	Yes
Trustee Sorrillo	Abstained
Trustee Golden	Yes
Trustee Beldock	Absent

Motion Carries

Resolution: 17 - 003

Village of Montebello

Title: Appointment of Election Inspectors

BE IT RESOLVED, that the Board of Trustees of the Village of Montebello does hereby appoint the following persons to serve as Election Inspectors for the upcoming Village election to be held on March 21, 2017:

<u>Name</u>	<u>Address</u>
Doug Whipple	55 Church Road Airmont, NY 10952 (845) 369-7258

Judith Block 10 Somerset Drive – Apt 26K  
Suffern, NY 10901  
(845) 918-1286

Rosalie Thompson Jones 196 Lafayette Ave Apt 607  
Suffern, NY 10901  
(845) 659-6945

Carol Von Achen 38 Washington Avenue  
Sloatsburg, NY 10974  
(845) 369-7802

BE IT FURTHER RESOLVED, that their compensation be set at a rate of \$12.00 per hour.

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution No. 17 - 004

Village of Montebello

Title: Designation of Office to be Filled at Village Election

WHEREAS, the next general election for officers will be held on Tuesday, March 21, 2017; and

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

THEREFORE, BE IT RESOLVED, that in addition to the prior designation, the Board of Trustees designates that the office of Village Justice is to be filled at the general election on Tuesday, March 21, 2017, and that the term of this office shall be for four (4) years, commencing at noon on April 3, 2017; and

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

Motion: Deputy Mayor Caridi

Second: Trustee Sorrillo

Upon vote the Resolution carried unanimously.

Resolution 17 - 005

Village of Montebello

Title: NYSBOC of Rockland Training Program – Building Inspector and Fire Inspector

BE IT RESOLVED, pursuant to the request of the Building Inspector and Fire Inspector, that attendance by Building Inspector, Lawrence Picarello and Fire Inspector, Christopher Kear, at NYSBOC of Rockland Training Program on Tuesday, April 18 through Thursday, April 20, 2017 at a cost of \$275 for the Building Inspector's classes and \$137.50 for the Fire Inspector's classes, the latter being split with another municipality, is hereby approved.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote the Resolution carried unanimously.

Resolution No. 17 - 006

Village of Montebello

Title: Amended Tax Rate and Budget

BE IT RESOLVED, that Resolution No. 16-099 setting the tax rate at 10.0738% be amended to set same at 10.0979% and that the Taxable Assessed Value be reduced accordingly, due to the Town Assessor's office reducing the final taxable assessed valuation by \$300,000 without prior notice to the Village.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Resolution No. 17 - 007

Village of Montebello

Title: Appointment of P/T Justice Court Clerk

WHEREAS, the Board of Trustees established the position of Justice Court Clerk on March 21, 2012 by adoption of Resolution No. 12-026; and

WHEREAS, the Village Justice Court Clerk, Andrea Petitti, resigned for personal reasons effective December 31, 2016; and

WHEREAS, after advertising to fill the position, reviewing applications and interviewing Justice Court Clerk candidates, the Mayor wishes to appoint, with the agreement of Justice

Arnold Etelson, Patricia Marsh to the position of Justice Court Clerk P/T effective January 4, 2017, to fill the vacated position. (the extra time previously allotted to general clerk duties was eliminated)

THEREFORE, BE IT RESOLVED, that Patricia Marsh is hereby appointed to the position of a Justice Court Clerk P/T, a maximum of 15 hours per week plus court time, at a salary of \$20.00 per hour.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Resolution No. 17 - 008

Village of Montebello

Title: Approval of Minutes for December 21, 2016

BE IT RESOLVED, the minutes of the Board of Trustees of December 21, 2016 be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Resolution No. 17 - 009

Village of Montebello

Title: Amended Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract & Schedule of Claims dated October 19, 2016, and totaling \$130,681.33 is hereby amended to read \$123,981.33; and

BE IT FURTHER RESOLVED, the Abstract and Schedule of Claims dated December 21, 2016 totaling \$248,553.62 is hereby amended to read \$241,393.62.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Resolution No. 17 - 010

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Parks Fund

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 18, 2017, and totaling \$11,553.68 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Resolution No. 17-011

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 18, 2017, and totaling \$77,781.89 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Sorrillo

Second: Deputy Mayor Caridi

Upon vote the Resolution carried unanimously.

Public Comment:

With no one present to speak this portion of the meeting was closed.

Old and New Business:

Montebello Crossing – Village Board has been granted Lead Agent status.

Village Website - Village Attorney Berbit to prepare a letter thanking Mrs. Adams for her services with running the current website.

Roof & Gutter quotes – Village Board requested additional quotes to repair the cracked slates and gutter cleaning.

Quotes for hand dryers – Village Board requested additional quotes.

Bridge Club – Discussion regarding rental rates. Village Attorney Berbit to prepare letter to the club members.

Christopher Kear's request to use personal vehicle – Village Board requested mileage study.

Thank you letter to Garden Club – Village Board approved letter to Garden Club.

Winter Newsletter – Discussion regarding Winter Newsletter/Publication.

CDBG – Village will not participate this year, will revisit for 2018 participation.

Spook Rock Pool – Village Board discussed questionable use of the parking lot. Village Attorney Berbit to prepare a letter to the property owner.

With no other matters to discuss, this portion of the meeting was closed.

At 9:48 pm Trustee Sorrillo made a motion to enter into executive session to discuss contractual cost negotiations which if openly discussed could jeopardize Village's position, and also to discuss personnel issues, seconded by Trustee Golden. Vote carried unanimously.

At 10:26 pm Trustee Golden made a motion exit executive session, seconded by Trustee Sorrillo. Vote carried unanimously.

At 10:26 pm Trustee Sorrillo made a motion to adjourned the meeting, second by Trustee Golden, vote carried unanimously.