

**VILLAGE BOARD MEETING
MONDAY, JANUARY 5, 2009**

A regular Village Board meeting was held on the above date at 7:30 p.m. with the following members present:

PRESENT: Mayor John B. Keegan
Trustee Dagan LaCorte, Trustee Andrew Haggerty
Trustee John Meehan, Trustee Patricia Abato

ALSO PRESENT: Virginia Menschner, Village Clerk
Terry Rice, Village Attorney

ABSENT: None

The Mayor presented certificates to the Suffern Midget Mounties Jr. PeeWee Team who were the Empire State Champs.

SET DATES FOR FEBRUARY MEETINGS:

The Mayor said the dates for the February meeting and the workshop will be held on Wednesday, January 28, 2009 at 7:00 p.m. with the Village Board meeting on Monday, February 2, 2009 at 7:30 p.m.

FIRE DEPARTMENT:

The Mayor said we don't have any report from the Fire Department. However, we do have a couple of public hearings and we will start one now.

7:50 P.M. - PUBLIC HEARING - REGULATING AND RESTRICTING THE USE OF OUTDOOR GRILLS:

The Mayor said he would like the Fire Inspector to come up since this is his proposal and briefly describe that change and also if there are any questions, he will be up there to answer them.

Frank Wilson said that he started as Fire Inspector in February and as time went by, he needed to familiarize himself with the Village code. And as time went by, there were some codes that needed to be updated. The grills came into prominence because we received complaints. Once we receive complaints, we have to follow-up and we have to investigate and what we found out is that we were receiving complaints that there were people who were still cooking. He said they went up to Bon Aire and there would be a grill on the deck and there would be no tank. And then the next day we would get another complaint that the person, that there were people that were cooking. So we had to come to the conclusion that people that are cooking are taking the tanks and putting them inside their apartments, which is against the law. It is a NYS Fire Code violation and it is also very dangerous. He said that this doesn't mean that every single person that has a grill is taking their tanks and putting them in their apartments but obviously somebody

is doing it because we wouldn't receive complaints. He said the first complaints that he received were about Oxford Court. There were nine particular incidents there where people had grills or the tanks on the grills on a combustible deck, which is also against the law. It is against the NYS Fire Code. Anything that is over one pound. A one pound propane tank is a little green one that you would use if you went camping. You can have one of those. But you cannot use it on a grill because a grill is an open flame. An open flame means that it is either charcoal, wood or gas. Even if it has a lid on the grill it is still considered an open flame and it is on a combustible deck. NYS Fire Code states that, and he will read it verbatim, "Open flame cooking devices." This would be the NYS Fire Code Section 208.7 - "Open flame cooking devices - charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within ten feet of combustible structures. Exceptions - one or two-family dwellings, where buildings, balconies and decks are protected by an automatic sprinkler system." Which none in Bon Aire have. Remember what he just said about that. The buildings and the balconies and the decks have to be protected by an automatic sprinkler system. "Liquified petroleum gas fuel cooking devices - lp gas burners having an lp gas container with a water capacity greater than 2.5 pounds, the nominal one pound green tank, shall not be located on combustible balconies or within ten feet of a combustible construction." The only exception to that is a one or two-family dwelling. So when we started getting these complaints, we had to act on them. Or else we would be irresponsible and we wouldn't be doing our jobs protecting the Village. So we went into the code and we came up with outdoor grills and we found that there were some very interesting wording of some of these codes. The Board of Trustees of the Village of Suffern hereby determines that because of the possibility of fire created by the use of outdoor grills placed on wooden decks extending from dwellings and multiple residency type buildings, the use of such outdoor grills without protective fire retarding deck covering constitute a fire hazard. The definition of a fire retarding deck covering is any type of asbestos - asbestos-type material of the like certified to be fire retardant by the NYS Fire Underwriters Laboratory or equivalent recognized testing organization. As everybody knows, you can't use asbestos in anything in this day and age. So this was probably written in the 1970s. So we had to upgrade. So what we did is that we put a proposal into the Village Board and all of this has to be reviewed by the Village Attorney. So that is how we came up with a new local law that was reviewed by the Attorney and what we came up with, and he figured was the best thing to do, was to put the exact NYS Fire Code wording, which is NYS Fire Code Section 308.7 and put that into the code. Because that is the law. If it is a NYS Fire Code it is a law. And we can't change it. If people want to go to Albany and try to change it, however you want to go about it, you are more than welcome to do that. That is your right. But as it stands right now, it is a law. It is the code. He said that he enforces the code. He doesn't write it. And that is how we came up with this solution. He said we really didn't change anything. What they did was that they just put in the code and then there was another

section about punishing. Penalties for offenses. What they put in there was "any person found using a charcoal, wood or any other open-flame cooking device or storing an lp gas container with a water capacity greater than 2.5 pounds on a combustible balcony will be subject to a fine of up to \$5000. The owner, tenant or person in charge of the condominium or co-op unit may be subject to the fine of up to \$5000. B) Any person found storing an lp gas container with a water capacity greater than 2.5 pounds inside a residence of a multiple-residential dwelling will be subject to a fine not to exceed \$5000." Mr. Wilson said this is the most dangerous part of this. Because the Fire Department could respond to a fire there. One of these tanks could be in there and somebody is going to die. He said he has been a fireman here. He was a Fire Chief in the Suffern Fire Department and he has been in 35 years and he has seen Revere Court fires and he has seen a bunch of fires. When he was Chief, he had fires up there. If anybody was able to go unto that website that we sent out where you can see what happens when one of these blows up, he thinks it will be self-explanatory. He said that all they are trying to do is to protect the residents in the building and the fire fighters who would respond in case somebody decides they want to cook a hot dog and then take that 17 pound tank and put it into their apartment. That is what they are trying to protect against. He said they are not saying that anybody has to get rid of their grill. You can't use it. But that is not the Village of Suffern that did that. That was the State of New York. And he knows that he has been told that there are people who want to go and get this law changed. Well, that is fine. You go right ahead and do what you have to do. But he finds it very hard to believe that they are going to change it. He said that is the reason why we came up with this. He said he really doesn't think it changed anything. Actually, if it is doing anything, it is drawing attention and publicizing to people that there is a unique danger with these propane tanks. And 17 pound tanks blowing up, you are going to lose half the building. And the firefighters that are fighting it or innocent people who live in the building. And it is for your protection that we are doing it. And we didn't just go eeny, meeny, miney, moe with this. We had complaints. In one section of Bon Aire, where Al Newman is the manager, he and Mr. Newman rode around in the car, the fire inspector's car, and it took them two days - two different days - and they found 65 barbecues on the deck. Some of them had tanks. Some of them didn't. And that is just in one section. There are 500 - probably altogether - there are probably over 500 units up there. So it is something that needed to be brought to the attention of the Village and they were just doing their jobs.

Trustee Abato said that she had a question. She said that she sees under the penalties portion that she is looking at. It said any person found, of course, using and violating the law is going to be subject to a fine. And then the next line says "the owner, tenant or person in charge of the condominium or co-op unit may also be subject to a fine up to \$5000." What are we talking about here because that kind of seems a little broad. Are we talking about - because she thinks the Board talked about taking out initially

within there - that the boards of the co-ops were going to also be able to be fined and she personally didn't think that was a fair thing. Attorney Rice said he thinks he can answer that. He said that Dagan brought this up to him earlier as well. At the last meeting, he thought that was the language that they more or less settled on - the owner, tenant or person in charge of the condominium or co-op. Trustee Abato said she thinks it is repetitive. Attorney Rice said that he and Dagan were just talking about this. To make it clear what your intention is we can change this without having to re-notice the hearing or anything to the owner, tenant or occupant. Trustee Abato said yes, because she thinks person in charge you leave the boards open again. Attorney Rice said it is very broad language that we generally use in all of our code sections to be broad. If you want to clarify it, we can change it to owner, tenant or occupant. Trustee Abato said that she would like to propose that we do that. The Mayor said it was actually trimmed down already. It originally had the management association as well. Trustee Abato said that was her objection. Attorney Rice said the other change he made to the fire inspector's initial proposal was the way it was written it said a fine of \$5000 and he changed it to "up to." Because as we had with any other type of code violation, the judge deals with the situation and makes a determination as far as what the appropriate fine should be so for example on the first offense it probably would be a very small or no fine whereas if you had a repeat offender who was storing a bunch of containers, then you might get to the upper end of that range. Trustee Abato said that she just thinks that the language still leaves the board open for a fine and she doesn't think that is something - she said that she personally objected to it in the previous language and she objects to this language as well. The Mayor asked Mr. Wilson if he would agree with that language change. Mr. Wilson said yes, that is why Terry changed it. He said that he personally - the reason why he originally wrote it - he wrote that to read as follows "an order to remove for the first violation shall be issued to the person found using or storing an outdoor grill on a combustible deck or balcony as well as the person named as tenant or owner of the cooperative or condominium and the management company." And the reason that he wrote that is because the management company, as far as he can tell, owns the deck. Trustee Abato said okay, but she doesn't think they can move in with the person. Mr. Wilson said that what he was trying to do was to get somebody responsible for what was going on. Trustee Abato said that she thinks that the boards in the past have been very good about getting the word out that the law is the law and it needs to be followed. She said that she doesn't think they can move in with these people and they can't be the police department and tell these people what they can or can't do. If somebody is going to break the law it's like somebody going and robbing a house, they are going to break the law. She said she just doesn't feel like the management company should be responsible. She said she thinks they should definitely work with you and get the word out that you are taking a hard line on this and if you break the law, you are going to get fined. But she just feels as though that they cannot babysit every unit. That is just her feeling. She didn't like the language

to begin with and she does think the person who is in violation of the law should be fined. She thinks they should be held responsible for their actions but she doesn't feel that the management companies or the boards should be held responsible.

The Mayor said that is why that was taken out. Trustee Abato said right. She said she just thinks this language leaves the door back open. The Mayor said that as Frank stated, and again, he joined about the same week he did, 36 years ago, and they have seen propane tanks blow up. That is equal to a stick of dynamite. He said he doesn't think anybody wants to be around a stick of dynamite. Now, when we do get a complaint about somebody rolling a tank out of their kitchen, hooking it up, cooking a hamburger, rolling it back into the house, we need to be concerned, not only because we were made aware of this serious infraction, but if there is a fire, and there is loss of life after we have been notified, we are liable. So we have to act on that. And again, believe him, he thinks that everybody in life deserves a grill. We don't like to do what we have been doing. As Frank said, if people want to keep the grill, keep it. We are not saying throw your grill away because maybe some day the law will be changed. Frank told him that he would almost bet his life on it that it wouldn't. But we do have to act on complaints regarding the law.

Trustee LaCorte said that he thinks that Trish, and he thinks that they all agree that they have to uphold the law and we don't want to endanger anyone's lives. But he thinks, though, as Trish has mentioned, that we should, maybe if she wants to make a motion to amend the language either now or at the end of the public hearing to eliminate that language with respect to person in charge so that there is no antiquity as to whether or not the management companies and the boards are responsible. As a member of a condo board, represented here by Bon Aire II, shout out to Don Labriola, president, it is hard enough when people don't pay their common charges to go after them and enforce things. The board's can do what they can but in the end they are not responsible for the individual behavior of people and that is why we have the fire inspector and the police department and the code enforcer to handle those things. Trustee Abato said she would like to motion to do that now. Attorney Rice said the language for the last sentence in 154 - someone called out from the audience. Trustee Abato said that she just wanted to change the language so that the public hearing is held on the proper language of the law. She said that she would like to have the language of the law that they are going to speak about be defined better before we open the public portion. Attorney Rice said the motion is to change the one section in the law from the owner, tenant or person in charge of a condominium or co-op unit that may be subject to a fine of up to \$5000 to the following language: the owner, tenant or occupant may be subject to a fine of up to \$5000. That is only a proposal to amend the proposed local law. Whether that amendment is or is not adopted, the Board will proceed with the public hearing on whether or not to adopt the local law itself. It is not a vote on the local law. Trustee Abato said they are not voting, they are just changing the language right

now. They are not voting on it. They are not voting on it to say it is becoming a law. They are just changing the language right now so that you know what it is that we are proposing - that is being proposed. She said her motion is on the table and she would like to motion that we change the language to what Terry just mentioned. The Mayor said that Terry suggested that we hold off on the motion until after the public hearing and we vote on it.

The Mayor said he would open the floor and if anybody would like to come up, please come up to the microphone and state your name and address for the record please. He asked Frank Wilson to hang out over there in case there are any questions that we need answered.

Don Labriola of 35 Milford Lane and the president of Bon Aire Condominium II said he is also a member of an ad hoc committee of a few of the representatives of local boards who are going to try to challenge the code at the State level. He said his issue is not with the Village Board. About two years ago, he began researching this matter and this is when the codes first came up and he collected information from the following agencies and organizations. He said he collected information from the International Code Council, the United States Fire Administration, the National Fire Protection Administration, the National Fire Incident Reporting System, Consumer Products Safety Commission, the United States Census Bureau, the Hard Patio and Barbecue Association, to name a few. He said it was interesting that the only organization of all those that recommended prohibition is the organization from where the codes came, which is the International Code Council, the ICC. All other organizations recommend fire awareness, fire preparedness, fire safety. He said his research is now in a 15-page document that will soon be available to all of you. So, what is the origin of these codes. Where did they come from? He said they were a product of the International Code Council that dates back to 1997/1998. That is when they first appeared. They evolved from the grill fire data at that time. It was a time when there was neither any safety features at all on the grills or on the propane tanks. Since that time, there are two very significant safety features that appeared on the grills and on the tanks. The one on the grill is within the hose that connects to the tank and it has the ability to stop the flow of propane in certain circumstances. It is called a type I connector. The safety device that is on the tank is one that prevents the overflow of propane. He said that propane tanks used to be able to be filled beyond capacity and it was a safety hazard. It was a problem in the 90s that created a lot of fires - over-pressurization of the tank - and consequently after the codes were developed by the ICC, an overfill protection device was instituted and is inside the tank. It works like the float valve in your toilet. It prevents over-filling of the tank. Now the fact of the matter is - this is called an opd or an over-fill protection device. These two devices have been responsible for a very dramatic decrease in roof fires since 1998. On April 16, 2006 the NFPA published a news release announcing that, as a result of the over-fill protection device, the number of home fires involving gas grills has been cut in half since the

requirement took effect in 1998. The number of fires decreased from 1,200 in 1997 to 600 in 2002. Now, that number, 600, represents all of the grill fires in the nation in every type of residence in the entire nation. 600 grill fires. This is documented. In 2002 there were somewhere in the neighborhood of 50 or 60 million gas grills in operation in households. He said he has the number for 2005 and that was 62 million so we will back up a little bit to meet with the stats for 2002. Do the math. What is the probability of 600 fires. By the way, these 600 fires are not condominium, townhouse or co-op. This is everyone. We are a very small percentage of that number throughout the nation. The probability is about 1 in 90,000. That is the probability of a fire throughout the nation. Now, for condominiums, co-ops and townhouses, it is even less. He said he was sorry. It was more. It is a greater probability of maybe 1 in 100,000. He said he was not making these numbers up. These are the numbers that are there for everyone to see. So what does it all mean. It means that the codes that were based on the fire statistics of the unsafe grills and tanks in the mid-1990s are essentially invalid today. They have no business in 2009. They should be abolished or they should be amended. But rather than being the beneficiary of new statistics, new data, new technology, we are held hostage to 1997-1998 statistics. The ten foot rule in the code. Grill manufacturers that the grill be two feet from combustible construction. The local code that very likely is going to be changed recommends two feet. It has been that way for probably forty years. Where did the ten foot come from? He asked if anyone had an answer. He said he didn't know about the Town of Ramapo but he knows where this one came from. This came from the ICC in 1997-1998. He said he spent 14 months researching this and he found not one shred of evidence supporting the ten foot rule. He said he challenges anybody to go out there and find it. He said he couldn't find it. He said he apologizes if he is wrong, publicly apologize right now to anything that he is wrong, but he feels very confident in what he is talking to them about. He said that his best guess is that it appeared to be something that was completely arbitrary. He said he has been shown differently. He said that here we are in 2009 and there you go. Ten feet. Why? Because the law is the law and there is nothing we can do about it. He said he doesn't believe that. He said he truly doesn't believe that. There are amendments to laws and he believes that we can get an action going throughout the County here that will put enough pressures on our legislators to take a look at this. Because we are talking about a quality of life issue and he doesn't believe a quality of life issue should be determined by an arbitrary parameter.

The sprinkler system that was mentioned. There is a standard called the NFPA13R which covers the installation of sprinklers in residential structures up to four stories high. In that, there is a clause called the retroactivity clause which is essentially a grandfathering clause. He said they are exempt from the requirement of sprinklers based on the grandfathering clause of NFPA13R. He said he would like to know why it is still in the code. Why it hasn't been brought to their attention. The one and two family dwellings that are exempt statistically 75% of the fires throughout

the nation occur in one or two family homes. However, the residents can grill with reckless abandon. They can put hay under their grill and have a luau. They can burn their house down. They can incinerate their family. They can jeopardize the homes next to them. But, he said, we can't grill. They are not allowed to grill. And they have all the freedom in the world to do so. There is something inherently wrong here. There is something inherently wrong with the codes the way they are written. If we were to ask how many fires occurred in their type of dwelling - the condominium, townhouse, co-ops - the answer that would come back to you is he doesn't know. No one can tell you. No one can tell you. And the reason that they cannot tell you is because there is no category for condominiums, townhouses, co-ops. The data are embedded in a larger category of multifamily. That is what you have been hearing. Multifamily dwellings. Within the multifamily dwellings are apartments, tenements and rowhouses. There is something inherently wrong here where you cannot be told how many fires occur in your type of dwelling but yet you are told you are not allowed to grill. Nobody can tell you. It is not there. The statistics are not there. If you find them, he will come up here and apologize to all of you. He said he will absolutely apologize and say he is an idiot and he doesn't know what he is talking about. But he spent a lot of time researching this and he feels that he does know what he is talking about. A final slap in the face maybe. Something that you may not be aware of. There is a local real estate agent in the audience and he will tell you that one of the first questions that is asked of people who are looking to buy a condominium or co-op is can I grill? Can you imagine losing a buyer of your home, your unit, because of a grill issue? Can you imagine that? Once these codes are on the books, no one ever looked back until now. No one ever looked back. This equation of condominium plus grill equals catastrophe is not a valid equation. It is not a valid equation. The bottom line here is that somebody has been asleep at the wheel. Somebody responsible has been asleep at the wheel and we are the victims. He then thanked the Board.

Howard Ripps, the co-president of Sussex I in Bon Aire, said that on a personal note, he wanted to commend Mr. Labriola for all the research that he has done. And he personally will be supporting him in any of his efforts and he will give whatever assistance he can. He said his issue with the proposed law on the Village code is the amendment as previously proposed by Mrs. Abato. He said he doesn't believe it is sufficient because of the fact that, at least as far as the condominiums are concerned, and he doesn't know why the offering plan was constructed this way, but the decks themselves are owned by the condominiums. They are common areas. So if you amend your code to say owner and the grill and the propane tank are on the deck, the condominium, he thinks, still faces the possibility of liability. So if you would be willing to amend it to the point of owner of the unit, as opposed to the word owner, that would make him feel somewhat better. Trustee Abato said that is what she wanted. Mr. Ripps said that his condominiums have gone to the point of going around and inspecting every deck and those few

decks that we found where there were actually tanks on the deck, we threatened them with violations of the house rules, they threatened them with fines. They were removed. There are still a couple of decks that have grills with no tanks and as the inspector says, it does concern him more that these people may be hiding the tanks in their unit than just keeping the grill in the off-chance that the law might be amended. So as far as that is concerned, he applauds his efforts with regards to that. He said he doesn't think anybody wants the possibility of one of those tanks exploding inside the unit. But again his main concern is that they have gone over and above to make sure that their unit owners abide and the idea of a fine up to \$5000 against their Board is something they won't tolerate.

Todd Flaum of 100 Yorkshire Drive, Bon Aire II, said that he has in his hand a petition for the right to grill. Breath there a man with a soul so dead who never to himself has said I don't have the right to grill. The authorities are telling him that he doesn't have the right to grill and on what are they basing their judgment. He said he will tell us. He said they are prohibiting the use of your gas grill based on out-moded NYS Fire Codes 307.5 and 307.5.1. The authorities better do their homework because the NYS Fire Codes stem from the International Fire Codes (IFC).

Arthur R. Aldrich of 78 Bon Aire Circle said that yes, he does have a grill on his deck and yes, he does have a propane tank on his deck which the latter of which he may have to remove. And he is not suggesting that anybody here has the right to create a fire hazard for somebody else. He said he thinks the Village fire department and the code enforcement people have a really difficult job dealing with 100 year old buildings and buildings that don't conform and illegal occupancy and people using kerosene heaters and overcrowded rooms. They have their hands full. So he is just trying to put this into perspective. The law says that he is allowed to use asbestos on his deck to prevent his grill from becoming a fire hazard but that is incongruous. You can't use asbestos. But the law says that he can. One law says that he can. The environmental law says that he can't. He said he understands that the impetus for this change of law comes from complaints. And he also has to ask how many deck fires in the Village of Suffern have been caused by grills. He said he doesn't recall any. One incident perhaps of a grill fire or a deck fire. It appears to him to be overkill. Are we going to be sending inspectors out on weekends to see who is cooking a hot dog. Who is going to pay for this. Aren't there enough code violations possible in the Village of Suffern that our enforcement people could be used much more productively to combat really hazardous situations. It appears to be overkill. He said he doesn't think anybody has the right to endanger their neighbors, their family, firefighters, first responders, but he asks the Village Board to please consider to put into perspective how serious a problem this really is. Or are certain people just upset because somebody is grilling and they call the fire department and the fire department has to respond. He said he likens this to the law that the County passed. It said that you can't idle your car more than 3 minutes.

Well, when his car ices up and he goes out and tries to clear the windshield, he turns on the defroster. Now is somebody going to stand there with a stop watch and say, oh, oh, \$500 fine, you've exceeded three minutes. Or is he going to clear his windshield and get in his car and drive away. Or worse yet, is he going to drive with the windshield covered with ice because he doesn't want to risk the \$500 fine for running his defroster. So this is the kind of paradox that we are faced with. This law appears to be an over-reaction to people's complaints that we use valuable resources that the Village could best employ elsewhere.

Kit Flaum of 100 Yorkshire Drive said that she has a powerful voice and she doesn't even need a mic. She said the man who spoke before is her husband, Todd Flaum. She said she wants everyone to know that he had open heart surgery three weeks ago but he is so pissed off about this that he said he was coming down here. She said that she has been married 50 years to this guy. She has lived in three different states, in two bedroom apartments, in New Jersey, in Hasbrouck Heights, in St. Louis, Missouri, and New York. In Missouri, they had three stories and they barbecued. Everybody barbecued. And the same here when she lived in Hasbrouck Heights. When she moved here and was buying this apartment, there was a requisite of two things. Number one, her 50 pound dog. You can't hide him in an apartment building. Number two, barbecue. She said she asked Goldstein when she bought this apartment, and she had her dog, can she barbecue. Absolutely, you can. He should live so long. Anyway, she is now fighting this. But nevertheless, she said that why don't you make sure that everyone who barbecues owns one of these (a fire extinguisher). She said that she has always had this, it is right here. And she can use it if she ever has a fire. There are 152 units in Bon Aire II. She said that she has lived there 36 years and they have never had a fire. She said she wanted to know how many fires you have had from space heaters that people have in their private homes. You ought to take those out of the houses because they are dangerous. And they use it because they are saving on their gas. So they have these. She said she wants to know. She said she can't understand. This is coming about because people who absolutely hate people who barbecue. They can't stand the smell of food. It drives them crazy. So they say that we have to do something about this. That is for sure. We have to stop this. And that is why you get people calling in and people making complaints. Because they hate it. Just like people during prohibition. They were not allowed to have a glass of wine or a glass or beer. So they used to go underground to drink the stuff. That is what they did. Now, if people are taking their tanks in the house, they are crazy. They really are. And if they are taking it in the house they are doing it because they are afraid that somebody is going to squeal on them. That is why they are doing it. Otherwise, they would never do it. Never in a million years. So she can't understand it. She said that 50 years she has been barbecuing and no fires. And that is before the tanks when they used to pour that fluid on. She said she uses it all the time. She cooks fish three times a week. Very good for you. She said that she hates the smell of fish in her house. And that is why she does it, not on her

grill, but on a tin. It is really like baking. And she uses it all year round. When there is a storm, when there is snow. People used to think she was crazy. It's snowing out, it's raining. But that is what she does. And she has never had a fire. And every few years she replaces this fire extinguisher. You should make sure that everybody who barbecues owns one. Even in the private homes. They ought to have a fire extinguisher. What if they have it. She is sure the fire extinguisher company would love it. They would make a fortune if everybody did that, right?

The Mayor asked if anybody else would like to comment on this.

Ted Nelson of Bon Aire said that truthfully, he never gave much thought to barbecuing. He said he has eight grandchildren and they all want him to become a vegan so that is a problem. He said that one of the things that he is listening to the Mayor and the Chief and he thinks they make sense. One of the things that they are addressing is not the barbecuing but the idea of the tank. The tank being a combustible item. And if that be the case, then he thinks they are being very selective when they talk about condominiums also rather than all forms of the construction whether it be the townhouses or the other. So if you pass a law, he thinks it should be in the nature of the tanks and the proximity of the tank in an area where you don't want it. Many people, he is sure, in the townhouses have the tanks in garages where backing a car or something can damage the tank and with a spark could cause a problem and perhaps that is an element of fires. He said he thinks that just putting out a blanket you are allowing barbecues that have electricity and he is sure there are more electrical problems causing fires than the propane tanks or the propane barbecues. Because when he used to have a barbecue, he was always sure that the tank was pretty well steadied by the structure of the barbecue itself. It didn't wobble around. If you put it in your garage somewhere, he is sure it might have been a problem.

Jack Rosenberg of 13 Somerset Drive asked if State laws are enforced in the Village of Suffern. The Mayor said he hoped so. They should be. Mr. Rosenberg said then the police have a right to come in and enforce a State law. The Mayor said yes. He said we can't soften out a State law. Mr. Rosenberg said you can't change it. Only the State can change the law. The Mayor said right. The fight here is with Albany, not with us. Mr. Rosenberg said that he has always been under the belief that he is responsible. He has been living here for almost 20 years and he lived up in Chester in a condo for two or three years up there. So he has been a condo owner for 23 years and he has never had a gas or any grill on the deck. But as Mr. Labriola or somebody pointed out, there are a whole bunch of people who have grills. But so far nobody has answered a question about the frequency of gas grill fires. Nobody has answered it and all the people who have come up here seem to be opposed to what this proposed law is supposed to do. He is saying to himself - if there is a State law on the books, why is it necessary for the Village to have a law at all.

The Mayor said that the State law is that you can't have the open flame device within a certain area. Mr. Rosenberg said okay, but that is a State law. The Mayor said the penalty is up to the municipality. He said we are only proposing a penalty and, again, it is up to \$5000. He is not saying that it is going to be \$100, or \$200 or \$300. We left that open. It is up to \$5000. He said he would imagine that if somebody violated that up to three times or four times, a judge or the fire inspector could possibly impose that \$5000 fine. The fine there again is to dissuade the person from using the grill. And that is what it is there for. He said the fight here, and people have a lot of valid points, and believe him, he wishes he could just snap his fingers and say go ahead and grill. He said he has talked to a million people out there. One of our ex-fire chief's lives over on Milford Lane next to Mel Berkowitz. His name is Antonucci. And a year and a half ago he said to the Mayor that he didn't have a problem. He bought an electric grill. It works just as good as his gas grill. Why is everybody complaining. And not only that fact but most people have gotten rid of the grills with a propane tank. Most people complied. He said we brought this up a year, a year and a half ago. People complied. Now all we are doing at this point is that we are trying to address the people who haven't complied. The people that are endangering other people. And again he wouldn't want his family endangered by his next door neighbor out there shooting off fireworks. So what we are trying to do here is make the entire community safer and if that gets some people mad, not everybody is happy with everything. If this fight is in Albany, he is with everybody. If you want him to back them on their fight with Albany, he can do it. He just can't change State law. We can't change State law. We just don't have the power to do that. And that is all he can tell them. He asked Mr. Rosenberg what his next question was.

Mr. Rosenberg said he knows this. That the condominium owns everything outside his unit. He doesn't own the deck. It is the condominium that owns it. He said that he has a George Foreman grill inside his house for many years now. He said they grill inside. All he has to do is have an extension cord and plug it into the outlet on the deck and he can grill on his George Foreman grill with electricity. It seems to him that this law is not necessary. If he was up there, he would vote against it.

The Mayor said the Fire Inspector would like to add something. Mr. Wilson said he wanted everybody to understand. All the statistics and everything that you are bringing out. He is not in a position to say that a law should not be enforced by the Fire Inspector because a bunch of numbers that somebody is coming up with, some facts, whatever. He has to enforce the law. It is adopted by the State, by the Secretary of State. It becomes law. He doesn't have the option to turn around and say, well, you know, I don't think this is a really good law because he read an article somewhere where there are not that many fires. He said he doesn't have that option. A police officer doesn't have it. As it stands right now, you are right. Where they come up with the facts and everything. What we are doing right here is that this is a 2007 New York State

Fire Code. He said they may have compiled all this information in 1997 but we are not using the 1997 Code. We are using the 2007 New York State Fire Code which adopted from the ICC and the Secretary of State made it law. We don't have the option. If somebody calls and makes a complaint to the Building Department, we don't have the option to sit there and say that I don't think that is a very important thing so we are just going to be selective of what we enforce. People called and complained. As many people that are here saying that you want to have the grills, well there are other people that are sitting there saying that I got rid of mine. How come they didn't get rid of theirs and they are barbecuing. Some of the complaints that we get are innuendos - oh, I notice that you don't enforce the law to this particular person because he works for the Town of Ramapo and then slams the phone down. Then we get other things - like I think you ought to start doing this, and you ought to start doing that. They won't give us their names. But you can bet that if something happened, that they would be sitting there saying that the Building Department in the Village of Suffern didn't do their job. Now, all of the arguments are fine. And he will tell them, outside of this, when he is not wearing this uniform, he has a barbecue. He just lives in a private house. He doesn't sit there and say well I'm just going to sit there and take care of the condominiums or co-ops. That is the way the law is written and we don't have the right to go and change that just because we don't agree with it. If you want to go change it, that is fine. Then the State can go ahead and change it. But until the State changes it, it's law. And if somebody complains to them, they have to follow up on it because if we don't we are being negligent. And if we are negligent, the domino theory that can happen from that is that all the people that live in Suffern, well if we are still self-insured, and he doesn't really understand it all, but in the end, if we have to pay lawsuits, then we are the ones that are going to pay for it because we are the taxpayer. So that is why these things are here, that is why these laws are here and that is what they do in the Building Department. We don't have the ability to be selective of what we enforce. And we are using the latest up-to-date codes. That is 2007. They are in a new cycle now. It is every three years. So the data that was compiled in 1997, which you are right, in 2007 the State of New York said that data is still good enough and that is what we are using. We don't say that. We are the Village of Suffern. In the State of New York, if you tell them that you are not going to do their fire code, if you are not going to enforce it, they will come here and enforce it for you. They taught them that in code school. It is not a choice. It is a State law.

The Mayor said we do have another public hearing scheduled for this evening so he hopes that we can get a few more comments.

Joe Myers of Airmont who said he was the County Legislator for this district said that one thing - one comment that he wanted to make on the language that is being considered for amendment. Where it refers to owner, tenant or occupant. He said he just wanted to point out that in a co-operative corporation, as any real estate

attorney would tell you, in a co-operative corporation, the owner is the co-op corporation. The person that occupies the apartment is a tenant under proprietary lease and is a shareholder in the corporation. But the owner is the co-op corporation. So you might want to reflect that in your amendment. And he believes that some of these buildings are co-op buildings, not condo buildings. That is the first thing. The second thing is the issue of enforcement. There are many laws on the books throughout the United States and obviously in States and municipalities. Some are given priority in enforcement and others are not. This isn't something that could be codified. But two suggestions that he would make is that since the penalty is up to the Village Board, \$5000, he realizes that nobody would be charged \$5000 for the first offense. That seems very high for an infraction that perhaps we don't necessarily, as a body and as a community, agree with. Maybe \$500 should be the upper limit. The Mayor said that our penalties for overcrowding go up to \$5000. It doesn't mean we charge that. Mr. Myers said that he was just saying that if it was a law that wasn't the high priority, you could make the, and he is not suggesting that you should, but you could make the penalty lesser. And the other thing is that it just seems to him from his observation of enforcement along different governmental entities, there are priorities for enforcement and then there are things that are lower priority. And that is a decision that this body and the enforcement agencies within the Village of Suffern could see as something that could address the issues that are being raised here today. Obviously, if somebody makes a complaint, it should be followed up on. But perhaps the code enforcers are very busy with other things and don't have time to start to count the number of grills on peoples decks and enforce the codes that way. Just a thought.

The Mayor said one more please.

Mel Berkowitz said he is the person the Mayor was talking about. He said that he actually knows the person who you just called out. Regarding sides, and we all want to be treated the same, one of the principal objects of this law that goes back to 1976 or 77 is again, the material is not updated. However, one of the things that we all see living in Bon Aire is that there are some people who do have grills and use them. And there is something else that hasn't been mentioned at all. We all want to be treated the same. There is what was called two years ago when we had a meeting like this a firewall. The people that have firewalls are allowed to do whatever they want to do. So perhaps someone could explain that to me if we are up to date on that. And because there are a lot of buildings near them who are co-ops and they have firewalls. So if that is the case we should amend what we do when we want more people and more building here in the Village of Suffern and around Suffern to say, hey, you know what, you folks better put firewalls within the units.

Adam DeStefano of 19 Prairie Avenue said that a lot of arguments have actually reconsidered most of his position on this. He said he thinks they all agree that no one wants to see a fire, especially

in an area like Bon Aire. He agrees that the gas grills have been upgraded so that there aren't fires as much. The problem that he sees is with the larger propane tanks. He said he thinks that they all agree that if one of them does explode in a close proximity like that, it is a very hazardous thing. He said he knows that there are grills nowadays that use the smaller propane tanks and if one of those explode, it is a minor thing. A small fire you can put out with the little extinguisher she has, which is a very great thing. The thing that he feels is that charcoal and wood grills shouldn't be allowed to be used on a deck because if one of those by accident should fall out and on your deck, you could have a very serious problem there. He said he also knows that the technology with the electric grills has gone up a lot over the decade and he does recommend that those who like their larger grill rather than the smaller one that you bring to a tailgating party, try to look into those. But he does ask that the Village Board consider allowing, if there is any way to allow, to allow a gas grill that uses only the smaller propane tank to be used on the deck, if it does that. And he doesn't know if it is the exact law. If gas power is not allowed to be used on it or if it is the tank that is the problem. He is a little curious on the law. And he has to do a little research himself. But what he is trying to say is that the gas grills, the way that they are constructed nowadays, the odds that a fire is going to leak out and hit the deck and cause a fire are very small. The odds that it is ever going to happen nowadays with modern technology is very slim.

The Mayor said we got some good comments. He said we have to move on. We have another public hearing after this.

A motion to close the public hearing was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

Attorney Rice said that when the public hearing started, Dagan and he were going over the language here and what they came up with was a suggestion that the last sentence provide the condominium unit owner, tenant or occupant of a unit may be subject to a fine up to \$5000. He said he thinks that covers all of the situations that you talked about.

A motion to amend the proposed local law, section 3 thereof, the last sentence in 154.6a so that that last sentence would provide that the condominium unit owner, tenant or occupant of the unit may be subject to a fine of up to \$5000 was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

A motion to adopt the local law as amended was made by Mayor Keegan, seconded by Trustee Meehan.

AYES: Mayor John B. Keegan said that in the interest of safety and being an ex-fire chief in this Village and a fireman thirty-six years and instructed at the fire training center and as one who knows and has seen lives lost, property lost, he has to vote yes on this and back the

Fire Inspector and back State law. Trustee John Meehan, who said that we spent a lot of time listening to basically to the opposition to the State law and he would like to say that when the Village adopted the Fire Code several years ago, one of the recommendations was that we not allow grilling on the balcony. And he voted against that because he thought that was the safe thing to do. The way he feels about this is that it is a safety measure recommended by our Fire Inspector and that is why he is going to go along with it. But he thinks that the law probably should be changed and he supports a change in the law but as it is now, he will vote yes.

NOES: Trustee Andrew Haggerty, Trustee Dagan LaCorte, who said that while he strongly believes in the safety of our residents and our volunteer firefighters, we already are enforcing the State law as required and we are not normally in the practice of passing local laws for the purpose of reiterating State laws. Since condo and co-op owners are already being singled out unfairly by the State and enforcement is unclear especially with respect to the responsibility of the management and the boards, he votes no. Trustee Patricia Abato said that the reason that she had asked for the change in the verbiage in the local law is because if it did pass, she wanted to make sure that the condo boards and the management companies were protected because she does feel that each person should be responsible for their own actions and while she does commend Frank Wilson and she thinks he does a great job and she thinks that we are very lucky to have him on board and she knows that his intentions are good and he is trying to follow the law, she has to agree with Dagan that she doesn't think it is necessary for us to reiterate a State law. She thinks that if there are complaints and the Fire Inspector has to go up and enforce the law, then that is what he has to do. She doesn't think we have to police and she doesn't think that we have to babysit every condo. She said she doesn't think he is going to ride around to all of you everyday. But she has to believe that this law really needs to be looked into and she has to believe that it is an older law and as John pointed out some really good points about that it needs some updating, she too is going to have to vote no.

The Mayor said that we have a vote of three against and two yes, so the law is voted down.

The Mayor said we have another public hearing at this time.

8:00 P.M. - PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:

The Mayor said we now have another public hearing on the Community Development Block Grant. Dennis Rocks, who does engineering work for us, we would like to come up and speak on this.

Dennis Rocks, from Leonard Jackson Associates, said that he was appearing tonight on behalf of the Citizens Advisory Committee for the 2009 Community Development Block Grant. The role of the Citizens Advisory Committee is to recommend a project to the Village Board and hopefully that the Village Board, if they agree with that project, would submit that for funding from the County - from the Rockland County Office of Community Development. So he met with the Citizens Advisory Committee - they met four times - and the consensus of the Committee was to recommend additional street lighting along Lafayette Avenue downtown. The Committee felt that the existing street lighting has existing dark spots and that by supplementing the existing lighting with six additional light poles at critical locations which are dark under existing conditions that the existing lighting could be improved greatly. And so they have recommended that six street lights be installed as follows:

- A. One on the north side of Lafayette Avenue in the vicinity of the Village Framery.
- B. One on the south side of Lafayette at the vicinity of Pasquale's.
- C. One on the north side of Lafayette near the walkway to the Indian Restaurant.
- D. One on the corner of Chase Bank at Park Avenue.
- E. Two at Lafayette Avenue at the park - at the Virginia Menschner Park.

And so those are six proposed lights and what we had is that we had a lighting analysis performed to analyze the potential impact. Because lighting is funny. On one hand it can be a perception. But on the other hand there is a science to it. And there are ways to measure it and anticipate it and what we did was we had a lighting analysis performed to evaluate the benefit in terms of foot candles that would be achieved in the sidewalks and on the streets. And they found that these are, indeed, the six critical locations identified by the Citizens Advisory Committee and a real benefit will be achieved by installing the six additional lights. The funding for the six additional lights would cost about \$10,000 per luminere. And the way the downtown streetscape project was constructed was that the conduit was run - if you are familiar with the downtown sidewalk, there is a concrete portion and then there is a brick paver portion which is nearest the curb. The conduit runs below the brick paver portion and so what would happen is that the bricks would be pulled out, the electric would be spliced, a new pole would be installed. So this type of improvement was - the potential for this type of improvement was anticipated when the streetscape project was originally constructed. And so the six new lumineres would cost approximately \$10,000 a piece. There would need to be bid documents prepared to get this project bid, and those bid documents would cost approximately \$5,000. So this project has a total cost of approximately \$65,000. The Village

would need to apply to the County for this Community Development Block Grant and they would need to prepare this application in a way that requests a certain amount of money and it also would be to identify how much the Village would be willing to contribute to put this total package together. So right now we are talking about a \$65,000 price tag on this project. He said he has had conversations with the County and it is very difficult and they are not in a position to let us know exactly what we are entitled to and the merits of our particular project. However, we do believe that a \$50,000 grant from the County is a realistic and achievable application. So what we are asking the Village Board on behalf of the Committee tonight to consider would be to apply to the County for a \$50,000 grant and then there would be \$15,000 contribution by the Village to arrive at the \$65,000 price tag for this project.

The Mayor said he would like to open this up to the public if anyone would like to speak on it. A gentleman from the audience asked if this should include a feasibility study. The Mayor asked Mr. Rocks what this study includes. Mr. Rocks said this is installation only. The gentleman then asked about the maintenance costs. Mr. Rocks said he was going to turn this over to Dan Haglund, who is the Supervisor of the Street and Refuse Department. The Mayor said that maintenance costs would basically require putting a bulb in every two years. Mr. Rocks asked Dan to speak on that. Mr. Haglund said that they usually go around in the fall and they did this past year and they put all new bulbs in and they are on the average of about \$38 a piece, \$36 a piece for the bulbs. So that is really the only maintenance they have unless one gets hit by a truck or so. The gentleman asked if they were metal. Mr. Haglund said yes they are. Cast iron on the bottom and metal up top. The Mayor said we can't carry this conversation on. People have to identify themselves for the record and their address. He said he is sorry but this is the way the rules are.

Don Labriola of 35 Milford Lane said he didn't know this conversation was coming up and certainly he is not opposed to additional lighting or the cost for it. He said he had a conversation some time ago, he thinks before the lights were actually installed on Lafayette Avenue, with Vince Crapella. He said he doesn't know what happened but these lights, not that it is going to change anything, but the lights downtown are aesthetically really bad. The intense white mercury vapor type when there are so many other more inviting kinds of lighting that would be beneficial to the Village. Right now it is cold, it is white, it is stark. It's like, okay, we are going to light it up. He said he doesn't know if there is any other solution to this. He said he guesses you just have to keep going on and on with the same plan. He said he doesn't think you can change the head. The Mayor said we realize that we have a problem and we have upgraded from 175 watts to 225 about a year and a half ago. We did brighten it up a little. And then we found out that these bulbs actually lost about 20% a year. So now on a one or two year basis we are changing the bulbs in them. We do realize that some of them, although he wasn't even in office then, that some of them were placed probably too close to

trees. The one in front of the Capital One Bank there is actually in the middle of a tree. He said he doesn't know how that happened. But now in the summer when the leaves are on the trees, that seems to be the worst time. Of course, especially the lower block. Towards State Farm there. Mr. Labriola said it is just the color of the lighting there. It is that mercury vapor look. It is just that awful, uninviting, unappealing. You get light and he knows that there are issues with the light going up rather than staying down because of dark sky issue and what have you. But it is just a comment. The Mayor said a lot of people do like the looks of them. Mr. Labriola said it is not inviting lighting. The Mayor said he doesn't think they are adequate and we are missing two that were knocked down by vehicles and their insurance company's are ultimately going to pay for that. But we had to order them. Trustee Meehan said he would like to add something. He said the whole downtown streetscape was recommended by a Citizens Advisory Committee so that this is where the decision to have those lights came from. Mr. Labriola said okay. It is what it is. Trustee Meehan said it was an arbitrary decision. Mr. Labriola said he understands. He just wanted to add some comment.

Dave Gutierrez of 23 Meadow Avenue said that he was surprised not to see the Chamber of Commerce or Vince Crapella here. He said he knows they have been very excited to talk about the lights that we put downtown. A couple of things that really concern him right away is are they actually mercury bulbs in these lights? What is inside of them. He said he doesn't know if anybody knows it but the curly lights that everyone saves money with as far as energy can't even be recycled based on mercury products inside of them so he wants to make sure that these lightbulbs don't have those kind of properties. Second, he agrees that the light that they throw is not that warming. He said he is not sure if adding more is going to help. He thinks we need to have more but we should rethink probably what kind of lights we put in there. And who is paying for the energy from these lights. That is something we should also consider and what it is we put inside of them. Secondly, before we start whacking down trees to make the lights work, he said he thinks we need to talk to a few arborists like Ira Wickes or some of these other companies to kind of consult how we manage our trees because he doesn't know if anybody knows it but our trees are actually green assets for our carbon offset for the Village so cutting down trees is actually going to cost us money. And then the final thing is have we, and it might seem a little simple, but he knows that we had some troubles as far as hooking up Christmas lights to the trees. Will these be fitted with any type of circuitry or plugs so that we could easily plug in Christmas lights so that we could get electricity off of these things and run beautiful Christmas lights downtown. The Mayor said these are definitely things to be considered. Trustee Abato said that we are not cutting down the trees. If the trees were to be moved, they would not be cut down. She just wants to make that perfectly clear. We would definitely consult to find out if we could move them safely and they are going to be put someplace else. Mr. Gutierrez asked if we would be consulted by our current staff that we have that deal with tree

cutting and removal or will we talk to somebody else. Trustee Abato said she thinks that if our current staff didn't know the answers or weren't capable of providing the safe move of them, we would have to consult somebody to help us with it and she is sure that we could get that done verbally. She doesn't think it is anything that we would have to pay for.

A motion to close the public hearing was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

A motion to accept the recommendation for the Community Development Block Grant was made by Trustee Abato, seconded by Trustee Haggerty.

AYES: Mayor John Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

CULTURE & RECREATION:

Gail Curtin said that there was a LEAD session held on Friday, December 12, a hoop shoot was held at the Community Center on Sunday, December 14, and they assisted the Suffern Police Department in the annual DARE toy drive at the Community Center. Upcoming this Friday evening, January 9, Family Movie Night. Friday, January 23, another LEAD session, and AARP is going to begin using LPL for meetings on Saturdays during this month and the tax service will begin on Tuesdays, the first one being February 3, up to and including April 15. A few miscellaneous items - the Village received a \$1000 donation from a Village resident and in consultation with the Mayor, that money was placed, was given to our Treasurer, and placed in the 2009 Suffern Day account. We have been informed by our grantwriter, Fred Rella, that everything is in place for us to begin shopping for the projector and screen for this room - the auditorium. If you remember, it was at the end of 2007 that you gave us the opportunity to submit some suggestions and you had Mr. Rella do that paperwork. She said she thinks it was through Mr. Morahan and everything is in place and Fred has told us we can move forward with that. And finally, she also wanted to mention, that Dan Haglund and some of his workers and she made a little trip to Glen Rock, New Jersey and we were the recipients of a player piano, which was donated specifically to the Community Center by the family of a person who used to live in the Village of Suffern and enjoyed her meetings at the Community Center and that is where her family wanted the piano to go.

VILLAGE ATTORNEY:

Attorney Terry Rice said that he had just a couple of things in addition to the items that they talked about during the workshop

session. First of all, as they discussed, he had written a letter to the attorneys for Tilcon with respect to their apparent plans to truck material unto the sight, advising them that it is not permissible unless they receive site plan approval and a soil permit from the Board of Trustees. He said he hasn't had any response from them but in order not to be caught by surprise in case they decide that they want to do that without applying for these permits, he would request that the Board authorize the bringing of an injunctive action against them should they proceed contrary to the code. A motion to bring an injunctive action against Tilcon should they proceed contrary to code was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

Attorney Rice said the second item that requires action as we discussed earlier and as we have discussed previously, the planner, John Lange, had prepared two draft reports for the Board of Trustees. One dealing with the Buena Vista Overlay District and one dealing with Money in Lieu of Parking in the business district. He said the Board has the original draft report. He provided to Attorney Rice today what should essentially be a final report with respect to both of those issues as well as various sections in the code as he identified as requiring amendment in order to incorporate those items. What he will do is that he will take those items and convert them into two proposed local laws and he thinks that at this point in time, if the Board wants to proceed with these two projects that what should be done is that a local law and the report should be referred to both the Village Planning Board and the County Department of Planning for their review and recommendation. A motion referring these to the Village Planning Board and the County Department of Planning was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

POLICE DEPARTMENT:

Chief Clarke Osborn said that the first thing he has on the agenda, and he apologizes for getting this to them late, is that they have a part-time dispatcher opening which they have had on the books since our dispatcher Berkowitz resigned, and he believes that was back in December, and they would like to fill that. What that does is that it enables them to always have a dispatcher on the desk instead of a police officer. They have four full-time dispatchers and this would be our second part-time dispatcher. It also cuts down on overtime instead of having a full-time officer on the desk. And he is asking the Board, with approval from the Rockland County Department of Personnel and a satisfactory background check by our detectives and our investigative staff, to appoint part-time dispatcher Aaron Freed. He is a Village resident. He lives up in Bon Aire and he is an ambulance corps volunteer and a firefighter and very flexible which is really what they are looking for. Someone who can get called at two in the afternoon to come in at midnight to work. So he is asking the Board if they could improve that contingent upon the satisfactory background and personnel

check. A motion appointing Aaron Freed as a part-time dispatcher subject to a satisfactory background and personnel check was made by Trustee Abato, seconded by Trustee LaCorte.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

Chief Osborn said that he wanted to advise the Board, which he thinks they are aware of, that Officer Benji Arena worked with the Police Department for 23 years and his disability retirement was approved very recently by the State of New York. He has been out injured for the last two years and his last day on the books with us was December 15. So he just wanted to let the Board know that he is officially retired as of December 15 and we will be coming within the next several months to hire another officer to replace him. Chief Osborn said he didn't think the Board had to accept anything. Attorney Rice said that it was filed with the Village Clerk but he thinks as a matter of courtesy the Village Board usually accepts his retirement. A motion to accept the retirement of Officer Arena effective December 15, 2008 was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

Chief Osborn said that to give a quick update, they had 341 arrests and they issued right around 3000 vehicle and traffic summonses. The final summons numbers he was still calculating. As of today, he was up to 2,929. That number is up from 2,586 in 2007. So the officers are definitely doing a job down there and they are working very hard in keeping our roads safe. And tomorrow several of our officers will be participating in a rapid deployment active shooter drill with the Mahwah Police Department at Ramapo College of New Jersey. This drill is designed to teach officers how to deal with a school or large-scale shooting or other crisis situation and joining us will be several other Bergen County police departments. We were invited to Mahwah, the event is being run by the New Jersey State Police, because we are obviously in very close proximity to Mahwah and Ramsey and Upper Saddle River and we will be going there and they will be coming here in, the unfortunate circumstance, if we do have one or they have one. So we are sending 5 or 6 officers there tomorrow that are working. And the last thing is that he wants to thank Gail, and Dan Haglund and Elaine for our toy drive. Gail sets it up for us and Elaine and Dan always helps us. This year we helped 125 families throughout Ramapo Central area. And several of them, numerous amounts in the Village this year, more than we ever had. It was during the snowstorm on December 21, Sunday, and we had over 100 volunteer Village residents come out to help us to sort bags of toys for about 6 or 7 hours. So he just wanted to thank them for that and thank the Board for their support. He said he would be here for the duration.

The Mayor told the Chief that on behalf of the Village Board they did a tremendous job, he and his men on that, with the DARE Toy Drive and he knows that a lot of the residents appreciate it.

DEPARTMENT OF PUBLIC WORKS:

Supervisor Dan Haglund said that as you can see on the agenda, he has to bid out the Ramapo Avenue sidewalks with a return date of January 28, 2009. He said he needs to change that date. The date is changed to February 26. A motion to go out to bid for the Ramapo Avenue sidewalks was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

Mr. Haglund said he gave the Mayor the paperwork for the two replacement lights. He said he would like to go ahead with that. A motion approving the replacement lights was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

The Mayor said that just for informational purposes, most of that money is coming back to us because people took these lights out with vehicles and their insurance companies are going to reimburse the Village.

The Mayor told Mr. Haglund that again, speaking on behalf of the Village Board, that he did a tremendous job so far on the leaves, especially the leaves, and he knows we have had three snowstorms and he has gotten nothing but compliments from the residents. Well done. But be prepared because tomorrow night through Wednesday we are supposed to get another snowstorm.

The Mayor said at this time, we will go to audience participation. He said it isn't on the agenda so we just put it on here. As it is every meeting, if anybody would like to come up and address any issue, he asks that they state their name and address for the record.

AUDIENCE PARTICIPATION:

Tara Agan of 23 Meadow Avenue wished everyone a Happy New Year and said that she had a wish list for the Village. She said that we do see a transformation in the Village. She said her first wish is that we continue to look at the comprehensive plan. Her second wish is that we are 15 days away from the inauguration of President-elect Obama. She said this will be an incredible opportunity to look at what our federal government is going to become under President-elect Obama and she thinks that his whole goal of

transparency and continued citizen participation and how government runs and what government is all about is something that she feels is something that the Mayor and this Board needs to embrace. She said she thinks we have to look at technology solutions. We have to look at media relations. She said she thinks we need to put ourselves on the map in order to not only take advantage of what citizens have to say but how they interact with this government moving forward. It is not convenient to come here the first Monday of every month. There are a lot of people that have families. A lot of people that commute out of the city. This is a cause and effect of not being able to really understand how to interact and get involved in your government. And we have to change this in this Village. Her third wish is how are we going to partner with the Chamber of Commerce. She said as a new member of the Chamber, she comes here with a proactive notification to all you. She said that on Saturday it was decided by Aurie Licata and the board that they want to bring a music, arts and food festival here to Suffern in the Fall of 2009, specifically in September, and they will look for partnership with the Village to bring that to market here and to really put Suffern on the map. She said that Aurie has asked her to chair that event along with honorary chair and spiro-gyro founder formerly Suffern resident as well as living in Pomona now - Jeremy Wall. So stay tuned because she will be looking to working with Gail and hopefully they will be attending her meeting this Thursday to give more ideas of how they envision the Lafayette Theatre, the ballpark, and other kinds of community venues including restaurants to bring the kind of jazz, blues and other kinds of groups to this Village in order to really put this as a music-making experience as well as arts and other cultural opportunities. And finally, she really encourages us in a time of economic depression if not over-recession, we really as a government have to be responsible on behalf of the citizens here and overall taxpayers in the Village to optimize our expenses. If you are not looking at how to optimize the 2009 budget in this Village, then she would encourage them to get there. If you need help, she said she thinks we have a lot of people that have financial responsibility in their day jobs. A lot of people that are certified public accountants, tax experts. We need to see no tax increases. We need to see reductions in expenses. We need to look at across the services that we provide in this Village and think differently on how to improve them. She said she really, really encourages them to get smart as to how we spend money. So that is her happy new year wish list. She is really looking forward to be more active and participate here not only as a Democratic committee-woman from her west ward neighborhood all the way up to Lafayette Avenue and over to Park Place but also as an active citizen moving forward to help them make the decisions, help them to contribute to the kinds of things this Village needs to grow properly, to really optimize expenses to do the things right that we need to and invest in and to really put this community on the map as a true treasure to the gateway of Ramapo as well as in the backyard of New York City.

Dave Gutierrez of 23 Meadow Avenue said that he agrees with Tara regarding an aggregate look at what Suffern is and looking at all

of our resources and all of our open land. It is very similar to an earlier suggestion that he made regarding Airmont and Montebello who are looking at their bigger floor plan, as it were, and try to decide how to best manage their assets and aggregate. Additionally, he wants to revert back to a previous suggestion on how we work better with the other neighbors in 10901 zip code. Is there some kind of plan in which to bring these other villages into the Village of Suffern being that they don't have a downtown and we do. He thinks there are a number of things we can do there. He said he would love to get a preview of what the recommendations will be for the Orange Avenue project if we could do that and he would like to get a really detailed update on the quarry project. A lot of people, and again he says it again, a lot of people are really interested in understanding how we optimize this resource for sustainable farming, for all kinds of a number of different things so he would love to get an update on that. It sounds like there is an issue with them wanting to truck in materials. Could we get some update on that. What are we looking to expect as a recommendation for Orange Avenue and what is the update on the quarry project.

Trustee LaCorte said that the updated urban renewal plan should be posted on the website now so he thinks that is up and running today for the public hearing next Wednesday. He said it is what we discussed at previous meetings. He believes that there is a proposal before the Village Board for a four-story building, originally four-story building, with only one phase. Phases II and III are out of the current urban renewal plan. There was a proposal before this Village Board that was adopted by the Planning Board for four stories without any eminent domain. The proposal that he thinks that will presently be presented next week will be for a six story building with eminent domain on the commercial property on Phase I and no eminent domain on the one residential property which we all know is owned by Mr. Blauvelt. So again it is only going to be Phase I, one building, six stories above ground and approximately 100 units.

Mr. Gutierrez said that for clarity there is the opportunity for the Village of Suffern to use eminent domain not only on the David Chen property but on other properties that are commercial. Trustee LaCorte said the commercial properties in Phase I which are primarily owned by David Chen. One is owned by the Village. Mr. Blauvelt is out of it and then there would be two other landowners both who at some time have expressed a willingness to sell to the Village. So again, as they have always said, and he is sure they will talk at great length next week, that there is always a general desire to come up with an amicable sale as opposed to the use of eminent domain. That is all in the plan and it is pretty much what will be brought up. And again it is next Wednesday, January 14, at 8:00 p.m. here at the Village Hall.

Mr. Gutierrez said again he would love an update on the quarry. There is so much that people are asking about. The Mayor asked what about it? Mr. Gutierrez asked what is the update. The last public meeting was that they were going to meet with Tilcon and then we

hear some stuff. The Mayor said that Attorney Rice will fill him in on where we are on that. Attorney Rice said that the Mayor, Dagan and he met with Tilcon and two of their attorneys a few weeks ago because all we were getting were rumors as far as what might be happening there. Basically Tilcon advised us that they still have rights to either mine, which he doesn't believe they have any real intention to do, or to bring on to the site pond fines which are the very fine remnants of the rocks after they have been processed for gravel. They have expressed a desire to bring on 470,000 approximately cubic yards of that material and deposit it on one portion of the site which is apparently no longer under DEC jurisdiction. Under the State Mine Land Reclamation law, any property that is covered by a mining permit essentially is preempted from any just about any local regulation. However, the portion of the property on which they apparently plan on depositing this pond fines is no longer under DEC jurisdiction. So as he mentioned earlier, as a result of that meeting, we took a look at the various Village code provisions and he wrote a letter to their attorney advising them that it is our opinion that they cannot do that unless or until they receive site plan approval from the Planning Board and a soil permit from the Village Board of Trustees. He said he has not heard anything from them. He said he wrote to them, he believes, shortly before Christmas and in order to ensure that should Tilcon start doing that in the near future without obtaining what we believe to be the required approvals that he has the authority, which the Board gave him tonight, to proceed with an injunctive action against Tilcon from bringing those materials onto the site. Mr. Gutierrez asked if it was true that we cannot build on this pond fill material should it be deposited. Attorney Rice said it is not our direct issue at this point but apparently there are serious problems with building on that type of material. Mr. Gutierrez asked what is our long-term strategy. Do we have one? Attorney Rice said there hasn't been an application filed by anybody for any use of the property so at this point in time, no, the only point is to require Tilcon to seek whatever approvals are required for them to bring that material unto the site.

Trustee LaCorte said that what he thinks is interesting is as everybody is aware there was a lawsuit brought by Joe Myers of Preserve Ramapo concerning the sale or the donation to the Town of the property. What is interesting is the position of Tilcon and it was pretty clear from the meeting that they were not aware or they did not anticipate when they donated the property that the property would then be given to a developer. They were, however, pretty much the motivation other than them wanting to do as a corporation what is good for the community. Clearly, the reason, and this is an important fact, that they wanted to give the property to the Town was because they needed to deposit these materials. So as Terry said earlier it is very important that often when you mine on extract land that part of the reclamation is often to replace material back in and restore the land. However, this is not the case. So they have a desire out of own financial interest to deposit that material there. They need a place to put it. This is a good place. So economically that has some value to them and aside

from being a good corporate neighbor and doing something for the community, that was the other motivation for them donating this property to the Town. And what is interesting is, and he doesn't think there is any discussion on potential development, but Tilcon seemed to think that you could not build on that type of material. So obviously to what extent the developer was aware of the materials that were going to be deposited there in terms of coming up with their plan could greatly impact whether or not in the end building there is even feasible.

Mr. Gutierrez said that he knows this is slightly hypothetical and he is pretty sure that he has been back there but what is it you would like to see happen there. Trustee LaCorte said personally? Mr. Gutierrez said yes. Trustee LaCorte said that he has always said that he wants flood remediation and passive use of the land there. Personally, and he is only one Board member, and he said at the meeting that was held in July that he doesn't think there should be any development and that development should only be discussed in a very limited capacity if, and only if, there is no way of obtaining funding for flood mitigation and that if that were the case where it was without a condition to development being some sort of the builder providing flood mitigation there would be no possibility of obtaining flood mitigation and all resources and all avenues were exhausted on that point and then he would personally be willing to discuss the possibility of some sort of development on a limited scale. No way even close to 550 units. Because in doing the rudimentary math on the proposal that was put forth by Quarry Ridge, based on what he knows about building materials and cost of land they stood to make somewhere between a 70 and 90 million dollar profit. And you are talking about flood mitigation costing a couple of million dollars. So again the preference is for flood mitigation, open space and then just leaving open the possibility if there is no way of obtaining funding for flood mitigation. But as currently proposed, he opposes the project.

Mr. Gutierrez said that he would like to follow up off line regarding a business opportunity or deal between the town and United Water where that was actually going to be an opportunity for us. Not the current water drilling opportunity that we discussed recently with the 5 million gallons a day but there was a proposal that for some reason got shot down where our quarry would allow us to sell 5 million gallons a day and have United Water pay for our flood mitigation. He said he would leave that thought and he would like to understand why that deal didn't happen. And he will send them the brief on that too. And he thanked them for the detailed response.

At this point, Trustee Abato had to leave the meeting.

VILLAGE CLERK:

A) Approval of Minutes of Organizational Meeting - December 8, 2008:

A motion to approve the minutes of the Organizational meeting of December 8, 2008 was made by Trustee Meehan, seconded by Trustee Haggerty. Upon vote, the motion was carried, with Trustee Abato absent.

B) Approval of Minutes of Regular Board Meeting - December 8, 2008:

A motion to approve the minutes of the regular Board meeting of December 8, 2008 was made by Trustee LaCorte, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee Abato absent.

C) Approve Mr. Adam Frank to Do Electrical Inspections in the Village:

Village Clerk Virginia Menschner said this was a request to approve Mr. Adam Frank to do electrical inspections in the Village of Suffern. A motion approving the request was made by Trustee LaCorte, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee Abato absent.

D) Agreement with Fred Rella - Grant Consultant for the Village:

The Village Clerk said we have an agreement with Mr. Fred Rella to be our consulting grant writer for another year. A motion approving the agreement was made by Trustee Meehan, seconded by Trustee Haggerty in the amount of \$20,000 on an annual basis payable \$1666.66 per month.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

FINANCE DEPARTMENT:

Treasurer Tom Zordan said that the first item is that the Water Department wants to purchase a generator for their emergency vehicle truck so he needs authorization to transfer budget line items in the Water Department in the amount of \$1890.57. A motion authorizing the transfer was made by Trustee LaCorte, seconded by Trustee Meehan.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

Mr. Zordan said we paid \$743,735 to New York State for the pensions for the police and all other municipal employees. In addition, we made our annual contribution to the firemen's length of service award program that was \$117,861. We received payment from Rockland County for our share of the mortgage tax receipts in the amount of \$98,936. This is down approximately \$5,000 from the previous payment. The rate charged by the Empire Plan, our medical insurance, increased effective January 1, 2009. This increase was budgeted for. Mr. Zordan said he was requesting permission for Barbara Cottiers and himself to attend the annual GFOA seminar in Albany, New York from April 1 to April 3, 2009. The cost to attend the seminar is \$150 each for the registration and \$272 each for a two-night stay. In addition, there will be reimbursement for mileage and tolls. A motion authorizing the request was made by Trustee Meehan, seconded by Trustee LaCorte.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

Of the \$1,412,000 in water and sewer billing from November, we have collected \$1,100,000 through December 31, 2008. Our collections are getting much better than in the past. We sent out \$520,485 worth of solid waste invoices on December 31, 2008 and the residents have started paying their invoices already. Budget worksheets were distributed to all Department Heads on Wednesday, January 2, 2009. They are to submit their budget request by January 23, 2009. And that is the beginning of our 2010 budget.

MAYOR:

The Mayor said that at this time he would like to appoint Stanley Dobrinski, Jr. as permanent Chief Operator Grade 1-B Water Treatment. A motion to confirm was made by Trustee Meehan, seconded by Trustee Haggerty.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

The Mayor said that we discussed at the Village Board workshop that there is a request by the Chamber of Commerce to waive \$3000 in clean-up fees - \$1000 per clean-up fees - after the street fairs. The actual costs to the Village in the police department and DPW was \$2,336 so the Village cost is \$1,336 per event. And we have charged the Chamber only \$1000 per event. So they do have a request

in that we waive that fee. There was discussion at the workshop and we said that we would vote on it this evening. The Mayor asked if we had a motion to waive that fee. A motion to waive the fee was made by Trustee LaCorte. The Mayor said that since we do not have a second, there is no motion, so that request is dead.

ADJOURNMENT:

A motion to adjourn the meeting at 9:50 p.m. was made by Trustee Meehan, seconded by Trustee LaCorte. Upon vote, the motion was carried.