

**Village Board Meeting  
Monday, February 1, 2010**

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

PRESENT: Mayor Dagan LaCorte  
Trustee Andrew Haggerty, Trustee Patricia Abato  
Trustee John Meehan, Trustee Bruce Simon

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

ABSENT: None

The Mayor said that the Police Chief and Fire Chief will not be here this evening. About an hour ago there was a break in the sprinkler line over at Chestnut Gardens and unfortunately in one of the buildings there was a pretty big flood from the sprinkler line so they had to evacuate everybody from the building. He said he wanted to thank Gail who kept open the Community Center for people to go in there so they are dealing with that. Most people there are going to have to find a place to stay tonight. And hopefully they will get everybody back in there tomorrow. He said he thinks about six apartments were damaged but because it went through electrical they had to shut all the power down and obviously it is a long process so the Fire Department and a lot of the Police Department are over there so we will just continue on with their agenda and again thank them all for their service and for taking care of our Village especially on a cold night like this.

**Set Dates for March Meetings:**

Mayor LaCorte said the first order of business is to set the dates for the March meetings. The workshop meeting will be Tuesday, March 2 at 7:00 p.m. and the Village Board meeting will be Monday, March 8 at 7:30 p.m. The workshop will be on a Tuesday instead of a Wednesday that week.

The Mayor said that he has an award that we are going to start tonight. So he is just going to step up to the podium.

The Mayor said he would just like to give everybody a little background as to a new award that we are going to start this evening and hopefully will continue in the Village of Suffern for many years to come. What the Village Board wanted to do was to recognize people - it could be an employee, volunteers - people who provide this Village with outstanding service. What makes the Village of Suffern truly the great Village that it is are all the wonderful people - people who work here day in and day out, people who volunteer in our Fire Department, people who volunteer in our recreation events. It is the people in this Village who again make Suffern a wonderful

place. So what we would like to do on a quarterly basis is to recognize one person for their outstanding service. We will provide them with a plaque and in addition we have restaurants and various Village businesses who have donated gift certificates to a restaurant so the recipient will receive a plaque, a gift certificate to a Village restaurant as well as there will be a plaque which will be kept out in the lobby of Village Hall and each quarter, when we recognize the person, their name will be placed on that plaque so that as the months go along and the years go along, we will have a plaque that has many names and that people can come to Village Hall and see those people who have really given us excellent service. So the first thing that he would like to do is that we didn't want to name this just a service award and we felt that it would be very appropriate in recognition of a person, in honor of a person, who has truly exemplified outstanding service to this Village and somebody that all the Village Board, all the people here tonight and he personally is extremely fond of and has a great deal of respect for. So going forward the name of this award will be the Andrew C. Haggerty Outstanding Service Award. The Mayor asked Trustee Haggerty to join him in recognizing our first honoree. The Mayor said we are going to announce the first recipient and he asked Trustee Haggerty to present him with the plaque and gift certificate. The Mayor said the first recipient of the Andrew C. Haggerty Outstanding Service Award has been somebody who has been employed with our Village since August of 1993. He began his employment as an assistant maintenance mechanic, then becoming a maintenance mechanic and presently holds the position of sewer and water system mechanic II. He presently works in the water department under the supervision of Mr. Bob Conklin. In Bob Conklin's words, "the recipient has never been afraid of a challenge, he is a very talented guy, and he wishes the Village had a couple more of him." So again when we talked about recognizing someone we asked the department heads and it was a pretty unanimous selection. So it is his honor to award the first Andrew C. Haggerty Outstanding Service Award to Mr. John Conklin. The Mayor said the gift certificate was donated by Marcello's.

Mr. Mark McGuy asked if anybody could make a suggestion for names. The Mayor said people could submit names if they like. It is for anybody who recognizes service for the Village.

**FIRE DEPARTMENT:**

The Mayor said first up is the Fire Department. And as he said earlier, the Fire Chief could not be here but we have a number of items on their agenda.

**A) Resolution No. 2, 2010 - Adopted Updated Suffern Fire Department Response Map as Provided by Enhanced 9-1-1 Coordinator:**

Mayor LaCorte said this first item is Resolution No. 2, 2010 to adopt the updated Suffern Fire Department Response Map as provided by the Enhanced 9-1-1 Coordinator.

RESOLUTION NO. 2, 2010

RESOLVED, to accept the updated Suffern Fire Department Response Map provided by the Enhanced 9-1-1 Coordinator, Pablo A. Ramos.

A motion adopting Resolution No. 2 was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

**B) New Member - Brian L. Stark - Suffern Hook & Ladder Co.:**

The Mayor said we also have three new members that we have to approve. We approve them and then pending a vote from the Fire Department which has their meeting tonight - the same time as us. The first member is a proposed member of the Suffern Hook & Ladder Co. - Brian L. Stark. A motion approving the new member was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

**C) New Members - Diane France, Peter Hodgson - Suffern Hose Co.:**

Mayor LaCorte said there are two new members for the Suffern Hose Co. - Diane France and Peter Hogdson. A motion approving the new members was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

**D) Emergency Repair for 19-Tower:**

The Mayor said the last item on the agenda we discussed, as it just came up recently, at the workshop. Unfortunately it is an emergency repair for 19-Tower. The Village Clerk said that she doesn't have the price of what it is supposed to be. Trustee Abato said we have it. Treasurer Tom Zordan said it is \$3900 but we are looking at another way to fix it - maybe around \$1900. The Mayor asked what would be the best way to do this. Attorney Rice said that what they need to do is to authorize it for an amount, because it is an emergency, for an amount not to exceed x amount of dollars. The Mayor said \$6000 to be safe and it was less than that - \$3000 and change. A motion authorizing the repair up to \$6000 was made by Trustee Meehan, seconded by Trustee Simon.

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

NOES: None

ABSENT: None

**7:45 P.M. - PUBLIC HEARING - SPECIAL PERMIT - DAVID HIRSCH - PERMIT TO OPERATE A CHIROPRACTIC OFFICE AS A HOME OCCUPATION:**

Attorney Rice said the location is 74 E. Maple Avenue. Mr. Hirsch appeared before the Village Planning Board after his application was

referred to them from the Board of Trustees as is required under the zoning law. The Planning Board on December 16 sent a positive recommendation to this Board recommending approval. It also was sent to the Rockland County Department of Planning and they said it is not within their jurisdiction so they have no comment. Attorney Rice said he understands that the notice was published but he doesn't believe there was a mailing that was sent out so what he thinks what we need to do is to let Mr. Hirsch explain what he wants to do to the Board of Trustees and then adjourn the hearing to be continued at the next meeting.

Mr. David Hirsch said that he currently maintains an office in Oakland, New Jersey and he works there full-time. He said he lives on E. Maple Avenue and his intention is to see a few patients scattered throughout his off-time. These are not patients that would be coming from the Oakland office. Basically we are talking about a couple of people who comprise friends and family. The total number of visits per week probably not more than 10 to 15 for the week. Hours of operation between 9 a.m. and 6 p.m. Monday through Friday. That is all he is looking for. Attorney Rice said that the other thing that was discussed at the Planning Board - you are not planning on introducing any type of new parking areas. So people visiting the office would have to park in the driveway. Mr. Hirsch said and parking would be made available for them in the driveway between 9 and 6. Attorney Rice said that one of the things we talked about is that there would be no more than one patient either waiting or being worked on on the premises. Mr. Hirsch said that is correct - not more than one patient per thirty minutes when a typical visit time runs between 5 to 10 minutes for the average patient. On the outset, we are looking at 15 minutes which gives plenty of time for ingress and egress without overlap of patients. Attorney Rice said and you also stated that there would be no employees. Mr. Hirsch said there will be no additional employees. This is his house. The Mayor asked if there was any public comment or any questions. A motion to adjourn to the next meeting as advised by the Village Attorney so that the neighbors can be notified was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

#### **CULTURE & RECREATION:**

Gail Curtin said that she would like to just bring the Board up to date on the Stay Fit Senior program. At the moment, they have 68 registered seniors. The program is going very well. And they also have been asked and accepted an invitation for Clarkstown Recreation Department to visit the Village of Suffern Community Center later this month. They are interested in observing the program and considering bringing it to Clarkstown. Wyldlife met at the Community Center on Saturday, January 16. LEAD met on Friday night, January 22 - and if they don't mind, she just wants to make a specific comment about that evening. That was the night that the tremendously successful concert was on TV with all of the celebrities and money going to the Haiti Relief Fund. And at the chance of sounding like a real nerd, she said she wants them to know that they were there

with these kids that night - over 100 kids and she knows the Mayor is looking at her because she wrote him an e-mail that night. It was the most wonderful evening that they have ever experienced. Those kids - she said she thinks their hearts were at that concert and it showed. And the money that they brought in that night was also going to the Haiti Relief Fund. So again she says to the Board thank you for continuing to support this program. It is just awesome.

They had a pre-Suffern Day committee meeting with the president of the Chamber of Commerce just discussing the possibility of enhancing, changing some things. She will certainly keep the Board up to date. They are going to meet again this week before they bring it to the full Suffern Day committee. And on Thursday, January 28, they had a senior movie afternoon. Upcoming events - AARP Tax Service, which they approved, will start actually preparing taxes tomorrow, February 2, and Trustee Meehan is involved in that program and as they have been in the past few years, that service will be available every Tuesday, up to and including April 13, from 10 a.m. to 2 p.m. at the LPL Community Building. February 5, this Friday night, they have a Family Movie Night. February 19 a DARE Dance; February 20 Wyldlife; February 26 LEAD; Saturday, March 6, Chamber of Commerce and Recreation St. Patrick's Day Dinner Dance. And she would like to remind the Board that they sent them an e-mail letting them know that that theme had changed. Originally you approved a Spring Fling and that has now been changed to a St. Patrick's Day Dinner Dance. On March 13, there will be a DARE Basketball Tournament at the Center. On March 14, the Suffern Rotary is coming back after their last year's successful breakfast at the Community Center, co-sponsored by us, and the money that they take in for that will go towards the sign that they are donating to the Village for Point Park. Saturday, March 27 is the Egg Hunt. And we have begun selling tickets to our next trip to New York City which will be April 10. They will be seeing Promises, Promises. Trustee Meehan asked about the Basketball Tournament. He asked who will be participating in that. Mrs. Curtin said the fifth graders in the DARE program and that is being sponsored by the DARE program under the supervision of DARE Officer Jim Giannettino. And the last thing she wants to mention is that the Village messaging system - even up to last week's workshop - we are up to 66 now and she thanked Trustee Meehan for signing up the night of the workshop as did someone else - Mr. Vanderbeek, who signed up too.

The Mayor thanked Gail for all her hard work. Trustee Simon said he had one question. He said the Rotary and Recreation breakfast on the 14<sup>th</sup>. He said the only reason he brings it up is that the American Legion has their breakfast the second Sunday of every month and that is going to be a conflict. He asked Mrs. Curtin if she knew about that. Mrs. Curtin said no, she did not. She suspects that maybe they didn't either and she appreciates it and she will send them an e-mail to see if they want to reschedule. She thanked Trustee Simon for that.

**AUDIENCE PARTICIPATION:**

Roy Tschudy of 16 Lonergan Drive said that he would like to congratulate one and all on their election and re-election. He said he is here tonight to address a problem that has occurred within the Village which they may not have knowledge of. This is in regard to pit bulls and rottweilers. He said he is looking to have a request for a Village ordinance to be enacted - a muzzle law - for all pit bulls and rottweilers while in public. Not on private property but be legally leashed and muzzled when in the public arena. This is for the protection of bodily harm to the general public and people who walk their dogs. On four separate occasions, he has been the victim, and his dogs, of attacks by these animals. Regardless of the fact that if it was one time, two times, but four separate incidents and he is currently in litigation regarding that. He said he now carries a firearm for his protection. He is licensed and certified to do so. Believe him, he does not want to carry a firearm. Nothing good comes with a firearm. He said he was a police officer in the NYPD for twenty-four years and, again, to use a firearm would be the very last thing that he would want to do. Nothing good comes from it. He said he does not wish to eradicate pit bulls and rottweilers. That is not the essence of why he is here. All he is looking for is to have them muzzled again while they are in public. This would also protect the owners of said dogs regarding the litigation against the individuals. So unless you are a lawyer, that is the only one that would seem to make out on that. A few facts and statistics - in 2005, 82% of all dog attacks in the USA were from pit bulls and their cross-breeds. They have the most notorious reputation for biting people. Rottweilers rank second most dangerous dog after the pit bull. These facts are from the Center for Disease Control, which is easy enough for anybody to look up and get. Furthermore, a study by Merrit Clifton, which analyzes serious dog attacks in the United States and Canada between 1982 and 2006 determined that pit bulls and rottweilers and their mixes were responsible for 74% attacks, 65% which were fatalities. There was a precedent for what he is talking about. Due to these dog breeds aggression, owners of these animals are prohibited in many European and Austral-Asian countries as well as in several U.S. and Canadian localities. Florida has dog bite laws that have changed regarding this. In Texas, in 2007, Lillian's Law has been effect for the owners of a dog that causes death or serious physical injury. They may be charged with a second or third degree felony when attacks take place outside of the dog's normal place of confinement. Again, in the public. And that is all he is looking for - a muzzle while they are in the public.

Mr. Tschudy said that California owners are subject to massive civil liability. And they have enacted a special hearing procedure just for regulating menacing dogs. Based on findings, the dangerous and vicious dogs have become a serious and wide-spread threat to the safety and welfare of citizens of that state. That is all he has to say. He asks that they please take this into consideration. If he is the victim of a bite again, he will be back to address it. And he may not be as gentlemanly as this time. But he thanks them for taking the time to hear him on this and he hopes they consider this.

The Mayor thanked Mr. Tschudy. He said they received his letter and,

on the other matter on the sign, Charles in the DPW will be taking care of it at South Street to have a larger sign. It is an issue when people don't stop there and we know it causes a problem. The Mayor said this is something that we did briefly discuss at the workshop and he doesn't want to speak for other Board members but he does believe it is something that merits further discussion. He said we did discuss at length what happened during the situation and subsequently dealing with the dogs that were getting loose in your neighborhood. We do have a dangerous dog law on the books in the Village of Suffern that again addresses the situation in the stuff that you provided us here. There are more aggressive ways to deal with it. He knows that usually it is a second bite type situation before you determine that a dog is inherently dangerous. The Mayor asked if any other Board members wanted to comment and maybe this is something we should table or refer it for further discussion before acting on it. Or they can discuss it here a little bit tonight. Mr. Tschudy said there is a precedent. He said in his neighborhood people walk around with sticks and clubs to protect themselves. He said it is a small Village, a lovely Village and he wants to know why he has to carry a weapon. It is disgusting to him. And his neighbors shouldn't have to carry things. Trustee Abato asked if the four different incidents were from the same dog. Mr. Tschudy said no. Trustee Abato asked what kind of dogs were they. Mr. Tschudy said that every time it was a pit bull or rottweiler. Trustee Abato said then in each of the four incidents it was either a pit bull or a rottweiler. Mr. Tschudy said yes. He said he has also filed police reports that the police chief, if he were here, would be able to corroborate that. He said he also knows other neighbors that have also gone and filed police reports because of incidents of this nature. Trustee Abato said she had one other question for him. The dogs - were they the same owners or were they different owners as well. Mr. Tschudy said they were all different owners. Washington Avenue, Rockland Terrace - two separate ones on Rockland Terrace - and another one either down on Lonergan or Temple. Trustee Abato asked if all of them resulted in bites. Mr. Tschudy said that two of them were bites. One was two rottweilers actually jumped and knocked his wife down onto the ground where she had to lay on top of the dog to protect the dog and herself. She was in a fetal position. And the last one were two young boys - maybe 10 and 8 - and their dog got off the leash and it went to attack his dog and he had to kick and fight it off and he yelled to the boys "where is your leash - where is your dog?" And they said he got off. Trustee Abato said that incident was an incident where the dog got off the leash. The incident with your wife - and she wants to make sure she has it all - was that dog being walked? Mr. Tschudy said no, the neighbor didn't even know that it was out. Trustee Abato said it got out of the yard. Mr. Tschudy said it got out from the backyard. Trustee Abato asked about the other two incidents. Mr. Tschudy said Washington Avenue where the neighbor had the dog running around the front yard and the dog ran around the block near where Gail happens to live and that is where he was attacked - just up the street from Gail. And he knows that Gail had an incident with the same people and the other one he is currently in litigation with. The Mayor said he would like to know on that one. That is the

one on Rockland Terrace where there have been numerous - and we are pursuing it. Because we talked about it. We had a couple of meetings and we have an existing law. So how is that going because you are pursuing it under our current law. Mr. Tschudy said he is pursuing it civilly and that was taken care of in court over here. The man had to plead guilty to menacing and vicious dogs. Mr. Tschudy said he would not agree with just the leash law. Mr. Tschudy said the man wanted to just plead guilty to unleashed animal. Mr. Tschudy said he told him he was going to pursue this civilly and if he agreed to just a leash law that ends that. And because he received bodily damage and his dogs were ripped apart and the very cavalier answer from the owner was "you shouldn't walk your dogs where I live." The Mayor said the law was effective. The law on the books we did pursue this individual who owns those dogs under that law. The only issue that we are saying is what we are considering here is that we don't have a law but do we want to consider passing a law where we say that since certain dogs are inherently dangerous that we want them muzzled. Mr. Tschudy said the facts don't lie. He gave them the facts. Everybody up there has a copy of it with statistics that bear out what he is saying. And again precedents have been set in other states and other countries. And if you look again at the percentage of the attacks and the deadly attacks that are related to those two dogs specifically, again, he is not looking to eradicate the animal. Not that anybody would have to give their own. But if they walk it in public, it is muzzled because if a lady walks a dog and that pit bull decides it is going to go, it is going to go. And even some fellows. He would have a hard time holding on to one that wanted to go. And why risk the chance. All they have to do is just put a muzzle on them when they walk them. As soon as they get back to their property, take the muzzle off. It is also for their safety so they don't have to be litigated against.

Trustee Abato said she had one other question because she knows he has done a lot of work on this. Does the police department know if these dogs have previous incidents? Mr. Tschudy said only if it is reported and that being said, he has spoken with many a neighbor who have had incidences with a rottweiler or a pit pull and he tells them a statistic is only good if it is reported. If it is not reported there is no statistic. Trustee Abato said there was nothing reported on this. Mr. Tschudy said there are other reports from other people. Trustee Abato said the same dog. Mr. Tschudy said the same dog. In particular to the one.

Trustee Simon said that leaving out the person that you are in litigation with right now, what has been the response of the other owners when you said hey, your dog is attacking. Mr. Tschudy said the first one on Washington Avenue when his shi tsu was being attacked by the pit bull and the dog was saved only because his son, who happened to be home from college, literally, physically jumped the pit bull, kicked, punched and got it off. The owner came, walked over, looked at the dog and said go home. He turned and walked away from him - no apology, no nothing. Nothing. Which incensed him as much if not more. He took them to court and he received a remuneration for the vet bills. With the second incident when the

dog was ripped apart, he did say he was sorry but this is also partly your fault because why do you have to walk your dogs where I live. So obviously he doesn't have an answer for that. He wouldn't even graciously answer that in any form that he would say here before anybody. The third time was his wife in the evening - the two rottweilers got out and knocked her to the ground. She was yelling and screaming. This was at 8:30 at night in the winter. Nobody opened the door. The dogs finally ran off. They just scratched at her. They really didn't do any bodily harm. But they could have. If they wanted, they could have. But she was scared none the less. She knocked on the neighbors door and the neighbor said not my dogs, they are in the backyard. And his wife said they are running down the block right now. She said oh, my God, I'm sorry and then she went back and got the dogs. And the last one was two little boys - a 10 year old and an 8 year old with a pit bull mix. And it came after him and he had to pick up the dog and he was kicking it. And he certainly is not going to yell at a 10 year old and 8 year old. It was why isn't he on the leash. And the 8 year old said his brother had the leash and he was a block and a half away with a leash. So if they were muzzled, there is no harm that they could do. And that is his whole issue. He is not looking to eradicate a dog or have a dog put down. All he is saying is that because of the tendency of the viciousness that they do with the statistics that he presented to them to back this up he would hope that they would at least give this some serious thought. The Mayor said thank you. Safety comes first. Trustee Simon said maybe we should have a bad owner law.

Jo Corrigan of 46 Park Avenue said that she knows the dogs he is speaking of and she agrees 100%. If a muzzle law is a little too much to control, how about Lilly's Law. It is a fabulous law and she thinks it would work very well. Because if we just zone in on just pit bulls and rottweilers and there is another dog in the neighborhood that is not so nice and it is a mixed breed and she walks with two 85 pound labs every day and neither one of them have a mean bone in their body and she would not be able to control a dog fight with two dogs on either side of her. And they are not aggressive at all. But this one dog that lives down the block - her dogs see him and they hide behind her. And this dog is very, very vicious and it is not a pit bull and it is not a rottweiler. So she would like the Board to think about Lilly's Law because she thinks that covers just an aggressive dog no matter what the breed is. And it is already established. The Mayor said when a person has personal liability so it is in the dog owners interest because they can be charged with a felony. Mr. Tschudy said owners don't even pick up after their dogs. Ms. Corrigan said that was her next statement. Ms. Corrigan said that also the dog poop is absolutely horrific. You cannot figure out who it is. She said she is out of the house at quarter to six in the morning and there is fresh piles everywhere. The kids walking to school and school buses. And it is piled. She said she doesn't know how the police can control it but we have to come up with something to do - either let the community monitor it itself and hand tickets out or something. Something needs to be done. It is absolutely disgusting. If we put our thinking caps on

and try to think of something to do. Trustee Abato said there is a law. Ms. Corrigan said that you have to witness the person with the dog doing the action. Attorney Rice said no - we have a two-fold thing. We have that but we also have a requirement that somebody walking a dog has to have a bag or device to pick up because we have recognized for years exactly that problem. The only question is that somebody has to be directed to put some emphasis on it right now because that is something they do on a daily basis. Ms. Corrigan said she can't turn around and go to the police station and say that they didn't have a plastic bag on them. Trustee Abato said it is a law. If you are not carrying a device. She said that when it was first enforced she knows that there were tickets given out. Maybe we need to get back to that.

Pat Bologna of 7 Chatham said that in regards to the dog issue he too has for years had an issue with people walking their dog past his house and allowing the dogs to urinate and defecate on his front lawn and burning out the grass in the summer time and leaving little piles. And in the course of all these years he too has had an extremely difficult time in trying to figure out how to control that. Perhaps we could do something simple like just send out a notification in the next mailing or letter that is sent out just to let the people be aware that it is an issue. And again he has been trying to figure out how to control it for a long time and he hasn't come up with an actual solution. But he thinks that public awareness is probably the best bet. He said he is not really going to touch the muzzle law other than he feels as though it is a great idea but it can be a discrimination upon other dogs such as a big dog that can come and attack and vice versa and he thinks that is something that we have to definitely take into consideration before passing that law.

The Mayor said in the next newsletter that goes out to Village residents we will put something in so that people are aware of these laws.

Since nobody else spoke, audience participation was closed.

**8:00 P.M. - PUBLIC HEARING - CAFFE DOLCE - CONTINUATION OF PUBLIC HEARING - LIVE ENTERTAINMENT PERMIT:**

Mayor LaCorte said that this is a continuation of the public hearing from last month concerning the live entertainment permit. Attorney Rice said that as they know we continued last month because we wanted our planning consultant to take a look at what might be an appropriate decibel limit and very importantly dealing with that also the methodology that is utilized. We do have a memo from John Lange which we received today and while it doesn't come to a final conclusion it basically sets forth the protocol in essence that he wants to utilize in order to come up with both a decibel limit to ascertain what the background level of noise is and how the testing is going to be done. He said he knows that John has spoken to Mr. Vanderbeek and that the applicant understands that it is going to be a process that probably will extend to the next Village Board

meeting before a number in the background noise limits are established. As he mentioned, he thinks, because we wanted to act on this particular application in the shorter run rather than the longer run, we wanted to get these limits imposed as a condition of this particular permit and then subsequently amend the zoning law which takes a number of months to go through the various steps in order to put some type of decibel limit as a continuing requirement on all live entertainment permits.

Trustee Abato said then there is really nothing that we can do tonight. Attorney Rice said other than what they have to say. And then Tom is going to be working with John Lange over the next month and hopefully next month we can put this to bed. Mr. Vanderbeek said that is what he was going to say. He spoke to John Lange today and they will begin taking background measurements. They are not only going to do it for Caffe Dolce but they are going to do it all around town, all around the Village, and get some good background data going so that not only can you make a reasonable determination on Mark's permit but have some guidelines going forward. Trustee Abato said we need to just adjourn it to the next meeting. The Mayor said as you said obviously the applicant in working with the consultant is not responsible for the portion of the fees that are associated with the broader law but it is something obviously that we should have on the books. So it is just as good that this is being brought up. We are sorry that it is taking longer but he thinks that in the long run, and especially since it is winter time and you are not really dealing with the live music. Mr. McGuy said probably not until late April or early May is probably when they are actually going to be able to get some large sound recordings going on but up until that point is he restricted to have any kind of entertainment inside such as a guitar player or anything like that. Trustee Abato asked him if he still had an existing permit. Mr. McGuy said as far as he knows. Trustee Abato said she thinks it is just the outdoors. Attorney Rice said that you still have a permit and that has specific conditions to it. Mr. McGuy said right - acoustic music and between the hours of whatever. The Mayor said the problems that we ran into was because it was outdoors and if it is indoors acoustic should be okay. A motion to continue the public hearing at the next Village Board meeting so we can have the information on the decibels and John Lange's report was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried. Mr. McGuy said he did put a check into escrow.

The Mayor said this next item is not on the agenda but he thinks it is important and it is a regular occurrence that we are going to have because we have a lot going on and he thinks it is important to the Village residents and also to take advantage of the opportunity to get more grant money. The Mayor said that Fred Rella, our grantwriter, is going to give a brief report on the status of various grants.

Fred Rella said that it was a pretty busy January. A number of things happened. This is member item time for our local elected people up in Albany - Ellen Jaffee and Annie Rabbit as far as

Assemblywomen and also for Senator Morahan. Particularly right now with Annie Rabbit we submitted last week two opportunities for her as far as member items. One is for Suffern Day in the amount of \$6500. Last year we received approximately \$5500 which was an increase over the past two years of about \$3000. So that is good. Also for the Senior Citizen Club of Suffern he put in for a generic \$3000 to use for the Senior Citizens for their various dinner dances, trips, and also fund raising activities that they do for the DARE program once a year. So hopefully we will get that and that will be really wonderful for that organization. With Ellen Jaffee, this past year she gave us \$2500 for the DARE program. This year Mr. Rella put in for \$5000 for that and hopefully that will be something that would be very beneficial. DARE does everything from education of our children within the schools to running the street hockey program up near Connor School which was the first street hockey program in New York State. And it is really used as a model so Chief Osborn is to be really acknowledged for that. Also, he put in for the Clifford Theater \$3000. Typically, to run that type of event, you think okay, you just have the high school students come here and they put on a play - about 25 or 30 of our local children who do attend the school. However, there are costs for such things as costumes, lighting, musical score, which would include the piano player, and the like and that runs about \$2000-\$3000 each and every year. So he put in for \$3000 for the Clifford Theater. Also in speaking to Gail, one thing that they are looking for at the Suffern Memorial Pool this year is for a kiddie sprinkler system. He said he is not exactly sure what it would be like. The Mayor said a water park thing. Mr. Rella said yes, like a little water park thing - like it might be in the center of the pool. The Mayor said no, it would be off to the side. Mr. Rella said off to the side. He said Gail got some quotes on it and we put in for \$3000 for that and hopefully those will come to fruition.

Senator Morahan's requests aren't due until February 12. So those are still being formulated and he has some good ideas and he needs to talk to the Mayor about some of them to see if we actually want to stress and put our energies. On Friday, we submitted the Community Development Block Grant. That is the 1.5 million dollar program - five years for the revitalization of the downtown. Overall program costs is 1.6 + million dollars but what we are looking for is that Rockland County Office of Community Development which would be HUD money for the 1.5 million dollars. In 2010 the amount we are requesting is \$200,000. The Village contribution would be \$25,000 for a total of \$225,000. He said he feels really good about this opportunity and he has worked very hard with Mr. Joe Abate, as has the Mayor, in telephone conversations and meetings and we should be getting the decision on that right about the end of March. So we are looking forward to that.

Mr. Rella said New York State Energy Research and Development Authority, otherwise known as NYSEERDA, works a lot with the local public utilities and the like and they look for people to do energy conscientious efforts throughout New York State - both residentially and commercially. There is a grant opportunity which is going to be

submitted on February 17. It is up to \$500,000 for each village. We are going to be submitting four separate applications right now. One for solar panels to be put on this building, which would basically offset about 20% of the load of this building. And that would equate to about \$15,000 per annum which would be offset. And what is nice about it is that the amount of energy savings can be directly put - have you ever seen countdown clocks for the new year like you see on the internet or whatnot - right on the Village of Suffern web page so we can have a little spot that says this is the amount of energy that is being saved and the amount of dollar savings. So right when you click on the Village of Suffern you would be able to see that type of savings which is occurring.

Also, looking at the DPW roofs for the water department - there are several roofs which are in need of replacement and there are some high tech roofing materials now. This is not the angular type roof. This is the flat type roof and the materials are basically the color of them are white in nature and they reflect the light off of it and therefore the heat is not going into the building and there is a lot of energy savings which is occurring. Also looking at having an energy audit program here within the Village of Suffern for the businesses in which energy audits will be conducted for all the local businesses to show them how to save money. And also for an energy consultant to help promote these programs throughout the Village. And then there are a few grants out there that he is going to be getting the money. We have already been awarded, and he has been working with Tom Zordan, and this week we are going to be putting in the \$90,000 which has been awarded for a DPW truck and plow. So we will recoup those monies. And there is \$100,000 for the street sweeper and that is with the NYS Senate Finance Committee right now. All the paper work is in there and we are just waiting for them to just basically say yes, we can pay the Village of Suffern. And there are a couple of other smaller ones which should be filed within the next week to ten days.

The Mayor thanked Mr. Rella for the update and that stuff especially for Community Development and NYSERDA. The Mayor said that one thing that he wanted to mention is that if you saw last week we had a little bit of snow and we also had one morning where it snowed a little bit that the truck-mounted deicing system is now in use so if you notice the roads, instead of having salt, there was a spray that went on and it did a great job the other day because we were able to do it the day before snow came down and he thinks that if you were driving between our roads and other neighboring roads, especially in New Jersey, our roads were really great. So again thanks to Charles and Danny for working hard and all the DPW to get that together.

**VILLAGE ATTORNEY:**

Attorney Terry Rice said he had a couple of quick things. He said that first of all you have the contracts for the Chief and Lieutenant. If you want to act on those tonight, the only addition is that the contracts in the past have generally been a year. He

said he thinks these were drafted as three year contracts and instead he thinks, as the Chief suggested when he raised the issue, that a two year contract essentially to the end of 2011 would be acceptable to them.

A motion to approve the Chief's contract for two years, expiring December 31, 2011, was made by Trustee Abato, seconded by Trustee Simon. Trustee Meehan said at what point in time does the general police contract expire - the one with the PBA. Attorney Rice said May 31 in 2 ½ years. Trustee Meehan asked if this was going to be a co-term. Attorney Rice said no. Trustee Meehan said it would actually expire before. Trustee Meehan said that he is going to support this this time but what concerns him in this instance and the instance of the police contract itself is we have had a tradition of separating people by percentages. But as the amount of money that we are paying a patrolman goes up these percentages - 5 or 10% - 10% of \$100,000 is \$10,000 and when you are getting up to the Chief and you are saying 10% we are talking about \$15,000. So his thinking is perhaps in the future rather than use percentages that we use whole numbers. He said it seems that a number like \$10,000 would be an appropriate number as opposed to just using percentages because percentages eventually will kill us. This is something we would have to negotiate. The Mayor said yes, with respect to the PBA contract. Trustee Meehan said we have already established a precedent with the current PBA contract.

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

NOES: None

ABSENT: None

Trustee Abato said that she would move to approve the Lieutenant's contract also to expire December 31, 2011, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

Attorney Rice said he just had one other thing that was not on the agenda. He said we are in the process of getting names. We talked about it Thursday night and he has contacted two other labor firms, one of them he spoke to and he is sending us something, and the other person he is waiting for a return phone call and Trish has somebody she is going to give him that he will contact. The Mayor said then we will get everybody packets because it is something that we really need to deal with because people typically think that you

are just dealing with labor attorneys around the issues of negotiating contracts and we negotiated the police contract recently and the contract with the CSEA but there are also issues that come up every day in terms of labor and employment so he thinks it is something we need to look at. So we will get each Board member a complete packet and they can review all the choices and ask questions and we will make the people available to interview and obviously price - their rate per hour will be a consideration and also their experience - and then we can all make them all available to meet with the Board members and hopefully this is something we can act on at the March meeting.

Attorney Rice said the other thing that he wanted to bring up is that as they recall, the Board of Trustees revoked Dona Maria's live entertainment permit a number of months ago. He believes that the Board said at that time that after six months they could again apply for a permit. We have a letter dated January 25 whereby they are asking to talk about it - in other words, to have a hearing - on a new live entertainment permit. They state in the letter that they are under new management. They haven't had any incidents since that one incident. They also say that they are requesting acoustical music, consisting of a two-person mariachi band from 6 p.m. until midnight on Fridays and Saturdays and a DJ on some Saturday nights from 9 p.m. until 1 a.m. So if the Board wants to consider the matter he would suggest that they set a public hearing for the next meeting. In addition, he thinks that we should ask the Police Department and the Code Enforcement Officer for a report as far as any incidents and the appropriateness of the special permit. He said he did want to say one other thing. He said he is thinking out loud here because he is just seeing this. Renewal of live entertainment permits do not require a public hearing or referral to the Planning Board but a new permit does. So he thinks they have the discretion to decide if you want to send this to the Planning Board for their review and recommendation or if you just want to go ahead and hold a public hearing next month depending on how you classify this.

Trustee Abato said that since the Police Chief is not here tonight and we don't have any reports favorably or unfavorably on Dona Maria she said she doesn't really think that she would be in a position to make any kind of decision. Attorney Rice said to have a public hearing. The Mayor said to have a public hearing for next month. Trustee Abato said she understands that but what she is saying to them is that if the Police Chief was here tonight and said no, unfortunately we have had several incidents, or the Code Enforcer said no, we have, she wouldn't even probably vote to even have a public hearing for it. Do you know what she is saying? So without their recommendations and their input and since we just got this tonight, she doesn't know if it is something that we should move forward with or something that we should think about for next month when we have all the information to decide on a hearing or not.

Trustee Meehan said he thought that when Terry read this letter that he did state that he hasn't had any problems and it would be pretty obvious - he would really be annoyed if he sent us a letter saying

that he didn't have any problems and then we asked our Police Chief and found out something different. He said he just wouldn't entertain it for two seconds. But he thinks if he is saying that that it is probably true and he knows that we took the, and for good reason, to not allow them to continue but he doesn't see a problem with having a hearing because he thinks if that is his statement it would be foolish to try and lie. Trustee Abato said that unfortunately he has told us about his security in the past and it hasn't been what he said so that would be her only concern. Trustee Simon asked when the last action was taken by the Board and was the license - the live entertainment permit - suspended or revoked. Attorney Rice said it was revoked. Trustee Simon said then wouldn't this qualify as a new application. Attorney Rice said that we should require them to fill out a new application. Trustee Simon said which would force them to go before the Planning Board and the whole process. Attorney Rice said he thinks because it is a new application at that point that you may want to send them to the Planning Board. Trustee Abato said that she just wants to say that she really doesn't mean to give them a hard time but the seriousness of what happened we have to be answerable to our residents and to our taxpayers and the people who live and work here. So she just wants to make sure that if it is going forward we are all on the same page and that the Police Department and the Code Enforcer and that you don't have these problems anymore. She said she would be the first one to say that she would be so happy for you to continue and to have a respectable profitable business. But that is not what she is looking to do. She just wants to make sure that we are going to say okay, sure, we will have a public hearing and we will consider this and then if these people come back and say that they don't think it is time or we are not ready for that, she just feels like she wants everybody on the same page.

Attorney Rice said that he would suggest then that perhaps what the Board might want to do is that we don't have an actual new application from them but make a motion to refer it to the Planning Board for their review and recommendation subject to them filling out a complete new application in time for the Planning Board meeting. A motion referring it to the Planning Board was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

**DEPARTMENT OF PUBLIC WORKS:**

**A) Authorization to Utilize Vanderbeek Engineering, P.C. in the Future for Engineering and Surveying Professional Services - Mayor to Sign Agreement:**

Mr. Charles Sawicki said he was requesting authorization to utilize Vanderbeek Engineering, P.C. in the future for engineering and surveying professional services. And he believes that the Board has their folder. Attorney Rice said you are not actually utilizing them for any particular project so you just do a regular vote. The Mayor said this is to have the Village Board to use Vanderbeek Engineering for various consulting services as need be. So again since we are

not particularly engaging them for any one project then we don't need a roll call. A motion authorizing the utilization of Vanderbeek Engineering, P.C. was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

**B) Authorization to Utilize Quality Environmental Solutions & Technologies, Inc. to Provide Asbestos and Lead Paint Survey of Suspect Locations throughout Village Hall Building in the Amount of \$1624. Survey to Include Documentation of All Analytical Laboratory Certifications:**

Mr. Sawicki said this was requesting authorization to utilize Quality Environmental Solutions & Technologies, Inc. to provide asbestos and lead paint survey of suspect locations throughout the Village Hall building in the amount of \$1624. The survey is to include documentation of all analytical laboratory certifications. A motion authorizing the utilization of Quality Environmental Solutions & Technologies, Inc. was made by Trustee Meehan, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

**C) Authorization for Payment No. 2 to Diamond Construction Inc. in the Amount of \$3200.40 for Project 2009-001 Ramapo Avenue Curbs and Sidewalk. Balance of \$7737.98 to Remain:**

Mr. Sawicki said this was requesting authorization for payment No. 2 in the amount of \$3200.40 to Diamond Construction Inc. for project 2009-001 for Ramapo Avenue curbs and sidewalks. A balance of \$7737.98 will remain and that is the retainage. A motion authorizing payment was made by Trustee Abato, seconded by Trustee Simon.

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

NOES: None

ABSENT: None

**D) Rebid for Secondary Digester Cover to be Returned Friday, February 19 at 10:00 a.m.:**

Mr. Sawicki said the rebid for the secondary digester cover will be accepted on Friday, March 5. He said that this is different than what is on the agenda. As a result of adding an alternate bid for a dual membrane gas holding cover will necessitate pushing the bid back a couple of weeks. The Mayor said that would be the return date

because you said accepted. Mr. Sawicki said yes, the return date. The Mayor said we discussed this at the workshop when we did this that this is something that is definitely needed for the Wastewater Treatment facility. At the last Board meeting or a Board meeting ago we only got one return bid. That was several hundred thousand dollars more than anticipated. So Charles, in working with our consulting engineers, Riddick, and discussion with the Board, suggested it going out for an alternate bid which has a cover which is significantly cheaper. A different type cover. So that is the alternative that we are discussing here and hopefully we will bring back more bids at a lower price. A motion authorizing the rebid to be returned on Friday, March 5, was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

**E) Requesting Emergency Funds in the Amount of \$19,737 for Offsite Transportation of Sludge from Primary Clarifier as a Result of Problems that Occurred with Secondary Digester Cover:**

Mr. Sawicki said he was requesting emergency funds in the amount of \$19,737 for the transportation of offsite disposal of sludge from the Wastewater Treatment plant primary clarifier. A motion authorizing the funds was made by Trustee Abato. The Mayor said this is needed because we need a new digester, unfortunately. The motion was seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

**F) Authorization to Allow 8 DPW Employees to Attend Dig-Safe NY Training Class on March 10, 2010 in Monticello, NY. Attendees Scott Brown, Joe Hunt, Dan Haglund, Craig Flanagan, Ken Carr, Bob Conklin, Vic DePatto, Charles Sawicki:**

Mr. Sawicki said this was for authorization to allow 8 DPW employees to attend the Dig-Safe NY training class in Monticello, NY on March 10, 2010. Trustee Abato asked if he arranged transportation. Mr. Sawicki said they are going to utilize Village vehicles. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

**VILLAGE CLERK:**

**A) Approval of Minutes of Regular Village Board Meeting - November 9, 2009:**

Village Clerk Virginia Menschner said this is for approval of the minutes of the regular Village Board meeting of November 9, 2009. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

**B) Conserv - Request to Purchase Surplus Fire Truck (\$1000):**

Ms. Menschner said we also received one bid for the surplus fire truck from Conserv in the amount of \$1000. A motion accepting the bid was made by Trustee Abato, seconded by Trustee Simon.

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

NOES: None

ABSENT: None

The Mayor said he believes that Conserv will be donating that truck to a department in need at the request of the Suffern Fire Department. So the truck will be going to a needy department.

**C) Sacred Heart Festival - April 20 through April 25:**

Ms. Menschner said we have a request from Sacred Heart for a festival for the dates of April the 20 through April 25. A motion approving the festival was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

Ms. Menschner said she had one more item. It is a resolution for a Revenue Anticipation Note in the amount of \$1,100,000 and she needs permission to advertise. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

**FINANCE DEPARTMENT:**

Treasurer Tom Zordan said we paid down, unfortunately, \$180,000 of bond debt today. That is our final bond payment for the fiscal year ending 5/31. Our outstanding bond debt is \$4,750,000 of which \$670,000 is scheduled to be paid during the next fiscal year beginning June 1, 2010. We have started the budget process for the next fiscal year. Everything is moving along in a timely fashion. Of the solid waste invoices that were sent out last month, \$507,000, we have collected \$417,000 through January 29. We are a little bit ahead of our pace from last year. And one thing that is not on the agenda is that he just wants to update the Board on our water meter progress. As of today, we have installed 1947 new meters and we are at 75% of the way through and we have about 500 more to go. The men are doing a good job and Barbara is doing a good job too. And that is all he has tonight.

**MAYOR:**

**A) Sussex Condominium III - Water/Sewer Bill:**

The Mayor said he only had one item on his agenda. He said he distributed to each Board member a request from Sussex Condominium III regarding late fees and penalties on their water bill. He said he didn't know if anybody wanted to discuss it today. He said we didn't have the opportunity to discuss it at the workshop. And he knows that everybody received a packet after the workshop and he didn't know if they had the opportunity to look at it. Again, he said that he doesn't necessarily advocate waiving the penalty but that we may consider deferring the penalty until there is a time if there is a determination as to whether or not they will get restitution in the criminal action. Trustee Abato asked if we could discuss it at the workshop so they all can have some input on this. Trustee Meehan said that he knows that he read the Mayor's recommendation and generally speaking we don't like to waive penalties and you don't want to do that because you don't want to establish a precedent. But this seems like a very unusual event. Trustee Abato said that is why she wants to discuss it. Trustee Meehan said he guesses he is not the first treasurer to embezzle from a condominium so he doesn't know if we have had a history here in Suffern. And hopefully these condominium people will learn to have all their checks signed by more than one person. It seems that whenever these things happen it is always one treasurer who everybody felt was the salt of the earth until they found out that that person wasn't the salt of the earth. But he doesn't think that we really would be establishing a precedent. He will just leave that out. And he thinks that probably Trish is right that we should discuss it in executive session at a workshop. The Mayor said we will just table it. Treasurer Tom Zordan said that he just wanted them to know that there is a time-frame for this because generally if someone doesn't pay their water and sewer bill, it has to be relieved on the tax roll and we have a date - a certain date - where we have to say if something is going to be relieved or not. So we need to either make a decision one way or another or to say that we can't make a decision. Don't relieve it now and it still could be. The Village Clerk said we have until May. The Mayor said he thinks it is just a matter that we just got this and it was distributed late after the workshop. So everyone can kind of look it over and we will talk about it. And he thinks that we all know the facts and he appreciates Jack's comments. So that is it for him.

The Mayor asked if there was any old business or new business from any of the Board members.

Trustee Simon said he did have a bit of new business, if they didn't mind. He said that some of them might know, or might not know, that he is a Den leader with the Cub Scouts. The Boy Scouts of America were chartered on February 8, 1910. Their 100<sup>th</sup> Anniversary is one week from today. And what a lot of people don't know is that Suffern is important in the history of Boy Scouts because one of the founders of the Boy Scouts of America, Daniel Carter Beard, made his

home here in Suffern and actually died here. He is buried in the Brick Church Cemetery in Spring Valley, he believes. And he was hoping that the Village Board - and he doesn't know if it is a Board thing or just the Mayor - that we would at least declare next Monday, the anniversary, to be Boy Scouts of America Day here in Suffern to honor the centennial. The Mayor said yes, we can do that. A motion declaring Monday, February 8, as Boy Scout of America Day in Suffern was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

A motion to adjourn the meeting at 8:55 p.m. was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.