

**Village Board Meeting  
Monday, December 1, 2014 - 7:30 P.M.**

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

PRESENT: Mayor Patricia Abato  
Trustee Frank Hagen, Trustee Robert Morris  
Trustee Edward Markunas, Trustee Matthew Byrne

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

ABSENT: None

**SET DATES FOR JANUARY MEETINGS:**

The Mayor said originally we had set the workshop for January 7 and the Board meeting for January 12. She asked what their conflicts were. Trustee Morris said to have the workshop on December 30 and the Board meeting on January 5. The Mayor said we generally don't like to do the Board meetings that close to the holidays because a lot of people are away and they don't get a chance to be here for the meetings that is why we pushed it out a little farther. So everybody is back from vacation and holiday and so on and so forth. Trustee Morris said the 5<sup>th</sup> is four days after New Year's. The Mayor said no, no, she is talking about December 30. Trustee Byrne asked if we could do the workshop and the regular Board meeting on the same night? The Mayor said she had no problem with that. She said so you want to do it on Monday, the 5<sup>th</sup>? Trustee Byrne said do both on the 5<sup>th</sup>. The Mayor said both on the 5<sup>th</sup>. Fine. That is good with everyone? The Mayor said so the workshop and Board meeting will be on January 5. It will be one meeting. We will start the workshop at 7 and the regular Board meeting will be at 7:30 on January 5.

**FIRE DEPARTMENT:**

**A) Permission to hold 3<sup>rd</sup> Annual Chili Cook-off Fundraiser February 21, 2015 at Hook & Ladder:**

Deputy Chief Joel Kanasky said the Fire Department had three things on the agenda. The first is they are requesting permission to hold the annual chili cook-off for the other fire departments in the county on February 21 at the Hook & Ladder. A motion approving the request was made by Trustee Byrne, seconded by Trustee Markunas. Upon vote, the motion was carried.

**B) Permission to hold a Wing Day Fundraiser on January 18, 2015 at the Hose Company:**

Deputy Chief Kanasky said the second item is a wing day fundraiser on January 18 at the Hose Company. A motion approving the request was made by Trustee Byrne, seconded by Trustee Hagen. Upon vote, the motion was carried.

**C) Accept the Application for Membership to Hose Company for Maxwell Beutel (Age 18):**

Deputy Chief Kanasky said the last thing on the agenda is the application for membership for a new member into the Hose Company - Maxwell Beutel from Wayne Avenue in Suffern - an 18 year old member. The Mayor asked if this has gone before the company yet? Membership. Deputy Chief Kanasky said he believes so. This is for the membership. A motion approving the membership was made by Trustee Markunas, seconded by Trustee Hagen. Upon vote, the motion was carried.

Deputy Chief Kanasky said he had two other quick things - just informational-wise to the Board and the Mayor. The Suffern Fire Department did send assistance to Erie County, New York during the storm and disaster. A complement of two companies and eight members. They operated for 72 hours and did very well. They are all back safely home.

The last thing is one from himself to the Village. He said he has been a fire officer in the Village for about fifteen or sixteen years now and he is actually retiring and moving on. So this will be his last time approaching the Board and the Mayor and it has been a spectacular run.

Mayor Abato said you have been such an amazing asset to this Village through so many storms and so many emergencies that she doesn't really truly know how we are going to get by without him except for her calling him on the phone and saying help. She thanked him for all that he has done for this Village and for the New York City Fire Department as well. She said she knows when he retired from there they lost a good man. We are not saying that we lost you because we are still keeping you standing by. Mr. Kanasky thanked the Mayor.

**CULTURE AND RECREATION:**

Mrs. Cathy Mills congratulated Trustees Markunas and Morris and welcomed them aboard. She said a few events that we have upcoming in the Village. She said she had some flyers up on the stage for anyone who would like one. She said we have the Christmas Parade and Tree Lighting this Saturday, December 6. It will be a 5 p.m. kickoff. After the parade we will be having the tree lighting here in the Village and then the visit with Santa in the community center. Mrs. Mills said we have the Pearl Harbor ceremony this

Sunday, December 7, here in Village Hall and that will be at 2 p.m. She said they have the DARE Dance next Friday night, December 12 at 7 p.m. The Hoop Shoot which is sponsored by the Village of Suffern Recreation Department and the Mahwah Elks will be at the community center on Saturday, December 13 starting at 10:30 a.m. The DARE toy drive with Chief Osborn will be on December 18 through the 21<sup>st</sup> and that will be at the community center. And then the Hanukkah Menorah lighting will be on Wednesday, December 17 at the gazebo and then inside the community center starting at 6.

**GRANT WRITER:**

Mr. Fred Rella congratulated the new Board members. He said the Clifford Theater - we had received a \$3000 member item grant and that paperwork was completed and submitted about 10 days ago to the NYS Department of Parks, Recreation and Cultural Development. He said we should be getting the check within about 30 days. Once again that is for \$3000. Mr. Rella said the Tree City USA designation - once again, for the first time last year we were - the Village of Suffern - was designated a Tree City USA by the Arbor Day Foundation. The renewal application was completed last week and submitted to the Arbor Day Foundation and we should be hearing within the next 45 days about the renewal for that. He said if you notice in Virginia Menschner park, right here at the corner of Lafayette and Washington Avenue we have the signs and the flags out there as we do throughout varying points in the Village recognizing the Tree City designation.

Mr. Rella said the Community Development Block Grant is the grant that we apply for every year through the Rockland County Office of Community Development. It is HUD money and for the past five years we were putting in applications for the downtown façade. We have received approximately \$450,000 for that program. This year they are looking at some other possibilities for grant monies. The citizen advisory committee, which was appointed by the Board last week, has already met twice and they will be coming forth in January with what they propose to put in for that application. That application is due at the end of January. It is also going to require a public hearing at the January meeting and also a Board resolution. So we just have to make sure that we work with Virginia to get that on board.

**POLICE DEPARTMENT:**

Chief Clarke Osborn congratulated Trustees Markunas and Morris and Judge Buonocore and welcomed them aboard. He said very quickly some updates. He said he only had one item for the Board to consider.

**A) Request a Public Hearing for Parking Prairie Avenue:**

Chief Osborn said this is regards to parking conditions on Prairie

Avenue. He said he met with some residents on Prairie Avenue who had contacted him. There is a concern about the end of Prairie, the south end of Prairie Avenue on the western side down by where the landscaping company is at the end when people are trying to get out of that intersection onto South Street. They are having a difficult time sometimes due to the trucks there. So they are looking to install possibly a no parking area for a very small distance at the end of that street on the right side. He said he thinks it is a great idea. He met with the residents and they sort of brainstormed a little bit with what would work with them and he thinks the compromise that they came to an agreement on would be pretty good for the Village as well as the residents down there for safety. He is asking for a public hearing for that for next month. A motion to set a public hearing for January 5 at 7:40 p.m. was made by Trustee Morris. Attorney Rice asked the Chief to give him a description. Chief Osborn said he had the measurements already and he will bring them up to him tomorrow.

Chief Osborn said he had a couple of updates for them. We have had a lot of things going on. We had 31 arrests in November. We are looking to send two DARE officers next month to DARE training - two additional officers. They also have officers going to breathalyzer training to certify a couple of officers for the breathalyzer machine as well as field training officers. He said field training officers - what that means is when new officers are hired they ride with another officer. That has always been the case. New York State will be changing it - the Department of Criminal Justice Services will be changing it to make it mandatory that the officers that they ride with have to be certified through them for a field training officer program so we are sending two additional officers which should bring up to about 7 or 8, he believes, when we are done so we have enough field training officers when we hire officers. We focus on cell phone enforcement and distracted driving - they ran an operation last week and it went very well. He said they are going to be meeting with numerous community groups in January - usually in January he meets with several groups just to go over any issues they may be having in their communities. And the DARE hockey - he just wanted to thank the Board for their support with that. He said they had 14 Suffern teams - 170 kids - this past division for Suffern as well as 28 volunteer coaches within our community so he appreciates the support and if they need anything else he will be here.

**DEPARTMENT OF PUBLIC WORKS:**

**A) Advertise for Bids:**

Mr. Charles Sawicki congratulated the new Trustees. He said he was requesting authorization to advertise bids for the Phase I Sanitary Sewer Abatement project. He said he had left them a copy of the study that was performed by O'Brien and Gere. The bids would be due

on Monday, February 16, 2015 at 3 p.m. This project is part of a New York State DEC consent order and requires a Notice to Proceed be issued to the successful contractor by March 31, 2015. The design engineering is being finalized and will be submitted to DEC for review and comment no later than December 31, 2014. Construction activities will commence during the month of June, 2015. This project consists of approximately 916 linear feet of sanitary sewer replacement on James Street and approximately 4,130 linear feet of cast-in-place pipe liner on Lafayette, Hillside, Boulevard, Sunset, Forest, Oakdale and Utopian. An engineering estimate is currently being finalized. The Order of Magnitude cost for this project is \$1,000,000. A motion to advertise for bids was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried. The Village Clerk said you need to set the time and the date. The Mayor said he did. Mr. Sawicki said it would be - the bids would be due Monday, February 16, 2015 at 3:00 p.m.

**B) Release of Escrow Deposit:**

Mr. Sawicki said an agreement with Orange & Rockland Utilities has been finalized requiring O & R to provide a \$50,000 surety bond in lieu of escrow deposit for all right of way disturbance permits. In addition, O & R has agreed to pay a fee of \$150 for each new utility pole installed and has agreed to mill and resurface Boulevard, in all affected areas, upon the completion of a new gas main replacement in 2015. Mr. Sawicki said he was requesting authorization to release to O & R \$12,500 currently held in an escrow account and the release of \$400 in permit fees submitted and not required currently held in the general account. Trustee Byrne asked if that was subject to the proof of the surety bond? Are they related to each other? Mr. Sawicki said yes, they are. And we will have this all completed by the end of the year. We would have the surety bond in place by the time we release the escrow funds. Trustee Byrne said so subject to the Village having the surety bond in place he will make the motion, seconded by Trustee Hagen.

AYES: Mayor Patricia Abato  
Trustee Robert Morris, Trustee Frank Hagen  
Trustee Matthew Byrne, Trustee Edward Markunas

NOES: None

ABSENT: None

**AUDIENCE PARTICIPATION:**

The Mayor said if you would like to speak to please come up to the microphone and state your name and address.

Jim Giannettino of 2 Memorial Drive said he guesses it was an oversight but he didn't hear any Deputy Mayor appointed. The Mayor

said yes, she is not appointing at this time. Mr. Giannettino said he thinks legally you have to have a Deputy Mayor. Attorney Rice said at some point you have to. Mr. Giannettino asked how long can that go on. The Mayor said when she decides - Mr. Giannettino said he doesn't think that is legal but he is not a lawyer. The Mayor said okay.

Mr. Giannettino said Charles spoke about O & R. Mr. Giannettino said he would like to know when they are going to take all the double poles out of this Village. There has to be fifty of them around and some of them have been around for two or three years. It is just another hazard waiting to fall. Mr. Sawicki said actually we just met with O & R this week and he has a list of the double poles and we have a schedule on getting those removed. The Mayor thanked him. Mr. Giannettino said thank you.

Bruce Simon of 31 Utopian Avenue congratulated the two new Trustees. He said he is not here to complain about anything. He is actually here to celebrate something. He said that every year the recycling committee goes around during the spring and summer to hand out a best gardening award. They go around for Halloween to hand out best Halloween decorations and they go around in December for best holiday decorations. He said we are here today and obviously December hasn't happened yet but they do want to award the best Halloween decorations and it is his honor, along with the Mayor, to give this gentleman his award. He has been unbelievable about decorating his house and this year he just took it to the next level. Mr. Simon said he is proud to know him and he is proud to call him his friend. From 20 Prairie Avenue Ken Fast. Mr. Simon called him up to the podium. He was presented with a certificate and a gift certificate for dinner at Shamrock Hotel.

Michael Curley of 84 Orange Avenue congratulated the new people who are here and he knows that we all care about the Village and we are here to stick together one way or another. Mr. Curley said he just wanted to point out. He said that he thinks you made a very irresponsible mistake tonight. We have had an assistant judge in this Village for years. The purpose of that is, and he doesn't know the assistant judge. He has never seen her or never met her in his life. But he remembers years ago just seeing her here when she was appointed. She is a young intelligent outspoken woman. And he thinks that is something to be proud of in a community. Mr. Curley said he remembers when Mr. Byrne was a judge and he always had himself an assistant judge. Mr. Curley said if he was not mistaken also just this afternoon you called up someone else to be judge this afternoon in this Village. So you know that it is something that we need. He said he has never seen or heard this woman or any complaints about her or has done anything wrong to the Village of Suffern but only be responsible to this Village. He said he also knows Mr. Buonocore who was a judge before. He was appointed by Dagan LaCorte who is a registered Democrat, and he guesses a

Democrat all his life, and Mr. Buonocore was a Republican. They made that appointment at Shamrock Hotel. It is a pub that is in a building that he owns. And they made it, they made it at a spur of the moment thing because they knew when it comes to judgeship it is about responsibility to community. And so just skipping this to him is reckless at the very least. And he guesses he will go a little further. He said he is sure Mr. Buonocore has even spoken with this judge and has worked with her before and spoke with her recently. And he hopes they took into account anything he may say. He said he would implore upon the Mayor that you would write to the head judge immediately because Mr. Buonocore has responsibilities of his own life. He has a family. He has other things and he can't do all those arraignments that may be done at a daytime or a nighttime. And Mr. Curley respects - he said to Mr. Byrne he was disappointed in him as an attorney and a judge. He said as we all know you are building a house in Florida. Your wife and kids are already down there. So while you are going down on the weekend and visiting and you are going away on holidays we still have a Village here to run and that is important to him. And if he didn't see reckless behavior he wouldn't have gotten up here. He would have just been here to celebrate the night of a new start. But this is disappointment and more than irresponsible. It is reckless. And he hopes that they reconsider this very quickly and not have to get the head judge to make this appointment for us. This was a total shock to him.

He said he guesses he wants to go a little further now. Now that we go that far. Mr. Curley said if anything he is saying anybody just speak up because he is willing to back up anything he says. Number one - at least - he would have at least given the woman a chance to speak. In this day and age it is tough enough as a woman to get those appointments and to get those things instead of getting them ripped away from you. Number one. Number two. He will say it openly Mr. Byrne. We have many serious issues going on in this Village right now. We have Orange Avenue now, which is one of our biggest decisions. It is about a story - a big building - which you guys the way you were saying you made it look like it was a giant building. It is a five or six story building, as he recalls, with 91 units. It is whether we do that for the better for this Village or not. You can't vote on that issue Mr. Byrne. You can't vote on it because you are the attorney for Mr. David Shen, who used to be probably one of our biggest violators of the whole Village. We are also trying to buy a building across the tracks, or it is in consideration, and he is not sure exactly where we are at - the VFW - to do more things for the people of the community and at the same time try to make some money. You can't vote on that because your law firm is also represented by that. Besides the fact David Shen holds the mortgage on your property. We have serious issues to look at and he really thinks that since you can't be here and to vote all those times you should really reconsider about at some point resigning and moving on because we have, like every community has,

there is tough times and tough money. And it is important enough for him to mention. And he wouldn't have done it if it wasn't so much irresponsibility here tonight and even Terry Rice - he said he didn't hear you speak up for him. He has been a Village Attorney for years. He is a well-accredited attorney. Not only. Your firm recently hired him personally so he is good enough for your firm to hire him but not good enough to represent this Village. Mr. Curley said he doesn't think - he said he thinks there is a little politics going on here and not the best interest of the Village of Suffern and he doesn't accept that. No matter who is doing it. Mr. Curley said he unfortunately didn't want to take a nice night and make it into a negative but he thinks you should reconsider appointing that judge and reconsider it quickly and be responsible. Mr. Curley thanked them.

Rich Karrp of Lonergan Drive said you know why he is up here again. He said he would like some sort of an update on what is happening with the Squires Gate development. He said they have had a lot of promises and a lot of politicians saying everything - the Mayor said with regards to what. Mr. Karrp said with the river, with the flooding. The Mayor said you know we have our river committee working - Mr. Karrp said what river committee - the Mayor asked him if he was going to let her speak. Mr. Karrp said yes. The Mayor said we have the New York Rising working with our river committee side by side. We are right in the final phase now of the projects and we are working towards trying to use - she said she unfortunately does not get to make any decisions on what the projects are that will be presented to the Board but she certainly does get a vote when the projects do come to the Board and she can assure him that her first and foremost concern is for the flooding in Squires Gate. So that is where we are at right now. We are hoping, she is sure as every Board member is, that that money will be used to help remediate some of the flooding in Squires Gate. That does not mean that she is still not working with Ellen Jaffee, still writing letters, still trying to get the Army Corps of Engineers a little ignited but unfortunately those avenues have really been nothing but exhausting and a waste of time so she is really hoping that now that we have three million dollars in our pocket that we are looking at ways that we can be working on Squires Gate. The Mayor said that she knows that there are people on the committee who also have the same sentiment and that is where we are looking to remediate flooding right now. As far as the quarry goes that is not in the Village's control. It is not owned by the Village and none of the applications were made by the Village. We are told that it is still being decided upon so we have not heard anything further from that although we do check in periodically on it but there is absolutely nothing that we can do as we are not the applicants for that money for the quarry. Mr. Karrp asked who is responsible for that. The Mayor said the Town of Ramapo. Mr. Karrp said it is funny. He has documents and papers and pictures home from all the politicians, the Board members, the Town

members - oh, yeah, we got the money. We got this money. We got that money. And where the camera is there are all the smiley faces and the white teeth show and they tell you exactly what you want to hear. The Mayor said right. Mr. Karrp said we are working, we are working, we are working but nothing gets done. The Mayor said we have been advocating for it. And we obviously have been very supportive of the application and we are trying very desperately. We have written letters. We have had conversation but the bottom line is that we don't own the property. Mr. Karrp said he has been at most of those Rising meetings and his take is it is just a waste of time. That thing was dumped from the start as far as the quarry. Every time somebody mentioned the quarry nothing happens. The Mayor said right. She said she thinks because - Mr. Karrp said that is about the only thing - it wouldn't stop it but it would help. The Mayor said right. Mr. Karrp said that is all they want. The Mayor said she agrees with him 100%. The problem is she thinks because that application is still out there N.Y. Rising is still looking at that. It is just her guess. She doesn't know for sure.

Mr. Karrp said what about this buy-out that supposedly was supposed to have been decided by the Village last month or something. The Mayor said we are going to be meeting with FEMA on December 3 to get more information on that and as soon as we have that information she will pass it along as she has with every bit of information that she has gotten. Mr. Karrp said okay. He said it affects him as well as a lot of other people. The Mayor said she is glad he keeps coming up. Mr. Karrp said there are only a couple of people in that development that do anything. The Mayor said right. She agrees. He said you have people who are supposed to do things but they are useless. The Mayor said we will keep him updated.

Jean Hennelly of 135 Wayne Avenue said congratulations to the Trustees. She said it is the last thing on anybody's mind but she would like to know the status of the pool. She said she knows that a lot of concrete was dug up along the edges of the pool and she is afraid it being exposed like that over the winter months that if there is damage there will be even more. The Mayor said yes - Mrs. Hennelly asked if she could please tell her more. The Mayor said sure, sure, absolutely. She asked Mr. Sawicki to give the update on that. The Mayor said we are actually looking into - there is a leak someplace and she believes they now have identified where the leak is and this is what they are working on. Mr. Sawicki said the water department had excavated certain areas around the pool. As a result prior to doing that they have removed the deck, the concrete deck, and they did find several leaks and made repairs. They backfilled and we will be repairing them and replacing the concrete in the spring. He said everything is backfilled and all the piping is covered with soil so we are going to come back in the spring and rework the concrete sidewalk or deck. Mrs. Hennelly thanked him and wished everybody a very happy holiday. The Mayor said same to you.

Debbie Tapp of Oakdale said she had a few things to say. First of all congratulations to the Trustees. She said she runs Deborah Taxi and every month she comes up here and says the same thing. And she guesses she has to keep saying it. But now she is getting a little bit specific. Annually, she pays a taxi permit fee. Over the past few months, Compos Filon applied for a permit. He was not given it and he has been working four months, five, six months now. He is working heavier than any of us so four legal taxis for Suffern cannot work. They cannot make a living. This guy - he jumps out there, he cuts them off. She said they sit at a red light to get to a customer waiting. No, he can cut right in front and grab them. Nothing is being done. He drives a silver Honda Accord, has a yellow top light, does not have taxi lettering. She said she has advised everybody. Do not get in an unmarked vehicle. She doesn't understand people doing it. She said of course you can see her from a mile away with her glaring pink smilies. Ms. Tapp said he is there. He is taking away from them. And he is in violation of our rules, regulations, laws, code - she doesn't know what to call it. It is not fair. The Mayor asked Ms. Tapp if she was calling it into the police department when she sees this happening. Ms. Tapp said if she calls it in the dispatcher is not going to speak to her when she is being robbed or when something is happening to her. She said she cannot. They laugh at her when she calls the dispatcher. She said do I speak with the Chief regularly about it? Yes, that she does. The Mayor said and you are telling me that the dispatcher laughs at you on the phone. Ms. Tapp said they won't come right out and laugh. But what is going to happen when she has a guy in the back seat about to do something and she hits that button for them and she has one second or one word and she needs response. It is not going to happen. The Mayor said she doesn't think she is following her. Ms. Tapp said you have never driven around in a vehicle picking up strangers at strange hours. The Mayor said no, but she thinks her question was do you alert the police department that they are in the Village and that they are picking up fares. Ms. Tapp said he is there, every day, all day long. The Mayor said okay. Ms. Tapp said him in particular. She said we are not even complaining about ten of them anymore. He is the worst. He is the one who sat here a few rows back, him and his co-worker, and they didn't respond when you brought up the meeting. The Mayor said okay, but you are telling her that you don't call it in though. You don't call it in when you see them in the Village picking up fares. Ms. Tapp said no. The Mayor asked if the Chief wanted to talk about what he has been doing proactively for the taxi. The Chief said he has spoken to the Board about it before and they have charged he thinks well over a thousand, if not many more at this point, unlicensed taxis. The problem that he runs into is to do a taxi sting he needs three officers minimum. You need one to stand out there all the time, another one stopping the cars and a back-up officer. You have to. With the current manpower situation, which he knows you know, we have spoken about it and he is trying to keep overtime down - the current manpower - they tried it last week.

Officers got pulled off call after call after call. He never got to complete it. So one of the things he suggested was under section 248 of the Village code was that the code enforcers assist them so that they can provide a man or two as well with them. That is when he brought up and he said to you as a Board just to consider for situations like this because he knows it is a situation. He said they have been much more proactive on it. But the reality is - and he is being honest with them - with the other things they are dealing with he just can't commit three officers consistently to do it. That is just the reality of what he is dealing with. Ms. Tapp said she doesn't know where to go with it but she does know that it is pretty unfair that she is paying not to go anywhere with it. She said she has other things to bring up.

Ms. Tapp said she runs a facebook group called Suffern Friends and Neighbors. Everybody is welcome. It is a public group. You can just review it or you can join and you can put your two cents in anyplace you would like. Every morning she tells them what is outside her window as far as the weather and she gives you what somebody else's weather is. But more importantly they have put together a business listing of over 150 Village of Suffern businesses. She has been pushing for little things like spend a dollar in the Village - just one dollar. Go out of your way to spend that dollar. To do anything extra. She said they worked on this list really hard together. She said she has it up there and now they don't know what to do with it. If there is anybody who has any ideas for it, any place that would donate that help to them - they have that list now. It is the kind of thing that can go into the Suffern Hotel - oh, we don't have a Suffern Hotel - anyplace there would be. Somebody did mention that they are going to try to get it into the yearbook for the high school. It is just a little bit of recognition for the businesses of the Village. It would have been nice if it had been coordinated with something with small business Saturday. She said she tried pushing that from her end as much as she could.

Ms. Tapp said another thing that she is pushing at and trying to build up some acknowledgment for it is that we really can go solar. And she would like to see a lot of the Village going solar. Apparently there are grants from New York State that homeowners - that these companies get to give the homeowner to change you over to solar for what you are paying for electric. She said she has the information up there. She went. She can't do anything with it. She can't play with it herself. But it is up there and she is happy to talk to anybody who wants to do it and wants to play around with it. She said she also thinks that we can do things with the municipal buildings with any of the larger areas and she would love to see solar panels and the windmills for energy over in the quarry. So there are things that people need to talk and to think about. She keeps doing research. It is posted. It is up on the group. It is SuffernFriendsandNeighbors on Facebook. And they are

up to almost 900 people so come join them.

**7:40 P.M. - AMENDING THE STANDARD FEE SCHEDULE REGARDING SNOW PLOW OPERATORS LICENSE FEE:**

The Mayor said we have a public hearing on amending the standard fee schedule regarding snow plow operators license fee. Attorney Rice said earlier this year the Board adopted an amendment to the Village code that provided for licensing for snow plow operators. Last winter there were a number of problems with the snow plow operators leaving big ridges in the road, plowing in people on the other side of the road, and so forth. So it was suggested that we have a provision to require licensing so that there would be some ability to enforce the regulations that prohibit the placement of snow in the road and so forth by the plow operators. That was adopted some time ago, however, in order to process the licenses of the applicants a fee is required. The fee that was suggested is \$75 for each year and this proposal would amend the standard fee schedule in order to provide for a \$75 application and licensing fee.

Since nobody spoke, a motion to close the public hearing was made by Trustee Byrne, seconded by Trustee Hagen. Upon vote, the motion was closed.

VILLAGE OF SUFFERN

RESOLUTION NO. 19, 2014

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

Section 1. The Standard Schedule of Fees of the Village of Suffern is hereby amended by adding the following:

Snow Plow License (Section 253-6(D): \$75.00

Section 2. This Resolution shall take effect immediately.

A motion to adopt the standard fee schedule was made by Trustee Byrne, seconded by Trustee Hagen.

AYES: Mayor Patricia Abato  
Trustee Robert Morris, Trustee Frank Hagen  
Trustee Matthew Byrne, Trustee Edward Markunas

NOES: None

ABSENT: None

**VILLAGE CLERK:**

**A) Request - Chamber of Commerce - Suffern Street Fairs:**

Village Clerk Virginia Menschner said she only had one item. She said this is from the Greater Chamber of Suffern who would like to request April 19, 2015 and September 20, 2015 as the dates for the Suffern Street Fair. They said they will only be having two fairs this year. A motion approving the request was made by Trustee Byrne, seconded by Trustee Hagen. Upon vote, the motion was carried.

**FINANCE DEPARTMENT:**

The Mayor said we will give the finance update at the next meeting. Mr. Genito was coming to the meeting tonight and she hopes he is okay because it is just not like him.

**TRUSTEES:**

Trustee Morris said he would like to revisit the issue of the non-appointment of the Deputy Mayor. The Mayor said sure. It is not that it is not an appointment. She has just not made a decision as of yet. It is not that she is not appointing a Deputy Mayor it is just that she has not made a decision at this point of time. Trustee Morris said that past history has shown that at the annual meeting, which this is, that a Deputy Mayor has been appointed. The Mayor said okay. Do you want her reasons as to why she is not appointing one at this time? Trustee Morris said no he would like to continue the rest of the issue here. The Mayor said okay, sure. Trustee Morris said that part of the problem as they see it is they did some research and at the annual meeting, by New York State law, the Mayor is required to select a Deputy Mayor at this time. The wording of the law is not ambiguous. It says that the Mayor shall appoint it. He said we talked about this and we talked about being non-partisan and working together and the standard arguments would be well, okay, you and Ed are new and you don't know how to operate the Village, which is probably right. But they do have Mr. Hagen and Mr. Byrne, who have both been elected for a number of years now and have, obviously, the credentials to run the Village. During our conversations we were told that the police chief would be the next in command and he is finding this incredible to believe that elected officials, he is not sure what laws we are looking at - he said he understands that the Village code in Suffern - they looked at that in the library - and even that indicates that the Mayor should pick a Deputy Mayor and in the event the Deputy Mayor and the Mayor are both absent at that point the police chief will take over the duties, and if the police chief is not available then the highest ranking member behind the police chief will now become the Mayor. This really seems contradictory to the Village laws. He said they downloaded a copy of them and it is pretty clear cut. He said

they sought some outside counsel on this also and the outside counsel was in agreement with them that it is not a decision that you can just simply put off. It is designated that you will, at the annual meeting, select a Deputy Mayor.

The Mayor said to Trustee Morris that first of all she actually called up to Albany today and what she did find out is that the police chief cannot be one of the - take the place of the Mayor. That is only probably for the emergency plan which is maybe what you were looking at. So that is not anything that we could - that she could actually implement. She said the reason that she has put off Deputy Mayor is because, as you have pointed out, you and Mr. Markunas are just starting here in the Village and really don't have any knowledge of how the Board and the Village runs. She said her second concern was as was brought up tonight is that Mr. Byrne right now is in the midst of moving himself and his family to Florida, which is probably taking up a lot of his time because if she was him she would want to be in Florida with her family as much as possible when not needed here for his own firm. So she just feels that that is an over-burden to him at this point as well as the fact that he just tries to spend weekends and holidays and so on and so forth with his family that he would be out of town a significant amount of time and as far as Mr. Hagen goes he has not really participated fully in the business of the Village as far as taking over the duties of the Mayor. She said she doesn't believe that Mr. Hagen could sit here and tell you all that he knows the duties of the Mayor and he knows what is expected of him and could run and take care of all the duties. So therefore that is why she is weighing her decision. It is weighing very heavily on her at this time. It is not that she is not going to appoint a Deputy Mayor. She certainly is going to but at this time she has to take this as a serious matter and she has to look at it and she probably also is going to try to get some assistance with the decision and her concerns probably at the level of Albany - the Conference of Mayors - and to get some guidance on it. So that is where she is at right now.

Trustee Morris said okay. He said they solicited the legal advising which is the law which indicates when the Deputy Mayor is to be appointed and again he reiterates - it is not I will but you shall at the annual meeting. Which this is. Second of all, we are using a pretty specious argument when you say that Matt Byrne is in the process of moving and we don't know how much time. Trustee Morris said if we were going to be fair about it we would ask Matt Byrne can you carry on the functions. Again, this is only in your absence. The Mayor said agreed. Trustee Morris said he doesn't assume that she is planning any long term absences. It shouldn't even be an issue. The Mayor said unless you are taking me out Mr. Morris she doesn't think so. Unless you have some plans for her demise she doesn't believe she is going anywhere. Trustee Morris said nothing on the current choice. The Mayor said but she is

taking this very seriously. Trustee Morris said his guess is if that was a legitimate argument then Matt should have been asked - Matt, do you think you want to take over the Deputy Mayor's job in the event there is a problem. And Matt is a pretty honest guy - he will either say yes or no. As far as Frank goes, again, he has been here a couple of years. He has been on more committees than God only knows how many. The Mayor said he has been here a year. Trustee Morris said he has been here a year but he has been involved in recycling, farmer's market, and any number of committees in the Village for a number of years. The Mayor said okay. Trustee Morris said but again he thinks he was owed the courtesy of being asked. Do you think you can do the job. The Mayor said okay. She said as Mayor she has to feel comfortable with that. She is not going to appoint a Deputy Mayor tonight so that is fine. Trustee Morris said there is nothing in the law. Again, Terry has a copy of the law. He can look at it. If you call the Mayor's conference as they did and downloaded the laws and there is no ambiguity in the meaning of the law. It says you will appoint a Deputy Mayor. The Mayor said and she will. Trustee Morris said it doesn't say at your discretion. It says at the annual meeting you will appoint a Deputy Mayor. The Mayor said and she will. Trustee Morris said your previous Deputy Mayor didn't have any Mayoral experience either and she was appointed without a number of prerequisites that you seem to want to have with Frank or Matt. So he is not understanding why the double standard. The Mayor said it has to be one of you and it will be.

Trustee Markunas said if he may. The Mayor said sure. Trustee Markunas said according to New York State laws of the Village he just wants to read to the audience so that we are all clear and that we all know what we are talking about is that in section 400 "(1) It shall be the responsibility of the Mayor to appoint one of the Trustees as Deputy Mayor at the annual meeting who, during the absence or inability of the Mayor, is vested with all powers and may perform all the duties of the Mayor. (2) If the Mayor and the Deputy Mayor are both absent or unable to perform the duties of the office the Trustees shall appoint one of their number to act as Deputy Mayor during the absence or inability of the Mayor and Deputy Mayor appointed by him." Trustee Markunas said so it is a critical point here that if something does happen to the Mayor, and this is our concern, is that there is a Mayor to come in, a Deputy Mayor, and act and discharge the duties of the Mayor. This is very clear and we should have an opinion on it from legal counsel from the Village. He said they spoke to NYCOM and NYCOM concurs with them that the Deputy Mayor should be appointed at the annual meeting, which is tonight.

The Mayor said let me just point out to you that if my demise should come, which she is really getting a little uncomfortable talking about it - she thinks it is getting a little too much - you are still the Board members so if there is no Deputy Mayor you can

still appoint one of you to run the meetings. So don't worry. Trustee Markunas said actually that is not what it says. The Mayor said don't worry. There will still be somebody. If there is no Deputy Mayor and no Mayor then as a Board you can appoint one of you to run the meetings and assume the duties. So you are covered. Trustee Markunas said they would like to have a Deputy Mayor appointed tonight. The Mayor said we will. We will have one. Trustee Markunas said tonight. Mr. Giannettino said it is the law. Trustee Markunas said it is the law from New York State - the Mayor said she is in contact and will continue to be in contact with them with her concerns. Trustee Markunas asked if we can get a written opinion from the attorney. Attorney Rice said you actually read the law. That is what it says. Trustee Markunas said he would like Attorney Rice's interpretation in writing. Attorney Rice said fine. But you accurately read the law. So he doesn't disagree with what you said. Trustee Markunas said well since he was sort of not given the correct information he just wants to be sure in writing that he has the correct information and that the Village of Suffern Board, Mayor and Board, are following the laws of the State of New York. The Mayor said okay.

Trustee Byrne said he was born and raised in this Village and despite reports to the contrary 35 Campbell Avenue, Suffern, New York is where he puts his head on the pillow at night. And he takes second seat to nobody in his concern for this Village that he has served for a total of seventeen years in one capacity or another. The law firm, which has been referred to tonight, has been part of this Village since before he was born - 1956. That court room across the hall there is named after the founding partner, Joseph Balsamo. Trustee Byrne said he takes second seat to nobody as to his concern for this Village, his work for this Village, and doing what's right for this Village. And he will not be criticized for doing otherwise. He said he has always had and always will continue to have the best interests of the Village at heart. He said he has represented hundreds of families in this Village as their private attorney. Many of you are sitting in this room tonight. He said he sees you all. He said you know me. You know my work ethic. You know my ethics. You know my honesty. As to the issue of the acting judge, he is sure that once we have a dialogue on that issue that will clearly be worked out. He has no question about that. No question whatsoever. But there needs to be a dialogue. And he is sure the Mayor is open to that. The dialogue on appointments was scarce. But he is sure that reasonable people can sit down and work out reasonable issues. He said he has no reason to believe that the Mayor is not reasonable and he knows that he is not unreasonable and he is here to do what is best for the Village of Suffern. So once again, just let him close by saying that he takes second seat to no one on this Board, no one in the audience, in his concern for our Village - the Village that he was born and raised in, that he continues to live in, that he raised his family in. And that won't change. He will not resign his position as a Village Trustee

tonight. When and if it ever becomes an issue in terms of his living in Suffern clearly he can't be a Trustee anymore. That is simple. But this is the Village that he has served for seventeen years in an official capacity and many more years in many other ways. And he will continue to serve this Village as Village Trustee well beyond today doing what is right for the Village, taking into consideration what is best for the Village at all times, whether it be the employees, whether it be the taxpayers and it is news to him and news to his family that he spends weekends in Florida because they are going to wonder where he has been. And while he must say that while he gets an ample salary as Village Trustee it is not enough to pay airfares every weekend to anywhere other than maybe a ferry to Hoboken or something like that - from Hoboken. So he leaves them with that one comment. He will do what is best for the Village at all times and he takes second seat to nobody in his concern for our wonderful Village.

Mayor Abato said that she just has one comment. She said yes, your family has been here for a very, very long time and she wasn't - she doesn't think she said every weekend but neither here or there. You and Mr. Hagen have both been on this Board and you knew that these appointments were coming up and she has not heard from anybody on this Board until she heard from Mr. Markunas two hours before the meeting that he wanted to have an executive session. The Mayor said her door is always open and she certainly would have welcomed any dialogue whatsoever in her office at any time. But she heard from no one so she just wants to make that clear. But yes certainly dialogue going forward. Reasonable, responsible - she is all about that.

Trustee Markunas said we did have dialogue in regards to the Deputy Mayor appointment. The Mayor said she is not talking about the Deputy Mayor appointment. She is talking about the acting Village Justice. Trustee Markunas said we had dialogue in your office about the appointments - the upcoming appointments - we did. The Mayor said we had two - Trustee Markunas said you told us what you were going to do. The Mayor said right. I told you what I was going to do - exactly. Trustee Markunas said then they had to research it. The Mayor said but she didn't hear anything - besides the Deputy Mayor position she did not hear anything but one other gentleman who you wish to put on the Planning Board. Other than that she heard nothing of any of the holdovers that you were not happy with her appointments. You never gave her any dialogue on that.

The Mayor said moving along to her section. Ernie Buonocore is our new Village Justice and she will be proud to swear him in at this time. The Mayor swore in Judge Buonocore.

A motion to adjourn the meeting at 8:13 p.m. was made by Trustee Byrne, seconded by Trustee Markunas. Upon vote, the motion was carried.

