

**VILLAGE BOARD MEETING
MONDAY, DECEMBER 8, 2008**

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

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

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

ABSENT: None

SET DATES FOR JANUARY MEETINGS:

The workshop for January will be held on Monday, January 5, 2009 at 6:00 p.m. The regular Village Board meeting will be held on Monday, January 5, 2009 at 7:30 p.m.

FIRE DEPARTMENT:

A) Report:

Chief John Dawson said that he needed Village approval for five new members of the Hose Company - Charles Ford, Phil Beers, Stephen Collins, James DeStefano, and Richard DeStefano. A motion approving the new members was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

8:00 P.M. PUBLIC HEARING - SPECIAL PERMIT - GEORGIE PORGIE'S - TO PERMIT LIVE ENTERTAINMENT:

Attorney Terry Rice said that the application was referred to the Planning Board and by letter dated November 20, the Planning Board recommended in favor of granting the permit subject to music being limited to 7:00 p.m. to 12:00 a.m. once a month on a Saturday and with either a D.J. or a two-piece band. You also have a letter from the Rockland County Department of Planning. It was referred to them as required and by letter dated November 3, 2008, they recommended the following modification. The Village must be satisfied that on-site parking and nearby municipal parking are adequate for this more intensive use. And since you have already made a determination on essentially a parking waiver, obviously you fulfilled that requirement.

The Mayor asked if anybody would like to speak on this. Since nobody spoke, a motion to close the public hearing was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

A motion to approve the special permit for Georgie Porgie's subject to the recommendations of the Planning Board with the hours of 7:00 p.m. to 12:00 a.m. once a month on a Saturday to consist of a D.J. or a two-piece band and also limited to a six month period and also that should there be any problems associated with the use that the Village Board reserves the right upon notice to the applicant and an opportunity to be heard to revoke the permit was made by Trustee Abato, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

BUILDING DEPARTMENT:

The Mayor said we spoke about a request for a temporary certificate of occupancy. Attorney Rice said that at the last meeting, representatives of Good Samaritan Hospital were here seeking an extension of the temporary certificate of occupancy. He said we discussed it and they came to the conclusion that they would prefer to either try to put the sidewalk in or post a letter of credit. Then we got another letter from them saying that they would like a temporary c.o. And today apparently they are back to the idea that they would like to go forward with posting a letter of credit in an amount to be determined by Dennis Rocks to cover the cost of the installation of the sidewalk and retaining wall should they not do it. The only other item that they need to deal with the Building Department is the site improvements. Dennis Rocks is inspecting the site to make sure that all the site improvements have been constructed and installed and done so satisfactorily. So the only thing we really need to do tonight, if that is still the intent of the hospital, is to authorize the acceptance of a letter of credit in the amount to be determined by Dennis Rocks to cover the installation of the sidewalks and retaining wall by May 31, 2009. Attorney Rice said since it still may take some period of time, they also want the temporary certificate of occupancy extended. He said that we have had kind of an ongoing tension between the Building Department and he guesses the motions that we have been making. The temporary c.o. ran out the end of October. Trustee Abato asked if we renewed it in November? Attorney Rice said no, because when they came in November, they were going to try to put the sidewalk in. The Village Clerk said that January 28 is when the date would be up. Attorney Rice said that he thinks what we ought to do at this point so that we are consistent with the Building Department records is extend the temporary certificate of occupancy to January 28. We will put in another letter for the January meeting so that you can extend it for another three months because by law you can't do it for more than three months. A motion issuing the temporary certificate of occupancy until January 28 was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion

was carried.

Attorney Rice said the other thing is he thinks they ought to make a motion to accept the letter of credit in an amount of approximately \$175,000 but to be determined by Dennis Rocks and the form to be acceptable by the Village attorney to guarantee installation of the sidewalk and retaining wall and other pertinences by May 30, 2009. A motion accepting the letter of credit was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

CULTURE & RECREATION:

Mrs. Gail Curtin said that upcoming events include this Friday night, December 12, the LEAD program, Sunday, December 14, Hoop Shoot, Sunday, December 21, the DARE Toy Drive, and Friday, January 9, Family Movie Night. The Mayor said that he would like to say that the tree lighting went very well and especially yesterday Pearl Harbor. He said he knows that she put a lot of time and effort into that. It was really a fantastic event and he thanked her for all the work she put into that.

VILLAGE ATTORNEY:

Attorney Rice said that as we talked about earlier and for everybody's knowledge and for the record, we will be meeting with Tilcon tomorrow. It won't be an open meeting with the public. But it is to find out from Tilcon exactly what plans they may have for the quarry. He said we understand that the town owns it but we also understand that they have some rights as far as mining and reclamation. So hopefully we can find out what they plan so that we will be able to figure out exactly what position the Village should take.

He said that he mentioned earlier that the fire truck had been awarded to Excelsior, the contractor, and we won't pay for the truck until it is both delivered and accepted by the Village Board. There was a requirement for a performance bond, which is somewhat unnecessary given the fact that there won't be any payment until the truck is accepted. But as he explained to the contractor, in theory at least, they could fail to deliver and we would have to rebid it and that would cost us essentially additional money so he agreed, subject to the Board's approval, to accept an 80% performance bond and he thinks he should have the Board's approval on that. A motion authorizing the acceptance of an 80% performance bond was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

Attorney Rice said we need authorization to institute disciplinary proceedings against Joe Stein, with a 30 day suspension without pay and further appointing Patrick Burke as the hearing officer to hear the charges and to make a recommendation on the charges and on the penalty. A motion authorizing the request was made by Trustee LaCorte, seconded by Trustee Meehan. Upon vote, the motion was

carried.

Attorney Rice said the last thing that he should have brought up and he didn't think of was that the Mayor sent out a copy of the agreement with the Sewer District even though the Board already approved him signing it subject to it being substantially the same form. Attorney Rice said that he just wanted to make sure that nobody on the Board had any additional comments before we went ahead and had the agreement executed and sent back to the Sewer District.

POLICE DEPARTMENT:

Chief Clarke Osborn said that he would ask the Board to accept a return bid from Jim Moroney's Harley Davidson for a 2009 police motorcycle. A motion accepting the bid was made by Trustee Abato, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

The Mayor said that for the record, the majority of that money is coming from somebody's insurance company. The Chief said that is correct. From the accident it is pretty much all covered by the other insurance company.

8:10 P.M. - PUBLIC HEARING - AMENDING STANDARD FEE SCHEDULE REGARDING FIRE INSPECTION FEES:

The Mayor said this next public hearing is that we have a new fee schedule and he asked if anybody would like to come up and speak on this. Since nobody spoke, a motion to close the public hearing was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

RESOLUTION NO. 17 OF 2008

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

Section 1. The Standard Fee Schedule of the Village of Suffern, Fire Inspection Fees, is hereby amended to provide as follows:

Fire Inspection Fees

A. Business, Mercantile, Industrial and Storage (square feet):

0-5,000	\$ 75.00
5001-10,000	\$ 175.00
10,001-25,000	\$ 525.00
25,001-50,000	\$ 775.00
50,001-75,000	\$1,025.00
75,001-100,000	\$1,275.00
100,001-125,000	\$1,575.00
Greater than 125,000	\$1,575.00 plus \$75.00 per 5,000 square feet or portion thereof.

B. Places of Assembly (capacity in person):

0-50	\$ 75.00
51-100	\$ 100.00
101-300	\$ 125.00
More than 300	\$ 1.00 per person

C. Hotel - Motel, Rooming House:

10 or fewer rooms	\$ 125.00
More than 10 rooms	\$ 15.00 for each additional room

D. Condos - Co-ops, Common Areas:

2 Units	\$ 75.00
4 Units	\$ 100.00

E. Apartments:

- A. \$50 - 3 to 6 units, \$15 for each additional unit, for units with common areas (in addition to halls and stairs)
- B. \$25 - 3 to 6 units, \$10 for each additional unit, for units with no common areas requiring inspections (except halls and stairs).

Section 2. This resolution shall take effect immediately.

A motion to accept the new fire inspection fees was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: Trustee Dagan LaCorte (who stepped out for a moment)

AUDIENCE PARTICIPATION:

The Mayor asked that if anybody comes up to speak that they please state their name and address for the record.

John Yao of 35 Park Place said that he is here at the hearing tonight because he understands that there is another establishment which is applying for a live entertainment license. He asked if that was true. Trustee Abato said yes. Mr. Yao said that over the past summer there have been a lot of complaints by people in his building regarding noise violations or just noise issues with Café Dolce and one or two other establishments there. He said to date, none of those have been really resolved. He said they are up until 2 or 3 in the morning with noise. He said he can't sleep with the windows open and he can't sleep with the windows closed. And now it is the dead of winter and he would just like to point out that there is a need for live entertainment but at a certain point they need to sleep as well. And they need to rest. They have jobs and they have lives outside of these bars and things like that. He said that calls to the police department do well but then he has to get up at 12 or 1 o'clock and it will quiet down for a little bit and he wholeheartedly appreciates their help because they have been responsive but really the larger issue is that within a half hour or 45 minutes of the call, it starts up again. Attorney Rice asked at what hour this was. Mr. Yao said that at 1 o'clock to 2 o'clock in the morning. Mr. Yao said it usually starts around 8 or 9 which is tolerable. Attorney Rice said the live entertainment approvals from the Village Board are usually limited, and he can't say it is in every case, but they are usually limited so that they have to end at 12 o'clock. And if they are violating that, they are violating their special permit and number one, they can be fined and number two, the special permit can be revoked. Mr. Yao said that is definitely not the case. He said he has seen this until 2 o'clock in the morning every Thursday, Friday and Saturday night. Attorney Rice asked if he called the police so that they have records of this. Mr. Yao said absolutely. Attorney Rice said that what he thinks we ought to do is to have the Code Enforcement office take a look at it. Attorney Rice asked if it is still going on now that it is winter. Mr. Yao said it is still going on but probably not to the greatest extent. He said the real issue is that they have some sort of an outdoor café. (Chief Osborn spoke from the audience but he could not be heard.) Mr. Yao said that he lives about a block and a half away, maybe a block from this place, and he said he can't even imagine having to live on top, in the apartments on top of it, or anywhere within the vicinity. This is loud. Trustee Abato said that we have never, this Board as long as she has been on it, they have never, ever agreed upon a permit for live entertainment past midnight. Chief Osborn said okay. Trustee LaCorte said that there was a complaint and the person from Café Dolce wrote us a letter and apologized for it and then he thinks that actually the following week there was another complaint and he was

informed that if there were further complaints, that his permit would be reviewed and potentially revoked. And that was that he was officially talked to by the Code Enforcer and in addition, Trustee LaCorte said he went over there and he said he was done and this was over a month ago and he said there would be no more music. Trustee LaCorte said he thought that was through the end of October. He asked if there has been anything? Mr. Yao said that at the end of October he doesn't really remember. Trustee LaCorte asked if there was any live entertainment in the past month. Mr. Yao said he really can't recollect at this point. Because it was happening up until October but until the end of October, he really couldn't tell him. He said that now with the cold he is assuming that the live entertainment is not really an issue. Trustee LaCorte said that would be a surprise if you heard it in the last week or two. Mr. Yao said his largest issue is next summer when the weather starts to warm up and people start to come outside. He said he is not opposed to live entertainment. He said he thinks music is a beautiful thing but at 1, 2 or 3 in the morning. The Mayor said we will definitely have the Code Enforcer enforce that. Mr. Yao said that with respect to the owners of Georgie Porgie, they have a great establishment and he thinks it is a great addition to the community, but if you are applying for another permit, this guy is even closer to his backyard. Trustee Abato said that he is only one Saturday a month. We just spelled out everything for him and he was here. It is only until 12 o'clock and it is a D.J. or a 2 piece band only until midnight and it is only one Saturday a month. Trustee LaCorte said he thinks the difference also is going to be that Dolce is outdoors. Trustee Abato said that Georgie is indoors. Trustee LaCorte said that is part of it. Mr. Yao said okay. He guesses time will tell in terms of what will happen. And he appreciates their help and he appreciates everybody's attention to the problem. Trustee Abato said to please keep us informed. If it does pose a problem or if there is anything that you see, you can always call the Chief. The Chief said we keep reports. Trustee Abato asked if there was any way that those reports can be referred to the Building Inspector so that we can kind of have a handle on them so that he knows if there are violations to those. Trustee Abato said she means the Code Enforcer. Chief Osborn said yes. Trustee Abato said they are violations. Because as far as our permits are concerned, they are violating them. So if he doesn't know it is kind of hard for him to enforce. So if we could just make sure that there are violations to the permit, that would be great. Mr. Yao said he personally had a conversation with the owner this summer and he apologized and he swore up and down that it wouldn't happen again and the following weekend, it started up again. He said he trusts the Board will resolve the matter when the weather warms up and hopefully it will stay resolved. Trustee LaCorte said that he would suggest to the Mayor and the Board that we renew those permits without an additional application if there is no problem so probably what we should do in the spring before renewing it specifically with Café Dolce is to call him in here to speak to the Board and to address those concerns so that way he is on record saying that it is at midnight and there is no misunderstanding. He said that he doesn't think that Georgie Porgie that we talked about is going to be a problem. He thinks that with Dolce it is an issue that it is outside

and you also have the fact that you have the mountains and noise can resonate. So he thinks with respect to him that before we renew his permit for the spring when he starts up again that we will call him in and have an opportunity for the public to speak and that way we spell it out so there can be no misunderstanding. And midnight will be the cut-off. He doesn't see why there should be anything beyond that. Mr. Yao asked if midnight was also the cut-off for Thursday evening as well. Mr. Yao said there was also music from that establishment on Thursday evenings. The Mayor said we will definitely take care of that.

Michael Curley of 84 Orange Avenue said that he respects the gentleman's opinion and people need sleep and he understands that he is talking about 12 o'clock. We would be the only municipality that had such a law as that. To blame a whole industry in the Village for where a specific problem may be coming should not happen. It shouldn't even be considered. There are ways you can check with noise meters, you have people monitoring it. But to blame the whole Village, whether it is a restaurant or what not, he guarantees that different places will have music going louder with holiday parties coming up. But it has to do with whether that music leaves that area. Whatever the place is - Georgie Porgie's or what not - it is whether that music leaves his walls. The fact that music goes to 12 o'clock is a little strong and aggressive. He said you put us at a much - here we are talking about building condos, building things to bring people. You are putting those local businesses at a different competitive level than the rest of the county. Trustee LaCorte asked what typically is live music allowed to go. Mr. Curley said he is sure he has been out. Trustee LaCorte said he doesn't remember. 12 o'clock, 1 o'clock or 2 o'clock. Mr. Curley said that live music for the most part doesn't even start until 10 o'clock or 11 o'clock. Mr. Curley said that he hasn't had music in a while but he never had a music complaint or a sound complaint in 19 years. He said just be careful. Judge each application individually is all he asks. But he does agree with the gentleman. You have a right to be able to sleep at 12 o'clock or whatever time it is. But there are meters you can buy and you can monitor it at that point. But he just doesn't think that we should just jump on everyone. And he doesn't think this gentleman would want it either. He thinks he would only want to jump on the businesses that are effecting him. Mr. Curley said that he knows that Mark has recognized the situation, and he happens to know the gentleman, and he thinks he is addressing it and he probably needs to address it better. But he doesn't even want Georgie Porgie - the guy is coming in fresh with it. He is sure he has a juke box or a radio right now that plays to a comfortable level for people and different young people or older people - some people like louder and some people like softer. And he is finding that as it goes on, he likes softer himself. He said he wants to respect this man totally. And all the neighbors of 35 Park Place but at the same time he doesn't think you can restrict the right of businesses and life because we would have the strictest rule in the county and this is actually a fairly new problem for the Village. So he thinks address where it comes from and how we can correct it for those places and just don't blame if someone else comes up here. Let's not say we are

punishing you for other people's mistakes. That is why we pick certain things. Because we want to target certain things. We want to target certain criminals and certain things. We cannot just go over a whole group and get a whole group. And he just thinks that is wrong and he would just like to keep that in mind.

Trustee LaCorte said he is not used to late-starting music. The Wiggles usually go on at 7 and are done by 8. That is his life these days. Trustee Haggerty asked if we knew who the two-man band is at Georgie Porgie's.

Dave Gutierrez of 23 Meadow Avenue said that he would have to agree with Mr. Curley. If you look at the business model for McDonald's there are three times a day that they actually make money - morning, afternoon and evening. And the rest of the day there is absolutely no business being made. And based on their large network, that is how they pull down so many dollars. It is only three times a day. And if you are club-goer or you are a night-lifer, nothing really starts until midnight. He said he has been listening to the applications for music and only being able to play music up until 12 could be challenging if we are going to start becoming a Village that is going to compete. That rule alone kind of minimizes our ability to compete in that space. So Dolce, however, is a very interesting unique situation he is guessing because it is outdoors, but it is something you might want to consider. Maybe a test trial letting it happen a little bit later because in a couple of hours you could snag some business of night-goers going through Suffern going home. It is a very popular time to make money for late night.

But what he wanted to really talk about was that there was a set of laws that passed last month at the last public meeting. And he doesn't remember the number. It is either 14 - one of the ones - 14 through 16 or 18 - that basically stated the ability for fire inspections. He said he thought it was surprise fire inspections for facilities in Suffern. So he is trying to understand what is that law exactly. Is that law implying that we can just come in to anybody's house and do a surprise fire inspection? Attorney Rice said no, not at all. Mr. Gutierrez said he was just looking for a little clarity. Attorney Rice said it gave, and he doesn't have it in front of him, but his recollection is that it dealt primarily with commercial buildings and the Fire Inspector wants to have the ability to do annual inspections to make sure that they are safe. Like in any other situation if a violation is suspected, just like the police, they either have to have permission or they need to get a search warrant. But there is a requirement that most two family buildings be inspected once a year. Mr. Gutierrez asked if this was based on appointment or can we just walk in and inspect. Attorney Rice said they make appointments. Mr. Gutierrez said that maybe for further clarification what is, if you can do a comparison, what is the difference between the old law and the new law. Attorney Rice said that he thinks in that particular one, because we passed a bunch of laws, he thinks it was some language corrections in that one. He doesn't think we were doing anything differently. Mr. Gutierrez asked what the law number was. Attorney Rice said Virginia has it. Trustee

Abato said they are all on the internet. Trustee LaCorte said we have the minutes.

And then lastly, he wanted to get an update on the Orange Avenue project and also he just wanted to make more of a statement than a question regarding the quarry. There is a growing group of people who are very interested in understanding if the quarry - if there is any consideration about creating sustainable farming for the quarry project should the Village of Suffern come into receipt of that property. And he thinks in the time of depression and new insight around at how you look at our overall resources, he thinks we have the ability to do a number of very interesting things with that property. Probably some very good decisions or opportunities around golfing or open land or whatever. But there is definitely a large growing sustainability movement that would like to understand if - will there be any kind of discussion about what we might want to see in the quarry and then an update on Orange Avenue.

Trustee Abato said that basically the law is just a language thing. Trustee LaCorte said he was just trying to give him a number. Trustee Abato said 19. It is a technical amendment.

Trustee LaCorte said that we are going to, later in the agenda, we are going to set a public hearing for January 14 at which time the amended Urban Renewal Plan will be discussed and potentially adopted. The changes are made with respect to the original Urban Renewal Plan that was heard by the Planning Board in September specifically the scope of the project is reduced from three blocks down to the original one block which is Orange Avenue up to Chestnut. Also the height of the building. So that is kind of where we are. Whether or not the Village Board will decide to adopt the amended Urban Renewal Plan and again from that point on we will proceed depending upon the results of what happens in January. But the next step will be a hearing on an amended Urban Renewal Plan January 14 at 7:00 p.m. here at Village Hall.

Mr. Yao of 35 Park Avenue said he had one final comment. The situation over at Café Dolce, now that he recollects it, it was even as early as last weekend which they had an issue. He didn't say anything but he realizes that nobody is outside and they must be indoors. He said that he understands that it might be a detriment to business to have to shut down live entertainment at 12 but this is for him, and for other residents in the area, this is a quality of life issue. There are a lot of elderly people where he lives and they enjoy their quiet at night and they tend to go to sleep earlier. He said he understands to try commerce and we want to bring in new revenue but at the same time there are people in the area and there has to be a certain proximity. He said he moved to Suffern because he wanted to be some place where it was quiet. If he wanted live entertainment until 2 in the morning, he would have moved to Hoboken or New York City or Manhattan or somewhere in that vicinity. But there is a difference between the two communities in which there is a different quality of life.

DEPARTMENT OF PUBLIC WORKS:

A) Award Street Sweeper Bid to Timmerman Equipment (\$148,000):

Supervisor Dan Haglund said that he had a few things on the agenda. He said the first thing is to award the street sweeper bid to Timmerman Equipment for \$148,000. Attorney Rice said that we discussed this. This is not the low bidder. It is the second low bidder. The low bidder was not in compliance with the bid specifications. Dan has written a report on it as well as Dennis Lindsay so there is no question that the low bidder was not in compliance in substantial respects and we can award it to the second low bidder. Trustee Abato said that her motion is to award the bid to the compliant lowest bid, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

Mr. Haglund said that we are wrapping up leaf season. It ends on December 15 for the bulk leaves out in the street. Everything else has to be bagged after that. He said we brought the leaves up to the landfill this year. And last year we brought up about 660 tons. And that is all we can bring up for the year because they only allow 1300 tons for the County. So everything has to be bagged after this.

Trustee Meehan said that he knows that we have a new vehicle for vacuuming. But he also noticed that we have a backhoe. Mr. Haglund said yes, we pick it up with the loaders too. Trustee Meehan said we have two vacuums and a backhoe working it. Mr. Haglund said yes, we use the loader. It picks them up with the claws and we put it in the roll-off or the garbage truck. We use the loaders that have claws on the front of them that pick up the leaves. Mr. Haglund said they go out with the vacuum and the claws. Trustee Meehan asked if that meant we didn't have enough vacuums. Mr. Haglund said no, sometimes the piles are too big and they have sticks in them and twigs and branches and you can't pick them up with the vacuum.

VILLAGE CLERK:

A) Approval of Minutes of Regular Village Board Meeting of November 3, 2008:

A motion approving the minutes of the regular Village Board meeting of November 3, 2008 was made by Trustee Meehan, seconded by Trustee Haggerty. Upon vote, the motion was carried, with Trustee Abato abstaining since she was not present at the meeting.

B) Approval of Minutes of Special Village Board Meeting of November 20, 2008:

A motion approving the minutes of the special Village Board meeting of November 20, 2008 was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

C) Authorization to Pay Penflex \$4300 for Service Award Program:

Village Clerk Virginia Menschner said this is for authorization to pay Penflex \$4300 for the Service Award Program. Trustee LaCorte said he had a question on that. He said we are paying that out, right? This is not from the fund. It is our portion. A motion authorizing the payment was made by Trustee Abato, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

D) Request for Special Permit for Live Entertainment - New Rock Bar and Grill, LLC (26 Lafayette Avenue):

The Village Clerk said we have a request for a special permit from New Rock Bar and Grill and they are at 26 Lafayette Avenue. Attorney Rice said you need a motion to refer it to the Suffern Planning Board and to the County Planning Board subject to getting a further narrative that tells you what hours they propose to have live entertainment and also, assuming the Planning Board gets a recommendation back, you may want to set a public hearing for the January meeting. Otherwise you are going to lose another month. A motion to refer it to the Planning Board and to the County Planning Board was made by Trustee Abato. Trustee LaCorte asked if we wanted to set a public hearing. Trustee Abato said no, she doesn't think we should. The motion was seconded by Trustee LaCorte. Upon vote, the motion was carried.

Attorney Rice asked the Village Clerk if they also wanted to set a public hearing on that grill amendment. The Village Clerk said she has that under her items.

E) Set Date for Public Hearing - Community Development - January 5, 2009 - 8:00 p.m.:

Ms. Menschner said this next item is to set the date for the public hearing for the Community Development for January 5 at 8:00 p.m. A motion setting the date was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

F) Set Date for Public Hearing for Barbecue Grills:

Ms. Menschner said this next item is to set the date for the public hearing for barbecue grills on January 5 at 7:50 p.m. A motion setting the public hearing was made by Trustee Abato, seconded by

Trustee LaCorte. Trustee LaCorte asked that notices go out to all the presidents of the condos and co-ops. The Village Clerk said she will do that. Upon vote, the motion was carried.

FINANCE:

Treasurer Tom Zordan said that we paid down BAN debt of \$63,593 during November. We have \$848,100 in BAN's outstanding as of November 30. And the total outstanding debt as of November 30 is \$6,463,100. He said he will be paying the annual contribution to the Firemen's LOSAP in the amount of \$117,181.94. This is the minimum required contribution as calculated by the actuaries. He said he has received the annual invoices from New York State for Police and Employees Retirement Systems. The combined total is \$750,925. This is an increase of \$92,655 over last year's invoices. The payments are due February 1, however, if we pay by December 15, which is what we normally do, we will receive a discount of \$7,190 - approximately 1%. Therefore, he will be paying these invoices on the 15th of December. On the update of the water and sewer upgrade project, we have sent out approximately 900 letters to customers and we have installed 645 radio devices. That is 26% of our accounts as of December 5. The monthly Medicare reimbursement for retirees age 65 or older will not change for 2009. The reimbursement is \$96.40 per month. The Internal Revenue Service settled a case involving section 207c payments to police officers. That is for police officers injured in the line of duty. The settlement is that all payments are to be fully tax free. This includes social security and medicare taxes which previously were taxed. Based upon this, he has amended the employment tax returns for 2007 and received refunds. He said he is now requesting to pay out the refunds as listed on the following schedule. And he is working on 2006 and 2005. A motion to pay out the refunds was made by Trustee Abato, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

Mr. Zordan said that he has attached a schedule of capital projects that he would like to have them authorize expenditure amounts decreased and have the excess funds returned to the fund that they came from. The Board has the schedule. A motion to approve the transfers was made by Trustee Abato, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

OLD BUSINESS:

Trustee LaCorte said that he would like to make a motion to set a public hearing for Wednesday, January 14, at 7:00 p.m. here at Village Hall regarding the revised Urban Renewal Plan for Orange Avenue, seconded by Trustee Abato. Upon vote, the motion was carried. Trustee LaCorte said that he would like to discuss with Virginia before the notice goes out. Because there were some people who didn't get notice of the first one. The Village Clerk said which one. Trustee LaCorte said of the first Urban Renewal Plan, so if we can make sure. He asked if we had a legal obligation within a certain distance. Attorney Rice said to certainly make sure that the immediate properties in the area get notice. Trustee LaCorte said that if we could be pretty expansive on this. The Village Clerk said we have a certain distance that we have to notify. She asked who was going to make up the public hearing. Trustee LaCorte said Mr. Karben.

A motion to adjourn at 8:40 p.m. was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

The Board wished everyone Happy Holidays.