

**Special Village Board Meeting
Monday, November 29, 2010**

A special Village Board meeting was held on the above date at 7:00 p.m. with the following members present:

PRESENT: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee John Meehan, Trustee William Schoenleber

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

ABSENT: None

The Mayor said that tonight is a special Board meeting of the Suffern Village Board. He said we have a number of items on the agenda. He said we called the special Board meeting because there is a lot of business we have to tend to and next Monday, December 6, at 7:00 p.m. is the re-organizational meeting which tends to be more ceremonial than typically doing business so that is why we are here. The Mayor said we have a number of public hearings but what he would like to do is that we have a couple of gentlemen from the law firm, Harris Beach, and that is an item under the Mayor's agenda so what he would like to do is call them up and we can take care of their business right away and then get to the public hearing.

The Mayor said he would give a brief description why they are here and our attorney, Terry Rice, will then elaborate. The Mayor said he is asking tonight, the Village Board, to engage the law firm of Harris Beach for the Orange Avenue redevelopment project. He said that as everyone knows, that has been something which this Board and Board's for the past several year's before them, have been very interested in pursuing building condominiums on that site. He said we passed an Urban Renewal Plan to that effect several years ago and the first major step in getting that developed is to hire counsel who can advise us. It is a very specialized area and also negotiate an agreement with the developer. We are hoping shortly to be entering into an agreement with a developer, Kohl Development - Kohl Construction, who had expressed interest in this project about a year and a half ago. We had a meeting with them and then obviously it just took some time to get things going. So Attorney Rice will touch upon it and then if the Board wants to ask any of these gentlemen any questions, we can do that.

Attorney Rice said that very briefly, before they make a brief presentation, he has done municipal law for many years and has good experience in a lot of substantive areas but this particular area is something that he and most municipal attorneys haven't dealt with. The firm of Harris Beach was recommended to him. He has had conversations with them and they have done exactly these types of projects in many communities throughout the state of New York. As he has expressed to the Mayor, he can read a statute as well as

anybody can, but they have dealt with these issues many times and the experience that they have had will make the whole process go much smoother. Attorney Rice said he was explaining to the Mayor that there were two directions we could go in on one point and just in a brief conversation with Shawn Griffin from Harris Beach he said this one won't work so well. This one is much better. So we have people here who have very vast experience in this area and he is not sure if the Mayor mentioned this or not but this will be without cost to the Village. Once a developer is selected, they will be responsible for all of the attorney's fees incurred by the Village so again this won't cost us anything. The Mayor said it is only if and when a developer is designated. And again it is the intention to move forward - the Village pretty quickly in designating Kohl as a developer but again there will be no out of pocket expenses to the Village. The developer will be paying those costs.

Frank Rubino, who is counsel with Harris Beach, said that they spoke to Mr. Led, who is the developer, and he has agreed to pay the soft costs on the project. He suggested that once we have the authority from the Board to proceed on behalf of the Village they sit down and schedule meetings with the Village attorney and the developer and work out all the specific details. So he has already expressed his willingness to work with the Village and pick up the soft costs and move forward. He said he will let Mr. Rothman describe some of the projects. He has been with the firm longer.

David Rothman said he is an associate at the firm, Harris Beach. The firm has been in existence for over 150 years. They have approximately 200 lawyers. They work throughout New York State, including White Plains, Yonkers, New York City, Rochester, Buffalo, Syracuse, Albany. They do a great deal of urban renewal type projects like this including in Yonkers and throughout the state of New York. They have closed on projects recently - several in the last few years that he can think of and are currently working on other projects like this in other locations of the state. He said he would be happy to answer any specific questions that the Board may have about the firm or his practice but he thought he would keep it general who they are.

Trustee Meehan said that the first gentleman who spoke mentioned soft costs and he didn't follow - he didn't know exactly what he meant by soft costs. Mr. Rubino said the Mayor had mentioned that there would be no cost to the Village and soft costs includes legal fees, appraisal fees and things of that sort. Trustee Meehan said okay. Attorney Rice said that what he envisions doing, and certainly we don't want anyone who is selected with the developer to have any type of relationship with Harris Beach so we would set up some type of escrow so the Village would have the money and the relationship, of course, would be between the Village and Harris Beach.

The Mayor asked if there were any other questions. He asked if they wanted to mention again a couple of clients. The Mayor said the work is pretty extensive that they have done in this area and he thinks that they are exactly the kind of firm that we need to move this project along and get it completed. The Mayor said we have an

engagement letter here and he is asking the Village Board to authorize him to engage in this agreement. So he would like a motion. A motion authorizing the Mayor to engage in the agreement was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber, Trustee John Meehan who said that he had expressed during the campaign the problems that he had with the Orange Avenue site and he thinks he said we only have - before the item went out for request for proposal, he was told that there would be several bidders and he is not happy with one bidder - just having one bidder - even though he has a high degree of respect for Kohl and he also visited their apartment house in Yonkers and he was very much impressed. He said he is also impressed with Harris Beach and he is going to vote for them but he doesn't want anyone to interpret that as an endorsement of the single - having a sole source on the Orange Avenue project. But their resume is impressive and he is always impressed with Mr. Rice's recommendation and he votes yes.

NOES: None

ABSENT: None

7:00 P.M. - PUBLIC HEARING - DB MASONRY & STONE INC. (ZONE CHANGE):

The Mayor said the first items in terms of a public hearing is DB Masonry & Stone Inc. for a zone change. He said he will allow Mr. Rice to do a brief introduction. He said the applicant in this matter has filed a zone change petition with the Board of Trustees to change the approximately three acre site on Route 202 adjacent to Berkeley Square from the present zoning designation of R15 to MR15. The applicant will describe exactly what they propose to do as far as multiple residence development on the property. In accordance with the zoning law, the application was referred to both the Village of Suffern Planning Board and to the Rockland County Department of Planning. The Village Planning Board, by letter dated October 25, 2010, advised the Board of Trustees that a motion was made by Paul Gdanski to recommend in favor of the, it says special permit but it should be zone change for DB Masonry & Stone Inc. subject to the comments of the DEC letter dated October 5, 2010, which he will refer to in a second, and subject to the comments from Charles Sawicki, Director of Public Works, and the motion was carried 3-2. Attorney Rice said that the Planning Board also was selected to act as lead agency, in other words, any type of zoning approval or virtually every type of zoning approval must comply with the State Environmental Quality Review Act. When there are a number of different agencies involved, the various agencies determine who is going to act as the lead agency, that is the agency that will make the determination under the State Environmental Quality Review Act. It was agreed that the Planning Board would act as the lead agency and after reviewing various reports, the Planning Board

adopted a negative declaration under the State Environmental Quality Review Act, meaning that they determined that based on the information that the proposal would not have a significant impact on the environment. Now in doing that, one of the issues that arose was the issue of snakes - rattle snakes - because diamond back rattle snakes are an endangered species and that becomes an important environmental issue in reviewing a project, particularly one that borders on the Palisades Interstate Park. The October 5 letter of the DEC, and he won't read the whole thing, but they recommended a number of avoidance measures. He said he would read it as quickly as he can - "all allowable disturbance activities including movement of construction vehicles, excavation and alteration of vegetation should be conducted during the period when the snakes would be expected to be hibernating and are less likely to be directly impacted by above ground disturbances. The acceptable work period is November 1 through March 31. (2) If any project related work is to occur in whole or in part during April 1 through October 31, the project sponsor should be paying the services of a snake monitor. The snake monitor must be a qualified biologist and have knowledge of timber rattle snake ecology and relocation procedures. The monitor must also have experience handling rattle snakes and be licensed by New York State to do so. The snake monitor should be on site during all construction activities and would be responsible for conducting reconnaissance surveys for timber rattle snakes within the work area prior to the initiation of any disturbance activities and relocating snakes are required. Attorney Rice said that in addition, the front part of the property is the area where development is proposed. The area to the rear of the property, which is more steeply sloping, is not proposed for development so the DEC also suggested "to prevent future impacts to the potentially suitable rattle snake habitat it is suggested that the undisturbed portion of the property should have deed restrictions or conservation easement placed on it." Attorney Rice said that if the zone change petition is approved by the Board of Trustees, one of the conditions will be all of those conditions of the DEC letter including a conservation easement in the rear area of the property ensuring that the property will remain undisturbed.

Attorney Rice said in addition it was referred to the Rockland County Department of Planning which is required because it is within 500 feet of both Route 202 and the Palisades Interstate Park. The Village, by letter dated November 29, 2010, today, received a letter from the Department of Planning recommending disapproval of the application and there is a long verbiage on this which in a moment he will ask our planner to discuss before the applicant makes their presentation. Now what that means is that instead, because this is a five-member Board, normally three votes would be required to approve the zone change petition and to adopt the local law. Because there is a disapproval here, in order to approve it, there would be four affirmative votes that would be required instead of three. And just so everybody understands how the process goes. As he mentioned earlier as is required it was reviewed by the Village of Suffern Planning Board. After the petition was filed, it is back here for a zone change hearing. SEQRA was satisfied. If the zone change petition is approved, then the site plan, the actual layout of the

site and so forth, although there is a conceptual drawing, the actual site plan itself will be reviewed again by the Planning Board and the applicant obviously has to obtain site plan approval from the Planning Board. And he should also add that it has been posted and mailed and the applicant has filed the affidavits of service with the Village Clerk's office and he would suggest that before the applicant makes his presentation that if our planner, Mr. Lange, would like to address the application and the comments of the Rockland County Department of Planning.

Mr. John Lange said we received this memo today although he was a little bit better prepared to give a presentation on the comments. The disapproval is a recommendation and you have to understand the context of the work that we did with the developer in the evaluation of the environmental impacts. Their first comment was that this is a developer initiated zoning request. And that is a little bit of an unfair statement in that most of them are, especially when the Village doesn't have a comprehensive plan. There really is no other way to do that. So he wants to kind of discount that statement. The reasons in favor of this - they avoid the development of steep slopes, they preserve the area on that slope for the timber rattle snake, they agree to all the timber rattle snake conditions, and when we look at rezoning you look to try to use geographic boundaries. To the back you have a steep slope. That is a natural boundary. To the north it curves around about nine lots and creates another natural boundary. So you are really limiting where this zone could be extended. In terms of the planning rationale, transit oriented development is one of the latest techniques. You want to put your higher density housing and in this case it is not really higher density in terms of the highest density in town. You are talking a medium density zone that is directly adjacent to it. You have the same number of units per acre. With a transit oriented development, you want to put it within walking distance of the major transit routes so you are on a bus route. It fits that criteria. You are also within walking distance of the train station. You are minimizing the amount of traffic and it is a standard planning methodology that you try to provide areas for that within a municipality. This is also similar to new projects that have already been developed and it is actually a lower density to those. The County also had complained about the layout as being non-creative. What they mean by this is that there is a straight road in and a straight road out. What they failed to acknowledge was that the property to the south of this actually owns one foot on the north side of the road. So they worked with the applicant to try to get an access off Stewart as opposed to a single access off 202. The applicant was unsuccessful in trying to do that therefore you are limited to that. And he is afraid that the County really didn't have access to that information. So the question was why was that one foot approved on the road opposite side. It would be like you having a driveway on this side yet you own one foot on the other side. And the only thing he can think of is back in 64 it was a development technique to try to control what went there. And it has. It actually has caused a problem for this applicant to try to do this. But he doesn't think this is really something that changes the character of the neighborhood. It extends the existing zone about another 150

feet. There is adequate water. There is adequate sewer. It helps to provide some school children - helps fill the seats that are vacant in the school district. It will be a boon to the ratables in the town. And an overall positive effect rather than a negative effect. And it would be his recommendation to override the comments of the Rockland County Planning Board.

Attorney Rice said the only other thing he did want to add, just for the record, is that we do have a letter dated November 16, 2010 from Mr. Geneslaw who is the planner for the Village of Montebello and the Village of Suffern's former planner, having reviewed the application for the Village of Montebello. Just for the record - everybody has a copy of that.

The Mayor said that the applicant is going to make his presentation and then we will open it up for public comment. The same procedure we always use. The Mayor asked the applicant to come up.

James Licata, the attorney for the applicant, 222 Route 59, Suffern, New York said the applicant comes to the Village Board from the Suffern Planning Board with a positive recommendation. Also with a negative dec and a positive recommendation to grant the zone change for constructing 24 condominium units on the forward 2/3 of the property. The property broken into thirds - the back third would be a conservation easement which Mr. Rice spoke about regarding the future control of the rattlesnakes if they develop in that back area. The applicant has agreed to the conservation easement for the back 1/3 of the property. He said he knows that the engineer is here - Mr. Vanderbeek - and he would like to talk about some issues including drainage and some other things. He said they also have pictures up in the front if anybody wants to see the schematics of what the inside and outside of what the units will look like.

Tom Vanderbeek of Vanderbeek Engineering here in Suffern, 233 Lafayette Avenue, said that what Mr. Licata is holding up is an overall aerial of the area which shows where their site is. He said it is next to Stewart Circle of Berkeley Square and what they are proposing is to change the zone to MR-15 from an R-15. They are asking for an MR-15 because they are adjacent to an MR-15. Recognizing the need for some additional housing, it is within walking distance of the Village center. One of the things that they have done at the Planning Board level is gone through the analysis with the rocks and the steep slopes and when you do that calculation under the MR-15 zoning, they are allowed 32 units and they are requesting 24. When they first started out this procedure, they had a few more units and after working with the Board and the consultants, they got what they thought was the better layout and less units. They have 24 - 75% of the allowable. What they are looking at, as the Board can see by the renderings, the layout is a Hudson Valley look. They have a lot of landscaping. They are proposing and they have all the drawings here for a berm and a buffer for the residents to the east - to the single family residents to the east. They would put up a fence. They will put up a four foot high berm. And they are severely planting that to block that vision from the proposed view. They have also a very

interesting architectural paving for these. There would be pavers and it is incorporated into the stormwater design as a green design. You not only have the retention basin, which is a landscape basin in the front similar to a rain garden designed to handle all of the water running off to create no net increase in runoff. Designed as fully impervious. But they have pervious favors - they have rain gardens and they have a perforated pipe with gravel for storage which they have not included in their calculations. So they are doubly or triply conservative on that. They have been through this with the Planning Board. They have no issues with traffic, water or sewer. And in regards to the County comments, the other properties could be changed if the Board grants the zone change. But this is the only parcel that could develop something like this. Other parcels to the north and east of this would have to be combined. You would have to get a bunch of property owners together to do this. This is the only parcel that is three acres, two acres in the front. Laid out similar to the adjacent properties for this MR-15 zone with an acre behind it. Another property would need three, four, five and six to come together. And if somebody could put that together, they could bring it to the Board. But they are here on one parcel. He said they have all the drawings. They have them in color. If the Board wants to ask some questions, they can pull the drawings out and show it to them and when the public asks questions, they have that also.

Mr. Licata said the units in themselves are about 2000 square feet. They are all three bedroom, 2 ½ bath units. They are all good size units with a modern floor plan. Of the 24 units, 21 of them have garages. The remaining three do not. And that is pretty much the overview.

The Mayor said that what we are going to do now is open it up to public comment. He said he would ask that they come up, state their name and address and please direct the questions to the Village Board and if there can be a response, he will ask the appropriate party to respond to the question.

Jim Giannettino of 2 Memorial Drive said his first question is that anyone who received this public notice would have no interest in showing up for this hearing. Because if you read it, it states "the Board of Trustees of the Village of Suffern propose to adopt a local law amending chapter 266 of the Code of the Village of Suffern, the zoning local law and zoning map of the Village of Suffern rezoning property owned by DB Masonry and Stone, Inc. located at 166 Washington Avenue." Mr. Giannettino said this property isn't at 166 Washington Avenue. It is at 166 Wayne Avenue. There is no such number in the Village of Suffern as 166 Washington Avenue. So he thinks this meeting needs to be postponed and people be renotified. And he might as well give them his second point. His second point is why is it here if you did not get a recommendation from Rockland County Planning until today. What is the rush to push this through. And he would like answers, please.

The Mayor said that in terms of the first thing that you said in the notice that there was a mistake to that. The Mayor said it was

generated by the office that sent it out. He said he does think though that there are neighbors here and are aware of what the project is and he apologizes for that. Again it was a typographical error.

Mr. Giannettino said he thinks it is a fatal flaw. He said you have many more neighbors that would have been here that threw this in the garbage because it said 166. Trustee Abato asked Mr. Giannettino when he noticed that this was a typographical error - when you got it? Mr. Giannettino said two or three days ago. Trustee Abato asked him if when he first got it did he realize that it was? Mr. Giannettino said no, because he knew what it was. He had been attending Planning Board meetings and he had no reason to scrutinize it.

Attorney Rice said that he thinks that most people are aware of what the application is about and obviously there is a lot of interest here and there are people here that have responded to that notice but he thinks that because we are dealing with a zone change here, he thinks it is appropriate that we hold the public hearing tonight and we adjourn it and renotice it to continue it at another time. Mr. Giannettino said that is acceptable as long as the people get the right notice. Attorney Rice said that is the point. He doesn't want to take a chance and he thinks that everybody that wishes to comment can comment although he suspects that everybody is aware but we want to make sure all our i's are dotted. The Mayor said that obviously this was not intentional. This is not generated by a Board member. It is generated by the office. But we take responsibility for it and he thinks that is the best thing. He said that since everybody is here, all the professionals are here, we will have the public hearing. This is a meeting that is being taped that is going to be televised and again we will reissue notice with the correct address.

Trustee Abato said that she would also suggest that in that letter that we reissue that we put in there that it was televised and it can be viewed so that we still have the benefit of what the comments are. The Mayor said what we will do is that we will also post the transcript as soon as possible and reference that as well. That anybody who looked aside because of the address and didn't come we will make sure that they know it is right in their neighborhood.

Mr. Giannettino said the second part of his question about it being in front of the Board before they got a recommendation from Rockland County Planning. How did that happen? Attorney Rice said that normally happens. The County Department of Planning has thirty days within which to respond so generally an application, whether it is here or another municipality's, whether it is for a zone change, site plan or any other type of application. Normally the application will be set for a public hearing with the anticipation that the County will be able to respond before the hearing. That is pretty much standard practice. Mr. Giannettino said that if his memory serves him, you now need a super-majority to move this from the Planning Board, which you didn't have. Attorney Rice said no, no, that is not correct. You need a super-majority of the Board of

Trustees. You don't need a super-majority from the Planning Board on their recommendation. It is simply a recommendation and it is not subject to GML review. Mr. Giannettino asked if they weren't obliged for a super-majority to pass it on? Attorney Rice said no. Mr. Giannettino asked then what is the point of you getting the recommendation. Why would they even need to wait for a recommendation? Attorney Rice asked why would who need to wait for a recommendation? Mr. Giannettino said the Planning Board. Attorney Rice said the Village of Suffern Planning Board does not need a recommendation from the County Department of Planning in order to make a recommendation to the Board of Trustees. It is the Board of Trustees decision that is subject to the County GML review only. If it goes back to the Planning Board for site plan review, that again will be sent to the County Department of Planning for their review and recommendation on the site plan application and if they recommend against it, then that would require super-majority. But the initial review and recommendation from the Village of Suffern Planning Board is not subject to the GML requirements. Mr. Giannettino said okay. He will get into his questions now.

He said he doesn't know where the parking is going to be for the additional cars where there is no garage. He said he can't tell by this plan that was just brought up here which would have been nice if the public could have seen it outside before this meeting and had some idea what was going on. So where would the parking for additional cars, since it is a three bedroom unit, most of them, they are going to have a least two cars. You are having a one car garage. Plus visitors parking and there is the possibility of three cars with three bedrooms. Where is all this additional parking going to be placed on the lot. The Mayor asked him to continue with all his questions, which is easier that way. Mr. Giannettino said okay, fine. He asked if the Suffern Fire Department has approved the egress from this one way in and one way out road? His next question is, and it kind of hinges on the question of parking. If this parking is going to be closer to the street, which is Wayne Avenue, this additional parking lot. It is going to be the only multi-family in this Village that is going to have the parking in front of the building. You have 35 Park in the rear, Bon Aire, Stonegate, Esther Gitlow, 5 Oakdale. This neighborhood doesn't need to look at all these cars. This is a single family neighborhood and what really interested him the most is that somebody was looking out for the rattlesnakes. How about looking out for the people? How about the people getting something to say here instead of the diamond back rattlesnakes.

Mr. Giannettino said traffic - he doesn't know how you can not think there is not going to be congestion. Anybody that takes that road either early in the morning when the school buses are out or between five and seven when the trains are coming out of the train station - you are not getting in and out of there with much ease. And if you would disallow the first third of the parcel up by the steep slopes where the water is going to come pouring down - we all know that - and Terry knows better than most. He lived over there. Where are these cars going to go? How close are these units going to be if they took away a third of the parcel that you can't build on. Not

to mention what you take out for roads and utilities. Is it going to be that compressed? These are his questions and hopefully he can get a few answers.

The Mayor said that what we will do is that we will take the questions. We are writing them down. And he presumes the applicant is as well. And then the questions can all be addressed by the applicant.

Mike Hennelly of 135 Wayne Avenue said that his big concern here is that somebody mentioned no traffic issues. He asked how many fatal accidents have been on that stretch of road. He asked if they could tell him how many children have been hit by cars on that stretch of road. We will do a one mile from the overpass up to Mill Road. When he heard this got past the Planning Board, he was stunned to say the least. He said he called the Village of Suffern Police Department that morning and he asked them if they could tell him how many car accidents take place on that stretch of road at anytime. And they told him they didn't have that information. They don't keep statistics like that. He said he considers this road - he said he has lived on a busy road his entire life. He has no problem with another street. This is by far the busiest road in Suffern as far as heavy weight trucks are concerned. It is a state highway. At morning they have dump trucks, garbage trucks, tractor trailer trucks roaring up and down that stretch of road. It goes from 55 miles an hour to 35 on both ends. Coming down from Sloatsburg and coming down from Montebello. Fatal accident right in front of that property not long ago. That seems to him to be a traffic condition. He said he doesn't know what they think a traffic condition is but that to him is a traffic condition. He said he would like to point out that he requested from the state to FOIL as to how many traffic accidents occur on that stretch of road. Just in front of Berkeley Square and in front of this property at Chadick. He said he can tell them that he sits in his kitchen and he hears it every single day. Cars screeching to a stop. Go out and walk up and down the sidewalk. There is nothing but glass and parts of cars littering that street. There are accidents there every week. Multiple accidents. Chief Osborn may be able to tell you how many there are. He is telling them from personal experience that there are too many. Kids get the buses on that street every morning. It is going to happen. It has already happened twice. We have had two kids struck by cars that he is aware of. He is sure that the police department could fill us in a little better. But there has been two. One right in front of that lot. We had a fatal accident right in front of that lot. His question to the Board is when is it going to be a problem? Talk we need more housing. Aren't we proposing to put condos in up here? There is a brand new building across the way here that is still empty. How much is too much. When are we going from the Village of Suffern to the City of Suffern? That is his question to the Board.

Kenneth Rose of 127 Wayne Avenue said he has lived there for 67 year. He said the spirit of any zoning ordinance is to protect the public safety and welfare of the people of the municipality. He said he would like to address the public safety issues. To put the number of cars that would be generated by this proposal would be a clear

and present danger to him and all the people who live on Route 202, Wayne Avenue, and have to back out onto the road. The state has put two new traffic lights on 202. One at Viola Road and one on Orange Avenue. What happens is that by the time they reach Wayne Avenue, there is approximately three hundred feet between cars. You've got generated from the Viola light you have a half mile of cars coming. And just when you get a break to pull out, you have a mile of cars coming from the other direction. You just can't get out on that road anymore without danger. And now they want to put on another probably 100 cars between the people who live there and their guests. The gentleman before asked how many people were killed there. Three. Pitt Carpenter was killed right in front of the proposed property that they consider tonight. Just a year ago, within ten feet where his body lay, the motorcyclist was killed directly in front of the Miele property. About thirty or forty years ago, Mrs. Williams was killed crossing 202 from Memorial Drive to her property which is now the Berkeley Square property. Everything that is Berkeley Square was her property at one time. So there are three people that have been killed. The gentleman asked how many accidents. Mr. Rose said he lived there 67 years. And he will tell them dozens of accidents have occurred on Berkeley Square and Stewart Circle. On Stewart Circle, Pete Salemo, Mina Kanasky's father, lived directly across from Stewart Circle. Her father was coming home with a fellow employee at Avon who was driving a brand new car. And his car, as he put on his signal, and when he went to turn into the driveway, his car was totaled by someone who was not paying any attention and who demolished the brand new car that they were driving and the police cruiser that the policeman wasn't paying attention. He was the cause of the accident. And Pete Salemo was seriously injured. Further, as the gentleman stated, the police do not properly control that road. They might be there at 10 o'clock on a Sunday night but they are not there when they are needed - between 8 o'clock in the morning and 9:30. That is when that road is a raceway. And you can't get out of your own driveway. As a citizen of this Village for his entire life, he expects protection from this Board. From the dangers of that road and adding another 100 cars there is not going to protect him. It is going to put him in danger - clear and present danger. The school buses. They come down and they drop children off at every stop. There is over a mile of cars behind them in both directions. And that is day after day and it is multiple times per day. It is like four times in the morning and at least four in the afternoon. So you just can't get out of your own driveway. And this is what we pay taxes for - to be protected. And also, considering that parcel, that is a low point when heavy rains - that property floods in the front. So if they fill that, where is the water going to go? Uphill? That is all he has to say but he does expect protection from this Board.

George Murillo of 30 Lexington Avenue said that he was close enough to get one of the letters so he is a concerned resident of not only that neighborhood but really of the Village. This is about protecting the whole Village. He said there are plenty of reasons that people have said. He said he sees three clear reasons why this Board should deny this zoning change. One is that it sets up a precedent to march all up 202 to the north of it with the same zoning change. You can combine lots easily. He said he has worked

for developers and they do it all the time. So that is not a deterrent. You will have people combining lots and then you will not be able to say, no, I can't give you an MR-15. Well, you just gave it to this other group. Why not us? So that precedent is not something we want to set. Two - it is just too dense. It does not fit on that lot. That lot is too narrow. If you look at it and he has said this before, it looks like two strip shopping centers facing each other in front of parking on a paved drive aisle. So it just doesn't fit. And the third - the Village - the elected officials and the residents should be the ones that are shaping the Village. Not developers.

Michael Curley of 80 Orange Avenue said that as he has sat at these meetings the last few years, he has watched people come and say let's not sell the water. Let's not do this. Let's not build. Let's not do. He said that what he feels would help him share the costs that exist in the Village. He said he is tired of paying a high water cost because we don't have as many people. We are not willing to sell our water. Or we are not willing to build another 24 condos here. He said he wants to share that cost with someone else. He doesn't want that full cost in his pocket. He said he recognizes that every single day the expenses go up. The expense for police, the expense for benefits, the expense for keeping our people safe. And if we don't change our thinking, there are only two ways to accomplish that goal in this - in whole of America - not just where he stands today. One, is cut costs. And two is to get more ratables. If every time somebody wants to do something in this Village people stand up and say well, the safety, the this or that. He said he recognizes safety and he hopes that with these deaths people are complaining every day to the Chief of Police and saying, listen, I want 202 safe. Because that is what you have to do then. We have to slow down traffic on 202 if these are the concerns. Because he knows where he is, 80 Orange Avenue, there are always concerns and you know what? If he calls up and complains, you will get a cop there. But if we don't recognize - if we are not even willing to take a 24 unit section and put it into our Village so that his costs are less and your costs are less, so they don't have to give you a 15% tax increase, he said he has concerns with their thought process. He said he disagreed a long time ago when this Village didn't want to sell the water. To sell the water that we could have gave away free that flowed away from us. That flowed away for three years. Everyone of us would have paid less of a water bill. And now today someone comes in front of you and says I'll put 24 condos. There are village's that would love to take their business right now. He said he is telling them right now that there are two businesses that are going out by the end of the year. And one being a restaurant and the only reason he will say that is that he has openly said it. And the other he is not going to tell out of privacy. He said he thinks it is important to let the builder come. He is not asking for 100 or 1000 units. Because we are struggling out there. He said he respects Mr. Rose and we need to slow the traffic down because he is going to tell them something because if we don't do these 24 they will be a mile down the road and we are getting the traffic anyway. The only benefit we won't have is that we won't save on the taxes and we won't save on the water. Just as Mr. Giannettino years ago wanted

to do the Orange Avenue project when you stood in front of there and he guesses he went to the papers and he recognized that we needed more ratables in this Village. And he commends him for that. And he doesn't think that a project of this size is going to make us so big and put so much pressure on us. Does he think we need to do the safety concerns? He said he thinks he is right and we have to recognize the safety concerns. And as he said, those streets years ago were built and people backed out onto the highway. He said he hopes this project is not backing onto the highway. He said he hopes they have a right to pull straight out onto the highway. And he would like them to answer that question. Because if they are backing out, he is against it. If you are pulling out, then it is reasonable. Mr. Curley said he just wrote these notes as he sat here. He said we are a Village. We are in a competition. And up the road from us he guarantees it that they are going to build it. And this guy is going to take his money and build it there and traffic is going to go zooming by your house. At least if it is in your community, maybe you go to the Chief, maybe you go to the fire department and you say listen, it's our community, help us. But trust him. It is being built. And he thinks as a community, we need more. He said he is sorry but we need the ratables. And we also every day we have to pay attention to cutting down costs. Because those two things are the key to us - are the key to our survival. He said he went on his own and he called up and he asked around. He said listen, as the property stands now, will the Village get more ratables as is or as built? And he was told and assured that we would get more ratables as built. And that will help him maybe survive. So maybe he won't have to work seven days. Maybe he can go to a baseball game some day. Not at the St. Lawrence center. But maybe the Yankees or something. And this project, and other projects, and he heard Mr. Giannettino and he is a smart man and he is a good man and he cares about this Village, but he is a smart man enough to know that you get a chance to talk in front of a public hearing. So the snakes don't get a chance here so somebody has to fight for the snakes. And that is why we are here. It is a public hearing. And not only do you do this public hearing. You get to go in front of the Planning Board, and say listen - you all do, he does, and he probably will because he is a pain in the ass - you get to say maybe we will have a bush on that side or maybe we could do this to protect the general public. And he guarantees that they will listen to you. And he is glad you brought up that point. And he is glad this Board recognized that you gave the wrong address and you had to hold it and do it again. And you did fabulous at that. Because if you went ahead and ran it, he would have come at them with everything. He probably would have ran up on the stage. Safety is a concern. The number of cars is a concern. And he is glad the Chief is here to listen. Because he guarantees that he will have some impact on this and talk about it. And if we have to get the sheriff's department to give us our share of the dollars, fine. But he is going to bore them with his last note. If we don't build it, he is taking his money up the street, a block down the road, and they are coming by us anyway and he is not going to save any money on his water and he is not going to save any money on his taxes. And the fact of the matter is that he is broke. He needs the help.

The Mayor said to a gentleman that we are going to keep this to one comment because we have to get this moving. The gentleman, Mr. Hennelly, said he will keep it quick. The Mayor said we really have to keep this going. Mr. Hennelly asked if he could reply to this gentleman. The Mayor said you come up and you make your comments. That is the way we do it. It is not a back and forth rebuttal. Mr. Hennelly said his comment is. The Mayor asked him if he could please let other people come up and make their comments. Mr. Hennelly said you should have clarified the rules before the meeting. The Mayor said okay. No problem. Other people have not had a chance to talk yet.

Pat Withers of 11 Foxwood Avenue and also the owner of Ireland's 32 in Suffern and he is one of those restaurants that is not closing up. And for disclosure, for everyone's public safety and concerns of the public of pedestrians killed, 19 years ago, when Chief Osborn was Rookie Osborn, he was at the fatal accident of his sister Mary who was killed on Orange Avenue. So he is not one who is talking about not concerned about public safety. He is one that has lived it and buried a sister through it. With that said, it is a pleasure to see a project before the Village that represents family housing and home ownership. As a Village, we are not about acre zoning, two acre zonings. Our Village is apartments, town homes and reasonable single family lots. Our schools are not so overcrowded that they can't absorb the children from less than 24 units. It is very clear our downtown merchants can handle the business that 24 families will represent. And he agrees with Mr. Curley. Some of those units will be very attractive for our seniors. It is an opportunity to downsize the big family home and stay in this Village. Our tax ratables will be clearly helped by 24 units that will sell for over \$400,000. This is a project that is ready to go. We have heard of major revitalization plans for our downtown. But when is that going to get off the ground. Family and home ownership is what our Village is about. Construction workers are also important to Suffern. Many tradesman workers would love to have several months of steady income and work for this local project. For those who grew up in Suffern their entire lives, like he has, and seen new homes go up during his lifetime, you would look hard now to see that happening. Believe it or not folks, in this economy, building construction is a major entity of our steady economy.

Bob Morris of 24 Terrace Avenue said he heard a lot of talk about what we need and what we don't need. If somebody looks at that picture and thinks that an army barracks is attractive, we would have to really evaluate what they are saying. He said he knows that they are going to address the issue of the parking - the excess parking. He is just curious why it doesn't show in the drawing. His gut feeling is that it is going to be very close to 202. Be it as it may, the other question he has is his understanding, and if he is wrong, please correct him, but the same principals that own D & B Masonry own Conserve? The same principals are involved. Separate entity all together? None of the same principals involved? Somebody said one. Mr. Morris said we are considering a zone change for someone who has been part of an eyesore that has been sitting on Washington Avenue for three years - a burnt out hole. A gentleman

from the audience said that the property on Washington Avenue had nothing to do with this. The Mayor asked the gentleman to let Mr. Morris make his comments to the Board. He said we are just trying to maintain again and let everyone say what they want. The key is order. The gentleman said it has nothing to do with Washington Avenue. The Mayor said he could have the most valid point in the world but it is not valid if it is shouted out. Mr. Morris said the company is asking for a variance in the law. The variance in the law you would give if the company shows a good faith effort and is going to do what they are supposed to do. But again we have the same principal involved in an eyesore that has been sitting for three years on Washington Avenue that is still being used in and out with a burnt out hole. If they haven't sought to do the right thing over there, what makes us think that they are going to do the right thing on this project.

Charles Killelea said he has been a Village resident since 1977. He said that the first order is that this is a fatal flaw. The attorney on the dais right now would move any time their representative defendant and have this dismissed on the fatality of the presentation. Mr. Killelea said you already addressed it and side-stepped it. Attorney Rice said we didn't side-step it. Mr. Killelea said whether it is involved in a criminal summons, a vehicle and traffic summons or a civil summons, as attorneys you know that you would present this that this is fatally flawed and move for a dismissal or adjournment. Attorney Rice said this is not a traffic ticket. This is not a criminal court. This is a question of adequate notice and if you heard what was said at the beginning of the meeting, we said that we will hold the meeting tonight and we will renote it and continue the meeting on another occasion so that no one can complain that they haven't had adequate notice. If you are here, you had notice. If somebody isn't here because they didn't get notice, they are going to get it again and will have an opportunity to speak at another meeting, so we are in good shape. Mr. Killelea said that basically then this meeting is ridiculous to continue because you are going to have another meeting. The Mayor said people have come out tonight so let them talk. We will take it under advisement. We will continue it. We will hear it again and then presumably we will vote at the next meeting. But if people have come out and the professionals are here, why not discuss it. Mr. Killelea said if they came out tonight, they will come out again. The Mayor said we have had other public hearings that have gone on for more than one evening, so why not. Mr. Killelea said so there is going to be no vote tonight. The Mayor said no vote tonight. We said that. We cannot because of that fact.

Mr. Killelea thanked him for clearing that up. He said that one of the other things in speaking with some of the people involved in the project - the surface area is 60 feet by 400. That is non-perkable property. That is 24,000 feet of run off. The houses alone are going to generate 23,712 feet of run off. As it stands now, that land doesn't perk enough to prevent pondage for two and three days at a time. Where is that water going to go? You are going to have holding ponds to go where. It sits there in a holding pond now for two and three days on a heavy rain. As far as traffic goes, is there going

to be a red light put in there? Because those people are going to come out. They are going to be late for their train and they are going to say hells bells, I'm going out. Whether 202 is going one way or the other way. Buses, cars, tractor trailers. We have everything coming out of Haverstraw that are laden with stuff going to landfills. You have kids on bicycles. You have such a density problem that it just defies common sense to say let's go forward with this. Step back. Redesign it. As was said, where is parking for this. In regards to the fire department, he said he has spoken to two past chiefs and active members and they say there is no way they can get an eight foot wide fire truck in there to turn around to come back out let alone the second truck behind it on a good day. Make it a bad day. Put a two foot snowfall and you have three feet of rim snow. People can't park in there. They are going to park on the street. Now where is the fire truck and the ambulance going to go. You couldn't walk up there - not side by side. Please revisit this. He is not saying to down it. This is too high density. It looks like an army compost. Like Fort Hood.

Kevin Patwell of 10 Lexington Avenue said that he wanted to make a few comments. He said he thinks it is a bad precedent to go and change the zoning on these units. This is a group that is coming from within Suffern. Now the next group that comes in and wants to change zoning on another piece of property somewhere, if we change zoning here, we might be looking at some trouble later on. Secondly, he said he is all for the building and ratables. That is great. He knows we need that. But we are looking at other projects right now. He said that he knows that Orange Avenue was on the agenda. Not tonight. But it is on the agenda. Let's slow down this and take our time and see if this is something we need. 24 units is not a lot. But in this housing development now and the market, he doesn't think we should rush into anything and build more and more units until we see what we can fill.

Ann Hollander of 133 Wayne Avenue said that she was interested that the point was made that this project was in walking distance of the commuter buses and the train station. As someone who has walked to both, she can attest to the fact that that is a wonderful workout. She said she would like to know if extending sidewalks is part of the plan. How are the people supposed to walk to the bus station if they have the time and energy to make that hike under the pressure of commuting. Or are we expecting them to cross 202 to get to the sidewalks to be able to make that hike.

Ellen Killelea of 18 Lexington Avenue said that a big part of her presence always at these Village Board meetings has something to do with the quality of life in our Village. She said she lives in a wonderful neighborhood that borders this particular piece of property and she encourages the people that own that property to put a few houses. When you are talking \$400,000 that is not a cheap price. And she doesn't know how we are going to sell all of those pieces of town houses or whatever when we have the Meridian that still isn't filled. We want to develop Orange Avenue. And this is just another big space that could go empty or whoever you are going to fill it with, she doesn't know. She said her neighbors have made

wonderful points. They just put two stop signs in her little development because the traffic coming off 202 trying to bypass 202 that goes through her neighborhood became so dangerous for the children in her little neighborhood. So there are so many considerations that she hopes that the Board listens to the Village people as opposed to changing zoning for somebody, although you might be a nice person, she doesn't think we need this kind of development in our area.

Jean Stassny of Cragmere Road said that she has heard a lot of what the people are saying here tonight and she just wants to explain her feelings on this project. She said that she thinks this project is great for Suffern. Suffern is a Village of beautiful people that you see at baseball games. You see them everywhere. This is a little community too, just like your Lexington Avenue. That is what this is going to be like. They are going to have their community. They are going to be able to come together. You will see them in town. They will be able to walk to town. They will be able to go to your business. They will be able to go to other businesses and spend money. We are in an economy right now that is so bad that people are dying for work. You are going to be putting people to work building again. The tradesmen alone that are going to be involved in this are going to be able to put food on their tables and pay their own mortgages too. And besides the tax ratables that you are going to get from this project. It is not that great, don't get her wrong. It is not a Montebello Pines and thank God it is not a Montebello Pines. We don't want Montebello Pines. This is perfect for Suffern. This is what Suffern needs. You want to be able to walk into Suffern. People are going to be able to do that from this property. People are going to walk into town. They will go to the movie theater, they are going to go to the restaurants, they are going to go to the shops. That is what Suffern needs.

Mayor LaCorte said that the applicant is going to address a couple of issues that were brought up and also address some other ones when we come back. He said he should probably come up with a date.

Mr. Brennan said he would just like to address the one concern that was brought up about the property that he currently owns on 15 Washington Avenue which is his business that had burned down February 5, 2009. Although some people would say it is an eyesore, it certainly was a tragedy on their end. They were not able to do much with it because of an ongoing investigation and that was with the insurance company as well as Rockland County. He said they have had numerous conversations with the Village about a suitable development or something to be put in there. Because they do recognize that as a construction company they weren't always the best neighbor. People don't want to live near a construction company. So they have been talking with the Village for quite some time about something that they can put in as an alternate in there, but again these things take time. It hasn't been three years. It has been just over a year since the building has burned and again they did it the best they could to minimize the impact of the neighborhood. It was a tragedy. It certainly wasn't something that they had planned or wanted and it has been a great tragedy to

himself, his family and his company who have been lifelong residents of the Village. The other thing is at this time we are not planning on going back into that space with a construction company which he knows is a major concern to a lot of the local residents. Right now they are making alternate plans to relocate the business permanently and again find a suitable use for the property over there.

Tom Vanderbeek said that just a quick discussion on the parking because it is not clearly represented in that rendering. He said we have the drawings up here. He said they have designed this surface in compliance with both the Village codes. The access - the access road will be private. It is designed in compliance with the Village code as a public road but they are not proposing it to be public. They have the width. They have the parking. They have the turnaround. It is also designed in compliance with the NYS Fire Prevention Code in that there is a fire truck turnaround provided in accordance with the code. He said that the fire inspector here has also agreed that it is in compliance with the NYS Fire Prevention Code. Not only do they have 61 parking spots which include separate spots for the garage and additional spots for the visitors, they are also not allowed to count the 21 spots in front of the garage in accordance with the Village code. So they have almost 83 spots. Someone bought up backing out. They are not backing out. This is a road. This is a private road but it is still a road. You pull out of the garage and you pull out and you make your rights and lefts.

With regard to drainage, not only have they designed for unity for runoff with their landscape retention ponds in the front, they have also designed the roadway with some impervious surface to allow it to infiltrate and the pipes will be perforated with gravel storage underneath. As many people in the audience know, they have done a lot of work on drainage in Suffern and they know clearly the issues which are involved with the flooding.

With regard with the other comments, they will be prepared to respond at the next meeting when it is rescheduled.

Attorney Rice said that at this point he thinks you need to make a motion to continue the public hearing and due notice to be provided. Trustee Meehan said let's make it January. The Mayor said we will make it fairly soon. It was out mistake in the Village. The applicant has been here. We are going to redo notice in the appropriate amount of time. We are going to come out for a special meeting for this. The Mayor asked about the 15th. Trustee Meehan said the 15th was bad for him. The Mayor said that what we are going to do is obviously we are going to send everybody notice. Everybody will receive notice and we will come up with a date tomorrow that we can figure out and we will send out the same notice with the proper address. It will be posted on the website. We will make sure that the word gets out. Obviously inform your neighbors. We apologize for that mistake. Obviously you know that it was not an intentional mistake. And he thinks this was a good opportunity to let everybody talk and then again people can come back and we will again continue it.

Trustee Meehan said he thinks you might have one more person who wants to speak to the public hearing. Trustee Meehan said that Mr. Lange made reference to the fact that we don't have a comprehensive plan. Trustee Meehan said to Mr. Rice that he was under the impression that we do have a comprehensive plan. Attorney Rice said that the comprehensive plan that was adopted by the Village was adopted many, many years ago. In the interim there have been downtown master plans but there is not a community-wide master plan that has been done in decades.

Trustee Meehan said that he thought that in reference that during Mr. Giannettino's administration that we had had it. As part of that comprehensive plan that we upzoned the Schwartz property. Attorney Rice said there were two things. There were downtown comprehensive plans and what you are alluding to is that there was a selective comprehensive plan with particular issues but there has not been a community-wide comprehensive plan in decades. And that is not necessary to adopt a zoning.

Jack Rosenberg of 13 Somerset Drive said that Mr. Rice had mentioned Mr. Geneslaw as representing the Village of Montebello. What conclusion did Montebello come to about this project. Attorney Rice said that of course they were opposed to it. Mr. Rosenberg said they were opposed to it. Okay. Mr. Rosenberg said that two members of the Suffern Planning Board, one of whom took the time and trouble to come here tonight, opposed it. Attorney Rice said he did not come here as a member of the Planning Board. He came as an individual. Mr. Rosenberg said he is just stating a fact. He took the time and trouble to come to this meeting even though he had expressed himself at a Planning Board. He was very, very interested. Don't argue on a fact. Argue on something that is a position. Trustee Abato said the fact is that he is a very concerned resident and he comes out to several Board meetings. Mr. Rosenberg said he couldn't hear her. She doesn't talk into the microphone. Trustee Abato said the fact of the matter is that he is a concerned resident and he comes out to Board meetings when he feels that there is an issue for him to come out for. And it is not just on building. He comes out on everything which is a wonderful thing. So he didn't come out just because of this tonight. He came out as a concerned resident and not for the Planning Board. Mr. Rosenberg said and he voted not. Trustee Abato said that is fine. Mr. Rosenberg said he is really serious, that is all he is saying. Trustee Abato said okay, you established that. Mr. Rosenberg said you have the Village of Montebello, through their planner, saying no. The County Planning Board saying no. That is three bodies saying no. Mayor LaCorte said the Planning Board said yes. So be clear on that. Mr. Rosenberg said there is no question that there were three people on the Planning Board who said yes. The Mayor said as an individual body. Mr. Rosenberg said we wouldn't be here if there weren't. But the fact is that there were three boards that have very big opposition - two of whom have rejected this thing. Trustee Abato said that it doesn't really matter. Mr. Rosenberg said don't argue with him, don't argue with him. Trustee Abato said she is not arguing. Don't say that the Planning Board voted it down. Mr. Rosenberg said you try to upset him because that is the way you do things. Trustee Abato said no,

the facts are the facts. And the fact is that it went through on the Planning Board. It doesn't matter how many people disapproved. There was enough to approve it. That is the fact. Mr. Rosenberg said we know that. Everybody knows that. Trustee Abato said okay, let's go on then. Mr. Rosenberg said why do you have to point out the obvious. Mr. Rosenberg said that somebody said that this is in walking distance of the train station. Is there a sidewalk from this proposed property which would go all the way down to Orange Avenue. Is there a continuous sidewalk from this property all the way down to Orange Avenue? He said he doesn't think so. He said he is not familiar with the area but he doubts very much that there is going to be a sidewalk. The Mayor said yes there is. Mr. Rosenberg asked if it was a complete sidewalk? The Mayor said yes there is. Mr. Rosenberg said a complete sidewalk? The Mayor said not on that side of the street. Mr. Rosenberg asked if that was a half of a mile, a quarter of a mile or a mile to the train station to catch the train? It is all the way at the end of the Village. The Mayor asked if there was a question so we can move on. We have other public hearings. Mr. Rosenberg said he is making his comments. The Mayor said he knows. But we had the comments. And he asked if there were any other comments. And then we had the applicant. And again you always come up last and go on. What is the question. Mr. Rosenberg said he doesn't have a question. He said if you go ahead and approve this thing you are in for a helluva lot of trouble. Because it is a bad proposal. It shouldn't be considered. It should be rejected. And he can tell them this. This is not the end of it. The fact that you are going to have another public hearing probably there will be a few more people coming down. There are other aspects of this thing that have not been brought out. The fact that this is a four vote. With possibly one person, one person, is not going to vote. A possibility. And it doesn't matter if that person is no longer here because he will be replaced by another person with the same problems. Mr. Rosenberg said he thinks they know what he is talking about.

The Mayor thanked everybody and said he appreciated them coming out. He said we will get everybody that date as soon as we come up with it. We will give proper notice and again we apologize for that mistake to both the public and to the applicant and we will make sure that that does not happen again.

Mr. Vanderbeek said that tomorrow morning he will bring down all his drawings and leave them here in Village Hall so that anybody who wants to see them can come down and see them.

The Mayor said we are going to have it as soon as possible.

The Mayor said next up is a public hearing for Village Bar and Grill for a special permit for live entertainment.

7:15 P.M. - PUBLIC HEARING - VILLAGE BAR & GRILL (SPECIAL PERMIT FOR LIVE ENTERTAINMENT):

Attorney Rice said that live entertainment applications are special permits. They have applied for a special permit and he said they

will not have any hip hop or any music. They will play today's music. They will not permit any loud rock, hip hop or music which will cause a disturbance or attract an inappropriate element to the Village or the surrounding area according to their narrative and they are aware of the problems that have occurred in the past. He said it was referred to the Village Planning Board for their review and recommendation and by letter dated November 19, the Planning Board adopted the following motion to send a positive recommendation to the Board of Trustees with the condition that if at such time the Board of Trustees deems reasonable not to exceed 1:00 a.m. consistent with the type of music as set forth in the narrative dated October 13, 2010 for a duration determined by the Board of Trustees and not to exceed 90 decibels at the property line and that was unanimously approved by the Planning Board.

Rich Ellsworth said that what Mr. Rice just presented to the Board and to this forum is consistent to what they are seeking. The Planning Board did send a positive recommendation to this Board. They are asking after the public hearing that this Board vote to approve a live entertainment permit for the Village Bar and Grill, also known as NV Lounge, at 122 Orange Avenue. The Mayor asked if it would expire in December. Attorney Rice said we are going to do this for a period of time going into next year. Mr. Ellsworth said that what this Board should know and that he believes does know is that they are presently congenially dealing with the State Liquor Authority to get back up and running so he would appreciate the Board's consideration and try to give them a little more time. They can't operate right now anyway. They need to wait for a hearing at the State level. Trustee Abato said that she just wanted to mention to him. She said that they had spoken at the work shop about the times that we were going to grant permits to and it was the Board's decision at that time that no permits are going to be granted to last longer than 1:00 a.m. She said she just wanted to make sure that he was aware of that. Mr. Ellsworth said they discussed that at the Planning Board and there was some discussion with respect to other establishments but whatever this Board will grant them - one o'clock would be fine. Trustee Abato said she just wanted him to know that it was not just him but it is everybody's application. Mr. Ellsworth said that is what he likes to hear. Trustee Abato said that is what she wanted to make clear. We are not granting any permits to go past 1:00 a.m. The Mayor asked if anyone in the public would like to say anything. Since nobody spoke, a motion to close the public hearing was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

A motion to grant the special permit to expire December 31, 2011, which would go to the end of next year, and in accordance the special permit would permit entertainment on Tuesday and Thursday through Sunday from 7:00 p.m. to 1:00 a.m. in accordance with the type of music set forth in the narrative, that the music not exceed 90 decibels at any property line and in addition that the Board of Trustees reserves the right to suspend the license and ultimately revoke it if there are any violations of the special permit or any disturbances caused by the applicant. Mr. Ellsworth asked about the suspension. Attorney Rice said what we do is that we suspend it

until we hold a meeting at which time they have an opportunity to state their case. This would be effective right away.

Trustee Meehan said he had a question. He said we had talked about this at a previous workshop meeting and he thought there had been agreement that it wouldn't go beyond midnight on weekdays and that the maximum time that it would go would be 12:30. He said he wouldn't support 1:00 a.m. on Tuesday. Trustee Abato said only on the weekends. Attorney Rice said he just said 1:00 a.m. He asked if that was too late. Trustee Abato said 12:30. Mr. Ellsworth said they would adopt 12:30 on Tuesday and they would have no objection to that. The Mayor asked if we have gone that late on a Tuesday. Trustee Meehan said no, we haven't. The Mayor said he has no problem with one o'clock on Friday and Saturday. But on Tuesday and Thursday, we haven't gone that late. The problem is that usually it has been outdoors so it has been different. So again we have to come up with consistency. Attorney Rice said 12 during the week and 1:00 on weekends. Trustee Abato said that was agreeable with her. The Mayor said 12 midnight Tuesday and Thursday and 1:00 on Friday and Saturday. Mr. Ellsworth asked if they could have an understanding that if that Thursday is a holiday that it could be extended - like on Thanksgiving or something. Mr. Ellsworth said 12:00 and 1:00 is fine.

A motion granting the special permit subject to the above conditions was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried with Trustee Schoenleber voting no.

7:30 P.M. - PUBLIC HEARING - OLE, OLE (SPECIAL PERMIT FOR LIVE ENTERTAINMENT:

The Mayor said we have a public hearing for a special permit for live entertainment for Ole, Ole. Attorney Rice said this application - the narrative states that they are expanding to 2 Lafayette Avenue. He said as you know, they have been there since 2000 according to the narrative. They would like a special permit for live entertainment that would cover the new Tapas Bar and Restaurant as well as their party rental room and they would like to have live music up to a five piece band, DJ or karaoke. The hours would be Tuesday to Wednesday, and Sunday 12:00 p.m. to 11:30 p.m. and Friday and Saturday they are proposing 12:00 p.m. to 2:00 a.m. The Planning Board reviewed it and they recommended approval subject to the conditions that Friday and Saturday be changed to 1:00 a.m. and for whatever duration the Board deems appropriate. Trustee Abato said that she would like to make a comment. She said she was actually very interested in what this Tapas Bar and everything was all about and she actually went down to Ole, Ole to check it out. And she has to tell them that she was really impressed. She said they really did a wonderful job and she saw how much people were enjoying it and she just wanted to thank him for bringing such a nice experience into Suffern for us. Mr. Canto said thank you. He said that being here 10 years plus he just wants to improve the town. Trustee Abato said it is real nice and he did a great job. He said to improve it and not deter from it. Mr. Canto said that 12:00 and 1:00. He said they will not be open until 4 o'clock in the morning anyway. The place

closes at 2. So 12:00 throughout the week and 1 o'clock and Friday and Saturday is more than fine.

The Mayor asked if anyone had any public comments. Pat Withers spoke as the vice president of the Tavern Association, which Eric is also a member, and as the owner of Ireland's 32, Mr. Withers said he supports Eric. He said he believes he has been a fantastic member of our community as a merchant that is always willing to reach out to all our charitable organizations. He contributes to the Village of Suffern and he is an active member of the Chamber and he hopes that the Board supports his efforts in trying to enhance his restaurant and the community as well.

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

Attorney Rice said that he would say basically the same motion as we said before. It would be Tuesday to Wednesday and Sunday 12:00 p.m. to 11:30 p.m. And Friday and Saturday 12:00 p.m. to 1:00 a.m. with the type of music as set forth in the narrative dated October 1, 2010 with a limitation that the noise not exceed 90 decibels at the property line and in addition that the Village Board reserves the right to suspend or revoke the permit if the permit is violated or if there are any disturbances caused. This also goes to December 31, 2011. The foregoing motion was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

Dona Maria Mexican Bistro - Live Entertainment:

The Mayor asked if anyone was here from Dona Maria. The Mayor said we will postpone this to the next Board meeting. A motion postponing it was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

NEW ROCK BAR & GRILL - RENEWAL OF LIVE ENTERTAINMENT PERMIT:

The Mayor said this is a renewal. Trustee Meehan asked if there was a positive police report on this. Attorney Rice said this is an application to have a DJ play music two or three days per week, Thursday through Friday until 2:00 a.m. A band to play music one day a week - Saturday, until 2:00 a.m. So again until midnight on Thursday and Friday and Saturday until 1:00 a.m. with the type of music set forth in the application, not to exceed 90 decibels at the property line and subject to suspension and revocation by the Board of Trustees if there are problems or violations and going to December 31, 2011.

Michael Curley of 80 Orange Avenue said that you have to recognize that what you are approving is not going to be done. It hasn't been done since the inception of your law. Entertainment is going to go further than 12:30 on a Friday or 1:00 on a Friday or Saturday. Most places have restaurants or what not. And so they are done at 10:30 or 11:00. By the time the entertainment goes on, it is 10:00, 10:30 or 11:00 for that to succeed. And it will play for three hours. People are misrepresenting what they have to do to survive and be

competitive. So he said he is only asking that they revisit this issue at some point. Trustee Abato said that is why we kind of moved everything to 12:00 and 1:00 as opposed to the 2:00 and 3:00 they were asking for. And the Chief has assured us that he is going to keep an eye on it and we also put into the permits that we have the right to revoke it if they are not compliant. And we intend on being very. Mr. Curley said he is talking the opposite. That you are not going late enough. The Mayor said we did go to 1:00. Mr. Curley said he is just saying the plain truth to this. Trustee Abato said that if this works out well she would revisit it again. Mr. Curley said that they are coming to you and they are saying to you, and he is not going to say that anyone is trying to lie or misrepresent, but they are saying what they have to say to appease you. Trustee Abato said you are right. Mr. Curley said the morality is in that business that you can't make it if you do it that way. Some can and some can't. If you have a blues bar, yeah, it works. But that is not what it all is. If you go to Pearl River, if you go to Nyack, if you go to Monroe or you go to any other municipality, you will find that it is later. And it is not restricted by the State Liquor Authority either. He said he hopes that these people have licenses, the people that are coming in front of them, for the things they ask for. He hopes that they have liquor licenses that they are representing that they have to do these things in front of you. But he is just asking that you revisit the issue at some time so the businessman in town has a chance to operate at a fair deal and be competitive with the rest of the county and the neighboring state.

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

The Mayor said he just wants to make sure that the applicant is made aware of what he had originally requested. A motion to renew the special permit was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

7:30 P.M. - PUBLIC HEARING - AMENDMENT TO ZONING LAW (SPECIAL PERMIT):

Attorney Rice said there is one other public hearing. It is a proposal to amend the zoning law for special permits. He said the way the zoning law presently is set up is that any applications for a special permit has to be referred to the Planning Board by the Board of Trustees. What the proposal would entail is instead of it having to come to the Board of Trustees in order to refer it to the Planning Board, upon filing an application it will immediately get referred to the Planning Board for their review and recommendation and then come to the Board of Trustees for a hearing so this theoretically cuts a month off perhaps from the process. It was just wasted time. And our Planning Board has recommended approval.

The Mayor said this was just to cut down on the red tape. He said this is a procedural thing that was discussed at the workshop because of the fact that right now you come to the Village Board just to simply get referred to the Planning Board. It takes an extra month. We tried to cut down on it a bit but it just makes sense to

eliminate that step all together.

Since nobody spoke, a motion to close the public hearing was made by Trustee Abato, seconded by Trustee Schoenleber. Upon vote, the motion was carried.

A motion to adopt Local Law No. 9, 2010 was made by Trustee Abato, seconded by Trustee Schoenleber.

VILLAGE OF SUFFERN

LOCAL LAW NO. 9, OF 2010

A LOCAL LAW AMENDING SECTION 266-27(B)
OF THE CODE OF THE VILLAGE OF SUFFERN
REGARDING THE PROCESSING OF SPECIAL PERMIT APPLICATIONS

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

Section 1. Section 266-27(B) of the Code of the Village of Suffern is hereby amended to provide as follows:

- B. Referral to Village Planning Board. Upon receipt of a complete special permit application, the Village Clerk shall refer the same to the Village Planning Board for its review and written recommendations, including recommended conditions, which recommendation shall be rendered within 62 days after receipt of the referral from the Village Clerk. If such recommendation is not received by the Board of Trustees within 62 days after receipt of said referral, the Board of Trustees may act without the recommendation of the Village Planning Board.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber, Trustee John Meehan

NOES: None

ABSENT: None

POLICE DEPARTMENT:

Chief Clarke Osborn said he had two items on the agenda tonight to go through real quick.

A) Appointment of Part-Time Police Officer Greg Witte:

Chief Osborn said he is asking to appoint police officer Greg Witte to a part-time status. He said Greg just retired within the past year from the Monroe Police Department. The reason he would like to get Greg as a part-time officer is that we have several reasons and he thinks the two most compelling reasons, three actually, is that one, he is a great police officer; two, he is an expert in accident reconstruction, which means we will have somebody on staff which at a part-time rate we are never going to get. He did accident reconstructions and still does them with his business on the side. So he is an expert at it. And three, he is also a tech officer, which means that his job as a tech officer is that he handles all the live scan, tracks all the computer and tech related issues that the Village has with the police department. He will be able to handle this for us at a part-time officer's salary, which we are not going to get going outside. He will assist Det. Sheehan with that besides working so he is just asking the Board to approve him with the okay approval of the Department of Personnel, which should be coming very shortly. A motion to appoint Greg Witte as a part-time officer was made by Trustee Abato, seconded by Trustee Schoenleber. Upon vote, the motion was carried.

B) Permission to Accept Donation of a Police K-9 from Stephanie L. Tito:

Chief Osborn said this second one is that we have been very blessed over the past 17 years and he has worked with Lou since he has been here. They were partners in the squad for many years. In 1993, Lou received his first dog, K-9 Aran. Aran was in service until 2003 when we brought on K-9 Hero. Hero is now going on 10 years old and Hero is doing a great job soon but to keep the continuity of the program at the higher level that we would keep it at, he thinks it is important to keep this going with the opportunity we just had which was the donated police dog which has been raised from the day it was a puppy. It was born in Germany as a police dog. And we are receiving this donation based on Lou and his dedication. Several departments were looked at to receive this donated dog, which is probably up to \$10,000. We are getting it for free from a woman named Stephanie Tito from over in Westchester County. And he wanted to introduce, and this is the first time that he is seeing the dog as well, and he is going to ask that the Board accept this donation of a police K-9 from Stephanie L. Tito and obviously we are still going to still work with him. Lou has been volunteering and he will always volunteer countless hours along with Ann to make this unit what it is. We are definitely one of the top ones in the state if not the nation. The activity and the dedication of these officers in the K-9 unit. So, that is really what he wanted. To show them the dog and to introduce the Board to our dogs. We have Hero and our new dog is going to be called Patriot, our new K-9, and over the next several months it will be Lou's call when he wants to take Hero out of service and bring Patriot in. So he is asking the Board to approve it. A motion to approve the donation was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

Officer Venturini thanked the Village Board and the residents for having the opportunity to continue as the K-9 officer. He said it is a very proud position and he thanked them so much.

Chief Osborn said what we will do is that we will have a formal dedication once Lou decides to take Hero out of service when the new dog is fully trained, which should be within the next few to several months. It will be up to Lou and Ann at this point. The Chief will go on their recommendation and he will bring them back again.

Chief Osborn said that we have been very fortunate with these because our dogs are very sociable and approachable which is the kind of dog which we want. So it is a great thing for our department. It is good in the community. And as Lou said, the good guys will love them and the bad guys will hate them. And that is exactly as a K-9 should be.

C) Set Public Hearing for Parking Regulations on Essex Lane:

Chief Osborn said he would like to set a public hearing for parking regulations on Essex Lane. He said he will get the exact location to Attorney Rice. He has it written down. Chief Osborn said this is basically on Essex Lane - it is one of the driveways when you come out off of Bon Aire Circle. When you come onto Essex, there is a parking lot and they are asking for an extension because when cars pull out of that lot, there are public safety factors that they can't see. There have been numerous complaints. So this is a very legitimate request. A motion to set the public hearing for January 3, 2011 at 7:40 p.m. was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

D) Recommendation: Set Public Hearing for Taxi Company & Taxi Drivers License for Tuan Saam Jamaldeen:

Chief Osborn said the last one is to set a public hearing for a taxi company and a taxi driver's license for Tuan Saam Jamaldeen. He said they did a background check, which they do by law on the taxi permits, and Det. Sgt. Sheehan came to him and said that everything checked out fine so we are bringing it to the Village Board. So he is asking for that public hearing for that. A motion to set a public hearing on January 3, 2011 at 7:45 p.m. was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

STREET DEPARTMENT:

The Mayor said that Mr. Sawicki is not here. The item is to set a public hearing for the schedule of fees. This is concerning our standard fee schedule. Charles has suggested changing the fees for a number of things including closure of streets, etc. He will obviously present that to the Board and asked if we could schedule a public hearing. A motion to set a public hearing for January 3, 2011 at 7:50 p.m. was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

VILLAGE CLERK:

A) Approval of Minutes of Regular Board Meeting - September 7, 2010:

Village Clerk Virginia Menschner said she didn't know if everybody had a chance to read the set of three minutes that we have. This is for approval of the regular Board meeting of September 7, 2010. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Schoenleber. Upon vote, the motion was carried.

B) Approval of Minutes of Regular Board Meeting - October 4, 2010:

The Village Clerk this was for approval of the regular Board meeting of October 4, 2010. A motion approving the minutes was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

C) Approval of Minutes of Special Board Meeting - October 12, 2010:

Ms. Menschner said this was for approval of the special Board meeting of October 12, 2010. A motion approving the minutes was made by Trustee Schoenleber, seconded by Trustee Simon. Upon vote, the motion was carried, with Trustee Abato abstaining.

D) Parking Authority - Letter of Understanding: Maintenance and Snow Removal of Village Parking Lots:

The Village Clerk said we have a letter of understanding: maintenance and snow removal of the Village parking lots from the Parking Authority. The Mayor said this is our typical letter we have each year with the Parking Authority. Essentially what happens is that we plow the lots and they pay us. The fee has changed a little. In discussing with the Parking Authority, what happened last year was that we also performed the regular maintenance of additional services like striping all Village lots, etc., and a lot of the maintenance the Village does. And what happens is that a lot of it has to come about when we get out of the winter and this past spring a bottleneaking occurred because obviously we come out of the winter and we have to patch roads. There is a lot of work to be done. Cut trees, all this kind of stuff that needs to be done to get the Village prepared for the spring and the summer. And what happens is that we just can't do all the work at once and the Parking Authority, for example, expressed concerns at preparing the lot for the Farmer's Market or do general maintenance. So what we did was that we came to an agreement where we said they would pay us a little bit less but then they would assume the responsibility for a lot of those things that we normally do. For example, one thing which probably cost the Village alone a couple of thousand dollars is the striping of all the curbing along Lafayette in the downtown. What would happen is that we would come in and do that and then they would come in and they would do the streets. So it didn't make much sense. So right now they are going to do all of that themselves. So essentially it works out either way. We are saving money and time in doing some of the maintenance and as a result they are paying us a little bit less for the snow removal. So Charles has looked at this. We have discussed this and we believe that this price is fair and most importantly it will enable them to get contractors to do

the work in the spring so that it can be done in a timely fashion and the Village can look right. The amount would be \$10,000. A motion approving the letter of understanding was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber, Trustee John Meehan

NOES: None

ABSENT: None

E) Bond Resolution - \$363,000 to Purchase 130 Orange Avenue:

The Village Clerk said this next item is a resolution for \$363,000 to purchase 130 Orange Avenue. She said what she needs is a motion to make the resolution and authorization for her to advertise it. A motion to make the resolution and authorize the Village Clerk to advertise it was made by Trustee Abato. The Mayor said that what he will say again is that this is going to be for the purchase of the property and then we are going to enter into a lease agreement with the Parking Authority where they are going to lease back the property. The property is going to be delivered to us. \$363,000 which is the cost of the property and the demolition and removal of the building so that the Parking Authority will then be able to have it paved so we can use it for a parking lot. Ultimately, we want the project - parcel or property - to be developed as part of the Orange Avenue project but in the meantime they will be paying our payments. Just like on 120 Orange Avenue. We are taking ownership of the property but they are essentially making our mortgage payments. So it is a pretty good deal for the Village because ultimately while we do intend to have it developed if for some reason that doesn't happen we now have a really prime parking lot right next to Chestnut Street bridge at no cost to the taxpayer. So this is just the first step. Again, we are not under contract. He has not asked the Board yet because we are doing some environmental work on the property and we need the results of that before our planner can give us a negative declaration so that we can move forward. But again it takes time to get the financing in place so he is asking the Board to move forward with this. But again this is not a vote on the contract to purchase the property because they would all get copies of that. The motion was seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber

NOES: Trustee John Meehan

ABSENT: None

F) Request - Village Leprechaun Inc. for Live Entertainment Permit - Set Public Hearing - January 3, 2011:

Ms. Menschner said we have a request from Village Leprechaun Inc. for a live entertainment permit. She said we have to set a public hearing. A motion to set a public hearing on January 3, 2011 at 8:00 p.m. was made by Trustee Abato. Trustee Meehan asked where Village Leprechaun Inc. is? The Mayor said that is Ireland's. Trustee Meehan said okay. Attorney Rice asked the Village Clerk if the Planning Board will review that. The Village Clerk said not yet but they will. The motion was seconded by Trustee Simon. Upon vote, the motion was carried.

G) Return of Bids for Surplus Cars:

The Village Clerk said this next thing is the return of bids for our surplus cars. And she thinks that Trustee Schoenleber would like to take that. Trustee Schoenleber said that we had three surplus cars and we got three bids back on them. Liberty Motors bid for the 91 Jeep and they were the top bidder on that for \$510.99. And for the 2004 Crown Victoria the highest bid was from Liberty Motors again for \$2,272.99. And on the 1999 Crown Victoria the bid from Jersey One Auto was for \$519. So he would like to make a motion to accept these bids, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor said he would just like to tell Bill great job. This is again going out of his way just like he did with the fire truck to get more money than we typically would and save the Village money and get money for them but also to take them off our books so that we don't have to insure them.

MAYOR:

The Mayor said he had a couple of items. The first was Harris Beach which we took care of at the beginning of the meeting. The second item is as follows:

A) Money in Lieu of Recreation (Lighting) to Suffern Little League (\$18,000):

The Mayor said that earlier in the year we had helped out Suffern Little League. Obviously, he always finds it interesting because they do a lot to make our fields better which are the property of the Village. So they had asked for help in terms of construction of a batting cage. We felt that the best way to help them was to make a payment for the lights, which we own anyway, so we made a payment. Essentially, right now he understands that there was a concern to go for a second payment while the batting cages, which Little League wanted to take on, hadn't been completed but he believes that there has been significant work. They have come to us again, and again this is money that is set aside specifically for recreation that is deposited by a builder who builds units in the Village. So again, this is money that is specifically set aside. It is not tax dollars. It is used for recreation purposes. \$18,000. Again, we would make a payment of the lighting. And that would free up cash for them to replace the fence on Vilardi, which was destroyed by the flood in March. We had hoped to get FEMA money for that. We did not. So

again, he finds it interesting that they are coming to ask us to replace a fence which essentially is a fence on our fields. Again, he would like Joe Brennan to speak on the progress of the batting cages.

Joe Brennan said that if anybody has been down to Vilardi Field, they can see all of the work that has been done over there. We have had a number of setbacks, if you will, since they first came before the Board and asked for a donation of the money in lieu of recreation. Unfortunately, we lost two of our ballplayers, Chris Konkowski and Vincent Crotty, some of the priorities that they had going into the season last year were changed a little bit. And they took on a new set of priorities. They have never lost sight of what needs to get done down there and right now the snow fence is down in the outfield of Vilardi. They have a brand new fence all the way up and around. They have reconfigured the fence coming up to the Wastewater Treatment Plant so that the fence down at the bottom of the hill is not where the gate is anymore. Now it is up at the top. So it is more convenient and more conducive for people to get in and out. There is a 12 foot wide opening in the rear of the fence towards the back of the property going towards the Ramapo River and another smaller fence in right field that gives them egress into that area as well. With the help of the Village departments, they have been able to bring that field back up to snuff. They have regraded the property over there, reseeded it, and right now they are just putting the finishing touches on it. They have to get netting on the first base side and the third base side and that field will be ready for opening day. In the meantime, they have continued to work with the batting cages. The bases are down. The property has been graded and at this point, he was down there Saturday with Adam, and Adam has staked out where the poles are going to go in and that will be probably this coming week. They have also, with the help of O & R, installed a new light pole over there. Those lights will also be going in next week. And he would say in two weeks time, with no problems with the weather, that we are going to see a major difference with the batting cages. There is also a pile of dirt, which if you go down there, you will see that once they have the fencing installed, the posts installed, that they will come back and regrade it so that it holds the base of the batting cage surfaces in place. He said he thinks that brings them up to date where they are. And the Village Board should be very proud of the work that Adam Fazio has done to the fields that belong to the Village. Unfortunately, he would be here tonight except that when he called him to come down here, he said he had an emergency today and things started to get a little bit overwhelming. Frank Stassy informed Mr. Brennan that when a truck was pulling out of Mr. Fazio's property down on Route 17 earlier this morning, they wiped out a light pole. So if anybody heard about Lake Street being closed down this morning, that was in front of Mr. Fazio's warehouse. So right now Mr. Fazio has no electricity over there and is trying to get his business back up and running.

The Mayor thanked Mr. Brennan for coming down. He asked if anybody had any questions. Trustee Abato said that she just wanted to thank them. She said the fields look great and she knows that he continues

to make sure that they are maintained for the safety of the children and for the beautification for the Village and she wants to thank him for that and she would move to help out Little League with this, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber, Trustee John Meehan

NOES: None

ABSENT: None

Mr. Brennan thanked the Board and the Mayor thanked him for all his hard work.

C) Code Enforcer: Randy Ortiz and Michael Stark - to \$19 per hour from \$16.16:

The Mayor said the last item he has is that he is asking the Board for an increase for the two Code Enforcers - Randy Ortiz and Michael Stark - to \$19 per hour from \$16.16. The Mayor said he would explain what happened. He said that we hired Mr. Stark. We hired him at the same rate that Mr. Ortiz was getting which Mr. Ortiz we believed was \$19 per hour. Obviously at the time the amount of work that Mr. Ortiz was doing putting in hours in years past was not that significant. Now between he and Mr. Stark they are really taking on the entire program and he believes it is appropriate to pay them, and even at this increase, is significantly less than we are giving the Building Inspector and/or the Fire Inspector. In addition, it is also less than the amount that is in the budget that was budgeted for the full-time Code Enforcement position. So again he wants to make sure that we can keep them on. He believes for the amount of work that they do - going out at night - that this is not an unreasonable amount and again he believes that when we did it, and not to blame the Code Enforcer, that we thought that we were paying that amount to begin with. So he is asking the Board for a motion to increase their hourly rate from \$16.16 to \$19.00 per hour.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee William Schoenleber, Trustee John Meehan

NOES: None

ABSENT: None

The Mayor asked if there were any other items. Trustee Meehan said that just one other item in reference to this meeting is that we very well may find a date that all of them are free in December but when you are talking about December on any given night there is a Christmas party or an event there and it is a very, very busy time for the people in that neighborhood. And he would say that any date in December is going to be a date that is in conflict with three or four people who might want to be at that public hearing. So he

doesn't think if we put this off until early January when no one has conflicts, he thinks that would be a good thing. And at this point he would like that to be put on the record. The Mayor said we would take that under consideration. He said he will reach out to the Board with a date and we will try to see what we can do. But we will consider that.

A motion to adjourn the meeting at 9:15 p.m. was made by Trustee Abato, seconded by Trustee Schoenleber. Upon vote, the motion was carried.