

# Village of Airmont

251 CHERRY LANE, AIRMONT, NEW YORK  
Mailing Address: P.O. BOX 578, TALLMAN, NEW YORK 10982  
Telephone: 845-357-8111 Fax: 845-357-8307  
Website: www.airmont.org

September 25, 2014

Jeff Brody, Esquire  
236 Clinton Avenue  
PO Box 4116  
Kingston, New York 12402

RE: Your clients: Kenneth and Janice Rosen  
249 Cherry Lane  
Airmont, New York 10982

Dear Mr. Brody:

I am writing to follow up on our meeting of June 4, 2014. As you may recall, you were present with Mr. Rosen, Trustee Ralph Bracco, Mayor Veronica Boesch and myself.

During that meeting we discussed general issues pertaining to your clients' property behind Village Hall. We indicated that the Village Board passed a resolution permitting Trustee Bracco to obtain and replace trees removed in the easement project. The cost to resolve that problem, lawn issues and reinstall the Rosens' chain link fence was not to exceed \$6,000.00.

The substance of the Board's resolution was conveyed to Mr. Rosen and he was requested to wait until he and Mr. Bracco worked out the details. Unfortunately, Mr. Rosen could not wait for Mr. Bracco to obtain trees but he went ahead and purchased and planted trees at a price in excess of that for which Mr. Bracco could have obtained replacement trees.

After discussing these and other issues for well over an hour it was my understanding that all concerned worked out a viable compromise.

The agreement reached provided that the Village would compensate the Rosens as follows:

\$2,388.00 in trees (12 10-12' trees at \$199 each)  
\$ 600.00 for planting of trees, soil, etc.  
\$ 825.00 for fence

\$2,245.00 for work done by Belleville (remove trees & stumps, grade, topsoil and straw

The total settlement amount to be recommended to the Village Board was \$6,000.00.

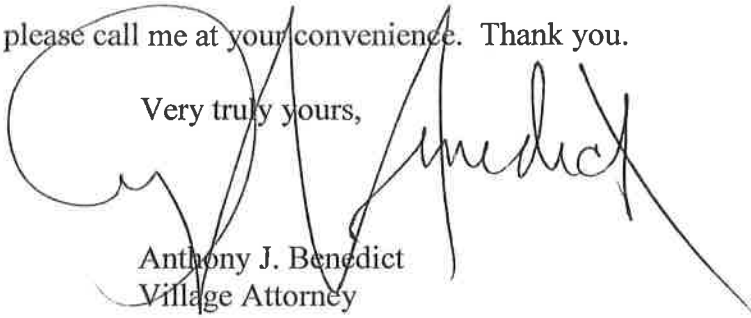
The problems with respect to the depression in the vicinity of the water connection and the sidewalk have been attended to.

Kindly forward your clients' general release so we may resolve the above issues.

I have also been requested to remind your clients that recycling bins cannot be left behind the Village garage and that the trailer in that area needs to be removed as soon as possible. Also please have the Rosens give a key to the garage and the lock code to the Village Clerk.

If you have any questions, please call me at your convenience. Thank you.

Very truly yours,

  
Anthony J. Benedict  
Village Attorney

AJB:iam

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

In the Matter of the Claim of  
KENNETH & JANICE ROSEN

- against -

NOTICE OF CLAIM

Village  Town  City  County of  
AIRMONT

TO:  Village  Town  City  County of AIRMONT

PLEASE TAKE NOTICE that the claimant herein hereby makes claim and demand against you as follows:

1. The name and post-office address of the claimant and of his/her attorney is:

Claimant	Claimant's Attorney
<u>KENNETH &amp; JANICE ROSEN</u>	<u>JEFFREY BRODY ESQ.</u>
<u>P.O. BOX 553</u>	<u>P.O. BOX 4116</u>
<u>TAHAWA NY 10982</u>	<u>KINGSTON NJ 12402</u>

2. The nature of the claim:

PROPERTY DAMAGE  
DUE TO SEPARATION OF UTILITIES

3. The time when, the place where and the manner in which the claim arose: The incident occurred on \_\_\_\_\_, 20\_\_\_\_, at or about \_\_\_\_\_  a.m.  p.m.,

ON OR ABOUT OCTOBER 2013 TO PRESENT  
AT 249 CHERRY LANE

4. The items of damage or injuries claimed are:

TREES \$6000 - FENCE \$2000 TOPSOIL Full seed etc \$1500 -  
REPAIR & SEED DRAINAGE \$1000 - TREES CUT DOWN  
WITHOUT PERMISSION \$1500 -

That said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

TOTAL CLAIM \$12,000/-