

**Village Board Meeting
Monday, February 7, 2011**

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 Bruce Simon, Trustee Patricia Abato
Trustee John Meehan, Trustee Jo Meegan-Corrigan

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

ABSENT: None

The Mayor said that last Wednesday we canceled the workshop due to the weather. Typically the case is that we have a Village workshop on the Wednesday preceding the Village Board meeting where we go through the agenda discussing things at length in more of an informal setting. Because of the weather, we canceled that. So what we are going to do tonight is instead of doing a workshop, we are just going to work through the agenda. This is the first time we are discussing these items as a Board so it may take a little longer but it just made the most sense to do it that way.

The Mayor said we have a couple of presentations. The Mayor said we are going to start with a couple of presentations and then he is going to go to the Police Department and then after the Chief is done we have a promotion to take care of. So we will do that.

The Mayor said that about a year ago we started an award here in the Village of Suffern called the Andrew C. Haggerty Service Award, the purpose of which is to recognize people who work for the Village, whether as a full-time position, part-time position or volunteer but kind of put forth a service to the Village beyond what is required. And what we would like to do is that we have a plaque outside and the name goes on the plaque permanently out there as well as presenting each individual winner seasonally with a plaque as well as a gift certificate to a local restaurant.

The Mayor said we have two recipients here tonight and he would like to call upon them individually. First, both of who work for the DPW and do so much more than that for the Village and it is our honor, on behalf of the Village Board, to recognize them.

The Mayor said the first person that he would like to recognize couldn't be here this evening. He is out of town. But he is represented by his family so he would like to call up Mrs. Joseph Hunt.

Mrs. Hunt came up along with her son, Joseph, Jr. The Mayor said that this is presented to Trisha on the Village's behalf for Joe.

Joe Hunt is our Village mechanic who is really an amazing auto mechanic and helps us so much in terms of doing his job and really is always there for us whenever we need him. In addition, Joe is also a safety officer here in the Village of Suffern and a volunteer firefighter as well. He has worked really tirelessly on his own time to develop a safety program to make our Department of Public Works and overall Village safer. So this is just a small token of our appreciation for all that Joe does as well as a certificate for \$75 to Marcello's. The Mayor congratulated Joe. Mrs. Hunt said that she just wanted to thank the Board and she is very proud of Joe. And Joe had a message for everybody saying "Think Safety and Be Safe."

The Mayor said the other recipient of the Haggerty Award is the other half of our safety program as well as a long-time employee of the Department of Public Works - Scott Brown. The Mayor said that in addition to him working for us for thirty years, Scott has also worked with Joe to develop the safety program. In addition Scott serves as the CSEA local president, which is a job that is probably more thankless than being Mayor. So on behalf of the Village Board, the Mayor presented a plaque to him as well as a gift certificate for \$75 to Marcello's.

The Mayor said that he wanted everybody to know that the gift certificates were donated by a local merchant.

Set Dates for March Meetings:

The Mayor said the workshop will be Wednesday, March 2 at 7:00 p.m. and the Board meeting will be the following Monday, March 7 at 7:30 p.m.

POLICE DEPARTMENT:

Chief Clarke Osborn said that he would go through his quick report prior to 7:30 when we will have a promotion ceremony. The promotion ceremony will be for letter (b) which is appointment of a group supervisor - narcotic squad. Chief Osborn said that what that is is that the Board knows - he has spoken to them about this. Mike Fennessey, who has been carrying on narcotics investigations for over three years now will be promoted to Detective and assigned to the Rockland County Narcotics Task Force. In turn, the Narcotics Task Force will reimburse the Village of Suffern \$100,000 for the next year for Detective Fennessey and he will be in charge of a group of seven narcotics officers that will be assigned to this area. So we are definitely getting a good bang for our buck. We are picking up a whole squad and Mike will be in charge of the whole unit. So he thinks it is a win-win for us. He asked if there were any questions before he goes on just about that. Because his family is starting to come in. 7:30 he will be here.

The Mayor said if anybody has any questions to ask them now but we will vote on it when we do the appointment.

C) Adopt 2011 Emergency Operation Plan:

Chief Osborn said the next thing is if the Board could vote on it is to adopt the 2011 Emergency Operation Plan for the Village of Suffern which he compiled and he has made very minor changes this year which is just the names and certain locations. And the plan is pretty much the same as it was last year. The Mayor said he knows the Village Clerk had a copy of it and he doesn't know if the Board has had a chance to see it. The Village Clerk said they all have a copy. Chief Osborn said it really hasn't changed much. It is an emergency disaster plan in case we have a critical incident here in the Village. A motion to adopt the plan was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

D) Officer John McGee - Retirement - February 28, 2011:

Chief Osborn said that Officer John McGee, who has been with our department for over 20 years, will be retiring effective February 28, 2011. He is asking the Board to accept his letter of retirement resignation. A motion accepting the letter was made by Trustee Meehan, seconded by Trustee Simon. Upon vote, the motion was carried.

E) Set Public Hearing - Prohibiting Parking Along a Portion of Essex Lane - March 7, 2011 at 8:00 p.m.:

Chief Osborn said he would like to set a public hearing prohibiting parking along a portion of Essex Lane for March 7, 2011 at 8:00 p.m. The Chief said he sees Cliff Albertson here from up in Bon Aire in that area and Cliff and he have been working together for the area which is unsafe for vehicles to pull out of in Bon Aire and Cliff and he looked at the area and they feel it is definitely appropriate for this hearing. So he is asking the Board to establish a public hearing on that. A motion to set the public hearing was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

Chief Osborn said just one more thing, if he could add, and he spoke to Virginia about this and Virginia has the paperwork. They are asking the Board to accept two donations of a 1996 Dodge and a 1996 Ford. These vehicles will be used for police investigations at no cost to the Village. A motion accepting the cars was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried. The Chief thanked the Mayor and Board.

Chief Osborn said that he has one other item that he wanted to bring up. He said that he and Trustee Meehan spoke in regards to the quarry. Just when you get to your portion, he wanted Trustee Meehan to know that he spoke to Mr. Tisi today from the Town of Ramapo. They were in receipt of the Mayor's letter that you sent on June 10, 2010 and in regards to taking some action, they did reassure him that they are going to take security measures and to take care of the problem once the snow melts and spring starts. Our main problem at the quarry will start once it gets warm. So he is asking the Board's support to stay with him and he will be the lead, if they want, in security measures. He said he met with the Ramapo Police Chief because they own the quarry - the town - and he has spoken to

the Supervisor's office several times and he has met with the buildings and grounds people twice over there also. So he just wanted to let them know that they will follow up. And if the Board wants him to be the lead on that, no problem, but we have made contact with them several times already.

Trustee Abato said that the Chief has been ongoing in contact with them, if she recalls, and there have been several letters back and forth with regards to that. The Chief said that is correct. Trustee Abato said she knows that he has kept on it. So she just wanted to thank him for that and she hopes he will continue to keep with it. She thanked him. The Chief said he appreciates it. No problem. A letter to the Board back in June addressing some of the highlights of the safety issues at the quarry and they took action immediately on it and he has been assured that they will be taking action to protect whatever they need to be protected. The Mayor said that the reason that we are bringing this up now is because the Chief has asked that after the appointment of Detective Fennessey if he could leave because they are going to have a little celebration. The Chief said he apologizes - he should have explained that. Trustee Meehan said he called him up and they have had some discussion and he will address it. The Mayor said the Chief won't be here at that time. The Chief said to Trustee Meehan that whatever he needs he can call him at any time. Whenever he can help them out. The Mayor said Trustee Meehan can talk about it if there is anything that he wants to address with the Chief. The Mayor said he knows that additional signage was put up saying that there is no trespassing. Repairs were made to the fence. The road was widened so that we can get emergency vehicle access to the premises including our police cars. Also one of the buildings, at the suggestion of former Trustee Schoenleber, was taken down because it was dangerous and it appeared as if people were going in there and using it. That first we used it as a drill for the fire department - they had a fire in there and then disposed of the building. So one of the two structures is removed. So there have been measures. And again, as the Chief said, the main issue there in terms of trespassing surrounds people going there during the spring to kind of jump into the quarry. And while he wouldn't popularize that here since this is televised, he doubts that many teenagers watch this. So he doesn't think it is going to get out based on what we say tonight. But anyway they have talked about getting Avon's security company to patrol the quarry since it is the adjacent property. So that is something that they are going to look to do. Trustee Meehan said he will discuss it when we bring up the quarry. He is totally dissatisfied now with the progress so far with the Town of Ramapo. But we will talk about that later. And he appreciates his work on this.

Trustee Abato said she would like to ask that we discuss the quarry at this time with the Police Chief here. She said that she feels that later on, since the letter did include the Chief and his department, that he should be included in any talks about the quarry since he would be the person that would be overseeing that. So if Trustee Meehan doesn't mind. Trustee Meehan said okay. Why don't we discuss the security portion of the quarry. He said that one of the things that he did last summer when he was campaigning for re-

election and very frankly he sort of changed the way he was doing it. And he engaged people. He used to just say, hi, I'm Jack Meehan running for re-election. And that was it. And now he engages them. And the thing that he talked about was the quarry. And the fact of the matter is that anybody can walk to that quarry and just go down to the stream, go over a few rocks and you are in the quarry. Several, and he talked to a lot of his constituents, several Suffern teenagers are going into the quarry and swimming. And he doesn't know what it takes to do this but he went in there and he saw that the fence was - that you could go under the fence - and then they did that and they have done a bunch of other things. He said he doesn't know what it would take for the security to really secure this but he knows that it is a very dangerous situation. That quarry lake is a tragedy waiting to happen. And the Town of Ramapo hasn't done anything as far as he is concerned. As far as a real security program. He said he has asked, and he is asking the Suffern Police force to come up with a program. That may involve, and he heard, oh, we're looking to hire Avon's security forces. He said he wants the Town of Ramapo to spend some money to protect Suffern children. It is as simple as that. That may involve several thousand dollars. He said he won't go into the sale of the quarry. That was one of Supervisor St. Lawrence's grand-stand plays. He got it and he took it off the tax rolls and it has been off five years. But this is very important. What he wants, and he has asked, is Suffern to come up with a recommendation for security and then the Town of Ramapo, and this is something that we should not ask the Town of Ramapo to do but demand the Town of Ramapo to do, and if they don't follow the demand then he thinks we should say what don't you understand about a lawsuit. So he knows that they have done a few things. They have done cheap stuff. He wants them to spend some real money and really secure it. Trustee Meehan said he has a lot of confidence in the Chief to come up with a plan to do it. The Chief said you got it. He will take care of it.

The Mayor said he wanted to recognize District Attorney Tom Zugibe who is here. He thanked him for joining us.

FIRE DEPARTMENT:

A) New Members - Volunteer Hose Company #1 - Brian Gonzalez, Kevin Pohlman, Joseph Neyer, Brianne Murphy:

Chief Dan McInerney said he has four applications - the Hose Company has four new members applying - and he would like them to be put on the insurance rolls. That is Brian Gonzalez, Kevin Pohlman, Joseph Neyer and Brianne Murphy. A motion accepting the new members was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

B) Permission for Three Chiefs to Attend Harrisburg, PA Fire Expo on May 20, 2011:

Chief McInerney said he was asking for permission for the three chiefs to attend the Harrisburg, Pennsylvania fire expo on May 20, 2011. The Mayor asked what the cost of that would be. Chief

McInerney said it will probably be about \$400. A motion giving permission was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

Chief McInerney said just to give the Board a quick update. They had 292 calls for the year 2010. They had 29 calls during the month of December, 29 calls during the month of January. So they are running almost a call a day now. They had two individuals that just completed firefighter I. They have three members currently attending firefighter I. And with the new members that have just joined, the Hose Company will have five on the waiting list.

GRANT WRITER:

Fred Rella said that on January 31, they submitted the Community Development Block Grant to the Rockland County Office of Community Development. Once again, \$125,000 for lighting and for a façade program this year. And they should know the award, who is going to be awarded it, in March. They should know the outcome of that. Also on the 31st, they had an informational meeting for potential program participants. Jo was there who kicked off the meeting as was Trustee Meehan and it was very well-attended by the businessmen and well received. So they think that the façade program will be going very well. The Police Department recently got the thermal imaging cameras - two of them - total cost of \$10,000. That is a reimbursement program so as soon as the check is cut to pay for them it takes about thirty days for the Department of State to reimburse us. So he is working on that and coordinating that with the Chief and with Tom Zordan. Mr. Rella said he worked with Gail and they were awarded a \$5,000 grant for the Recreation Department for crowd control. And they morphed on a little bit such that it encompasses bullhorns, tents and canopies as well as some rope and stanchions and some signage holders. He said he sent the contract to the Department of State and they will know in about thirty days the signature on that for other information that is needed. He said he applied to Assemblywoman Annie Rabbit and Assemblywoman Ellen Jaffee for some member items. To Assemblywoman Annie Rabbit Suffern Day in the amount of \$6,500 and for Suffern Seniors \$3,000. And to Assemblywoman Jaffee the DARE program \$5,000, Clifford Theater \$3,000 and the Recreation Department \$2,000 for a defibrillator for the Suffern Memorial Pool. Senator Carlucci, his office is going to be on Middletown Road, and he is actually having the opening on that office on February 9 at 6:30 p.m. So he is setting up his staff in the office and he is not accepting any member items at this particular point of time but once that happens then he will let us know. And then Charles Sawicki will be talking a little bit later. Later this week we are going to be applying for a \$25,000 grant for a tree program within the Village of Suffern which will also help

to offset because there is a line item in the budget as well. The Mayor thanked Mr. Rella and said that he spoke to Carrine, who is our façade and downtown administrator and she received a number of applications for the façade program and she is also going to send another letter with a copy of the application to those who did not attend or submit an application. So we are very excited about moving forward on that and we are looking to do, he believes, five facades which is what we are shooting for this coming fall. He would also like to recognize Legislator Ed Day, who is here.

POLICE DEPARTMENT:

Chief Osborn said that prior to calling up Mike Fennessey he is asking the Board to promote Mike Fennessey from patrolman to the rank of detective. A motion to promote Mike Fennessey was made by Trustee Simon, seconded by Trustee Meehan. Upon vote, the motion was carried.

Chief Osborn said he would like to introduce Officer Mike Fennessey of the Suffern Police Department. He said that upon graduation from high school, Mike Fennessey received his associates degree from Rockland Community College and became an officer with the NYC police department. In 1999, Mike became a part-time officer with the Suffern Police Department, which eventually turned into a full-time position in 2003. Upon becoming a full-time officer, Mike Fennessey showed his dedication and determination to do a good job for this Village by not only fulfilling his job requirements but doing much more. He was an original member of the County SWAT Team, known as REACT where he served as an entry team operator and explosive reacher, a position he held until 2009. Mike also serves as a member of the US Marshalls New York, New Jersey Regional Task Force and has been doing so from 2008 to the present day. Mike is a military veteran, having served as a military police officer in the United States Army Reserves from 1993 to 2001. He was also assigned to the Rockland County Narcotics Task Force in 2008 and has been overseeing our department's narcotics investigations for the past three years, working very closely with the Spring Valley and Ramapo Police Departments. In 2010 alone, Mike, along with Detective-Sergeant Ray Sheehan of the Suffern Police Department, was responsible for removing 41 suspected drug dealers from our Village streets. On top of all of this, Mike managed to become a Rockland County PBA president, in charge of a union of over 600 members. He also served as a trustee with the Rockland County Shields. He has received the American Legion award as well as numerous Rockland County PBA awards for exceptional service and valor. Mike's new duties will be assigning him to the Rockland County Narcotics Task Force, along with Bruce Goldwick and our D.A. Tom Zugibe, as a group supervisor in charge of a team of narcotics officers, which will be assigned to County jurisdictions including the Village of Suffern. Mike's dedication, his drive and his ability to work well and motivate others make him the perfect fit for this position. So he really wants to thank Mike for all of his dedication, all the years with the Suffern Police Department, all the fellow officers from Suffern and surrounding departments and areas that are with us. And we appreciate all of Mike's efforts. Chief Osborn said he would like

to call up Mike, Mike's wife Irene, and his children Katina and James for the swearing in of Mike. Also here tonight are Mike's mother, his sister Debbie and his in-laws Katie and Lewis Nicaroccis.

At this point, Village Clerk Virginia Menschner swore Mike Fennessy in as Detective.

Next, the Mayor recognized Mr. Chuck Barone, who was the recipient at the last meeting of the Andrew C. Haggerty Award. The Mayor said he wanted to present Chuck with the gift certificate. Mr. Barone said the reason he was here was that he wanted to tell the Village Board that he had a bunch of errands to run over the weekend and they went all the way from Newburgh to Ramsey and every time he parked and got out of the car, he had to climb over mountains of snow, except in one village - ours. So he wanted to congratulate and thank whoever is in charge of removing the snow. They did an awesome job. It's the only place around where you can conduct business without putting on snowshoes. He thanked the Board.

CULTURE & RECREATION:

Mrs. Gail Curtin said that in an attempt to save time tonight, everything is before them and she doesn't think there are any further announcements. The Mayor asked if there was anything they needed to take action on. Mrs. Curtin said not necessarily. Trustee Meehan asked what time the Keough breakfast was. Mrs. Curtin said that they hadn't actually gotten the times yet but it usually starts around 9:00 a.m.

VILLAGE ATTORNEY:

Attorney Terry Rice said he had two items on the agenda.

A) Waterstone Real Estate Appraisals, Inc.

Attorney Rice said the first one is from Waterstone Real Estate Appraisals to give us an appraisal of the property at 130 Orange Avenue. As the Board recalls, the Board authorized the Mayor to enter into a contract for the purchase of that property. It hasn't been executed yet as we work through some of the language with respect to the redevelopment. In particular, one of the provisos in the contract, however, is that once it is signed we will have a sixty day cancellation period for any reason. But during that period of time we have to obtain an appraisal because as you know a municipality can't pay more than fair market value for property and the proposal here is to do an appraisal for that purpose for a fee of \$2100. A motion authorizing the appraisal was made by Trustee Simon, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan

NOES: Trustee John Meehan

ABSENT: None

B) DB Masonry Traffic Study:

Attorney Rice said the second item is a proposal from Frederick B. Clarke Associates to perform a traffic study on Route 202. He said that as the Board recalls with the hearing on DB Masonry, although the Planning Board had determined that the proposal would not have a significant impact on the environment, including studying the traffic aspects, because there were a number of issues or concerns raised by people in the area with respect to traffic, the Mayor suggested that a traffic study be performed. In any event, just to look at the overall situation. And it is his understanding that DB Masonry has agreed to reimburse the Village for costs. Frederick B. Clarke is our planning firm. John Lange is from that firm. But they have traffic engineers on staff. Attorney Rice said he also called and left a message for John Collins, who is also a traffic engineer, to see if he wanted to submit a proposal but we haven't received one from him. As you can see from the proposal, they are essentially making it a two-phase study. The first phase it would be evaluating the traffic and so forth. It would be \$8,000 and the second phase would be \$5,000 to try and advocate for any type of state improvements that would be required. The Mayor asked if there were any questions. He said we also have a letter from DB Masonry that they will reimburse us up to \$10,000. The Mayor said he also verbally spoke to Mr. Brennan and if it exceeds that, which it may, it will be up to \$12,000 and they will cover the cost of it. But he just didn't have a chance to give us a letter since we didn't have that full amount. A motion authorizing the study was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

DEPARTMENT OF PUBLIC WORKS:

A) Village Elevator Repairs:

Mr. Charles Sawicki said he was requesting authorization to proceed with the repairs of the Village elevator. The repair is of the entrance protection system and the cost is \$6,950 and it would be done by Otis Elevator, who is the manufacturer of the elevator. Trustee Abato asked where that money was coming from. Mr. Sawicki said it will come from three line items from the building maintenance. They are going to break it up over three line items. Trustee Simon asked if there were any other competitive bids. Mr. Sawicki said no, they are the sole source manufacturer. They provide the parts and they know their equipment. A motion authorizing the repairs was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

B) Request Authorization to Approve Change Order No. 1 to J.N.P. Construction Corp.:

Mr. Sawicki said he was requesting authorization to approve change order no. 1 to J.N.P. Construction Corp. in the amount of \$12,700 which was for the additional corrosion repair work of the Stonegate water tank. A motion authorizing the change order was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte
Trustee Patricia Abato, Trustee Jo Meegan-Corrigan
Trustee John Meehan

NOES: Trustee Bruce Simon

ABSENT: None

C) Request Authorization to Release Application for Payment No. 1 to J.N.P. Construction Corp.:

Mr. Sawicki said he was requesting authorization to release application for payment no. 1 to J.N.P. Construction Corp. in the amount of \$99,630. Trustee Simon asked what this was for. Mr. Sawicki said this is for the contract we have for J.N.P. who was the contractor that painted the two water storage tanks. A motion authorizing the payment was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

D) Request Authorization to Approve Change Order No. 1 to Hutton Construction:

Mr. Sawicki asked for authorization to approve change order no. 1 to Hutton Construction Company in the amount of \$593.34. Hutton Construction was the contractor that modified the wall - the failed wall - on the Water Department that was finished last year. With the help of Terry, we went through some negotiations and they had some change orders and we moved back and forth and this was the final negotiated dollar amount - \$593.34. The Mayor said he would like to note that this was extensive and there was some concern over the

change orders and ultimately we were at a point where we were about to go to litigation over this and essentially we came to an agreement which is both favorable to the Village in terms of saving us money but also whatever additional money would possibly have been gained from litigation would have been outweighed by the cost and time associated with it. He said he thinks it is a good outcome. He knows that Charles has spent a lot of time on this, and Terry as well. So he thanked them both for that. A motion authorizing the change order was made by Trustee Simon, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

E) Request Authorization to Release Application for Payment No. 5 to Hutton Construction:

Mr. Sawicki asked for authorization to release application for payment no. 5 for Hutton Construction Company in the amount of \$25,701.79. That would be the final payment. A motion authorizing the payment was made by Trustee Meehan, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

F) Request Authorization for Mr. Scott Brown and Mr. Joe Hunt to Attend CSEA Peer Training:

Mr. Sawicki said he was requesting authorization for Mr. Scott Brown and Mr. Joe Hunt to attend the CSEA Peer Training in Ellenville, New York starting the afternoon of Monday, March 28 through Wednesday afternoon, March 30. There is no cost to the Village. A motion authorizing the request was made by Trustee Simon, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

G) Request Authorization for Mr. Stanley Dobrinski, Mr. Stephen Ruther, Mr. John Conklin to Attend Hudson Valley Water Seminar:

Mr. Sawicki said he was requesting authorization for Mr. Stanley Dobrinski, Mr. Stephen Ruther, Mr. John Conklin to attend the Hudson Valley Water Seminar in Harriman, New York on February 24 from 8:00 a.m. to 3:30 p.m. The total cost for the Village is \$115. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

H) Request Authorization to Install New Chain Link Fence Behind Concession Area at Cucolo Field:

The Mayor said that as the Board is probably aware there has been an on-going potential dispute that was resolved between the Village and MetroVac, principle of the company, Jules Stern. The Mayor said they operate a vacuum cleaning manufacturing company down at Cucolo Field. As you go down into the ballfield, it is the building on the left. And what happened is that a number of years ago, the Little League, when they built the new dugouts, actually encroached upon their property. And essentially what happened is that the Village came to an agreement with Mr. Stern by which he agreed to donate that property to the Village of Suffern subject to certain terms of condition. We had to do a study, a survey of the property, and then it was ultimately appraised and deeded over to the Village which has been ongoing and the Mayor has been working closely with Mr. Stern and with Terry on this over the last year. And then the final aspect of it is that we need to install a fence as well as lighting. So essentially this is the bid - he believes we had three prices - Bob Conklin went out to get them for us. There were two or three - which was below the bid amount - but subject to our procurement policy. And the \$7,900, since it is for the field, will be asked to Tom to come from the money in lieu of recreation fund, which many of you know by now is a fund that is set aside by developers who build or somebody who subdivides their property. They have to provide money to the Village in lieu of recreation and that money can be used to improve our recreation facilities. So he would ask the Board for a motion. A motion authorizing the installation was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

I) Request Authorization to Purchase a New One (1) Ton Mason Dump Body Truck:

Mr. Sawicki asked for permission to purchase a new one (1) ton Mason dump body truck, Ford 350, under state bid in the amount of \$35,189.99. And this is budgeted. A motion authorizing the purchase was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte

Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

J) Request a Public Hearing to be Held at the March Board Meeting for a New Cross-Connection Control Ordinance:

Mr. Sawicki requested a public hearing to be held at the March Board Meeting for a new cross-connection control ordinance. This has been requested by the Rockland County Health Department. So it is a requirement. Trustee Simon asked what a cross-connection controlled. Mr. Sawicki said it is installed on a water service backflow preventer or double check valve so that water, or some type of contaminant, can't get into the water supply. A motion authorizing the public hearing to be held on March 7, 2011 at 8:10 p.m. was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

K) Request Board to Approve Resolution Enabling the Village to Apply for the Round 10 Urban and Community Forestry Grant Program:

Mr. Sawicki said he was requesting the Board to approve resolution enabling the Village to apply for the Round 10 Urban and Community Forestry Grant program - Resolution No. 3, 2011.

The Mayor said that Fred touched upon this as well. It is a matching grant, which is great because we already have money in the budget so it really is a great thing for the Village. And he appreciates Charles and Fred working on this. And also Bruce has been doing a lot of work on our tree program as well so it is really exciting that we are moving forward on that. Trustee Simon said that he would just like to say that this is another key step in us being certified as Tree City, USA. A motion adopting Resolution No. 3, 2011 was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

RESOLUTION NO. 3, 2011

RESOLVED, that Dagan LaCorte, as Mayor of the Village of Suffern, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$25,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Suffern for the Village of Suffern Green Trees Program.

The Mayor thanked Charles and said he would just like to say thank you to Charles and to Danny for all the hard work that everyone has been doing on the snow removal. It has been a relentless winter and really overwhelming. While we do get some complaints, the residents of the Village are really appreciative.

The Mayor said that he is sure that everyone is aware that when you see when you drive down the road sometimes before a storm that you will notice what looks like tracks on the road. What that is is a special slurry solution. While we obviously use it as well after it snows, but instead of before a storm salting the roads with actual salt what happens is that they put the salt on the road and then people drive over it and then the salt goes to the side of the road and people drive over it and then the salt goes to the side of the road and then seeps into the road and gets into the groundwater and most of the salt doesn't stay on the road. The kind of thing that has been in vogue the past couple of years is this solution. What happens is that there is essentially a saltwater solution that they go and they put on the roads. When they put it on the roads, the water evaporates and the salt stays on the road. So first off you save a lot of salt. And also we get the solution from the Town of Ramapo at no additional cost. So in talking with Dan Haglund we estimate that we save 100 tons of salt during the course of our season. And at \$75 a ton, that is approximately \$7500. In addition there is a substantial savings in terms of the environment because we are using less salt and it is not going over into the dirt and into the groundwater which has been a concern with one of our wells which had a high level of salt content due to its proximity to the Thruway. That well is not in use so there is no concern and ultimately that well can be mixed with other well water to reduce the level of salt. And then the last is that it is also a substantial savings in terms of overtime. Because instead, while many storms start at night and we have to call in our DPW workers to salt the roads, as you notice, and you probably see it all through the Town of Ramapo, we do this during the day. Because you can salt with this solution a day or two before the storm and it still stays on there. So it is really a great thing and a great savings and it has helped make the winter a bit easier. The Mayor said he just wanted to note that and again thank Dan Haglund who was instrumental in getting that truck and the attachment midway through the winter last year.

VILLAGE CLERK:

A) Approval of Minutes of Special Village Board Meeting of November 29, 2010:

Village Clerk Virginia Menschner asked for approval of the minutes of the special Village Board meeting of November 29, 2010. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried, with Trustee Meegan-Corrigan abstaining since she was not on the Board at that time.

B) Approval of Minutes of Village Board Organization Meeting of December 6, 2010:

Village Clerk Virginia Menschner asked for approval of the minutes of the Village Board Organization meeting of December 6, 2010. A motion approving the minutes was made by Trustee Simon, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee Abato abstaining since she was not present at that meeting.

C) Approval of Minutes of Regular Village Board Meeting of December 6, 2010:

Village Clerk Virginia Menschner asked for approval of the minutes of the regular Village Board meeting of December 6, 2010. A motion approving the minutes was made by Trustee Simon, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee Abato abstaining since she was not present at that meeting.

D) Resolution No. 4, 2011 - 2011/2012 Municipal Snow and Ice Agreement Extension:

The Village Clerk asked for authorization to adopt Resolution No. 4, 2010.

RESOLUTION NO. 4, 2010

RESOLVED, to authorize Mayor Dagan LaCorte to sign the lump sum Snow and Ice Agreement between New York State Department of Transportation and Municipality is hereby extended for a period of one year now to expire on June 30, 2012 unless further extended.

The Resolution was moved by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

E) Request - To Add HSBC Bank to List of Official Depositories:

The Village Clerk asked for permission to amend our official depositories in the Village of Suffern and add HSBC. This is for when she sends out for bids for our bonds and so on and so forth and we thought another bank might give us a better interest rate. A motion adding HSBC Bank was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

F) Establish New Position - Chief Operator - Grade 4A (Wastewater):

The Mayor said this is the last item under Virginia's agenda and he will take this. It is the establishment of a new position - Chief Operator Grade 4A for the Wastewater Treatment facility. The Mayor said this is something which Charles has been working on and the Mayor has been working on it very closely and it is something they are very excited about. He said they anticipate, they are going to have to call a short Board meeting because if the Board authorizes this we have an eleven day posting period where the position is posted. We are going to get one application because this position does not exist. Essentially this is the highest level operator for a wastewater treatment plant out there. We have a grade 4 plant and in the history of the Village, and this grade 4 plant, we have never had a full-time 4A operator. We have always had a consultant. Because at the level of our plant we are required by the State D.E.C. to have a 4 operator. Just so everyone knows now we pay about \$50,000 a year for a grade 4A operator to spend a total of 8 hours a month and that is actually a very good price. So they do not exist and they are extremely expensive. We are very fortunate in that we have an applicant that is very interested and very qualified who is

going to be able to come and work here. In addition, in terms of the anticipated attrition, some of it not something that we wanted to happen but due to potential health reasons, we are probably going to have a wastewater treatment operator grade 2 retire. So this person is going to come in and essentially replace the lower grade and also replace the 4A consultant. The combined value of those two is probably about \$125,000. This way we are going to get this person for about two thirds of the price of that. So we are getting a level 4A operator on site full-time, forty hours a week, at two thirds the cost of what it is now, essentially, which is really wonderful. We are going to be bringing that up once the posting period is done in the next two weeks and again it is really something that is amazing in terms of our overhaul of our sewer plant which has been disregarded for a number of years. He thanked the Board for all their work that has been done for that. The Mayor said we probably will have to have a special Board meeting in about two weeks. We will discuss the candidate at that time. Obviously, the Mayor thinks he wants to keep it on his timetable in terms of informing his current employer and at that point we will obviously discuss the applicant in terms of his employment. But again, he thinks this is a great, great thing for the Village. A great cost savings. And it is really going to get us back on the right track towards getting our wastewater treatment facility back to how it was a number of years ago. So based on that he would entertain a motion to establish the position. A motion to establish the position was made by Trustee Abato, seconded by Trustee Meegan-Corrigan and Trustee Meehan. Upon vote, the motion was carried. Trustee Meehan said they both interviewed the person. The Mayor said yes, he thinks pretty much all the Board members had met with the applicant. It is going to save us \$40,000 at year or \$30,000 a year which is pretty good. The Mayor said that they actually asked the consultant who charges us \$50,000 a year what they would charge us to have a full-time 4A operator and they came back and said \$250,000 a year. So to get it for a third of the price is pretty good. Because obviously they make most of that money not the person they pay in a large firm.

FINANCE DEPARTMENT:

Treasurer Tom Zordan said that as you know it is budget season so he really doesn't have much. Just to let them know that the budget is on time and on Friday he will be giving it to the Mayor and then they will proceed next week with meetings with the department heads. The one thing that he does have came up rather suddenly. He said we have decided - we are expecting various amounts of monies from the State D.O.T, roughly \$350,000 as a reimbursement, we are waiting for tax monies that are supposed to come from the County, \$120,000 sales tax and \$50,000 in mortgage tax, and \$180,000 in recoveries of property taxes that haven't been paid. And \$230,000 from Rockland County Sewer Authority. So there is a lot of outstanding money that we are due and is part of our budget. And because of the time of this, it hasn't arrived yet, we project that sometime towards the end of March or even the beginning of April that we might be in a little cash bind. So in an effort to head this off, he spoke to the Mayor and bond counsel and it was suggested that what we do is that he would ask for a resolution to have a RAN in the amount of 1.5

million dollars and all he needs is the resolution and then when we actually get to the point where we need to borrow, where we borrow for what we need, and it doesn't necessarily have to be 1.5 million because if the monies do come in it could be as little as \$500,000 that we would have to borrow. And once we get to May where we should have all the monies collected, we should be able to pay it back. So he is going to ask the Board now, and he is sorry for such short notice, but he would like them to approve a resolution to authorize a RAN of 1.5 million dollars. The Mayor said that just so everybody understands. It sounds like a large amount of money but it is short-term borrowing that is backed-up by revenue that is coming in. If we only use the money - let's say a million dollars for a period of let's say two months, the annual interest on it is roughly going to be about 2% so if we use it for two months you are talking about maybe \$4,000 in terms of interest and maybe \$600 in terms of the bond counsel. So it's again making sure that we don't run out of cash until that money comes in. It is not a huge amount of money to keep the business of the Village going in terms of the timing of money coming in. Trustee Simon said no, it certainly is not a huge amount of money but the question comes to mind what happens, knowing how, and plenty of states, not just New York, knowing that plenty of states have been withholding money, holding it back longer and longer and longer. This winds up pushing us into much farther than we think. Much farther than the May that we are anticipating. Now we are looking at increased costs. Is there any guarantee, such as guarantees can be issued, that this 900 and change that you just laid out is actually coming to us in the near term. Treasurer Zordan said the sales tax revenue, which is \$120,000, comes to us like clockwork. Rockland County collects that sales tax and it comes to us from Rockland County. The mortgage tax comes to us every six months like clockwork. The recoveries of the property taxes that we turn over to the County comes to us in April like clockwork - \$180,000. The \$350,000 from CHIPS, they issue checks quarterly and the filing date is March 15 and we get that two weeks from March 15, just like clockwork. The funds are there. The Rockland County Sewer District is another story if they are going to give it to us right away. But the thing is that what happens is that what he is trying to do is ensure that we get through to May when we collect a million and a half dollars of our water and sewer monies to keep us going and then in June we collect our property taxes and our solid waste, which is going to be roughly nine million dollars. So if we are a little delayed in collecting from Rockland County or maybe something else, we will have funds to get us through until we do collect those. The Mayor said he would like to talk, but not now, if he would write it down, please - last year, what we did again, and this is what people understand is that we went online to get people to be able to pay their tax bills on their credit card and we got people to do it and it again helps us because it adds no cost. They pay the surcharge. So there is no cost. But again the cash comes in quicker. So he wanted to know if maybe we should talk about maybe doing that for water and sewer bills as well as solid waste. Mr. Zordan said we could do that but he would have to get a better rate on what it would cost the people. Because right now if you pay with a bank check it is like \$3.00 or \$4.00 and it is 2.8% if you use a credit card. To a lot of people that might not be a bad idea for

them to pay their water and sewer bill if they got a \$300 bill. At 2.8% it costs them an extra \$7.00. But he has to find out exactly what that rate is because generally when you have lower dollar transactions, and three or four hundred dollars isn't really low dollar when you think about it, but compared to a tax bill which you pay 2.8% it is a lower dollar and the volume would go up. So he doesn't know if they would still stick to 2.8% and he would have to get that verified and he could do that during the course of this week. The Mayor said okay. Mr. Zordan said we will be offering to pay taxes on line and based on the company that we deal with, they said that we were very successful. They were surprised by the amount of people that actually paid. It was our first time and that was due to the fact that when we sent out all the tax bills, we included a flyer that indicated that this program was going on. And a lot of people took advantage of that. Trustee Abato said she had a question. She said that basically what you are saying is that by April 80% of the money would be in. Mr. Zordan said yes. Trustee Abato said on a clockwork that you talked about. So the only thing that we are really concerned about not coming in is the \$230,000 from the Rockland County Sewer Authority. Mr. Zordan said right, that is correct. The way this works is that he can only borrow money based on saying that he is going to receive that amount of money. He said he has to detail that he is going to receive certain payments and they are just not coming at the time he thought or he needs them a little sooner and he can't wait. So that is how it works. He can't just say lend me three million dollars because that is what I want. Trustee Simon said it is a payday loan, basically. Mr. Zordan said yes. Trustee Abato said that she guesses her concern is the fact that it is a million dollars and that just seems excessive and at the bottom of that we have to at least take \$500,000 of it. Mr. Zordan said it might be \$250,000. He said \$500,000 but it could be \$250,000. It all depends on the timing. He is going to wait to the last second before he has to borrow the money. Trustee Abato said okay. So there is no minimum on it. In other words if it was \$230,000 that didn't come in then that is exactly what we would get. Mr. Zordan said that is correct. The Mayor said if we borrow, for example, obviously the \$500 that we pay bond counsel is the same. They get that no matter what because they are doing the work. So there is \$250,000 times .02, 5000 divided by 12 times 2. So if we needed to borrow \$250,000 for two months it would be \$833, which would be the cost. He said that Tom approached him today and said we could run out of money and knowing that this money is coming in and worrying then about everything that we are spending even if it is budgeted, he said that we could sit there and make this Village crazy for the next two months paying our bills when for \$833 we can make sure that we can go about it. Trustee Abato said that essentially at the worse case scenario it would be \$250,000 because we are sure that this other money is going to come in but we have a cushion just in case. Is that what you are saying. Treasurer Zordan said correct. Trustee Meehan said on that \$250,000 from the Rockland County Sewer District we had an agreement with them and it seems to him that they are not really living up to their end of the agreement. The Mayor said correct. Trustee Meehan said he will ask Mr. Rice if maybe a visit to the courthouse would be helpful. Attorney Rice said we already filed a notice of claim. He

said he has a complaint that he partially drafted out. He has been speaking with the sewer district attorney about getting it paid and the Mayor has been attempting to talk to Supervisor St. Lawrence about getting it paid before we go to litigation because it may take some time but he thinks it may be embarrassing for the sewer district. The Mayor said the clock is running out. Trustee Meehan said we need embarrassing. The Mayor said in the end we are in the business of getting the money and trying to avoid litigation. And also he would like to note that Charles, in reading over the agreement recently, that this money is due to us is due to the fact that when they did the Hillburn extension to the sewer district, which again had no benefit to the Village because we have our own sewer plant. So the construction went through the Village, went through Memorial Drive and really tore up a lot of roads and was very difficult and was a real annoyance on 202 for a long period of time. And there were liquidated damages that if they didn't finish by a certain date, which they didn't, and that comes out to the \$230,000, which we requested they pay us filing a notice of claim. In addition, going through, Charles had realized that when we executed the agreement, just initially, they were supposed to give us \$50,000 and that was never collected. So there is another \$50,000. So it is actually \$280,000 that they owe us.

Trustee Abato asked Attorney Rice if we do end up in litigation with them and we do have to go as far as, and she hopes that it doesn't have to happen this way, that we have to borrow this money - now they are causing us, we are a municipality and it is in our budget. Do we get to recoup those damages. Attorney Rice said the damages would be the breach of contract so whatever the amount of money that they owe us and if we go to judgment it is at 9% interest. The Mayor said he is hoping to avoid this. He thinks that it should be avoided. There is ample money there. There was an attempt in the fact that they, which he thought and Terry thought was laughable, is that our agreement is not with the contractor, who is Metra. Our agreement is with the sewer district. They agreed, the County agreed to extend the contract and let the contractor out of being late. They said that we let the contractor out of being late so we don't have to pay you. And our position is no, that is ridiculous. Our agreement is not with them. Our agreement is with you. All you just did was let the person off who you are going to get the money from after you pay us. So you just cost yourself \$230,000. And we don't think that argument would hold water at all. So we will get it.

The Mayor said the last thing is that he asked Tom to post the budget timeline on the website. Same thing that we did last year. The budget worksheets were submitted to the department heads, back to Tom, Tom is preparing the budget. He is going to present it to him on Friday and all next week he and Tom will be meeting with the department heads individually to go over their budgets. They are going to work on that. And then a week later the Mayor will then present the budget to the Village Board and the Village Board will then have an opportunity to meet with the individual department heads and go over suggestions and then officially they will officially present the budget to the public. And we started this last year. We used to have the budget hearing on the same day that

we adopted the budget, which he thought was ridiculous, because people come in and make suggestions and we say thank you very much but we have to vote on the budget tonight. And it has no real impact because it is kind of like you are asking people to give their opinions and you are not listening to them. So this way we are changing it where we have the budget hearing and then we are not going to adopt the budget for another three weeks. So that way we can take in comments, criticisms and suggestions from the community and then have it reflected in the budget. And again we are looking for constructive criticism and we are working hard and we are cognizant in where we are in terms of the economy and how difficult it is for everyone and he just wants to note that again we are working on it and we are going to do our best and it is going to be okay and hopefully, for example, they are talking about a property tax cap at the state level of 2 to 2 ½% but the state just sent us the bill for our pension which is a 40% increase from last year, which that alone if we didn't do anything else would cause us to raise taxes 4%. So it is very difficult but we do have some revenue items which are coming on board which hopefully will offset that to a certain degree. We are cutting and we are not rehiring through attrition and retirement and we are moving people around and we are doing what we can to reduce costs, expand revenues all while maintaining a minimal as possible tax increase and keeping the level of services that we need to effectively run this Village.

RESOLUTION NO. 5, 2011

RESOLVED, that Mayor Dagan LaCorte is authorized to sign a Revenue Anticipation Note in the amount of 1.5 million dollars.

A motion adopting Resolution No. 5, 2011 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

8:10 P.M. - PUBLIC HEARING - LINDA GAMBARDILLA - SPECIAL PERMIT TO USE HOME OFFICE

Attorney Terry Rice said that under our zoning law home occupation is a permitted special permit use. The application was made by Ms. Gambardella. It was referred to the Planning Board for its review and recommendation. The letter that accompanied the application said that she was requesting permission to use the family room as a home office during tax season. She said she will be working part-time seeing clients to prepare their tax returns. Hours of operation would be 1:00 p.m. to 6:00 p.m. and approximately 2:00 p.m. to 4:00 p.m. on Saturdays. She said she sees very few clients in the evening. That she would never have more than one client in her home at one time nor would additional parking be necessary since her

vehicle would be parked in the garage and her clients would park in the driveway. There would never be more than two vehicles parked at the home at any given time. Attorney Rice said there is criteria in the zoning law for special permits generally as well as for home occupations which he doesn't think is necessary to go through all the details. But as you can imagine it generally relates to not causing a disturbance and having adequate parking and so forth and there are some specific requirements with respect to the actual home occupation itself.

Attorney Rice said that he was also made aware during the process here that there may be some issues with the homeowners association about whether or not a resident there can have a home occupation. And just so you understand they are somewhat separate issues. This is a zoning issue and that is what anybody who is interested should address. In theory, for example, and he is not saying how the Board may vote, but for example the Board could approve a special permit for a home occupation even if the by-laws didn't allow it because zoning is different than the by-laws. That is a private agreement. That is between the residents that live there. So while such an agreement may exist, and he doesn't know if it does or doesn't, that is not really something that the Board of Trustees can deal with because we have to deal solely with the zoning criteria that exists in the zoning law. If the application is granted, site plan approval would also be required from the Planning Board.

Trustee Meehan asked what kind of site plan approval to use a living room. He said he was just curious. Attorney Rice said that as you know site plan approval deals not with the interior of a structure but it deals with the site and so he supposes, although the Planning Board does have the authority to waive site plan review but generally that would deal with parking and ingress and egress.

Mayor LaCorte said that what he would like to do is to have the applicant come up. He said he believes, if he is correct, that most of the people here are from the community. He said he has been contacted in the past. He said we postponed it from before. It was on for a January meeting and we were informed by one of the residents that insufficient notice was given so instead of holding the meeting we postponed it. He said he had been, prior to that, contacted by several residents who expressed some concern over this. So while everyone, and again there are a number of you here, are entitled to and completely welcome to give your comments if you want, to keep this going - at a certain point if there is nothing to add and it is all said he thinks that people will understand what it is. He said he knows that they have representatives here from their board and he is sure the applicant also has people who support it. He then asked Ms. Gambardella to come up and explain what she wanted to do and then we will open it up to the public.

Linda Gambardella said that she is semi-retired and she just wants to have her little tax practice during tax season. The hours are 1 to 6 but she is pushing it to 1 to 5:30. She said that she sees one client at a time. She gives them ample time to leave before the next one comes. And she never has more than one, two cars, tops. Which

if she had a visitor she would be allowed to have at least two cars. She is not looking for anything special. She is using her family room. She has proper electrical units in there. She has two computers, a desk, and two chairs. She said she couldn't fit anybody else in the family room to work with other than two people which would be a husband and wife. So it is really a very small tax practice. She said she has cut it down considerably from the office she had on Lafayette Avenue. Basically because of her flood she lost a lot of records. She lost a lot of computers, supplies, and she decided that was the time to semi-retire and just cut the practice down. She said she also has a federal appointment with the taxpayer advocacy so she does a lot of traveling. They allow her to work through May and then she is off. She will be in Rhode Island in May and then in June she will be in Denver, Colorado. She said that basically she is the representative to the IRS. She represents New York. She said this appointment will end and then they offered her another one traveling to work with small business owners throughout the United States and she has accepted that appointment too. So basically her work will be strictly during tax season. And she would strictly adhere to the 1:00. If people call her she will talk to them on the phone but she doesn't let them come over. They have to come by appointment only. And they stay confined within those hours. She said that her daughter and her friend came over to help her because she had a big mess when she had the flood and she still has one box that is wet and they are still trying to dry it out so she can determine if it has to be shredded or if she needs to file it someplace. And that flood was in May, 2009. And that is basically all she is asking for - just the tax season time. Because she is not a full-time accountant. She doesn't have an accounting practice anymore. She is strictly taxes.

The Mayor said we will open it up to the public. What we typically do is to open it up to the public and people come up and just identify yourself by your name and your address. If you don't want to say your address you can just say your name. And we ask you to address the Board and we ask that at the end if the applicant wants to speak to what those concerns are that you do it directly there. We don't want to go between or go back and forth. All comments should please be addressed to the Board.

Irwin Meyer of 41 Rockledge Drive said that he is the director of the homeowner's association. He said the homeowner's association has been opposed to this type of activity for the past 15 years. He said they don't mind if somebody runs a business that doesn't have invitees coming unto the property, bringing traffic, creating potential danger to some of the children and taking up parking areas. This is an activity that has not only built on invitees but has caused some extreme discontent with the women who are at home taking care of their children during the day. He said they are a small community - 31 homes - they are all attached homes. They share driveways. Every two homes share a driveway. There just is no place for this. This is not what people intended when they bought into Rockledge. The Mayor said that for the purpose of the Board is he correct in understanding that while - he said he guesses it wasn't made clear during the presentation - while Ms. Gambardella is coming

to the Village Board to ask permission for this that this has been already going on for a period of time. So he guesses when he speaks he is speaking to his impression as to what has gone on as opposed to theoretically what would happen if approved, meaning that she is operating currently. Mr. Meyer said that is correct. She started about a year ago. As he understood it, it was supposed to be a short-term emergency situation and now it is extended into a permanent thing. He said they are very, very concerned about the precedent that it could establish. Anybody in theory could open up an activity and have invitees going onto the property - even if they are one at a time or two at a time, they are starting to build up traffic. And with establishing that precedent, they don't know how many they will end up with. He said they had a board meeting December 20. The Board is determined that this type of activity violates the by-laws and violates the intention of the contract between the homeowners and the association and is very much opposed to it. He said they had a homeowners meeting. A majority of the homeowners were at the homeowners association meeting and they very strongly objected to this activity. In part because of the children, in part because of the people who are home during the day.

Gregory Lospina said that he is an attorney and he is here tonight to speak on behalf of the adjacent homeowner. He said he represents Karen Tynan who shares a driveway with the applicant as well as lives next door. Contrary to what the applicant indicated the history of the use of the premises for a tax business has far exceeded what has been indicated. Every time the applicant permits her customers to come through the garage of her premises - that is how they get entry into the space. That is the family room designated for the tax returns. Additionally, the activity continues into the night and on weekends. So every time that garage door goes open to admit a customer, Ms. Tynan knows about it and she can count the number of times the people are frequenting this business. He said that Ms. Gambardella had been operating the business in the absence of the special permit. In fact she advertised in the local church, in the bulletin, for her customers. Moreover, if you go to her internet website she not only indicates that she is doing tax preparation work but also real estate and insurance business as well. Under 233.66 of the Village Code, which is the subject of your inquiry, the criteria is whether or not the use is obnoxious, detrimental or offensive. That is a pretty broad brush and he thinks that it affects the quality of life. There are occasions where Ms. Tynan went to her garage, which is right next to Ms. Gambardella's garage, and because her automatic opener wasn't working, she opened the garage door to find a strange man in the driveway. There is no barrier between the two driveways. There is a lot of traffic that comes in. And although Ms. Gambardella may tell you that her customers or clients are of sterling behavior, he doesn't think she can vouch for the credibility and the demeanor and the behavior of all her customers. And she indicates that they come one at a time. She cannot regulate people arriving early, coming late. As April 15 approaches, the level of activity is heightened. When the level of activity is heightened, there is more of a demand on the parking spots. Now each resident has designated parking spots but there are also common areas where people park, the overflow visitors. And this

is a quiet, bucolic townhouse setting and the flow of strangers onto the premises presents a problem with people with children because there are strange individuals coming onto the premises. So he doesn't know what the definition of obnoxious, detrimental and offensive is. But he can say that the quality of life for Ms. Tynan, who is right next door, is being directly impacted by Ms. Gambardella's business. Ms. Gambardella didn't make this application last year. She told Ms. Tynan that this was a short-term thing. She had a flood. Now she is making application for it to be a full-time thing. And the experience has not been the hours that she had implied this evening. So he thinks there are plenty of people from the community that would be better suited to speak than he but he is here to tell them how this directly impacts the homeowner that lives right next door. When she purchased her townhouse it wasn't her intent to have an operating business next door with strange people coming in and hearing her garage door open. Lastly, the code speaks about the 300 square feet that the home use is limited to. On the family room, and he doesn't know what the square footage is, but if you are utilizing the garage for exit and entry that is an additional square footage and he would submit to the Board that Ms. Gambardella has not satisfied the proof that she has not succeeded the 300 square feet. The former reasons cited on behalf of Karen Tynan who is in the adjacent residence and they strongly object to this application pursuant to the Village code.

Karen Tynan said that she lives at 19 Rockledge Drive. She said that she has lived in this county for over 30 years and for a good portion of that time in a townhouse and in an apartment so she is familiar with townhouse living. For the past nine years she worked a second job so that she could put money down to afford a home. She said that as they are all aware, Rockland County is very expensive. In August 2009, Dave and her were finally able to afford their home and move to Rockledge Gardens. When you live in townhouses and apartments, they must always be considerate of their neighbors because they share common property and they live close to each other. There are rules, regulations and by-laws that are in place to ensure that their neighbors are not disturbed or inconvenienced. She said that she is aware that most people must work a second job in this county. She wants the Board to know that she does not begrudge anyone the chance to make a living. However, when that job infringes on the serenity that they have become accustomed to at Rockledge Gardens and it disrupts the quality of life for their fellow neighbors that presents a real problem. She said that is why they are here this evening. To respectfully ask that the Board vote against this permit.

Michael Ryder of 27 Rockledge Drive said that he has been a homeowner for six years. He said that when he and his wife first moved into Rockledge one of the main things that they enjoyed about Rockledge is that it is a private community as the signage outside of the entrance says. And like Karen, he doesn't want anybody to not make an income. Or he does not wish ill will on anybody. Just that he has three young children and he is concerned. He said that the traffic that comes in and out off the main road onto Rockledge is definitely an impact to their well-being and for a life that they

had thought was much more private than it has become. They are looking to not make things difficult for some people but they just want the peace that they sought after when they purchased the townhouse in which they now reside. He said his three children are 6 months to four years. He said it is a concern. It is a concern of many of the families who are raising children in this area. He said he thinks they are happy with the way things had been running up until now and this is, like Karen has said, something that is new to them and has been more and more apparent. And he doesn't want this to become something that anybody can open up a business out of their home and invite more traffic into Rockledge and set a precedent and make it a much more inviting environment for people who want to open their businesses on a small community dead-end street where there is very little traffic to begin with. He said he is just looking to keep it peaceful and keep it quiet.

Anna Matina said she lives at 57 Rockledge Drive. She said she worked for a tax accountant for over thirty years and with today's technology, trust her, doing things via computers, faxing tax information - everything can be done that way without even seeing a client at the office. So it can be done. So she thinks that if you find that route the area would be safer for the kids so they won't have to be afraid of strangers coming into the area and not knowing who they are and she thinks it is a simple solution and she has seen it, like she said, because she has been working for a tax accountant for over thirty years. So she hopes that she finds that route to take and she thinks it is a good way to go. She said she thinks it will make everybody happy, including her.

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

The Mayor asked the applicant if she would like to say something. Linda Gambardella said that basically, she has never had an insurance company. She does not advertise. She closed her corporations and she is working strictly under her name. There is no advertising under her name at all. She said she is only part-time. She said she had people come in through her garage last year because her steps needed to be fixed. And she has had them fixed. So no one comes in through the garage. They all come up to her front door and she brings them right into the family room. She said she does not have a lot of clients that are standing outside. Sometimes they did get backed up last year. It was a trial and error period. But she did have permission from the Board president to have the home office. She found out subsequently that there was more to it than just getting permission from one person. So she tried to rectify it by applying for the special use permit. And she does apologize if her next door neighbor was offended by a client of hers standing outside but that happens sometimes. This year they are coming to the door and ringing the bell. But some of them aren't clients. Some of them are friends. Some of them are people that come to visit her regularly. What are strangers to them are familiar people to her. So it is a little difficult to single out who is coming to her house, who is a friend, who is family, who is a

client. She said she doesn't look at people that come to their houses. It is not her job to be nosy. No one can complain about the parking area because she is one person and she can only see one client at a time. So, yes, last year it was trial and error and it was a disaster and she is the first one to admit that. But she has completely revamped it, changed it. It's strictly part-time. It is not a full-time entity nor will it ever be a full-time entity. So she doesn't know how to emphasize it any stronger. She doesn't want to go into he said, she said. Nor does she want to talk about any other possible businesses in Rockledge. She is only interested in applying for herself for a special use permit and that is where she would like to lead it. So she is asking them to consider it. She didn't know that attorney's were going to be here or if she would have asked for a postponement so that she could have had her attorney here too and let him represent her.

Trustee Abato said she had a question for Linda. She asked her if she advertised a realty company at that address. Ms. Gambardella said no advertising at all. Trustee Abato asked if she ever advertised a realty company at that address. Ms. Gambardella said that she advertised in the church bulletin but that was a mistake. She cancelled the ad. She doesn't work under Suffern Income Tax and Accounting Services anymore. The company closed in 2009. She said she is under Linda Gambardella. She said she had - in the church bulletin - they automatically renewed it. One of her neighbors came down to give her a hand, said oh, no, she doesn't have Suffern Income Tax anymore. She put it under her name. Ms. Gambardella said she called the church bulletin and she cancelled the business card, the little business card ad. So there is absolutely no advertising under her name at all. Now when people do google her, she doesn't know what comes up. She can't answer for that. But she has a separate line. People call her at home and ask her if she is doing taxes because they know her name. She said she can't stop that. But she is just a listing in the residential telephone book. There is no advertising at all. No yellow pages. She said she didn't even join the Chamber of Commerce so her name would not be on their website. Trustee Abato said this is kind of when you hate your job as a Trustee. She said she knows Linda very well and she knows that she is a fine part of the Village of Suffern and an upstanding person and she also knows that in the world that we live in it is very difficult not to work. And everyone needs to have income. But she has to tell them that she also has to say that she took a ride up to Rockledge and it is a very beautiful little community and it is very small. And she has to identify with the fact that unfortunately she doesn't think you could know the character of each person that you are bringing in a business relationship. Trustee Abato said she understands that when your friends and family come you know who those people are and you are bringing them to your home for that reason because they are your friends and family. But she has to believe that on some level, if she was a single new mom home with her two babies, and there were these strange people coming onto the property, she would have an uncomfortable feeling because you are sharing a property. It is not like you have your own individual property that they are coming into your home and not being - coming through somebody else's driveway. So she has to say in that respect

she totally can understand all of the concerns with bringing strange people into such a small neighborhood. Ms. Gambardella asked if she could interrupt her for one moment. She said you must also understand that she is by herself in that house. With the people that are coming to see her are people that she has had for years that know her. Trustee Abato said right. But if someone called you and they needed their taxes done. Ms. Gambardella said no. Trustee Abato said are you going to turn them away. She is on referral only. She said how could they call her because she is not advertising. Trustee Abato said you see them once a year to do their taxes. You don't have a relationship with these people. These are not just all your friends. Ms. Gambardella said that over a period of time you do build a relationship with them. Some of them have been coming to her for twenty years. They are not just somebody that she sees just once a year. Trustee Abato said okay, she understands. She said she just wanted her to understand. It is a very hard situation because it is such a small community and it is not just a single dwelling of a home of someone who wants to start a business in. And she thinks that is where the concerns are coming and she just wanted to let her know that she does appreciate the fact that she is trying to keep some income going and she knows she does a great job at what she does and she has known her for a long time but she just wishes her house was someplace else.

Mayor LaCorte asked Ms. Gambardella if she sees business clients as well. Ms. Gambardella said she does do a few corporate returns but they are once a year. They do all their own bookkeeping. The Mayor said in October. Ms. Gambardella said she doesn't do the monthly bookkeeping for them. They bring their quick books file and she takes that information and they usually download it on the internet to her. And she prepares the corporate return after she reviews the file. She is not doing monthly work on any client. She gave it all up. She refers them to other accountants. She strictly does taxes.

Trustee Simon said he would like to ask a question. Trustee Simon said that Ms. Gambardella said before that she can't be responsible for what it says if somebody puts your name into a search engine. Trustee Simon said he would like to ask her what Top Team Realty is. Ms. Gambardella said that Top Team Realty was her real estate company and she closed Top Team Realty in 2009. She does have a broker's license. She doesn't advertise. She has sold a few houses in three years - nothing to write home about. And it is a semi-active company. She said she thinks she sold one unit in Rockledge to friend's of hers because they knew the unit was available. So Top Team Realty is closed. She has an individual real estate license in her name and that is not really very active. Trustee Simon said because that was the second thing that came up for Linda Gambardella, Suffern, NY. The first was a listing of your business that said it was a single location, which listed her home address, which Dun and Bradstreet has you listed as having three employees. Ms. Gambardella said that was a long time ago. She said she hasn't been a member of Dun and Bradstreet. Dun and Bradstreet hasn't gotten any information from her since she closed Suffern Income Tax. So she doesn't know how they could be - are you looking at Suffern Income Tax or are you looking at Linda Gambardella. Trustee Simon

said that what he is saying is that when he just searched Linda Gambardella, Suffern, NY there was a business listing that came up. Not your website. There was a listing of business information that did not list your Lafayette Avenue office - that listed your Rockledge home. Ms. Gambardella said she doesn't know how that could be possible because she hasn't spoken to Dun and Bradstreet and she hasn't given them any information on her at all. So she doesn't know - she said she didn't give them any information. And the person that works for her - and she can't even say works for her - she helps her out in the office sometimes to answer the phone and do a little filing. She just answers the phone to make appointments. Dun and Bradstreet has not called her. And if it is listed there for three years, that is impossible too. The only thing she will say is that she had her mail coming to her house because on Lafayette Avenue she has had her mailbox broken into enough times that she had all of her companies coming to - she had three companies - coming to 17 Rockledge Drive. So if you were to look on the website under her old corporations you might see that it says 17 Rockledge. It says physical address and then it says mailing address. So you do have the option to put that on the form number that comes out every two years for corporations. And so she has always had the mail coming. She has had credit cards stolen out of 78 Lafayette Avenue so everything came to her. As a matter of fact one of the board members wanted to know why all of her business mail was coming to her house and she wanted to question why would you know that unless you were looking in my mailbox. But she decided not to say anything. She said she can't answer why Dun and Bradstreet would have her listed. She doesn't have three employees. She said she wishes she did because she would get the filing finished. She really must say that she is lucky to have somebody who volunteers to help her out occasionally and her daughter does too. And her son, who is here, also comes and helps her. She said he is her strong arm that does a lot of work for her.

Trustee Simon said okay then he does have to ask one last question. And he hates to turn this into a Peter Falk moment. But just one more thing now. Now you are saying that there are potentially four people who are involved in this business. Ms. Gambardella said no, not all at one time. If her daughter comes over to do something for her, she is there with her by herself. Or if her son - her son works so he might come over for an hour on his lunchtime. Trustee Simon said he understands that but when she began the discussion tonight you said that you were alone. You said that nobody is with you and now it seems that there are other people. They may only be there for short times or for specific times but now there are more people involved in the process. Ms. Gambardella said if she has her daughter coming to visit her and she is answering the phones or helping her file a little bit she thinks her daughter would qualify to help her or her son. She is not adding a whole bunch of people here. She is saying her family will come and help her if she is in need of assistance. Trustee Simon said if her daughter is there the same time a client is there how is the parking situation? Ms. Gambardella said she has her car in the garage and she has a parking spot in her driveway and then they would use the parking spot across the street. She said that according to the by-laws that she read

each unit can use two parking spots but they are not allowed to keep them over twenty-four hours. Then it is against the by-laws. She read that through. So if somebody is there for an hour they are not in violation of anything.

Trustee Meehan said that although Attorney Rice said in his opening remarks that we would be voting on the zoning as opposed to any by-laws that were in place, the by-law question is important to him because if someone moved in and there were by-laws that prohibited operating a business then they shouldn't have moved in. And maybe Mr. Meyer, who is the president, could answer that question. Do the by-laws prohibit somebody from having a business. Attorney Rice said the public hearing has already been closed. But the point is that they are separate issues. That is a private agreement and the Village can't be involved in. For arguments sake, if you wanted to approve this, you would approve it and it may be absolute worthless to the applicant because of a private agreement but that really can't have any bearing on your decision because we are confined to the criteria in the zoning law. Trustee Meehan said he does admit that it does have a bearing on his thinking.

Ms. Gambardella asked if she could make one other statement. She said that she has liability insurance and she additionally insures Rockledge for liability coverage. She brought her company to her family room. So she does have double coverage with her insurance company for her and the same amount of coverage for Rockledge. They are named as a second insured. So that they are covered. And another thing that she would like to point out is that she understands the situation with the children but she lives almost at the front - they are odd numbers so 17 sounds like it is really far up but it is not. She is very close to the front. And she is not where the small children are. And the cars where she lives - the parking spots are all vacant. There are no cars there all day long. So if you see one car there it might be somebody coming in to get their taxes done to see her. And that is about it.

The Mayor asked if anybody had any other questions. If not, he would ask the Board for a motion on the application - either to approve or deny it at this time.

A motion to deny the application was made by Trustee Simon, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Simon
Trustee Jo Meegan-Corrigan, Trustee John Meehan, who said that hearing from the people at this hearing this evening, and he has a lot of regard for Linda, but he will also vote yes to deny.

NOES: None

ABSENT: None

The Mayor said the application is denied.

AUDIENCE PARTICIPATION:

Beth Koppel of 39 West Maltbie Avenue said she wasn't clear if the Board was aware but our code enforcers handed out many summonses on the 26 and the 27 for snow removal violations. To her knowledge, the snow really didn't stop falling until sometime on the 27th. She said she was actually out of town on the 26th. And the actual regulation is 10 hours of daylight. Considering there was no time written on these summonses, and by the way, to her knowledge, she wasn't given a summons, but some of her neighbors were. She said it also seems that they were chosen arbitrarily as to who got the summons and who didn't considering she is one of the people who actually does a lot of the snowblowing in her neighborhood and she wasn't there and she didn't get a summons. And people who were there did get summonses. And there are only two of them that do the snowblowing. And she did it on the 27th. It just concerns her that, first of all, in a snowstorm that actually wasn't a snowstorm - it was a blizzard - that proportion - that our Village would go out and look at it as revenue generating is an annoyance, in her opinion, to our residents rather than either being helpful or to give extra time in such a storm. There were a lot of people who were up in the courtroom today who were arguing their cases today. Also she finds it a little disconcerting that if the stipulation is ten hours of daylight that there was not a time written on or noted on any of the summonses. Just for instance, on either the 26th or the 27th, there was only 9 hours and sixteen or seventeen hours of daylight. So if the snow stopped at ten o'clock or nine o'clock, considering the first hour of daylight started at seven something in the morning, then that would make snow removal ten hours - ten hours, right, would be the next day. If you were to be so staunch to demand ten hours. Our own Village took longer to clear the snow. And not due to any effort not being forthcoming from our Village, but because the storm was a vicious, blowing blizzard, and she just feels that even though the court did reduce the fine to \$20 she still feels that the \$20 is absurd and she also feels that it also is just something that our residents shouldn't have to worry about. She said she just thinks it is nonsense - bottom line.

The Mayor said he appreciates her comments. He said that this has been something that he has been dealing with day in and day out for the past three weeks. It is a very difficult situation because we are not looking at it as something that is revenue generating. His understanding earlier was that the tickets were going to be reduced to \$10. Was it \$20 they were given? Ms. Koppel said \$20. The Mayor said that at that level we are not really making a lot of money. We have to send notices out and all that. Essentially we are not doing it for revenue generation. That is clear. It is a matter of safety. And yes, he has gotten numerous calls from senior citizens and people. He said we are not trying to hurt people. But on the other side of the coin, he has gotten numerous calls from people who say oh, this neighbor hasn't done it. I can't walk my dog. I can't do here. So it has been very difficult. He said he has gotten probably two thirds of the calls from people who were critical that we gave tickets and then another third of the people who say this person hasn't done it. His understanding was that while they were written

as \$100 tickets that they were offered a civil compromise from the prosecutor for \$10 or \$20. But the problem is that there are certain people who are repeat offenders and we don't want to be in the business of singling out people. Again, he has talked to the code enforcers. As a matter of practice, he does not get involved in code enforcement because he thinks that is not a proper use of his authority. He doesn't direct people to either go after someone or not go after someone. He said he has complete confidence in the people who work for us that currently are here - maybe not so much in the past - that are currently here that they are doing the right thing and that they have the best interest of the Village at heart. But again it is very difficult. We are not looking to get revenue. We are trying to get through this. He has told them to please go easy. To give more time. And they are giving more time but again they are trying to - recently, with the last number of storms, they are trying to do it. Because again if you don't get rid of it it piles up and stuff.

Ms. Koppel said she agrees with him except when the storm didn't end until the 27th and the ticket was given on the 26th. The Mayor said that is a very valid point and if somebody came today to court and pointed out that a ticket was given contrary to what our code says then that ticket should be thrown out and the judge, he guarantees, would throw out the ticket if that was the case. Ms. Koppel said that was not the case because she was there for one. Trustee Meegan-Corrigan asked if the tickets were actually written on the 26th during the storm. Ms. Koppel said the Alfieri's got a ticket that is dated the 26th. The Mayor said he finds that hard to understand. It was a blizzard all day long. Ms. Koppel said that is from what she understands. She said that is her point also. And also if they were written on the 26th or the 27th, she thinks they should not be valid. On the 28th. Absolutely. You need to get your snow off the sidewalks. The Mayor said he 100% agrees with her but he is not the judge here and he has confidence in our judge that if the judge was presented with a ticket that was written on a day - the Mayor said he doesn't have the power to take away that ticket. Ms. Koppel said that is understood. The Mayor said it was done before by a previous Mayor and that again is against the law. Once a ticket is written, the ticket must go through the proper channels. And again he would hope that the judge, if presented with a ticket that was written in the middle of the blizzard and not with proper amount of time to let a resident, that he would throw out the ticket. He said he has talked to the code enforcers and said please make our best efforts to give people more time. We are not in the business of trying to get revenue but ultimately do what you believe is right because we need the roads and the sidewalks to be safe.

Ms. Koppel said that may she also suggest that they put the time since it is a time - the regulation is based on time - ten hours. The Mayor said fair enough. Ms. Koppel said how can you argue in front of the judge that it was ten hours or not ten hours if the time was never noted on the summons. The Mayor said correct but if it was the 26th, no ticket should have been given on the 26th at all. Ms. Koppel said no tickets should have been issued on the 27th either. Because the 27th is when the storm ended and there was not

ten hours of daylight on the 27th. The Mayor said he will speak to them, he will check with them. He was not aware that these tickets did not have a time. Ms. Koppel said it is not the \$20 or the \$10 - the Mayor said he understands. Ms. Koppel said it is the aggravation of getting the summons and coming. You know the deal. The Mayor said he knows, believe her, he has had fifty phone calls on this. And it is not tough. And he is not going to tell them. They are concerned about safety.

Jack H. Rosenberg of 13 Somerset Drive said he heard the figure of \$230,000 for the sewer district that hadn't been received. Is he correct in that statement? The Mayor said yes. Mr. Rosenberg said and the borrowing is in what sum? The Mayor said it is up to potentially 1.5 million dollars. Essentially, it is a line of credit. Mr. Rosenberg said it is a lot more than the \$230,000. The Mayor said not unless we need it. It is just the ability to borrow that much. Mr. Rosenberg asked when was the last time that this Village borrowed a million and a half dollars in February. The Mayor said we are not borrowing a million and a half dollars. Mr. Rosenberg said what are you doing? The Mayor said he said to him, and again, he appreciates his commitment to this Village and the fact that you come to every Board meeting and you care deeply about it. However, he takes exception to what he has recently, over the past several meetings, either is unintentional or to a certain degree has to be intentional, because he does believe that he is a very intelligent and accurate person, that are misrepresenting factual statements with respect to numbers. The Planning Board members who voted against something. And those who if they would have voted, voted some way. Which if someone served on that Board we don't deal with conjecture. And as we said in a discussion earlier, it is essentially the ability to borrow up to 1.5 million dollars. We do believe that we will only borrow a fraction of that. That there is no expense at all unless we borrow the money other than the \$400 around that we have to pay bond counsel. So ultimately we may only need to borrow \$200,000. And the fact is it's because this Board was strapped with deficits in the water department and the sewer department because it was neglected for thirty years and now we have got to get the water department back into a fund balance as directed by the state and our auditors and repair the sewer plant that was falling apart - has been informed to us by the D.E.C. and kicked up to the E.P.A. So we have dealt with those issues. We are getting them straight. And as a result the revenue that we get in terms of the expenses in running those departments and the fact that we have allocated a fund balance over a number of years puts us in a position, unfortunately this year, that we need to borrow money - a small amount of money potentially for a short period of time to continue the smooth operations of this Village. And that essentially is what is going on. But it is not borrowing a million and a half dollars. It is an authorization to borrow up to that amount.

Mr. Rosenberg asked if the sewer department is part of the county government? The Mayor said is our sewer department part of the county government? Mr. Rosenberg said no, the county sewer department. The Mayor said what about it. Mr. Rosenberg said is it part of the county government. The Mayor said it is a district. Mr.

Rosenberg said does it have a separate budget. The Mayor said he believes it does. Mr. Rosenberg asked if we paid taxes to that county. The Mayor said he does not believe that we pay taxes to the county sewer district. Trustee Meehan said absolutely not. Mr. Rosenberg said that he knows that the county's bond rating has been lowered. He said he didn't make any comments along the lines of what you were discussing. He said he asked a simple question. If you want to attack me, except outside of a campaign, that is your doing. If you want to attack him in a campaign when he is a candidate, fine. But he didn't get up here to be insulted. The Mayor said he didn't insult him. All he said was - Mr. Rosenberg said yes, you did, yes you did. The Mayor said okay, thank you.

Mike Hennelly of 135 Wayne Avenue said his thing touches on the problem with the snow removal. The town did an outstanding job and it has been six or seven weeks now that we have had the snow on the ground - several storms. He said he goes out several times a week and goes running through Suffern and it is the same houses for the whole seven weeks that still have not maintained their sidewalks. His question to the Board is how many summonses were issued as repeat summonses. He said he knows they don't have that information. But could we look into finding out if you have given one summons and that is it. Or do they follow-up in a couple of weeks. Because it is the same places. The Mayor said yes, and that is the problem. Mr. Hennelly said there are issues why people can't do it, he is sure. Does the code enforcer talk to the people? Are they elderly. Can they not afford to have the snow removed? Now it is a job. Now it is inches of ice. Is there some kind of program that the town can put together for the elderly who can't take care of it - who may not have the people around them to be able to do it. Can we find names of those people and give it to possibly the Boy Scouts or the Girl Scouts or the high schoolers that have to do community service.

The Mayor said he has had a number of calls. He said we try to help people out. Neighbors have been very helpful with other neighbors. And the reason why we do give a lot of those summonses is because there are repeat offenders. Mr. Hennelly said he is all for the summonses. The Mayor said we go back and someone may be getting their third ticket but we are not going to target that person if their neighbor doesn't do it. If it is the first time - and again, this is all - they are trying to do the right thing. It is so difficult. And you know what, and believe him, and he looks at it and he thinks why are we doing this - it is safety. But then that these people did it was great because if you didn't do it with the ice, it got worse. It has just been a terrible winter. Mr. Hennelly said he knows. It has been horrible. But at the same time he lives on 202 and he knows that several houses haven't done it and it hasn't been done in the whole seven weeks and there is no more bike lane to walk on so now you are actually walking in the line of traffic. He said he hopes there haven't been any accidents like that. And it is not just 202. It is Franklin Turnpike here, it is Washington Avenue, it is going up towards the library. He said he runs all the streets. Most streets don't have sidewalks. But the one's that do it is the same houses storm after storm that doesn't get done. If there is a reason why it is not getting done, can the

town look into - he said he knows the Mayor doesn't talk to them but somebody has to talk to the code guys. The Mayor said he does talk to them almost every day. They ask him questions. But he doesn't direct code enforcement. He doesn't say go after this, go after that, don't do this, don't enforce that. The Mayor said he will give them his opinion but in the end it comes to do what you think is right but please recognize that there - put it this way - there has never been from himself or from anyone on the Board - there has never been someone saying hey, let's look to make some money and generate revenue. That is not any case here. And getting \$10 or \$20 is barely covering our cost. Mr. Hennelley said he is not saying it is a case of generating revenue. It is more of a safety case. But what he is saying is that his question to the Board is if there are reasons why people can't do it, is there a program set up with the town. The Mayor said no, there is no specific program. Trustee Abato said that she would be actually willing to sit with the code enforcer because she has seen so many people falling this winter. It is ridiculous. Mr. Hennelley said with him it is the same. He runs. It is the same houses all the time. Trustee Abato said you are right. Mr. Hennelley said if there is a reason. There are plenty of kids out there that need community service for church, for the high school. Trustee Abato said she doesn't know if he remembers the Friends of Suffern. Clarke Osborn and she were instrumental in getting that off the ground. And we do have some people who were very interested in helping. What she is thinking is that each snowstorm is going to bring us new addresses and that we compile a list for the blizzard-type storms and these heavy winters. Maybe we can work with the code enforcer in compiling a list and a better follow-up system. Keeping track of where the tickets are going. And if they are resolved. She said she is going to speak to him. And see if we can come up with some kind of a plan.

Trustee Meegan-Corrigan asked if she could interrupt. She said that on Friday of last week they met with a couple of department heads and kind of reviewed some of the snow things that we were having and going on and we do have a tentative plan laid out that we were going to review in next month's workshop. Although it is not going to help for this year because it is February 7 but we really did have some really good come out of that. Trustee Abato said snow removal for the roads or snow removal for sidewalks. Trustee Meegan-Corrigan said for everything. Trustee Abato said so there you go. Trustee Meegan-Corrigan said from A to Z. So we are diligently working on that so we hope to get an informational letter out shortly and hopefully that will help. The Mayor thanked her.

Jean Hennelley of 135 Wayne Avenue said that she imagines that they are all familiar with what is going on at Lake Antrim with the dock and the raft there that it is disabled. Right now it is covered with snow. But back in October or early November a portion of the dock became dislodged from the raft so it is partially submerged in the water. Right now it is embedded in the ice. She said she noticed that shortly after - she said she doesn't know if it was man made or whether the lake itself caused it to be broken or if it was vandalism. She doesn't know what it was. But shortly after there was a piece of police tape that was put on the beginning of the dock

that met the land. So she assumes that the proper authorities were aware of it being broken. But as time went on, nothing was fixed about it. And now nothing can be done until the first thaw. And she was wondering what the plan is. At the first sign of thaw are you going to have it fixed because right now you can see that children or young adults or whoever are walking on the ice and going on that platform so you can see footprints all over the place and she is afraid that once it starts to thaw that it will become even a worse situation. The Mayor said we will take care of it. Mrs. Hennelly said it is another tragedy that is waiting to happen. She doesn't know if they can dislocate it from the raft or she doesn't know what needs to be done. She said that also down on Memorial - concerning the budget - the upcoming budget. She said she hopes they plan on putting money in there for the speed bumps on Memorial by the pool. She said she knows it was talked about last year late in the season so it wasn't worth putting them out then but she does hope that they do plan on putting temporary speed bumps near the pool because people are speeding through there and once new construction is being built people are going to bypass 202 and she can't imagine what it is going to be like. She said so please put some thought into making sure that there is some money to put there. And another thing. She was happy to see that the minutes for November and December are going to be posted. And she was just curious when the first six months of last year will be posted on the website. She said the first six months of last year - there are no minutes posted on the website. The Mayor said they should be in the archives. Mrs. Hennelly said it has July through October right now but nothing from January through June. The Mayor said we will check on it tomorrow. He said he is sure it is just some error. Because we have them on for the year. Mrs. Hennelly said you have previous years. She sees all them. But she doesn't see 2010. The Mayor said he doesn't know what happened but we will check on it and take care of that. She said she really hopes that dock gets fixed as soon as feasible. The Mayor said we will take care of it.

TRUSTEES:

A) Amendment to Educational Reimbursement Policy and Video Cameras:

Trustee Simon said we will start with the amendment to the educational reimbursement policy. He said we put into effect, some months back, an educational reimbursement policy that insisted that anybody taking a class that was a grade-earning class or a number grade-earning class get either a B or an 85% or above to be reimbursed by the Village. There has been a lot of discussion since then about at supervisor discretion possibly lowering that number in certain individual circumstances. Trustee Simon said he doesn't know how the rest of the Board members feel but he thinks this would be a rarity. It is not something that he would vote for. Trustee Simon said that when he drafted the policy for the 85% or the B grade it is that he wants people to take this seriously. He said that if we are paying for the classes then he wants them to put the effort in.

Trustee Abato said that she thinks that if you pass the course,

whatever the grade is to pass the course, that you have achieved and earned whatever that certification is. She thinks that taking it away from that person, requiring them to be above whatever the standard is - she means that some people test well, some people don't test well. Everybody achieves at their own level. So if they are saying you need a 75 to pass the course and the person achieves a 75 in that course, they have passed - they completed it and they have gotten their certification, she doesn't know where to hold to a higher standard is going to make the difference in these kinds of courses. Maybe in an overall long-term college course you might be talking about keeping somebody asserting themselves. But she is talking about some people who have been out of school for many, many years and some people, like she said, who achieve at their own level. So she thinks that if somebody is working to achieve a 75 and achieves that 75 she thinks our only responsibility is that they pass the course and get the certification which is going to benefit our Village. She thinks holding them to a higher standard is not anything - we are not dealing with children. We are dealing with adults. That is her personal feeling.

Trustee Simon said we are dealing with adults. We are also dealing sometimes with people who have an institutional knowledge of things who may have to go back for repeater classes on a regular basis that may not take it as serious. That was his rationale for putting in the B grade and the 85. He wants someone to be there. To be present in the room and not just show up kind of, maybe, skate through because they know how to do this and be done. He said he asks more because he wants more.

The Mayor said that pretty much, to a large degree, it is a non-issue because so many of these things that people take are just pass/fail. That the ones that aren't are probably the ones that when they score under that number that the supervisor is going to be more likely to allow them to - specifically wastewater treatment licenses - we all know are very difficult and passing it in itself is an achievement. So he does think that is why it was suggested that we do this. He doesn't think that anybody is looking not to give someone but we also know that we kind of expanded this program to allow people to go beyond what we directly enable them to move up. To more of a broad improvement enrichment program where someone goes to get a certification in brakes that they may only be used in a certain period of time and at that point now we are talking about it is a good thing for our Village. We want to have our people improve themselves, move up, take pride in what they do but we are also paying taxpayer dollars and we want them to be serious about it so that is why he supports some kind of grade thing because if someone takes a course - hey the Village is going to pay for it and they go and they barely pass it. And they don't do it. Versus something where we send them and they get a 70 but we know that that 70 is worth a 95. That is his personal thing. He does believe definitely that we should amend to at least reflect a supervisor's discretion to a minimum. And most of it is going to fall in Charles' department anyway. Trustee Abato said she doesn't know. She thinks it is discriminatory to be honest with you because if you are talking about a course that someone is taking that is a pass/fail

course the pass could be that 70 or 75 which is what you achieve but yours was the number grade and you didn't get an 85. You got a 70 or 75 and we are not paying for that. She said she thinks there is a fine line.

Trustee Meegan-Corrigan said that in most corporations that she has worked in when there is businesses it is not college but there is tuition and it is training. The corporations have a pretty steadfast rule that you need to hold a certain grade level. And if pass/fail and the person is not a strong tester and they pass, that is great. But she does think that they need to be held accountable for the courses that they are taking and if the supervisor knows that they are not a fabulous tester, which she is not a great written tester - she is much better verbally, if you can figure that. Sometimes the instructor will take that in account too because this is not just a college education. Trustee Simon said just to say that when we put this together we did allow that there are classes that are just pass/fail. Like some certification classes. Like that kind of thing. Where you do have to get a certain number of questions on the test to pass the test but at the end of the day you are given either a certificate that you passed or you get notice that you did not pass. In those cases, the pass is all we are looking for. But if it is a class that has a letter grade or a numeric score, in those instances, that's when the B or the 85 is in effect. Trustee Abato asked how can you on one hand just say get a P but you have to get an 85. To her that is discriminatory. That is ridiculous. Trustee Simon said because different classes have different requirements. Trustee Abato said that is just her opinion.

Trustee Simon said that another thing that was asked about amending this was that the Village can elect to pay for the course for an employee at registration. As currently constituted, the employee lays out the money for the class and is reimbursed upon successful completion of that class. The question was raised - there are some classes - some of the certifications, some of the on-going things - which are expensive which could run thousands of dollars. We didn't allow for that before. His fear is that we could probably dig up books on any municipal situation where somebody has taken money to take a class and not taken a class and that is his fear that we are laying money out and we may not find out that the person didn't complete the class until there was an audit a year later when somebody is supposed to have a certification and doesn't. And not only did we lay that money out but now we are not in compliance and now we are looking at fines. That was his logic for having the employee lay out the money.

In this situation where we are talking about larger amounts of money he thinks that he would be amenable again to having the supervisor make a decision on a case-by-case basis, not on a blanket situation. On a case-by-case basis whether the supervisor feels stronger enough that this is important enough that we ought to lay out the money.

Mayor LaCorte said especially when we need it more than them. When it is a lot more important to us. It is a huge thing for us. We get that first person there and one of those people get licensed and

this guy is saving us the person we are hiring thirty to forty thousand dollars and that next person saves us another thirty or forty thousand dollars. Because we don't need our consultant anymore. Our second consultant. So it is our little race to the top. But in that course we don't want the person to not take it because it costs \$1300 or whatever it was. Trustee Simon said he knows. In those kind of cases he thinks supervisor discretion is valid. The Mayor said if it is going to save us thirty or forty grand, if we have to pay \$1300 and take a risk that they fail or pass.

A motion to amend the education reimbursement policy to allow for supervisor discretion for a grade less than B or 85% and at the supervisor discretion to pay money in advance for a class if needed by the Village at the supervisor's discretion was made by Trustee Simon, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried, with Trustee Abato voting no.

Trustee Simon said on the other item - the video cameras. It is a much longer process than he thought. Finding cameras in the price range that we wanted to pay to do what we wanted to do. So he would ask the Board to give him one more month and to put the planned March filming and posting on line to April. So at the March meetings we will have answers about cameras and starting with the April meetings we will know what we are doing about putting the meetings on line.

The Mayor said the next thing on the agenda is emergency parking restrictions and radios for the building department. Trustee Simon said these are also his items. He said let's do radios for the building department first. At a meeting on Friday the code enforcers asked if they can have radios because there are times when, nothing to do with what Beth was discussing with today, he hopes, but there are times that they have been threatened when they are out doing their rounds. And they need to get in contact with the police and they need some backup pretty quickly. There are no extra radios around. The Chief was asked if we could add on to his budget for getting more radios. He said basically at the cost of what we are doing we might as well buy them. What Trustee Simon has asked our grant writer, Fred Rella, to do is to see if there is grant money out there since this is a public safety issue to see if there is grant money out there to equip the code enforcers. If not, then we will then have to revisit this and see if we can come up with money in the budget. The Mayor asked how much they are. Trustee Simon said our code enforcers thought they could go for about \$250. Our Chief thought they were about \$1000. Trustee Meegan-Corrigan said that Randy checked into it and they are about \$279. Trustee Meehan said he had a question. He asked what about cell phones. The Mayor said yes, like direct connect. Like Nextel. But he guesses who do they call. They don't know who is on duty. Do they just call the police department. Trustee Meegan-Corrigan said if they call the police station it will bring them over to Rockland which will then bring it back to Suffern. Trustee Meehan said no they are just going to call our dispatcher. 2300. The Mayor said just call the dispatcher. Trustee Abato said that is what she doesn't understand. Why couldn't they just call the dispatcher. Trustee Simon said they seem to think

that the time lag was a problem versus picking up the radio and saying I am out here on a certain street and I need help now. Trustee Abato said that is exactly the same thing you would say on the phone. Trustee Meehan said that is exactly what you would tell the dispatcher on the phone. Trustee Simon said again he is making the request for the code enforcers. The Mayor said let's think about it. It is a legitimate thing.

Trustee Simon said the last thing is emergency parking restrictions. In a discussion with the fire chief last week there has been, because of this winter, because of the severity of this winter and the amount of snow and everything, there has been a problem getting the fire trucks down some streets especially at night. When people are parking on the street. Considering the amount of snow that is kind of encroaching on the blacktop as it is the chief's had asked if the Board would consider a temporary overnight parking ban in the Village on streets from midnight to 6:00 a.m. just for safety purposes. This ban would expire April 1. This is not a reinstatement of the old policy. This is strictly for this winter for now because of the situation. The fear is that while it is a small Village if a truck turns down the street and can't get through because two neighbors have parked basically next to each other and the truck can't get between them, the time it takes for the truck to go around the street can cost somebody their life. So the fire department has asked us to consider this one time deal.

Mayor LaCorte said he spoke to the chief today. First he spoke to the police chief and he brought it to his attention that he thought it was not a great idea. And the concern he had, and the Mayor also spoke briefly with Jo about this, was that it is just too difficult. Because there are certain streets in this Village that they have to park on the street. Squires Gate. They have no choice. There is not ample parking. Certain areas on Bon Aire and Stonegate, Berkeley Square. So it would just be very difficult and it would be extremely difficult to enforce. Because the cops would be driving around the Village ticketing everybody and everybody is in the habit of it. The Mayor said he also spoke to the fire chief and he said to the Mayor, and it is not that he threw anyone under the bus, but he kind of said well somebody else kind of brought it up and he wasn't against it but. The Mayor said that is because he was talking to him. The Mayor said the chief said it is difficult at times and he thinks it has gotten a little better the last couple of days because there has been some melting. He said it is just kind of like being on a slalom course. But they have that new, very maneuverable truck. The Mayor said he thought earlier. Trustee Meegan-Corrigan said she was at the same meeting with Bruce and she heard the same exact thing that he did. The Mayor said that it was his idea. Trustee Simon said just let's say that he is confident at what he said and leave it at that. Trustee Meegan-Corrigan said she agrees. The Mayor said he knows it is very difficult. He was hoping. Trustee Abato said the groundhog said there will be an early spring. The Mayor said he thinks this would be difficult and he was hoping that this wouldn't have to be a Board decision but Terry is telling him that it would be. That it could be an executive decision on this but it's not. The Mayor said he just thinks it would be a disaster to have a blanket prohibition.

Because in Bon Aire, where it is needed, there is only parking on one side of the street anyway so it is not an issue. In the Mayor's neighborhood where the streets are really wide there is not a problem. On Riverside Drive it is a problem. Trustee Meegan-Corrigan said on East Maple there is a problem. The Mayor said maybe we should look on one side of the street parking. Trustee Simon said on Utopian Avenue there is a problem. Trustee Abato asked how are you going to enforce that. The Mayor said he understands. He is trying to compromise. He personally would leave it. Trustee Abato said she thinks a good idea would be to put on the website maybe to please be mindful to the fact that emergency vehicles do have to get through so that when you are parking be mindful of the cars around you that traffic can still pass - that emergency vehicles can still go through the streets. She said she thinks that would be worth it. But how do you enforce that in the middle of the winter when people are scrambling for places to put their cars now. She just thinks you would end up in a very bad situation. The Mayor said you couldn't do it in Squires Gate. Trustee Abato said you couldn't, you couldn't do it. The Mayor said they all park on the street because it was built for one car. It is one car.

Trustee Simon said he would like to make the motion to put in a temporary overnight parking ban outside of the business district from midnight to 6:00 a.m., seconded by Trustee Meehan. Upon vote, the motion was carried, with Mayor LaCorte and Trustee Abato voting no.

Attorney Rice said he thinks you have to have more particulars in the motion like that. Because as was just discussed, you can't do. The Mayor said are we saying Lonergan also? Trustee Abato said this is insane. The Mayor said it's voted on. He doesn't know. Go back and undo it. He said this is going to be the biggest disaster in Village history, mark his words. He is on record. Trustee Abato said she will be on record with him. The Mayor said these people cannot not park on the street there. They can't. They can't. Attorney Rice said he would like to just throw something in here. He said that we worked for years to try to come up with an alternate method rather than the way it was done in the past and in his personal opinion this is just going to add a lot of confusion and it's going to take people a long time to even understand it. He said he thinks if you wanted to do something and he is getting way outside of his role. Trustee Corrigan said this is only for this immediate snow emergency. This is not written in stone for next year. The Mayor said April. April 1. Trustee Corrigan said right. The Mayor said it means that for the next two months people can't park on the street. The Mayor said okay, okay. The Board voted. What more can we do. Trustee Corrigan asked him how he would suggest that we open up the streets to get the fire trucks through. Trustee Abato said the fire chief told the Mayor that they are not that bad. The Mayor said they have gone to every call. They had four calls yesterday and they went. Trustee Abato said we can't say anything. The Mayor said they went. What do we do? Trustee Simon asked Attorney Rice if he was going to make a suggestion. Attorney Rice said that he was going to make a suggestion. This is hardly a lawyer's role here. But if you have a street that is narrow because of the snow that has piled up

and has narrowed it, then get some signs and put it on the side and coordinate with the DPW so that they come in and they widen the street with a plow. The Mayor said you can't even get signs up. You can't get signs up because there is fifteen feet of snow. So legally how are we going to post signs that say that there is no parking when our Village code says there is. Attorney Rice said that what he is saying is no parking for a significant period of time. On Thursday, from 4 to 6 because you are going to plow. The Mayor said we can't put up any signs now. There is three feet of snow in the right of way. You cannot put up a sign. We had to put up signs - he has been dealing with this everyday - we had to put up signs on Berkeley Circle, Stewart Circle and Berkeley Square because they were parking and they weren't allowed to park. And they weren't following the rules. We could only put them up on the existing signage that existed because we can't put up any new signs. Trustee Corrigan said what you could do is that you could use the paper signs that they use for when they do the street fairs and whatnot. The Mayor said and put them on the trees? Trustee Meehan said stick them in the snow. The Mayor said how are you going to tell people to not park all the time overnight. Trustee Abato said there are fourteen people who know, that is it.

The Mayor said why don't we disallow parking on three or four streets for a day and then send our plows in and then clear it up and then reopen them. Trustee Abato said that is what we were saying.

Trustee Simon said he thinks he can speak for Mrs. Corrigan. At the meeting on Friday, that was suggested and shot down as being unbelievably difficult and near impossible to do. Trustee Corrigan said right. The Mayor said why? Trustee Simon said that the blanket was the easier solution. Trustee Corrigan said correct, correct. And she will tell them that from Bagel Train to Park Avenue on Saturday was over a three hour project - four truckloads of snow was removed from that small span of roadway. And she was there every single section watching this painstakingly process take place. So it is not an easy answer. And it is not an easy solution. And this is the winter of all winters. But she thinks we need to do something to keep everybody safe. The Mayor said okay, okay. Trustee Corrigan said and that was suggested. The Mayor said we took a vote and sometimes things don't go your way. The Mayor said okay, fair enough. The Mayor said no overnight parking in the Village of Suffern except for the business district. He asked what defines the business district. Is it Lafayette between what? Trustee Corrigan said Washington, 202, Orange Avenue. The Mayor said what about Chestnut to 202. Trustee Corrigan said yes. The Mayor said Chestnut to 202 in either direction. Washington in either direction to 202 in either direction. Wayne to Orange. He said Lafayette to Washington to Orange and then the cross streets from Orange to Wayne, each one of them, which would be what. Which would be Washington, Chestnut. Just Washington and Chestnut. The Mayor said and also Suffern Place? Trustee Corrigan said yes. The Mayor said what about Lonergan Drive. Trustee Corrigan asked if that was in the business district. Trustee Meehan said no it's not. Trustee Abato said so there's no parking on Lonergan Drive? The Mayor said that

we have rules where we do not allow street parking in snow emergencies. We do not enforce that on Lonergan and Temple. Even now when everyone in the Village - if there was a blizzard today and 800 inches of snow coming, we would not enforce it on Lonergan and Temple. And we would not give a ticket. Because it is impossible. We go in there for two days after the storm and we truck out the snow. It is impossible. They have two cars and they can only put one car each in their driveway. How are we going to do this? Trustee Simon said he had a question. What was the situation six years ago when the rule was November to April. Period. No parking. Trustee Abato said parking was allowed on Lonergan Drive. Trustee Simon said then make a motion to allow it on Lonergan Drive. The Mayor said that is what he is saying and then what else. He said he can tell them that there are a couple of other situations where there is no choice because there is not ample parking. Trustee Simon said they had the discussion last week with the fire department, with the police department, with the code enforcers. They asked about doing it in certain neighborhoods or certain streets or going around that way. The comments that they got back, that Mrs. Corrigan and he got back, were no, that is going to be unenforceable. If you are going to do this, you are going to do it across the Village. The Mayor asked if the police chief said he was in favor of this? Trustee Corrigan and Trustee Simon said yes, he did. The Mayor said he told the Mayor today that he thought it was a terrible idea. He had lunch with him. He said do not do this. Trustee Simon said he might have changed his mind over the weekend. Trustee Simon said he is telling him Friday. The Mayor said he spoke to the fire chief today. The Mayor said whatever, the ship sailed.

Attorney Rice said let him just put this in there. You are going to have a special Board meeting in about two weeks. He said why don't you withdraw the motion and work out a workable plan in the interim and if there are particularly bad streets then the DPW will just have to deal with it. And they can do that. It's just that this is becoming a sledge hammer to kill a gnat. Trustee Abato said exactly. She feels that the fire chief should have addressed this with the DPW immediately as soon as he found that there was a problem getting down any street or identified any street as a potential hazard. It should have been identified at that second. Not a blanket thing how many weeks later where we are into the season of snow and these streets have been like this for how long? And now we are going to take away overnight parking from everybody in the Village? It's just absurd. The Mayor said and Bon Aire and Stonegate where they need it, where they need it there is only parking allowed on one side of the street. Trustee Abato said she doesn't think this is the answer. The Mayor said it is not an issue there. So you are taking away parking from the people who need it the most where the chief told him today it is absolutely not a problem.

Trustee Corrigan said shall we take Terry's suggestion? Trustee Abato said she would like to ask her - it is two weeks. Trustee Corrigan said she has no problem with that. Trustee Abato said if we could work in the next two weeks to come up with an amicable solution with what is best for the whole entire Village if you would be willing to withdraw it for tonight and we will meet again. She

said she would definitely work on it and be part of it. Trustee Corrigan said absolutely, with pleasure. Trustee Abato said she doesn't know who made the motion but if they are willing to withdraw it she would appreciate it very, very much. Trustee Simon said he made the motion so he will withdraw the motion for two weeks. Trustee Corrigan said she will withdraw her second for another two weeks. Trustee Corrigan said sorry, it was Trustee Meehan's second. Trustee Meehan said he would withdraw the same thing. Trustee Abato said thank you very much on behalf of all the residents of Suffern. Trustee Simon said so we unvote.

The Mayor said shall we set the Board meeting now anyway. The Mayor said anytime after the 14th. We can do it sooner than later. We can do it in a week. In terms of the 4A operator, he is not coming on board until March 15. Trustee Abato asked if we could stay away from Tuesday's and Thursday's for the next two weeks. The Mayor said we can do it next Wednesday on the 16th. Trustee Simon said he was unavailable on Wednesday. The Mayor said or the 21st or the 23rd. Trustee Abato asked about the 23rd at 6 o'clock in the evening. The meeting was set for February 23 at 6:00 p.m.

The Mayor told Trustee Meehan that he was up. Trustee Meehan said that this is an issue that he has spent a lot of time with. The title said Quarry Community View. Trustee Meehan said he had actually written a community view and hoped that it would be in *The Journal News*. And obviously it didn't appear in *The Journal News* and he spoke to *The Journal News* and they may very well publish this letter retrospectively. And Trustee Meehan said he hopes that this evening is maybe a first step on resolving the situation. He said he is going to be brief and read the following into the record.

Trustee Meehan said that:

When I was campaigning for re-election last fall I made the future of the 65 acre quarry my main election issue and I planned to have this subject placed on tonight's agenda. In 2006 Supervisor St. Lawrence purchased the quarry from Tilcon for a dollar, taking the property off the tax rolls. Tilcon paid \$106,000 in property taxes in 2006. At the time the Supervisor said that the property would be used for recreation and flood mitigation. Since this purchase was made, over a half a million dollars in tax revenue has been lost.

In 2008, in answer to a Request for Proposal from the Town of Ramapo, Quarry Ridge, Inc., a Goldstein family company, offered to buy the land for \$4.4 million on a contingency basis. The first part of the contingency was that Quarry Ridge, Inc. would provide a flood mitigation program which would address flooding with a 25 year frequency in the Squire's Gate neighborhood. The second part of the contingency required the Village of Suffern to rezone the property to allow for the construction of 440 multiple dwellings (apartments or condos).

Shortly after this agreement was reached, Quarry Ridge, Inc. made a presentation to the Village Board showing three planned

access roads. One would be at Tilton Road (near Ravi Restaurant) accessing Route 59; a second would be through Novartis property accessing Hemion Road; and the third would be through Avon property accessing Washington Avenue. Avon has since told me that it would not grant access through its property, so that leaves only two access roads.

Our experience in Suffern tells us that 440 condos or apartments would generate 880 cars.

During my campaign I talked to many of my fellow citizens. They agreed with me that 880 cars entering onto Route 59 is something that they don't want.

In addition to the zoning question there is the question of Suffern youngsters trespassing on this property and in the warm months, using the large water filled crater as a swimming hole. Although the property is fenced in, access across the Mahwah River near the railroad bridge is easy for any teenager. The property is a dangerous and attractive nuisance (see photo on my website).

At the February 7 meeting I will ask my fellow Board members to do two things. First, a request to plan to amend the Village Master Plan to consider the future of this property. This property was not considered in the past master plans because it was a working quarry. This would make a decision for and by the people of Suffern on how the property should be used. Secondly, I will ask the Village Board to request that the Suffern Police Department evaluate the security needs of the property and then make a formal request of the Town of Ramapo.

I urge all Suffern residents who are interested in this issue to contact their Village Board members and attend the meeting on the 7th. To learn more and to view the Ramapo Quarry, please visit my website at www.trustejackmeehan.com.

Trustee Meehan said that nothing is happening. We are losing revenue. It is a dangerous place and so what he would like to see is us move to a situation where we here in Suffern decide what would be the primary development in the quarry. In other words we may say that while we may want it used for only what it is now, which he thinks is light industrial zoned or we might say that we might want it used partially for residential or whatever, but he doesn't think a Suffern Planning Board or Zoning Board ever approving a situation where there would be 400 or 880 cars. It is just incredible to him. And he also talked to the site head of Novartis and Novartis has not made a decision on that but that would be a corporate decision. But people he has talked to in the community and some businessmen feel that Novartis wouldn't be in Novartis's interest to allow access through their property so he doesn't know if that is ever going to happen. And he doesn't see anything happening there. And we are losing out on the revenue and he thinks that we really should do something about that and he thinks the thing to do so is - the easiest thing to do is to somehow zone it ourselves and make a decision on it and if that zone calls for 440, less than 440, multiple dwellings

then the agreement that the Town of Ramapo has with Quarry Ridge would be null and void. And he would like to make it so. So he doesn't know if this may be a long process but he would like to get the ball rolling this evening. And he would like to hear from - the Mayor said we control the zoning. Trustee Meehan said absolutely. The Mayor said they can't zone it. We control the zoning anyway. So why would we rezone it before there is an application. He is just wondering. Trustee Meehan said the fact of the matter is - the Mayor said they don't get 440 units. Trustee Meehan said no, they are not going to get 440 units but the contingency contract between Quarry Ridge and the Town of Ramapo says 440 units. So that is - we come and we say that it is going to be less than - that we don't want the quarry to house 440 units - then that is null and void. That contingency contract between the Town of Ramapo and Quarry Ridge Inc. is null and void. And he would like it to be null and void. Trustee Meehan said excuse him. Trustee Abato said she had a question. She said you are the one that is giving the information. She had a question. Sorry, she is not asking any questions. Trustee Meehan said okay, shoot. Trustee Abato said nope, she is good, thanks. Trustee Meehan said okay. What he is saying is that we are losing out on a lot of - it is \$106,000 a year and it keeps adding up and adding up. The Mayor said that is the whole property tax. That is not our portion, right? Trustee Meehan said oh, that is the whole property tax. It is not our portion. Our portion is like about \$30,000 and we already are out \$150,000. The Mayor said that is based on what they paid as an operating business and now it is closed. And he doesn't know if that is the case. He said he understands what Trustee Meehan is saying. He is just asking questions. The Mayor said his question is let's say we rezone it. If we zone it to something, right now essentially as a matter of right there are no units allowed. Zero. So if we zone it that allows 150 then somebody as a matter of right is allowed 150 units. Trustee Meehan said that is correct. The Mayor said so the point is what happens if this Board decides that we don't want anything there. We don't want any units. We want it to be pristine. We have now turned the property into what is essentially useless because unless they get a zone change from us they can't build anything to something now which has a value of a built-in 150 units. Trustee Meehan said okay. He hears where the Mayor is coming from and he thinks it may be very expensive to go through the zoning process but in the meantime we are missing out and it is an attractive nuisance and he thinks that the people he talked to, and it is literally hundreds of people that really feel something. Now what's interesting is that he made an issue in his primary and then after he won the primary his Republican opponents agreed with the issue and they made it an issue in their campaign as well. The Mayor said that but what he is saying is that he is tending to agree to what he is saying but it seems the concern was not only the number of units but any building in the quarry. So his point is that he would just ask him to consider that why would we want to change it if maybe most of these people that he spoke to don't want anything there. Trustee Meehan said no. The Mayor said they want something but not 440? Trustee Meehan said that he thinks that they feel that somehow we would like them to pay for the flood mitigation. The fact of the matter is that he wants this not to be zoned like the way Jack Meehan wants it. He wants the

community to come together and say this is what we want to have at the quarry. The Mayor said okay. Trustee Meehan said maybe we could find out how much that would cost. And he thinks it would also behoove us, and he would ask the Mayor if he could write directly to Novartis, to say - to ask them directly if the corporation would come in with a decision as to whether they would allow an access road because that would have a phenomenal amount of affect on any type of development. If the only access is from Tilton Road by Ravi then that really quite restricts what would go on there.

Trustee Simon asked if he could address that last point just for one second. He said when we had the transit meetings last year about the Tappan Zee Bridge and the trains and the buses and everything one of the things that we're looking at is that Novartis Road, which is technically state owned. But Novartis has been trying to buy it for a while and it was kind of a very slow process. In the past year or two they have really ramped up trying to obtain that property from the state. So they have absolutely no interest, and he can tell him that right now, of allowing anything on that road besides Novartis approved vehicles. Trustee Meehan said okay. Trustee Meehan said if you are so sure that would definitely affect the 440 units even more absurd. Attorney Rice said he thinks we are going someplace where we don't want to be. Because the Board of Trustees, at some point, at least with this last line of thought, the Board of Trustees at some point may be hearing an application from some applicant for that property and he thinks it is a road, and he is not intending on making a pun, but it is a road that you don't want to go down if you are going to be hearing an application and at the same time you are advocating to Novartis that they not allow access on this road for an applicant that will then make the application essentially impossible. He said he thinks that at some point the Board has blown its objectivity and it is not a fair forum for an application. And he thinks that when you get to the point when you are advocating it has some legal ramifications. Trustee Meehan asked what can we do to resolve this very serious problem? Attorney Rice said well you don't have an application. Trustee Meehan said he knows and he doesn't think we ever will get one and this is what annoys the hell out of him. Attorney Rice said you can certainly ask the planning consultant for a quote for how much it would cost, and he assumes it would be fairly expensive, but how much it would cost to do a study for that. The only thought he had, by the way, and he understands that he wants to be proactive, if that is the right term, but if you do it now, the Village is going to pay for it. If you wait until someone comes in with an application as part of the review and SEQRA process, they are going to pay for it. Trustee Meehan said he knows that. Attorney Rice said that is a consideration. Trustee Meehan said that there is a cost benefit analysis of the situation and he thinks that he would ask that we do that. Find out what it would be. Attorney Rice said we will get a quote from our planner. Trustee Meehan said that is fair enough. Trustee Meehan said he thinks that we covered the other part of it. And he can't tell them how someone may feel. He said he knows that they made some improvements there but he really is looking forward to Clarke coming up with a program and he thinks it is going to be more than just fences and things like that. He said he thinks there

has to be a physical presence there. At least during the day. And he thanked them for listening to what he had to say.

The Mayor asked Trustee Corrigan about one-side parking on East Maple. Trustee Corrigan said that in the middle of working with seeing if we can make some other arrangements with some of the people that do need to park on the street so therefore businesses aren't impacted and some of the residents aren't impacted. So she would request if we could move this also to the 23rd and we can sort of wrap it in with - well, it is different than the snow removal. One thing has nothing to do with the snow. But she would like a little more time if she can. The Mayor said okay.

The Mayor said he had three items. One is a motion - this is a motion, on civil service - John Layne has been working for us on a provisional basis and civil service has told us at this point that this arrangement can't continue and our choice is to appoint him to the position but that we can do so with a probationary period. They want to go retroactive back to December 31. The probation period can be as short as ten weeks or twelve weeks. The Village Clerk said six months. The Mayor said it can be as short as what? The Village Clerk said ten weeks. The Mayor said it can be as short as ten weeks and as long as six months. Trustee Abato said we are going back to December 31 so we are already a month into it. The Mayor said we can do it for six months. The Mayor said we don't even have to vote on it. It is just to appoint him as our building inspector. Trustee Abato said she would move it. The Mayor said the terms and conditions are the same as they have been. Attorney Rice said the only thing that he is questioning and he is hearing about this for the first time but don't you have to say for a six month probationary period. The Mayor said oh, you do? Then let's do it. Trustee Abato said she will amend her motion to a six month probation retro to December 31 as stated by the personnel department, seconded by Trustee Meehan. Upon vote, the motion is carried.

The Mayor said the second item he has on the agenda is the law firm to engage with respect to the Orange Avenue project. We had been working with another law firm, Harris Beech. The arrangement that this law firm would come on board would be the same which is they would withhold their fees until they would be paid by the developer. So there is no outlay of Village taxpayer money. The Mayor said there was an e-mail by Jack this morning asking about their experience. The Mayor said he gave them each a copy in their folder tonight. They do have extensive experience. Why are we looking to switch lawyers when we were working with Harris Beech for a short period of time. Because in moving forward on this project, the key to it is how exactly are we going to finance it and it is kind of somewhat complex and interesting and that this firm has a lot of experience in that aspect of it, which is the key to this. They have been very responsive and we found out that Harris Beech had actually contacted this firm to try to get information when helping us. So the bottom line is let's go to the firm. Trustee Abato asked if he needed an answer tonight or if we could review it and on the 23rd put that as part of our meeting to vote on it. The Mayor said we can

do that. Table it to the 23rd. Trustee Abato said yes, and this way we can at least go through the packet and check it out and if we have any questions we can call them. The Mayor said fair enough. He said he will withdraw the item and put it on for the 23rd.

The Mayor said the last item on the agenda he just put on. He said he would like permission from the Board to bid out our 457 plan. Currently the custodian of the program that is essentially our 401k - it doesn't cost the Village anything. Any fees associated with it are paid for by the participants but the law states that you are supposed to bid it out every five years and we haven't done it in a while and it is always good to see what is out there. So again if there is a better - really, it is not just for the five years. He is aware of the plan because obviously this is what he does for a living. He said he has talked to a number of employees here who aren't happy really with the choice that is given them. It appears to be a lot of choice but in actuality it isn't. There are also restrictions about how often you can move the money in and out of the guaranteed interest option, which is like 3%. So it kind of prevents you if you feel if the market is going to go down and you want to go into that you can't do it right away and it slows you down and all that which is to him not fair. You should be able to move in and out of cash as frequently as you want. Trustee Abato said so you are asking us to put it out - the Mayor said just to bid it out. In the end there are only going to be a couple that come back because there are not that many companies that do it in New York. Trustee Abato said she would move it, seconded by Trustee Simon. Upon vote, the motion was carried.

A motion to adjourn the meeting at 10:14 p.m. was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

