

**Village Board Meeting**  
**Thursday, February 9, 2012**

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

PRESENT: Mayor Dagan LaCorte  
Trustee Patricia Abato, Trustee Charles Falciglia  
Trustee Jo Meegan-Corrigan, Trustee John Meehan

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

ABSENT: None

The Mayor said we are joined by our county Legislator, Mr. Joe Meyers.

**Set Dates for March Meetings:**

The Mayor said the workshop will be Wednesday, February 29 at 7:00 p.m. and the Board meeting will be the following Monday, March 5 at 7:30 p.m. The Mayor said that in terms of meeting schedules, a little tidbit was passed on to him earlier this afternoon which he thought he would relay. It seems that a letter has gone around in the last couple of days to certain neighborhoods about how the Board postponed this month's meeting because he was on vacation. And in the history of Suffern, that has never been done before. And he finds that hard to believe. While the Board did schedule the meeting unanimously to accommodate the fact that he would be out of town, he looks at it as having three choices. The choice was (1) either to miss the meeting, (2) to not go on vacation, or (3) to reschedule the meeting since there are a number of items that were on the agenda that was important stuff. So he thinks that he, as well as the Board members being here, that they opted for the third choice. He said he will make sure that he never takes a vacation again.

**CULTURE AND RECREATION:**

Mrs. Gail Curtin thanked the Mayor for accommodating her. She has another meeting. She said that since the last meeting, AARP Tax service training has been completed. Thursday, January 26, they had a senior movie afternoon at the community center. And on Saturday, January 28, the Suffern Farmer's Winter Market began at the community center.

Upcoming, the AARP tax service will be on Tuesdays at the LPL from 10 am to 2 pm. Friday, February 10, a DARE dance at the community center. The Stay Fit Senior Program two year anniversary tea will be on Monday, February 13 at 1 pm. Family Movie Night on Friday, February 17, at 7:00

pm. Senior movie afternoon on Thursday, February 23. The Suffern Farmer's Winter Market on Saturday, February 25 and LEAD March 2.

Mrs. Curtin said she would like authorization to set the following dates:

- a) The Egg Hunt and Breakfast with the Bunny on Saturday, March 31.
- b) Movie Under the Stars on Saturday, May 26.
- c) Senior Citizen Picnic, Thursday, September 6.
- d) Suffern Day, Saturday September 29 (rain date Sunday, September 30).
- e) Halloween Window Painting, Saturday, October 13.
- f) Halloween Parade, Sunday, October 28.
- g) Holiday Lighting, Thursday, December 6.

The Mayor said those dates are fine but he would suggest one thing since we are planning way ahead. He thinks that we should, and he doesn't know how the Board feels, but he thinks this is an important position - some discussion has been had - that some of these events should be named what they actually are since he thinks that we should be open to embracing all faiths in having those events. So he thinks if it is okay that we should call the Egg Hunt and Breakfast with the Bunny the Easter Egg Hunt and Breakfast with the Bunny and he thinks that the Holiday Lighting should be a Christmas Tree Lighting. And if we light symbols of other religions we should do that at other times and we should call them what they are. He said he thinks as long as we make things available to everybody and give everybody the opportunity to celebrate their faith, or if they don't have a faith, whatever they choose to do, then we should call the events actually what they are. So he thinks it should be the Christmas Tree Lighting, he thinks it should be the Easter Egg Hunt and he thinks if there are any other religions that want to come forth and use our facilities as long as it is open to the public and open to everyone, he thinks it is a great thing to do. He asked if anybody wanted to say anything. The Board agreed.

Mrs. Curtin said the summer concerts will be held on Wednesday, June 20, Thursday, June 28, Thursday, July 12, Wednesday, July 18, Wednesday, July 25, and Monday, July 30.

Mrs. Curtin said as you requested, year two, we will open the pool for weekends on Saturday, May 26 and by the way, that Movie Under the Stars would be that same day which is what we did last year as a "staycation" and it was very successful and that is why they are proposing it a second time around. The Mayor said that is Memorial Day weekend. Mrs. Curtin said Memorial Day weekend on Saturday. The regular season for the pool would then begin on Saturday, June 23. Family Day at the pool would be Sunday, July 15, with a raindate of July 27. So they will move ahead

with all of those dates. The Mayor said if we could change the language on those things and also as discussed distributing those dates to all the Board and to the various elected officials so they can plan for the long-term. Mrs. Curtin said she would do that.

Mrs. Curtin said she attended the Division for Youth Information session at BOCES concerning the LEAD funding and she was very excited and sent an e-mail to the Mayor and even though he was on vacation he accepted it and it was letting him know that we did receive word yesterday of congratulations. We were accepted as one of the 23 agencies who was given permission to apply. So now we have made it to the next step and we will apply for those funds.

She said she met with the representatives for the Breast Cancer Awareness and Prevention fashion show. It was a pre-planning meeting and the date that they are looking for is October 7, 2012 at the community center. And they will be coming back next week and they will have another meeting.

Mrs. Curtin said she met with the Girl Scout leader who is requesting permission for the scouts to clean and beautify the 9-11 reflection area at the Donna Hallett Park. And Mayor LaCorte has agreed that he will meet with that troop at a later date.

Mrs. Curtin said she communicated with a Cub Scout leader requesting a tour of Village hall. Chief Clarke Osborn has agreed to work on this event and Mayor LaCorte and Historian Craig Long will also be asked to participate.

She said that letters have been mailed to the 2011 lifeguard staff being invited to return for the 2012 season.

A representative from the Suffern Lions Club has requested use of the community center for their annual blood drives to be held on May 14 and October 16.

And finally Mrs. Curtin met with representatives of the Rockland County Challenger Little League. Their 2012 opening game will be held in Suffern on Sunday, April 15. This will be the league's 20<sup>th</sup> year anniversary and they have requested use of certain items for this event - chairs, podium and a proclamation from Mayor LaCorte.

The Mayor thanked Gail and said he appreciated her cooperation on this.

The Mayor said that he thinks we have a few more minutes for the scheduled public hearings so we will move forward with the update from the Fire Department Chief Mike Stark.

**FIRE DEPARTMENT:**

Chief Mike Stark said he just had a couple of items on the agenda tonight that he would like the Board to act on.

The first one being that they have four new members that have joined the department - Matt Galley, Lauren Goldenberg, Michael Mastronardi and Michael J. Iodice. He said he has their applications attached.

And the other two items - one of them is going to be a request from the Hose Company for a fundraiser for the Tamburro family which is going to be on May 19 between the hours of 3 to 9 pm. And the second fundraiser, which is also at the Hose Company, is March 11 from 12 to 8 pm for a fundraising pool party.

A motion to accept the new members was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

A motion to authorize the fundraiser on May 19 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

A motion to authorize the fundraiser on March 11 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**GRANT WRITER:**

Mr. Fred Rella said that this past month he submitted the 2012 Community Development Block Grant to the office of Community Development. And as they are aware, they voted on the resolution last month for \$190,000 for the façade program for five additional buildings with the money that we are proposing to get in 2012. The awards will be announced in March so it will be next month when we will find out how much we are actually awarded. We went out to bid. The façade program is a multi-year program which would be rejuvenating a number of the building facades downtown. Mr. Rella said we received two prior grant awards from the Office of Community Development and we went most recently out to bid to do five buildings downtown and those bids came back last week. There were 12 actual packets of bids that were picked up. Four people did bid and they were Four Man Construction of Peekskill, ABCD Construction of Brooklyn, Hudson Valley Construction of Harriman, and Lorencin Contracting of New City. Right now those bids are still being reviewed and what we are doing is that we are making sure that the references are okay from the bidders. And this bid is a little bit different. It is five buildings which are being bid on and it is not just an aggregate where you only pick one bidder. You can actually pick all four people. And you pick by building

which one you actually want to get. So one company could do all five buildings or they may only do one building. So it is a little bit of a major thing to look at. So it is a little more complicated than a normal bid. But they will have that done very shortly.

Mr. Rella said member items - those are items in New York State that our elected officials can give to varying municipalities that they represent. In New York State for the past two years there have been no member items. However, the Village of Suffern, we have been very fortunate that we are able to redirect funds to the Village that other municipalities have been awarded in prior years and they did not use. We then worked with New York State in redirecting those funds and with the appropriate representative. We are hoping, even though we haven't gotten any signals yet, that there may be member items for 2012 in the New York State budget. And with that in mind, our local Assemblywoman, Annie Rabbit - we put in for Suffern Day which is going to be September 29 and as stated earlier \$5000. And with Assemblywoman Ellen Jaffee we put in for two programs - one for the DARE program for \$3000 and the other for the Suffern Seniors for \$3000. Also, he has been working with the Community Foundation - the Suffern Community Foundation - they have a taxicab program. They used to run it through August of last year. They have now handed it off. However, up to \$5000 of prior expenses that were done by the Suffern Community Foundation was able to get an award where we can get reimbursed for that. So he has been working with their treasurer, Howard Heller, and that paperwork will be submitted in the next day or two.

Mr. Rella said that one final note is that on the \$100,000 grant for the street sweeper through the Dormitory Authority of New York State. It has been quite an epic in trying to get that funding. We had actually purchased the street sweeper in 2009 - March of 2009. It cost \$148,000. The grant was for \$100,000 and the Village paid \$48,000. We have had all the paperwork submitted and they have just been extremely slow on acting on it. We have gotten Senator Carlucci's office involved in helping to expedite that. He worked very diligently with the Senate Finance Committee in New York State and we just got a letter last week saying that we fulfilled all criteria and the grant monies are now going to be given to us. Along with that, they sent more documentation to fill out which the Mayor signed off on today. That will be countersigned by them and they are going to allow us to submit a voucher for the \$100,000. So it is just a lot of bureaucratic paperwork but the good news is that very shortly we will see that \$100,000 this year.

Trustee Falciglia said he had a question. On the four bidders for this project when we investigate them do we do a legal background check on them. Mr. Rella said Terry could probably answer that better than he can.

Attorney Rice said he doesn't get involved. Trustee Abato said we do check on references. The Mayor said we actually did once, several years ago, a substantial contractor and they ended up going into bankruptcy. But essentially the way we do it is we hold money back so that all the work is done and we submit payments along the way. So actually for us it didn't end up being a bad thing because he thinks we ended up having money left over that we never paid them. He asked Charles if that was correct. The Mayor said he knows that ultimately what happened is we held back enough money and they did some work and then we had some money left over because we ultimately didn't pay them what we held back. But he guesses it is something that we should look into. Attorney Rice said there is always a retainage on the contracts and we hold at least 10%. The Mayor said he thinks legally it is a matter of law that we can't pay in advance. Trustee Falciglia said we just have to check. The Mayor said that is a good thing to do it as a standard thing.

**7:20 P.M. - PUBLIC HEARING - PROPERTY TAX LEVY:**

The Mayor said the first public hearing is the property tax levy. He said that just a little bit of background. As everybody probably knows, New York State passed legislation imposing a property tax cap on municipalities in an effort to control property taxes. There are some items and it is somewhat controversial because there are some items that have the biggest impact on our inability to control costs come from the State - such as pension costs, health care costs. So ultimately those go up much more significantly than the amounts of property tax cap allowance. There are some things in there that allow you to offset that little bit but not significantly. So in terms of where we are - in order to even consider overriding that property tax cap, you need to have a public hearing and a local law in place. The way it works with our timing is we gave our department heads the budget worksheets. They go and then prepare their budgets and submit it back to the Treasurer who then prepares a budget. The Mayor then sits down with the Treasurer and each individual department head and they review those budgets, see what can be eliminated, and then after that the Village Board has the opportunity to go through the same process. Then we have a public hearing and we enable the public to have input. This has been posted online for the last three years since this administration took office. We made an effort to streamline the budget process, post the budget online to make it available to people. It used to be that we had the public hearing of the budget the night we voted. So people could come, make the greatest suggestions in the world, but based on the timing we had to vote on the budget that night. So it seemed to him really just an exercise - an academic exercise inviting the public here to give comment and then not even having the ability to incorporate those comments and suggestions into the budget. So the way it works now is that we have the public

hearing and then we have several weeks for people to e-mail in suggestions, to call up and make suggestions and to incorporate those suggestions into the budget before we adopt the final budget.

The Mayor said this past year we had a significant hurricane and another storm which cost the Village several hundred thousand dollars. We also have some litigation which we are looking at settling - some revenue things - so in terms of when we had to decide to even consider the potential to override the property tax cap, we really didn't know where the budget is. What he can say to the Board members, because now we are in a process where worksheets have come back, the Treasurer has prepared the budget, and he feels pretty confident and again we can still have this public hearing and leave it open at the end and not vote on it but in terms of talking to the Treasurer and going over the budget figures, having more of an idea where the health insurance increase is, the increase on the pension costs, we do not believe that it is going to be necessary to override the tax cap limit. So it is not going to happen. We are going to come in under it. So we do not need to have a vote tonight to override it because again we don't want to scare people to think that when you see what went on in other municipalities where they had significant increases above what the cap has that is not going to be the situation here. We will stay below the legally mandated cap from the State and we are in a good position to do that. He said he doesn't want to talk about exactly where we are because we haven't sat down with department heads and we don't want to make them think that things are all that great. Because we still have to go through their budgets and do some additional cutting. So hopefully we can do even better. The Mayor said he didn't know if anyone had any questions on the Board for our Treasurer and then we can open it up for public comment and again at the end of the day we can just close the public hearing and not vote on this and if a month from now, if for some reason something happens we don't know about, then we can vote on it but again we feel pretty comfortable that we are going to be able to come in under that amount.

Trustee Falciglia said this is simply a vote giving us the authority - not override it. The Mayor said exactly. But if we are in a position where we are not going to need it he thinks why have a vote. We are not going to - again, we were not trying to scare anyone. We didn't know where we were a month ago and this is a process. So even if we need to be a half a point above it, we had to vote. But again it looks right now that we are in pretty good shape. So if anyone has any public comments, please come on up to the microphone. We can either answer your questions or our Treasurer is here to answer any questions you may have on this subject - just the property tax cap.

Jim Giannettino of 2 Memorial Drive said he did question this with the Treasurer as to why this was being done in February in light of the fact

that you don't have anything near a firm number on the budget. And in light of the fact that the budget doesn't get formally given to the Board until March 19, why was this sent out that you were going to have this hearing if you had an idea that you were not going to override the cap.

The Mayor said we didn't have an idea at the time. And there is a process in place that takes a couple of months. We have to pass a resolution and then we have to notify the public and have a public hearing and then we have to pass a local law saying that we are doing it. So the thing was if we had waited until now and we need it, then we wouldn't have enough time. So it is just a question of having the time and when we came to this point in the last really week or the last couple of days that we realized that we are going to be in the position because certain things have come in and we had a better idea of where it is of the fact that we wouldn't need to override it. Mr. Giannettino asked when do you plan on having your budget hearing. The Mayor said it is online. He asked the Treasurer what the date was. The Mayor said he can check it online. But we have it much earlier - April 15 - but it is much earlier. It is online. He asked if there was anything else while he is looking. Trustee Meegan-Corrigan said this isn't to override it. It is to have the opportunity should we need to. If we would have had to vote it wasn't to override it automatically. Mr. Giannettino said well according to the literature that was online, if you took this vote, it would give you the authority to override the budget. Attorney Rice said yes. The Mayor said that is right. Trustee Meegan-Corrigan said it could. Mr. Giannettino said if he could finish then you can compete with him. The last line says "this local law shall become effective as soon as you send it in to the Secretary of State." So if you voted tonight, which this resolution states that you have intentions of. It doesn't say it is in concrete of overriding - and he can read the whole thing. The Mayor asked what is the question. Mr. Giannettino said the question is once you took this vote you had every right in the world to override this budget no matter what happened between now and April. The Mayor said correct. Mr. Giannettino said so what was the immediate necessity to bring this to the public at this early date when you don't have to pass a budget until sometime towards the end of April. The Mayor said but that is not the way - he said if you go online - the problem was that during previous administrations including yours the budget hearing was always in mid-April so what happened was that was the last possible time to adopt a budget. So you are having a public hearing on a budget asking people for their comment and voting on it that very night. To him, that is insulting to the public to ask them to come and ask for their comments and vote anyway. So what they have done is move the process back over a month. So our budget hearing is on March 12. So if something happened - if there was a snowstorm or whatever it is, our only other opportunity to do this would be on the same night as the March meeting. So realistically we are only doing this one month before we are going to

have a budget presented to the people. And it wasn't because we wanted to do this. There are people here tonight who were concerned. He said he is sure there are people who took the opportunity to inform people that we were going to override it so obviously this would be something we would want to avoid. But it would be irresponsible of us not to put ourselves in a position with the level of the cap so low based on what happened in terms of the hurricane not knowing the exact status because of the timing of when we would get reimbursement from FEMA for some of those claims. Litigation that we are getting near to a point settling that can bring in substantial revenue to the Village and the largest portion which is the pension cost which we don't find out from the State until February, we had to at least be in a position that if things did not work in our favor, that we would be able to do it and not have to cut vital services to the public because we would need to exceed it by maybe a half a point. So we had to have it in place. We were acting frugally. And we are not voting on it tonight because now we are in a position as of just today to realize that that is the case. So if anything he would have wanted to avoid tonight but it wouldn't be the right thing to do and the Village comes before politics and that is what they tried to do.

Mr. Giannettino said he doesn't think anybody mentioned anything about politics. What he mentioned is that you got everybody worked up that you were going to vote on a resolution to override the tax cut. Now you are telling him that you had to do this even though you were going to have a meeting March 12 ahead of the April date which gave you an additional month and a half if you had to have a meeting. And don't say that if you didn't have it on the twelfth because of a snowstorm you had to wait until April. Because you could have scheduled a meeting for the next day or the next week. So that is not a very good excuse.

The Mayor asked what was his point. He doesn't understand what his point is. Mr. Giannettino said his point is that due to e-mails that went out and everything and questions that were asked of the Treasurer, he thinks it became evident that everyone was against you doing this at this time. For whatever reason. The Mayor asked the Treasurer to come up. This is what Tom asked them to do. You are not being logical. The Mayor said he would want to avoid this at all costs but he has to act for the benefit of the Village. We are creating a controversy over nothing. We are doing what we had to do.

Treasurer Tom Zordan said that at our last Board meeting - right after that, he had gotten all the budgets in. And they come in and there are some items there and he doesn't know what is going to happen. So he had a choice. Should he be prepared, like a good little Boy Scout that he used to be, and have a public hearing to discuss this and have the Board issue a resolution or a law that they would have the opportunity, if

need be, to override the budget. So he said okay, we have a meeting in February and we have one in March. Should he wait until March? He said he didn't think it would be the prudent thing to do so he asked for this. Not the Board. He asked for this month. When he asked the Mayor he said do you want to do it in February or March. Mr. Zordan said he wanted to get it done in February. This way if anything goes wrong we are all set. And it turned out that big ticket items that he didn't know about, such as the pension cost - he got that information today. And he was able to say that we are close enough. Next week we sit down with the department heads. We give everybody a little haircut. So now we don't need it but we are still having this hearing so everyone can express their opinion if they want to and if God forbid something happens next month, if something goes wrong, but he doesn't foresee that, then they can vote on it as to what they want to do. But it looks like we are not going to need it. But the whole idea is to have this law in place because if you do it once, say you don't need it for five years and six years from now the law is in place and you don't have to go through this again. Attorney Rice said that's not true. It is just for this year. Mr. Zordan said that is not what they told him but alright. If it is only good for one year at a time, it is one year at a time. But the point is that he was the one who asked for this hearing. So if you want to blame it on the Mayor and the Board, go right ahead. But he is the one to ask and he is the first line of defense. He is the first guy that sees all the numbers. Everybody comes in. If anyone is familiar with doing budgets anywhere in the world, you know that when you get a budget everyone has a wish list a mile long and it is not always reality. So when he gets that, he has to look at it and look at what is in the best interest of everybody. So he thought this was the best interest. If he didn't get the two items he got today then he would have the Board proceed. But since he got them today, he is much more confident that we don't have to do this. The Mayor said and a day early because he just looked at the timeline. January 13 to February 10 the overall budget will be prepared. The Mayor said we prepared this timeline which is online before we knew the schedule in terms of having this meeting so we are going by our timeline which is online and is public so that everybody knows that is going on. And again this is just a process. The cap is just something new and we are just dealing with it.

Mr. Giannettino said since it was brought up, could you tell us what the increase in the pension and the health cost is going to be. The Mayor said he believes the health is 3.3%. Mr. Zordan said roughly \$104,000. Mr. Giannettino said he thought he had the percentage. Mr. Zordan said he could get them. Mr. Giannettino said that is okay. The dollars are much more realistic than a percentage. He said the reason he is up here is that he tried to do his homework. Last year, you put in the budget approximately \$483,000 of revenue for building permits. As of today, you have collected \$131,279 which means you were off on your project

by \$351,721. The Mayor said that is not true. Mr. Giannettino said these are your numbers from the Village. The Mayor said those are the numbers just for the hospital. Mr. Giannettino said the hospital numbers were, as of today, \$131,279. The Mayor said and that is the number you just said. Mr. Giannettino said yes, that is what you took in for the hospital. The Mayor said just for the hospital. Mr. Giannettino said there is nothing for 15 Washington Avenue, no permits have been filed. 166 Wayne no permits have been filed. 200 Lafayette no permits have been filed. And the new Rockland Home for the Aged which probably will be 202 Lafayette no permits have been filed. Realistically, how close do you think you are going to get to this \$483,000 in the next three to four months. The Mayor said well first off he thinks we are. He said what number did you originally quote. You said the total fees and permits brought in are what? Mr. Giannettino said that from these projects that he named \$131,279. The Mayor said that is revenue. \$480,000. That is just from the hospital. You are not including all the other permits and fees that the Village has brought in. Mr. Giannettino said this is just permits. He is not talking fees. You projected this for permits. The Mayor said those are just the permits for the hospital. There are other permits and fees of departmental income that are going in there and we have substantially more. You are quoting the hospital and saying well this is - we had a lot more from the hospital than we expected. We are getting another \$13,000 from the hospital next week and there is additional work on top of it. Mr. Giannettino said there is a lot of work - the Mayor said you asked a question. Please let him answer it. Mr. Giannettino said he didn't ask a question. He stated. The Mayor said okay. You do your homework. So the point is that you are quoting the fees from one entity - the hospital. On top of it nothing else from any other departmental income that is figured into that money. Any other permits that are pulled. And Tom can talk about that. In addition, you know that most construction doesn't happen during the winter and the budget goes through May 31. So realistically if any of those projects pull a permit in terms of Gitlow, in terms of Wayne Avenue, in terms of Washington Avenue before June, which we believe will happen based on the scheduling and where these projects are, then we will be in better than good shape. So he thinks that we are doing very well based on where we are at versus the percentage of the year which is how you have to estimate revenue because again at the end of the day we are estimating what the revenue is and he does know that other departmental income is up significantly even higher than we estimated and he also knows that there are other sources of revenue coming in that weren't anticipated so he believes we are in good shape. And he guesses Tom, again, if you want to find or ask the building department they can give you more directly what all the income is. Mr. Giannettino said this is what he got from them today. The Mayor said but you asked for just - Mr. Giannettino said he asked for the large projects. He said he wasn't going to ask for the one family houses, the additions. These were the

major projects that the bulk of your estimate was based on. The Mayor said how do you know that. Mr. Giannettino said how does he know that? Because he sat there once and he knows how it is done. The Mayor said but how do you know - again you are saying that you are having all these projects but the income is coming in but I don't care about that income if it is not from here. At the end of the day our job is to hit the revenue number. If we are able to hit it and those projects don't come in, as a Village resident, you should be happy about that - Mr. Giannettino said he wishes you got the \$483,000. The Mayor said then that means that those projects will contribute to substantial revenue next year. So we are doing fine, we believe, with the revenue based on what we brought in. Whatever source it comes from at the end of the day doesn't matter because it is revenue that is coming into the Village and we are doing well. So one is higher and one is lower so be it. If that other one happens later, then we will take the money next year.

Trustee Meegan-Corrigan said she thinks we have to get back to the hearing. Mr. Giannettino said no. He brought up a point that he would like to question. Do you think it is reasonable that these projects that he mentioned are going to pull permits. One of them hasn't been in front of the Planning Board in eight months. The other one was in front of the Planning Board once. He said he knows he flew them through the zone changes but it didn't seem to matter to them. They are still out there waiting. The Mayor thanked him.

Jean Hennelly of 135 Wayne Avenue said that in regards to the 2%. She said she sent an e-mail out early in the week asking to place a notice, and she doesn't know what the correct term for it is, but on the list where people can get text and e-mails - the important information. She said she thinks this public hearing is an important piece of information that the public should have known about. She said she does not see any legal notices. She asked what the date that the public notice was in the paper. She would like to find that out. She said she knows the *Ramapo Times* had the Village Board meeting on their website but no mention of this particular public hearing. The Mayor asked the Village Clerk to comment on that. She is saying that there was no legal notice about the public hearing. Mrs. Hennelly said on the *Ramapo Times*. There was a legal notice of the Village Board hearing itself but not any particular mention of the hearing. It is not on the *Ramapo Times* website and she doesn't know what lohud does. She goes green. She doesn't get the newspaper. But on lohud she researched it and she couldn't find any legal notices whatsoever on anything. She said it might be in the *Journal News* itself. The Village Clerk said we send it to the *Journal News* and the *Ramapo Times*. Mrs. Hennelly said they didn't list it on their website. Trustee Meehan said we have two newspapers. The *Journal News* and the *Ramapo Times*. It should have been on the *Ramapo Times*. Mrs. Hennelly said they had the legal notice of the Village Board meeting itself but

not the public hearing. The Mayor said we gave them both legal notices but he did read something there about a public hearing. He didn't know if it was this particular one. Mrs. Hennelly said that is the point. Why wasn't it sent out by e-mail to the people. The Mayor said it was on the website and it was posted. Mrs. Hennelly said again that was just the Village Board meeting. Although it is under the minutes on the agenda but other than that there is nothing. The Mayor said we did for this public hearing like we do for every public hearing. And it is posted in four places including Village Hall, the Suffern Police Department, Provident Savings Bank and Suffern Free Library in addition to the *Ramapo Times* and the *Journal News*. And it was on the website. Mrs. Hennelly said she is sure we pay good money to set up this call system and she thinks this would have been a great opportunity to use that to get it out to the majority of the people. And she thinks in the future it should be done. The Mayor said okay. Thank you.

Mrs. Hennelly said the other thing. You only left five minutes for this hearing. The Mayor said that is not true. He said it is the way it works. A public hearing cannot start until the time that it starts but it can always start after. So we always, if you look, schedule public hearings five minutes apart and then we just go through them. That is our standard operating procedure. Mrs. Hennelly said okay. Thank you very much. The Mayor said no problem.

Al D'Ambrosio of 4 Cross Street said just a point of concern. He said that last week, he believes it was Wednesday at the Suffern Library, and he believes there was a meeting of some sort and it was possibly going to discuss some aspects maybe of the budget. It was supposed to be at the Suffern Free Library. He said he believes it was a Wednesday. But he went to the library. He was advised that the meeting was going to take place. He asked the people there in person and they didn't know about it at all. The Mayor said it was not a Village meeting. Mr. D'Ambrosio said he didn't say it was Village. He said it was a meeting with Suffern something dealing with a little bit somehow of the budget that was going to be discussed as well. But he doesn't know what the full nature of it was but they didn't know anything about it. He went to the Police Department down below and he asked them if they knew anything, etc., etc., and there was nothing shown on the wall up here and they checked on their screens and they knew nothing about it either. And yet he had been told by his wife and she had been told by a friend that there was a meeting. But there was no notice. How come there was no notice someplace. The Mayor said we didn't have a meeting. Trustee Meehan said it was a private meeting. Mr. D'Ambrosio said oh. So private meetings are sent to select people in this case and public meetings are sent to the general public if they are on an e-mail otherwise it is posted. And would it also be posted with the Police Department as well as on the board? The Mayor said no, we only post public meetings that

we have. We don't post private meetings that other people have. That had nothing to do with the Village government of Suffern. It may have impacted Suffern. He doesn't know exactly what it was but it wasn't a public hearing originating from here. Mr. D'Ambrosio said he was only concerned because there seemed to be crossed wires and he said maybe we should know but we are not knowing.

Bob Morris of 24 Terrace Avenue said the only question that he had is that his understanding is that when the Governor put this law through the intent was to try to hold down property taxes. And as soon as it came close to having a budget issue, we didn't look to cut. We simply looked to go past the cap. It kind of seems like it is counter-productive. If you are talking that you would have gone a half percent above the cap to satisfy the budget, he is sure you could have found that half percent in cuts through various departments - whatever have you to stay under the cap. All this is doing is that you are just trying to defeat or ignoring the intent of the 2% cap because the property taxes are so high. And that is why this law was enacted and it seems like as soon as it came a little close we were ready to say the hell with the 2% cap. Let's go above it.

The Mayor said he doesn't think that is what we said because we again have to see what the numbers are. And sometimes those numbers, like the pension and things like that, are not in your control. And again he understands what he is saying. We have cut, we have made significant cuts in terms of not hiring and replacing people through attrition, moving people around through the department heads, through department reduction. There have been people who have changed their employment status to save the Village significant amounts of money per year. So we have done that over the last two years and that is how, even with a 40% increase in pension costs and a 12% increase in health care last year, we were able to keep the increase at 2.35% which alone - those two items alone - would have caused us to raise the property taxes by over 5% not accounting anything else going up. We have something which we are voting on tonight which is going to reduce our energy costs significantly. So we are always looking to cut but there comes a point where in this Village - yes, everybody's taxes are high in this county and this area - but we provide services that he believes are by far the best in this county and you can witness it. He said that unfortunately it comes to a point where if we cut we are going to have to cut personnel which is going to lead to cut vital services so again we were just trying to be prepared due to the fact that because of the hurricane and because of not getting the pension numbers from the State until after that we were being in a situation where if things didn't work out we acted prudently. But at the end of the day this Board is acting prudently and we are looking to cut and we will stay within that. So at the end of the day what matters is what we do when we pass a budget. And he thinks

that is what's important. But again we have to be prepared. And if we are going to be criticized for taking the advice of our Treasurer and being prepared then he guesses he is willing to take that criticism. So we are now talking about criticizing us for doing something that we are not going to do. Mr. Morris said no, no. Don't twist my words around. You are not dumb. I am not dumb. That is not what I said at all. Mr. Morris said that he simply said that you were willing - the Treasurer - he works with you and he works with this Board. Instead of going and looking at where we could have made cuts, additional cuts, maybe a change in hospitalization. He said he realizes the pension they have no control over. Hospitalization costs you have control over. Put it out to bid. Maybe we would find a cheaper company. You have contracts. He said is he saying something wrong? The Mayor said that for hospitalization we are contractually required to have a certain health insurance. Mr. Morris said that is fine if there's a designated company. The Mayor said of course it does. Mr. Morris said how could we enter into a contract which specifies what company. I could see if you told him that you had to provide x amount of benefits. The Mayor said because every police officer in NYS has this insurance. Mr. Morris said and the CSEA? They have the same insurance? The Mayor said they have the same insurance. Mr. Morris said throughout the State? The Mayor said the other option that we looked into was that at one point the Village was self-insured and we felt that was a great risk because if, God forbid, a few people get sick you can expose us to a huge amount of liability. Ultimately there may be some other health insurance that opens up. Mr. Morris said he wants to make sure he is understanding this correctly. You are saying that you can't change health insurance for anybody in the Village - any employee in the Village - because you are contractually obligated to go with whatever insurance company they have at this time. The Mayor said if it is during a contract, yes.

Treasurer Zordan said that within the police contract, we can change to another company but the insurance has to be the same. Mr. Morris said that is exactly what he said. Did we make an effort to look at it or are we just simply going well, ABC insurance is great insurance and that is the one we want or we can go to DCB and get it at a third of the price.

The Mayor said we were self-insured and you can see what happened when we were self-insured. Treasurer Zordan said that when he first came here, we were self-insured. We looked at it and lo and behold the first year we switched over we couldn't switch the police department because of the contract so we switched over for everybody else. And lo and behold we saved, he thinks, \$68,000 or \$78,000. Fantastic. But by the end of the third year we had just about broken even. And if we would have continued onward with the company they were going to raise our premiums because three people, unfortunately, had come down with tremendous sickness where they were in the hospital and the bills were over half

a million dollars. So our cap was going to go up and what we paid for each person was going to go way up and there was no chance for savings. We went back, compared it back to what we used to have and found out it was a much better deal and it was easier for us to manage. But it is not the point that we go around saying this is easy, who cares, I'm not paying. On the contrary, all of us in here are residents. We pay our taxes. We have to pay for it. Some of us, like himself, he even contributes to his medical insurance. He is grateful that he has it. But so whatever it costs he pays also. But he really doesn't appreciate his thinking that we just said, hey, let's just override the cap. Why bother trying to cut costs. As you just said, we are going to vote on a thing where lo and behold he had nothing better to do and he found us \$83,000 in savings - the Mayor said a year. Mr. Zordan said it must have fell in his lap. But no, we do go out every year. We reevaluate our gas prices, our electric prices. We do the best that we can. Some things we don't change too often because they are not a tremendously high cost. For instance, our payroll. We could save about \$1000 a year - \$20 a week if we changed our payroll. But what happens if in the course of changing our payroll a mistake is made. And we could be out thousands and thousands of dollars in a lawsuit or whatever the case might be. A miscalculation of taxes and there would be penalties. And then all the extra work for the people involved to change it - a thousand dollars at the end of the day is not worth it. He said he would do it for a thousand but in the long run it could cost us more. But we look at the big ticket items and believe him, every time he gets that medical insurance bill he cringes but it is not that easy because for the people here that don't have this NYSHIP plan, just look at what your deductible is and how much it costs you. We can't change the deductible, at least not for the police department. If we change the medical for the CSEA we have to negotiate it. And that is generally the way to save money when you have high deductibles and he doesn't think our unions would go for it and so he doesn't think there would be much savings, if any at all, if we went to another plan.

Mr. Morris said well again the answer is fairly obvious. We don't want to have to negotiate this issue with the CSEA. The Mayor said now you are putting words in - Mr. Morris said Tom is greatly offended by his statements and unfortunately that is his problem. He is the Treasurer and we are allowed to speak. Mr. Morris said he is a taxpayer long before he was in this Village and yes, his feeling is that you absolutely could have cut a half percent rather than run right away to look - the Mayor said we haven't done that yet. Mr. Morris said he knows you haven't done it. But it was your intention of doing that otherwise it wouldn't be on. The Mayor thanked him.

Steven Alpert of 17 Meadowbrook Lane said he had a couple of questions. He said the first one pertains to all this budget stuff - as far as the

cap and going past the cap. Obviously, as the other gentleman said, he feels that a vote to purposely go past the cap is defeating the whole concept of what the cap was created for. The Mayor said we are not doing that. Mr. Alpert said he understood. Just backing up a second. He had a question about budgets and what not. Over the last twenty or thirty years has there been a growth in the number of employees working for the Village or is the same number working today that worked then. The Mayor said that is a good question. The Mayor said he can't tell him twenty years ago but what he can tell him versus five years ago, because realistically there has been a significant population, but in the last five years the Village population has not grown and he would say that his best estimate, and maybe Tom could say, that we probably have a good ten percent - 9 or 10 people less than we had. And versus two years ago about 6. We have reduced forces through - look, we don't want to fire people but if somebody retires. For example, we had, and this predates his administration, we had two full time custodians in this building. Two full time custodians. Now, did that make sense to him. No. Now we didn't fire one of the people but what we did is that when somebody retired we didn't rehire and we moved one of the custodians out and back to the DPW so we saved the position that way. We also, again, people chose to change their employment status which saved us significant amounts of money. The chief can tell you that there has been a reduction in forces in the last several years in his department and it is a balance between trying to protect our Village, which is what keeps us safe, and we haven't had break ins and we haven't had things like that because of our police department, and also controlling our budget. In the sewer department we are down two people. We got rid of a consultant. Someone else retired. So we are constantly looking to save money. But at the end of the day the biggest cost is our human capital. And he doesn't have executive assistants. We really don't have a bloated operation. He said he can just say that he has been doing this job for a little over two years and we try to save money anyway we can. And the easy pickings are easy but you get to a certain point that if you get rid of another person you are not going to be able to protect the Village without driving up overtime costs in the police department. If you do it in other areas you are not going to have the ability to pick up the garbage. So he thinks, and if people look back at what happened, and he knows there are people from Lonergan, when the storm hit, our DPW was unbelievable. Our police department was unbelievable. Our volunteer fire department was unbelievable. And our services are the best. So the taxes in this entire area are high but he believes in the Village of Suffern we have a relative value and we are always looking to save money and we do believe in the spirit of the property tax cap but the one thing that he disagrees with is that we are told to keep our costs down below 2% yet the biggest increase, year for year in the last five years of any item, is the bill sent to us for the pension by New York State which has gone up to close to 100% over the last four

years. If they took that out, we would have been able to decrease taxes. So it is really in a lot of ways an unfunded mandate because they are telling us to do this but they are not giving us a way to control their costs. So he appreciates the questions because that is really the question. It's not that we do not believe in the spirit of the law but what can we do and what have we done and there are less people working here than worked before. In addition, we try to use contractors where we can where we don't have benefits and things like that. But again in other situations, like our sewer plant, we were essentially paying somebody for their license - \$50,000 a year. So we eliminated one position which saved us \$70,000 or \$60,000 plus benefits and then hired somebody for maybe \$20,000 more because they have the license and then eliminated that \$50,000 in consulting fees which saved us \$30,000 a year. Another person resigned and we didn't rehire there. So that saved us two positions. But again he thinks we are very close to being as lean as we can be in terms of personnel. Can we always save money in other ways? Yes. Mr. Alpert said he certainly applauds that.

He said the other question he had relates to the sidebar to that is that with the certain level of staffing, obviously occasionally there is overtime needs. Would you say that the overtime, especially since you mentioned Airmont is contracting Suffern on the weekends to handle some of the DPW work. Is this creating a big expense with other overtime? The Mayor say with the Airmont thing it was for a month - he thinks it was four or five weekends and we paid our guys the overtime rate and what they paid us was more. So that was for profit. That was purely - it was great. It was a volunteer basis. Anyone that wanted to come on the weekends they got overtime. And he thinks we ended up making \$18,000 or \$20,000 for a few weeks work. In terms of overtime, the only thing, and again this was looking at the budget, we had significant overtime this year in the DPW beyond what was expected. Actually, we are doing okay because of the storms. So it kind of has balanced out each other because of the hurricane. He said he believes we had \$28,000 for the hurricane. That money we should be reimbursed by FEMA. We put in a claim. So again when we get that money back it is going to help out. In terms of the police, we are working on things to improve it. He said he gives the chief and the lieutenant a lot of credit. If you ask Clarke what we are talking about other than what is going on in the community it really is personnel 80% of the time. He and the chief and the lieutenant - the Mayor went away for a week - and the day before he went away they sat down and they were talking about scheduling. What can we do to reduce our overtime. How can we better use our personnel, move things around, and again things we are going to look to deal with in negotiating with the PBA so we can save ourselves money on overtime. And you are right. Those are the things that we can do but the problem again with the police is that it is a 24-7 operation and we don't want to hire additional people and then have to let them go. So it's the balance between keeping your

overtime but at a certain point you say, well, should we hire another person because then we will cut overtime. And that may save you money in the short run because of the level that they start off at but with the steps, three or four years down the line, you may be at a point where it is costing you more money. But again these are the questions that we talk about every day. The Mayor said he guesses maybe from up there and for people down there if it is suggested that we are taking these things lightly it is the furthest thing from the truth because money is what makes this Village go and we don't want to hit the taxpayers and again that is all we are ever focused on. Good services for a reasonable price. Mr. Alpert thanked him.

Mel Berkowitz of 52 Milford Lane said one of the bright spots, believe it or not, is that we used the bulletin board so yesterday or the day before it said exactly there's a meeting tonight although it didn't say what it was but that was very interesting. He said we did it a day or two before and one of the problems is that we are getting another bulletin board on the other side - and he guesses it is donated by the Rotary Club - and it will be in two places. So not a lot of people come down to the Village during the course of the week so they may not have seen that at all so it was a good step in the right direction but it was kind of late. The Mayor said the other board is up. Mr. Berkowitz said there is nothing on it yet. The Mayor said we have to work that out. Mr. Berkowitz said he hopes they let the Rotary organization put some things on there that they normally don't. However, talking about finances and talking about the cap, he guesses it is all related. About 9 months ago, Mr. St. Lawrence came to this meeting and said you know I owe you \$200,000. Can you settle for less. It was decided in March or April that we would settle for \$150,000 right at an open Trustee meeting. He said he was surprised sitting in the audience. But then he said he would pay it immediately. Mr. Berkowitz said he guesses it took him 9 months to pay it. So the question he has is even if he paid it 9 months later was there any interest on that? The Mayor said he can explain what happened. The Mayor said what happened was we were owed potentially that amount of money due to liquidated damages on the sewer extension that was done for Hillburn. What happened is they had to come through the Village. This predated him. It was under the previous administration. So we had an arrangement that said look, you are building a sewer line through our Village - cutting it up - and we get no benefit because we have our own sewer district. So we want to make sure the work is done quickly and it is done well. There were problems - there were problems in Mr. Giannettino's neighborhood and again we were dealing with that. There was an issue with liquidated damages. So we put through a claim to them of liquidated damages. We put through as generous a claim in terms that we could come up with using holidays, days, all that. So again we claimed - ultimately if we had gone to court with the cost of litigation he doesn't think we would have gotten that

much money. We also discovered - Charles had discovered - that we were owed other money which we got paid on that within the contract which we never collected. He just went through to review the contract. So he believes he got us an extra \$50,000 just doing that. The supervisor is the chairman of the sewer district so what happened is that he did recommend it but the problems came from the administration within the sewer district and then it had to go to the county legislature to vote on. So the timing of it - it is not a matter of St. Lawrence coming in and says here is a check and he whips out a checkbook. It is a long process and the Mayor said he can't fault him for how long it took once the agreement was made to pay. Terry worked on it and it really had to deal more with some personnel directly at the sewer district as well. The Mayor said we filed a Notice of Claim as a process of working through the county legislature to get paid. Mr. Berkowitz said hopefully that makes sense but he wouldn't like to see us taking any money late, late, late and not have any interest paid on it.

Mr. Berkowitz said the other interesting item to him that he wants to talk about and he discussed it a year ago or about nine or ten months ago again - the fact that we, and probably other municipalities, pay people for being on a zoning board or a planning board and even if they don't show up they still get paid. He said he knows it is not the greatest amount of money in the world but when people are suffering out there, when it is their business to be there and even if they are not there three or four months what has to be done is that we take the information and we start all over again on a project. He said this has to stop. And he thinks it is up to the Mayor to stop this and the Board of Trustees to vote this down if it ever comes up in a discussion. He said he thinks it should come up in a discussion. If you don't attend a meeting, you don't get paid. Period.

The Mayor asked if there were any other comments on the property tax cap.

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

**7:25 P.M. - PUBLIC HEARING - PARKING - 15 MINUTES IN FRONT OF 114 ORANGE AVENUE:**

The Mayor said we try to make parking available for 15 minutes in certain areas for businesses that focus on short-time uses so that people can go in. We have done a few in the downtown and one was requested down on Orange Avenue near the new Greek restaurant - and everyone should try it, the food is really good - and we are looking to accommodate them. So it is just a matter of having a public hearing on this.

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

VILLAGE OF SUFFERN, NEW YORK  
LOCAL LAW NO. 3 OF 2012

A LOCAL LAW AMENDING SECTION 254-65 OF THE  
VEHICLE AND TRAFFIC CODE OF THE VILLAGE OF SUFFERN  
LIMITING PARKING TO 15 MINUTES IN FRONT OF 114 ORANGE AVENUE

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

Section 1. Section 254-65 "Schedule XV: Time Limit Parking" of the Code of the Village of Suffern, is hereby amended by adding after:

[Name of Street]	[Side]	Time Limit/ Hours/Days	[Location]
Orange Avenue	East	3 Hours	60 feet south of Oliver Street

the following:

[Name of Street]	[Side]	Time Limit/ Hours/Days	[Location]
Orange Avenue	East	15 Minutes	In front of 114 Orange Avenue

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 3 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

**VILLAGE ATTORNEY:**

**A) CROSSROADS LITIGATION:**

Village attorney Terry Rice said we have a couple of issues to deal with tonight. He said as they know, the Board has instigated litigation against the Township of Mahwah and the planning board and the developer of the Crossroads shopping center - not so much to try and stop it since it is the zoning decisions of another municipality but to try to get them to deal with certain land use issues that we felt had not been adequately dealt with in the review of the zoning amendment. So an action was started in superior court in New Jersey. We have met a number of times with the developer and Attorney Rice has forwarded to the Board members a confidential memorandum which summarizes the basis for the settlement. Attorney Rice said he has received a proposed draft agreement which goes into more detail. It doesn't have anything drastically different than what is summarized in the confidential memorandum but it does have the additional details that will have to be hammered out before the matter can be finally resolved. As they know from the memorandum the developer had agreed to do essentially what we had asked for to a great extent as far as continuing extending the Ramapo River trailways through the project, complying with stormwater management practices that will reduce the amount of stormwater runoff, the payment to the Village of \$125,000 as a settlement of the lawsuit and \$175,000 subsequently if the project is approved that amount of money to be secured by a letter of credit or bonding in order to make sure that in fact it is complied with. There are other monitoring items in the proposed Stipulation of Settlement and so forth and in order to move forward with this we would need the Board's approval of those terms of the settlement and for authorization for the Mayor to sign the Stipulation, all subject to Attorney Rice's approval of the final form of the Stipulation of Settlement. Trustee Abato asked if they actually, with the stormwater runoff, is that going to be - is the language going to be specific on that? Attorney Rice said yes, it was negotiated long and hard between us and typically our planner in order to achieve a higher level of stormwater retention. And our engineer has reviewed it. Trustee Abato said what she is saying is that the Mayor is going to sign this agreement and is that going to be included - Attorney Rice said absolutely. Trustee Abato said nothing is to be signed until we have - Attorney Rice said what you would be approving tonight is the main points of the agreement authorizing the Mayor to sign the Stipulation. Once all the fine points are finally hammered, which obviously will indeed include that. The Mayor said our engineer is reviewing their plan. Essentially what it is is that New Jersey's law has what is called no net runoff so any development that you have to provide retention that there is no additional runoff of water. New York's standard is 20%

reduction so not only can you not increase or have any change in the level of water you actually have to reduce the runoff. So it involves building more and larger retention basins or ponds - whatever they are doing - as part of the plan so we got them to apply the New York standard in New Jersey. In addition there are some other things if the project moves forward in terms of traffic, which again if they don't get final approval they don't have to do it because it is not going to be an impact on the traffic. So from our perspective, this is a pretty good result because again we are spending the amount of money potentially that we could spend and potentially not even getting them to stop it because it's not our development. It is across the border. He said he thinks it is a very good outcome for the Village and he really has to give a lot of credit to our attorneys who have done a phenomenal job for a low cost.

Trustee Meehan said that one of the things that we discussed throughout was the emergency crossing of the railroad to provide fire service for the west ward and the other items that were mentioned - the trailways - he said he doesn't get too excited about that. But we have for years been trying to get that crossing and where does that stand and could we use the money from the settlement to do that crossing. He said he understands that crossing would cost \$100,000. Attorney Rice said he thinks that the amount of money that we are receiving is not under the Stipulation. It is not earmarked for any particular project and at this juncture he doesn't think we want to talk about specifics as far as where the money is going for legal reasons. The Mayor said he agrees with what Terry is saying. If it's not specifically directed towards anything which is a very positive thing but we are committed and it is part of the budget for next year. We are doing that project. Trustee Meehan said okay.

Trustee Falciglia said just so everybody knows. This suit cost about \$12,500 in total. Attorney Rice said it will probably be about \$20,000 by the time we are finished. Trustee Falciglia asked if there were any other costs. Attorney Rice said no. Trustee Falciglia said how fast will we get it. Attorney Rice said we probably will have the money in about four or five months. Trustee Falciglia said four or five months. Attorney Rice said yes, by the time the agreement is hammered out and approved by the Board. Trustee Meehan asked if that was in a NJ court or a Federal court? Attorney Rice said yes, it is in Bergen Superior court. The Mayor said also the timing of it - interestingly this Judge moves the cases along very quickly. So the timing of it is good because we are getting to a point now where our costs would go up substantially.

Attorney Rice said the motion would be to approve the terms of the settlement agreement and to authorize the Mayor to sign the settlement agreement subject to Attorney Rice's approval of the final legal terms

of the agreement. Trustee Abato said each Board member will be furnished with a copy of that. Attorney Rice yes, as a matter of fact, he has a draft agreement today but he thinks we want to get a little further along before we start circulating it. The motion was moved by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

**B) D.E.C. AGREEMENT:**

Attorney Rice said this next item is also something that has been in the works for quite some period of time. We have had conversations with the NYS D.E.C. with respect to a number of violations primarily paper-type violations that have occurred a number of years ago at the sewer plant. The D.E.C. was on the verge of bringing an enforcement proceeding and he believes primarily because we are on the border with New Jersey and it is a very sensitive issue, E.P.A. was about to step in to deal with the issue if it couldn't be resolved with the D.E.C. The D.E.C. originally wanted payment of a fine of \$87,500 to cover these violations as well as a number of measures to be taken in the sewer plant. Attorney Rice said he has been negotiating with them for probably a year trying to get the numbers down. Fortunately, he would like to take credit for the deal he is going to propose and maybe he would get some credit, but the Mayor had spoken to the commissioner of the D.E.C. and had a number of conversations with him. And the executive assistant commissioner got involved and helped in the negotiations with the D.E.C. regional counsel so that we came to a tentative agreement, and Attorney Rice sent this to the Board of Trustees, that the fine would be as follows. It would be a fine of \$12,500, an environmental benefit project of \$22,500 and \$25,000 suspended penalty. Attorney Rice said he can tell them that for the number of violations that occurred a number of years ago as compared to what other municipalities had paid for similar types of violations or even fewer violations, this is extremely significantly less than the D.E.C. normally demands or obtains. He said he thinks basically it is a very good settlement and he would recommend approval of it. As he said the fine itself is reduced to \$12,500. The Mayor said that the one thing, and he wants to thank Terry, because he knows this took a long time and we were fortunate. He said he knows there were some people here before from Lonergan Drive and Roy is still here that the commissioner of the D.E.C., commissioner Martin who is an extremely nice guy and he was at the flood site. He was on Lonergan Drive

the day of the storm. So he was there while everyone was flooding out and he saw what happened. He said look, is there anything that he can do. The Mayor said we are handling things right now but he may have to call him in a couple of months to talk about our sewer plant. So he called him and he took the call and called him right back. The Mayor said we got hit pretty hard and can you help us with this especially because the violations that we are talking about predated our efforts - have all been fixed - and predated our efforts to invest multi-million dollars of funds to revamp the sewer plant. So it is kind of like we are being fined for stuff that happened years ago that we fixed and you are just taking away money that can be put into the sewer plant. So the Mayor said he thinks based on that and understanding where we were and again credit to Charles and all the people down there, completely new personnel, we spent a lot of money - new consultants really trying to fix the plant. And now we are with new equipment and going to the next steps and getting a handle on the odors and they understood that we have taken significant steps and everyone there deserved the credit. The Mayor just happened to meet him at the right time but they have really done the work to make the D.E.C. feel comfortable that this is really old stuff that is not going to happen again. The Mayor said that really most of the credit goes to Charles and his staff and everyone down at the sewer plant who is working every day to try to really fix the plant.

Attorney Rice said that Trish said that he didn't mention that they were originally looking for \$87,500 and that is what we have come off of. The Mayor said yes. He asked if there were any questions from the Board. A motion to approve the agreement and authorize the Mayor to sign it was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia said reluctantly yes.  
Trustee Patricia Abato, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: None

**POLICE DEPARTMENT:**

Chief Clarke Osborn said just to update. He said he has several items to brief them on. Number one, January was a busy month for the Suffern Police Department. They had 32 arrests. They issued 305 vehicle and traffic summonses and they are also in line to receive two additional license plate readers. Those are the units, if you see one of our police cars with two boxes on the back which looks like two big boxes. What it does every time a vehicle passes or it passes a vehicle both ways

on the road each of those license plate reader cameras picks up the plate instantaneously and runs it to see if the vehicle is wanted, stolen, suspended, driver suspended. We have one. The cost of these units is \$25,000 each. We are going to be getting two free ones from the Rockland County Seizure Fund for the police department. Chief Osborn said he applied and it will basically be a little bit over \$50,000. Chief Osborn said he has also applied and received money for two pole cameras for surveillance. He said we conduct surveillance. And that is all free. No taxpayer money. That was finalized last Monday. So it is good money for us coming in. He said just to give them an idea of a plate reader. Last year we ran over 400,000 plates with one car. We made over 50 to 60 arrests based on that plate reader alone - not counting anything else. So with two more on the road we are definitely a busy spot with 287, 17 and the Thruway all coming into Suffern. We are a perfect location and the county felt the same way. So that is good news for us.

Chief Osborn said they conducted a safe roads operation last week which is where they basically target speeding and aggressive drivers. They issued 42 summonses on Wayne Avenue between 7:30 and 10:30 a.m. on one particular day with a decoy radar car and six officers out there. So we definitely have been keeping busy with the vehicle and traffic enforcement. One of the complaints which they have been hearing, and he thinks they have heard as well, is about illegal taxis operating within the Village. He said he knows we have had people come in and speak about that. Chief Osborn said they conducted a taxi sting last week and they actually charged three people, three taxis, that were operating illegally out of the Village picking people up when they shouldn't have been and they have been issued a summons and they will be going to court for that. Chief Osborn said they will continue those efforts as well. He said that he and Fire Chief Stark were talking about Orange Avenue. He said we had a lot of problems initially with all the flooding and he worked with Charlie and Mike and specifically with the NYS Department of Transportation and the NYS Thruway Authority and those issues seem to be rectified. We haven't had any flooding. We have been monitoring it and that worked out great. He said he just wanted to let them know. They have been monitoring it through the winter which is good. No problems at all.

Chief Osborn said last night they had their DARE snow tubing trip. Tomorrow night is the DARE dance and they also have the youth explorer program, which is 15 Suffern High School students that are looking to go into law enforcement. They assisted at the snow tubing last night and they have been doing a great job with them. He said one last thing he is looking to do is with the community policing there is something called a needs assessment. That is where you basically poll the community and see where the concerns are, what the issues are, what the problems are. Just to make sure you are focusing your department in the

right direction. The Chief said he is putting it together right now with the Lieutenant. They pretty much have it. He said they are going to send it to every resident in Suffern with a return envelope, which won't be stamped, but it would be a return envelope. And he thinks they will get a lot of them back just to make sure that they are focusing their efforts in the right direction because one thing you find with community policing, and he actually teaches it at the college level, the one thing you find is where most times people think - people are concerned about being robbed, being burglarized, being murdered - most of the complaints are about vehicle and traffic enforcement, noise complaints and things of that nature. So the reality is that we just want to focus our efforts on what we think the public wants and is concerned about and that is the way we should be doing it. That is where they are going. Once he gets the completed survey within the next two weeks he will send the Board a copy for them to look at it.

**AUDIENCE PARTICIPATION:**

The Mayor asked Legislator Joe Meyers if he wanted to say something first and then we will have everybody up.

Legislator Meyers thanked the Mayor for the opportunity to speak and to the Board and welcome to Charlie to the Board. He said he has been doing a lot of thinking about taxes lately also because the county government is fiscally insolvent at this moment and he just wanted to talk briefly about the county's fiscal situation but first he couldn't help making a comment about the 2% state tax cap. Something that he had some mixed feelings about. He said he thinks it is great that the state government has decided that municipalities and towns around the state should keep to the 2% tax cap. What he thinks the state should have done first was keep their own taxes to a 2% cap. They didn't do that. They told everybody else to stay within 2% but the state income tax, the hundreds of fees that are charged by state government every year that costs all of us a lot of money - they didn't cap the taxes that they collect. They capped the taxes that other governmental entities collect. And he thinks you should get your own house in order before you start imposing rules down the line. So that seemed to him fairly disingenuous. As far as the county is concerned the county has an 80 million dollar accumulated deficit. And as some of you know, if you open up your tax bills, the county raised property taxes by 31% in 2012 and also put through a host of other taxes that were to be passed down to those of us including a 3/8% increase in the sales tax which will make us basically one of the highest taxed, in terms of sales tax, counties in the state of New York. Something like 8 and 6/8 or 8 and 7/8 will be our total sales tax. The county is now going to the state government and asking them for a deficit bond which gives us special permission to bond our \$80 million of cumulative deficit. He said he is one of the

few legislators that has opposed that even though it may result in the state controller coming in and taking over Rockland County finances. And the reason he opposed it is because he knows, as the other legislators know, and they won't talk about it much, that our county government's budget is still not in order. The 2012 budget at the county level is probably about 30 or 40 million dollars out of balance. And he thinks that we really need to cut our costs at the county level even though it will involve laying off people and because we don't really have a choice. And they need to cut some programs. He said he believes we need to sell the county hospital into private hands to keep those costs down. They probably will make a lot of money selling the county hospital. They have a consultant looking into it right now. And he doesn't think they should be going to the state government looking for a deficit bond and increasing their indebtedness until they are able to report to the state government and to the controller of the state that going forward our budgets are in balance and they can't do that unless they make some hard decisions which the county government has not been willing to do. So even though he is a Democrat he has joined with a few of the Republicans on the Legislature in opposing the sales tax increase, in opposing the transfer tax increase which will cost you thousands of dollars if you sell your home, and opposing the property tax increase. It is not that he would oppose increases. He would oppose increases if the county was also reducing costs. So meeting somewhere in the middle. Some reduction of costs. Some increase in taxes to bring our deficits in order. So that is what is happening at the county level. It is a continuing discussion. The county is not in nearly as good a fiscal situation as this Village is. So he compliments them on that. He thanked them.

Roy Tschudy of 16 Lonergan Drive thanked the Board for the opportunity. He said he had a couple of things that he would like to quickly touch on because he knows there are a lot of other people who have things to say. He asked Gail if she had mentioned earlier about the Girl Scouts cleaning Donna Hallett Park? Mr. Tschudy said thank you for that. That's a great idea however since he does live in that area he does have a problem with anybody coming in to clean that park since there had been no health inspection of that area that he is aware of. He asked to please correct him if he was wrong. He said there has been no soil testing of that area. There is possible mold spores. He is not saying probable but it is possible. There is more questions than answers regarding that park. And on the safety issue alone he would request until that park has been declared free of all adverse health conditions and concerns that the Girl Scouts not be subjected to any possible harm until we know if it is safe to go in there. It is just a safety issue for kids. He wouldn't allow his grandkids to go down and play in that park or have anything to do with that park until he is happy that it is toxic free. He said that is one thing.

Mr. Tschudy asked if they had a comment on the four homes that are located in the section of Squires Gate. If you can give us an update on the status regarding the tax that these unfortunate souls have to pay. They don't reside in the home. What the insurance is right now and if there is any other engineering reports. And lastly he would like it if they could give them any kind of the remediation of the storm drain system that feeds into the Mahwah River right in back of the homes of the residents of that area because when it rains hard they pick up a lot of additional flooding issues from the storm drain and it just helps to exacerbate flooding of that area. So if they wouldn't mind commenting. He thanked the Board.

The Mayor asked Trustee Meegan-Corrigan if she wanted to speak on this. Trustee Meegan-Corrigan said yes. She said the first question about the Girl Scouts. She was told no. Trustee Meegan-Corrigan said there is no date set for that yet but they will make sure that everything is in order prior to sending anybody in. Trustee Meegan-Corrigan said the four homeowners are waiting on the brokers next week. As of right now it is still in the insurance company's hands. And the storm drains - she is trying to get some assistance on that and as soon as we get a little bit more information - she hasn't gotten very far with it. She said she will be honest. But we are trying to get the projects in for FEMA and that is kind of where they have focused their energies on in the last couple of weeks. And once we get our five properties in for the homeowners for the FEMA then we will diligently dive into the storm drains. She said we are getting there.

The Mayor thanked Jo and Elaine for really taking a big lead on a lot of these issues and dealing with it every day. One thing that he does know - and he thinks this gentleman in the red was talking about - he thinks there are other things in terms of potentially diverting some of the stormwater into the quarry. That is something that has been talked about. If there is a potential development in the quarry that the developer brings forth - one thing they can do is divert a lot of those storm drains that pour right into the river into the quarry which would reduce the flow.

Joseph Bravagna of 2 Van Alstine said that a year ago his father-in-law, John Hamill, lost his battle with cancer. In honor of his memory he wanted to put together a 5K race in the town of Suffern in conjunction with the time you had your street fairs. He said he approached both Mr. Tisi's office and the Supervisor's office and they were on board. He said he went to the Suffern Chamber of Commerce president. He was on board. He said this is wonderful. He had his sponsors lined up. On the day he would have brought it into town - on the day of the street fair which was dying on that day and in hind sight it would have helped. There were

probably 1600 people that day in the town which would have raised anywhere between \$9,000 and \$10,000 for cancer research. He said you and the police chief, and he is not quite sure why, blocked it. And he called his office and the office of Chief Osborn every day for a month asking to discuss it. He would like an explanation from this Board as to why you blocked it. Also he would like to revisit the issue and have it this year for the street fair. Cancer is brutal. And there is no price tag for what we can do as a town. Also when our street fair is dying, and he means every year he goes to the street fair and he has been here a few years and it is less and less. He had sponsors lined up. He had everybody lined up in the town by your office. He asked if you could please explain to the people in this room why you blocked it.

The Mayor said he believes the Chief will talk - it is a matter of safety. He said it is something again that he thinks, and the Chief will talk to this - he said he thinks it is great and he thinks it is something that we would support. It was just a question of doing it on the same day as the street fair which again you may see the advantages of that but there were some concerns and again in terms of safety and logistics we always have to - we are going to defer to the Police Chief - so he thinks that his understanding was that we weren't against the event. And he spoke to the Chamber of Commerce. And we didn't block it. It was just a question of doing it. And he thinks also that the scheduling of it was shortly before - and you would have to refresh him - it was a short period of time before that street fair.

Mr. Bravagna said no, it was four months in advance. The Mayor said oh, it was four months. So he is incorrect with that. But he believes the Chief will talk to him about the issue of doing it on the day of the street fair. Mr. Bravagna said that also when that was brought to his attention he also called the Chief's office many times to request a meeting to discuss the issue. Everybody else in the town all were okay with a meeting except from someone from the Chief's office and the Mayor's office. Mr. Bravagna said he would have been happy to do it on any other day. And he would like an explanation why he never got that meeting out of courtesy. He said he knows they are busy. He understands that. But you said that we could have done it on any other day but you never gave him that option.

Chief Osborn said let's get the facts straight. Number one, the Chamber of Commerce president came to the Chief asking him to go through him to get to you. Number two, the day of the street fair all of his resources are tied up in the downtown area. We are a Village police department. All the overtime costs - there is a reason that we don't have 5K's here because every intersection would have to be manned by an officer. And the bottom line is that we are a Village department. We are down significantly in his department's manpower. The cost of it and his

question, even the Chamber of Commerce president that's fine - who is going to reimburse the cost of overtime that he needs to put officers out for emergencies like during the hurricane. That was the issue. And he spoke to the Chamber of Commerce president several times and he said he was going to talk with you. Simple. That's it. There was really nothing else. But that is why we don't have those races because if we do he doesn't have any problem with it. But someone has to pay the cost of the overtime. This is not an ideal spot for races. There are too many intersections. Things are too congested and that is why we don't have them. That is just the way we look at it - that is the way we do operation stuff and if they tell him to have one, no problem. But it is going to cost and they will do it.

The Mayor said our contact was through the president of the Chamber of Commerce. And he said he was dealing with it and going with that. So again if you felt - people ask for meetings and he will meet with anyone - and he would have had a meeting with him. But his understanding was talking to the president of the Chamber about it and the concern was again about having it the same day as the street fair. Again, believe him, he lost a very close relative, his godfather, three months ago to cancer. He said we support a breast cancer event that we have here in the Village of Suffern. We all take the disease very seriously. So it is not an issue and he really feels terrible for his loss. We want to support everything we can but we also have to do things in the Village that are logistically possible. And that was just the issue.

Trustee Abato said she doesn't know if it is going to work out. But she certainly doesn't want to shut him down. So she would volunteer herself to sit down and see if logistically there was any group or any way that we could get this done or maybe we could get donations to get - Mr. Bravagna said he had lined up probably close to \$10,000 in sponsorship money for the race already. Trustee Abato said okay. So let's you and she, if it is okay with the Mayor, talk and meet and speak to the police chief and get some dates together. The Mayor said it is fine. Mr. Bravagna said not to cut her off but he had also spoke to Christopher St. Lawrence's office, Phil Tisi, and if need be to eliminate our resources. Chief Osborn said we don't have the resources. Trustee Abato said there are a lot of underlying things and let's see if we can work it out and even if it is not through the Village of Suffern she still would be on board to help him figure out logistics and work with Phil Tisi and work it out. But she has to agree - a street fair day - she doesn't think it would be - Mr. Bravagna said actually the 10K was going to be finished before the street fair started. He said he believes the street fair starts at 10 o'clock. Trustee Abato said our set up starts at 6 or 7 in the morning. It probably wasn't a great idea for that day but she would say if he could find another day that you would be interested - Mr. Bravagna said any day that this Board can come up with.

There are other municipalities smaller than Suffern without a problem. And he thinks that the biggest issue that he sees here, if he can be a little bit upfront about it, is instead of putting obstacles saying why not he thinks you should be asking how can. Trustee Abato said that is what she is saying too. That is exactly what she is saying to him right now. Mr. Bravagna said he appreciates the opportunity to address the Board and he would like to know when they can possibly have that meeting. Trustee Abato said she is going to give him her cell phone number and if he could give her a call they can set something up that works for anybody that he needs to have to be there. Mr. Bravagna said he would like to have the police chief and Mayor present because they are the policy makers on any issues involving the Village. Trustee Abato said actually the Board is. Mr. Bravagna said he apologizes. He is a sales guy at heart. Trustee Abato said she will give him her personal cell phone number and he can call her. She said that she is going to be away next week but her first priority to sit down - it is probably easier for him and her to meet so that they can kind of max things out and get the details together. Mr. Bravagna said he would like to bring the Chamber in if they could. Trustee Abato said yes, absolutely. We will put it all together. Mr. Bravagna said and he would like to try to shoot for a date possibly either - ideally the end of the fall or the end of the summer. Trustee Abato said we will work on the dates and we will even get Gail involved to make sure there are no problems with any - Mr. Bravagna said maybe the end of August.

The Mayor said again he apologizes if there was a lack of communication but he worked with the chief for a number of years and he always gets back to people. And again he was under the same impression that the major roadblock was doing it on the same day as the street fair. Mr. Bravagna said thank you for your time and effort. All he is saying is that - he doesn't know what happened with other protocol with other agents going in the village or town. It was very disheartening. As someone who is trying to bring a serious issue to the town that we could have had a nice day with it was left on deaf ears. And as someone who is a professional and he sees stores closing every day in the town it is very disheartening when we have an opportunity to bring people into this town that don't normally come here to spend their hard-earned dollars with their families. That is just left unnoticed and what really annoyed him, to be honest with them, is he went over a month without a response. He said he left numerous messages. Chief Osborn said he was told it was taken care of by the Chamber of Commerce. The Mayor said we will move forward and see what we can do.

Claudia Inoa of 78 Lonergan Drive said that she is taking this opportunity to say thank you for all the support. She said she is wondering - behind their - in the stream, not the side where the houses are - who is in charge of picking up all the trash that is on the other

side of the stream because - the Mayor said on the cliff side? Ms. Inoa said yes - there is a bed - there is a lot of personal belongings that are still there since Irene and she said you have permission to go to her house - right if you are looking behind her house there is a big lot there that one way or another if it turns it is definitely going to cause some problems. But they are really big items back there that are, of course, with the water, they are still there.

The Mayor said he knows that we have removed some stuff but he guesses there is more. Trustee Meegan-Corrigan said we are actually talking to the drainage agency of the county and although we have gotten some things removed we are still on the docket to get other things removed and we did have a meeting on Tuesday and she did touch base with a couple of people and we are definitely putting more heat on them. Ms. Inoa said okay. Thank you so much.

The Mayor said he knows that on that issue we can't go in there and take it out. Trustee Meegan-Corrigan said as a Village we can't go in there because it is part of the county drainage system so we have to have them take care of it. But we are pushing on them.

Jim Giannettino of 2 Memorial Drive said continuing on Lonergan Drive. He said everybody gives you kudos for the way you handled the initial emergency. He said his question is for the four people down there that are homeless. Why hasn't the Village either condemned those buildings or designated them as uninhabitable so maybe that would push FEMA, their insurance companies, flood insurance and everybody else along the way to help these people out. What is holding us back?

The Mayor said we are doing everything that we feel is the proper way. As Jo had said, it is a tremendous amount of work. In terms of putting in the claims for FEMA, we had a public meeting a couple of weeks ago. The applications had just come out from the state so the state gets the money that is approved from the federal government. They get their share and they put out the applications. The Mayor said we have put in, in the process of putting in, applications for those four homes and one other property. The Mayor said he has to be careful here not to misspeak because they both have eyes on him. He asked if he was doing okay. Trustee Meegan-Corrigan said so far. She will let him know when he needs to stop. The Mayor said those applications for those four homes are being submitted. So those four homes and another property - those applications are going in as quick as possible. The Mayor said they gave us two weeks to do it. Trustee Meegan-Corrigan said February 29. The Mayor said February 29 - gone in. So we will see what happens there.

The Mayor said in terms of dealing with the insurance companies - what we have done is that we have shored up the houses as best as we can.

With the DPW originally doing it, engineers, and then we did additional work to make sure that they could be winterized. Because the thing is we don't want to knock down the houses because (1) if we knock down the houses then it will be unable to determine what exactly happened. So we want to keep the houses up but we want to make sure that they are safe. Safe that they don't fall down on other houses, fall down on people and that is what we have done. In terms of dealing with their insurance - what we have done is that the Village has actually put out a substantial amount of costs in terms of shoring up the houses and in terms of doing what we can because we don't want to hit homeowners who are still on the hook for a mortgage and aren't living there. So we are doing what we can. In terms of the insurance companies, the Mayor said he has dealt directly with, and again we were very fortunate that the state was willing to help with the person in charge of insurance for all of New York state. The NYS chief regulator. It used to be its own separate entity but as of this past year the state created DFS, Department of Financial Services, which oversees all the banking. So the person under Ben Lasky, who is the head of that entity, the gentleman who is in charge of all insurance the Mayor was in touch with. And what they said is they dealt directly with the insurance companies. There are three insurance companies - Nationwide covers two of the homes, and this is on the homeowners insurance, separate from the flood insurance, and Nationwide, Allstate, and State Farm. So those are the ones. They spoke to all the insurance companies and as their regulator if anybody can put pressure on them, it is them. They control their businesses in the state. They give them the license. More than an individual homeowner can, more than a Mayor can, more than Elaine or Jo can. And what they got back to saying is that even if they want to pay they can't pay because if they pay on a homeowner policy that excludes flooding then they are on the hook for every single flood in every single policy because when you think about it, it is not a lot of money to them. There are 500,000 or 600,000 dollars to Nationwide and then probably 300,000 dollars to each of the other two companies. So it is not like they say, look, we've got to pay 50 million dollars. We just are not going to pay under any circumstances. It is really not a huge financial burden for them to do it. The problem is that they can't pay on flooding. So what is going on is part of our forensic investigation into the cause of this flood. They are also investigating what happened to these four houses. And Brian Brooker, who on his own, with the help of his company and the Rotary, did an individual inspection of every single home. 150 homes. They determined that more than half overwhelmingly more than half had no severe structural damage and then there are four - some that had minor structural damage like a little crack - stuff that can be repaired for \$1000 or less. And then there were four houses that are just off the chart. So his theory and our theory is that look, you can't just say it's the flood because 150 homes all flooded yet only four, two buildings, were knocked off their foundation, and the fact that they

are right across from each other makes you think that something else happened. So what he is doing is that he is finishing up his investigation. He is preparing a substantial package that we are then told by the state - give us evidence. Show us something that it was more than just the flood and then we can go back to the insurance companies and hopefully get them to pay because then they will have an out. If they can say it was something else, they will do it. So right now, as Jo had said, within a week we will have that report from Brooker. The Mayor will then call the head of insurance, give him the report, and then work with them to put pressure on the insurance companies to pay. We will then see what happens with that process and then beyond that process hopefully they will pay working simultaneously with the applications that have been submitted pursuant to the buy-out provision with FEMA that those are the two main things that we are working on. So again, the Mayor can say that every day, and if he is doing anything and he knows he is doing something every day for the people - the four homeowners, and he got a call from one of them today that he has to return, and he knows that Jo and Elaine and Terry and Brian Brooker are doing something five times a day every day for these people. So unfortunately it is a difficult situation but we are doing what we can to get them some relief.

Trustee Meegan-Corrigan said we also brought in Project Hope which is also helping them organize all the money that they have received so they understand what their insurance has paid, what FEMA has paid them. They are putting books together and they have also offered some counseling.

Mr. Giannettino said he knows they have met with them a few times. And he appreciates the information. But his question was why can't the Village Building Inspector or Code Enforcer condemn the buildings or designate them uninhabitable. This is all great stuff and we all know insurance companies take forever. But the Village has a Building Inspector and a Code Enforcer. The Mayor said that what we have been advised, right now at this time, that that is not the best course of action to try to obtain money from the insurance companies. Mr. Giannettino said is it because then the Village becomes liable? The Mayor said no. No. It is exactly the opposite. It's because the homeowner is liable. Mr. Giannettino asked Attorney Rice to talk. What is the downside? Attorney Rice said he doesn't know what the question is. Mr. Giannettino said the question is why can't we either designate them as uninhabitable or condemn the four buildings and let these people know that there is no chance that they are going to go back there. Attorney Rice said they know that, first of all. Attorney Rice said we have countless meetings, especially Elaine and the Mayor and Jo with these people. So they know what the facts of life are. We have a dangerous buildings law and we have had it sitting in the wings all along here. We have had a draft report and we should be getting shortly final reports

from Brooker's office on those four buildings in which they will say yes, they should be shored up and please give us a demolition plan or rebuilding plans knowing full well what the facts of life are so that we can understand where you are going with this. Is the Village eventually going to be put in a position where they are going to knock the buildings down? We certainly hope not. It is more hopeful that they will be shored up and they will remain in that position and then there will be some type of resolution and that is part of the reason for the shoring up as well as to give some amount of time for the insurance and the other programs to work their way through rather than the Village coming and knocking them down, placing everybody in a hard position, and frankly spending a couple hundred thousand dollars that the Village is not likely to get back. So he thinks that we have the dangerous buildings provisions that are going to be utilized but utilized carefully.

Mr. Giannettino asked if FEMA would reimburse for the demolition. Attorney Rice said no. Mr. Giannettino asked if he knew that for a fact. Trustee Meegan-Corrigan said that if within the letter of intent the four homeowners are accepted part of their 75% the building knockdown is included. The Mayor said everything. The Mayor said we will work everything. Legal work and everything. Attorney Rice said but not if we do it first. Trustee Meegan-Corrigan said to Mr. Giannettino that he hasn't been to all the meetings. It is an 18 month process. We just don't call FEMA and say oh, this is what we need. You need to cut a check. Mr. Giannettino said he was at the meeting and he heard what went on. Trustee Meegan-Corrigan said that 18 months it is going to take. And they are not saying when they are making the final decision. And you have to remember that. Mr. Giannettino said so what do these poor people do for the next 18 months. The Mayor said it is just a very unfortunate situation that the people with the most damage, and it really comes down to which people should look at, and again we are doing everything we can and it is unfortunate. It really is. He said he doesn't think two days go by where the homeowners aren't talking to either him or most likely Jo or Elaine. So they know exactly what is going on. And they know that it is - it makes the most sense to keep the buildings up now and safe because once they are gone the insurance companies can say we never know. Trustee Meegan-Corrigan said they are done. The Mayor said and on top of that our law says that the homeowner is responsible for demolishing it. So we are going to spend two hundred grand and we talk about having a budget here - it is 3% on our budget. And we don't have money to recover it. But the one thing that we are again trying to do in terms of this, and again with the flood insurance is, that people don't tell you and people should know is that you are required to get flood insurance if you are in a flood plain. But the problem is, unlike their homeowners insurance, typically you only get flood insurance in the amount of your mortgage. Because they don't care. They care about

the bank. The bank's got a deviate hold. So what happens is that the people's whose basements were flooded, most people have a mortgage of let's say 100,000, 200,000, 150,000 dollars. And most of the damage to the basements was anywhere between 20 and 30,000 dollars. So in that situation they had 150 of coverage, they got 20 or 30. They were made whole. If their homeowners paid them seven or eight grand due to sewer backup then they probably were making - Mr. Giannettino said it's these four people that are suffering. The Mayor said the problem is because they had no mortgages or minimal mortgages they have 40,000 dollars in flood insurance. So what does that do for you if you have - if your home is destroyed and all your contents are destroyed. So you are looking then to get the homeowner policy to pay up and that is where we are. So it is really two distinct routes that we are working on simultaneously - well three. One, keep the building shored up, keep them safe. People know they are never going back. They are never going back. Mr. Giannettino said he would imagine. The Mayor said pursue FEMA which is Jo and Elaine working with Charles which they have done completely and worked hard with and then Brooker and the Mayor and also them helping out working to get a report that we can then give the state to really put pressure on it. And he has found evidence that showed that it was something more than flooding - a lack of mortar on some of these things. Certain things that are potential things. Again we don't know how the insurance companies will react but there is hopefully stuff that the insurance companies will look at and say it was more than just a flood.

Mr. Giannettino asked if these people are going to be required to pay taxes on these houses this year? The Mayor said that is a program that they have asked to be enrolled in that the town is reviewing now. The assessor is reviewing the program. Mr. Giannettino said that was really what his question was about condemning - designated uninhabitable - they probably wouldn't be liable for taxes if that was done. Trustee Meegan-Corrigan said it is already being done. Attorney Rice said it doesn't matter. He said you are liable for the fair market value. Mr. Giannettino said which is what at this point. Attorney Rice said we can talk emotionally or we can talk - Mr. Giannettino said what is the fair market value at this point. Attorney Rice said first of all we are not an assessing unit anymore so it is not something that the Village can do. Second of all there is the program which the state passed and we passed it very quickly where property that is damaged more than 50% of its value can apply to the assessor somewhat like a grievance and have a reduction. So they will make a determination based on that. So yes, it is going to be based on what the fair market value of the property is. He can't tell you what the fair market value is. But obviously these are not habitable. Obviously they have suffered a lot of damage. And people will be making applications to the town to get the tax relief that the statute allows. Trustee Meegan-Corrigan said we do have a protocol in the Village that if you have particular questions on a home

please feel free to speak to the homeowner. Because we really can't give out a lot of information on someone else's private information and we are very mindful that perhaps these four homeowners don't want everyone to know exactly what - Mr. Giannettino said he has spoken to them. He is not looking for any personal information. Trustee Meegan-Corrigan said you are asking us what we are doing and we are working very hard - Mr. Giannettino said he asked a specific question about condemning or uninhabitable. That's all he really wanted to know.

Anthony Chuck Cuomo said he lives in the Stonegate area on Parkside Drive and what he is here for is to try to see if we can come to some kind of agreement here with some kind of code enforcement or responsibilities between the association's board of managers and the carting company. On Parkside Drive they are having the third incident already where dumpsters when they are not secured and if the dumpsters are on a hill that on a windy day they are rolling down and hitting cars. Last year they had one roll right out onto Parkside Drive and hit two cars. And his friend and neighbor here - his car was hit. But the problem is that he has been getting the runaround between the carting company and his association. No one wants to take any responsibility. That is number one. And number two is that it is a safety issue. On Parkside Drive they have at certain hours school buses stopped there and people are always driving by - that is a very busy street. And they are a little concerned about the safety of the surrounding residents there. Attorney Rice said he will talk about the liability and then Trish is going to talk about the other part.

Attorney Rice said he has had a number of phone calls with respect to that and the calls he had was that the carter didn't want to give out their insurance information which is obviously contrary to our agreement and they have a Certificate of Insurance on file so Virginia gave out the information on the Certificate of Insurance to anyone who had asked about that. And that is obviously going to have to be dealt with through the courts or through the insurance companies to figure out who is responsible among the various entities. He said we got you the information so that they can proceed with that. Trish spoke to Mr. Cuomo earlier and Attorney Rice spoke and Trish is going to go over where we are going to go going forward on the dumpsters.

Trustee Abato said that since it obviously is a safety issue and she knows that you mentioned that there is a bus stop right there and that is really concerning. Charles is going to send a letter out to Marangi, which is the carting company, stating that this needs to be resolved immediately. And Charles - it probably would be smart to kind of put some kind of time limit or something on it. Charles said he will call and see if he can meet up with them. Trustee Abato said they are usually pretty good when we speak with them and especially Charles who has a

good rapport with them. So we hope to have an answer for Mr. Cuomo sooner rather than later obviously because of safety issues. So Charles will get on that tomorrow. Also Charles - she would send a letter just as a kind of backup - just to make sure that we have in writing that we have alerted them of the problem and that it needs to be resolved as soon as possible. Trustee Abato said she knows they talked about taking the wheels off the dumpsters and that wasn't something that they could agree upon. The residents didn't want them taken off. So there has to be a resolution obviously because it is bad. Cars have been hit and we don't want any human lives being next. So she will follow up with Charles and he will be in contact with her. She asked Mr. Cuomo if he wanted he could leave his number for her and she will follow up with him as soon as we have any information or she will have Charles follow-up as soon as he has any information. But we are going to get to the bottom of this. It has to be resolved. Mr. Cuomo said thank you.

John Vespucci of 253 Parkside Drive said the same incident has been going on deaf ears for two years. On a windy day the carting company comes up, they pick up the cart, they put them down. It is on a hill. And the wheels have no locks on them. They are supposed to put two boulders in front of them, which they never do, and if it is not windy or whatever, they just leave it and take off. Trustee Abato said she would like to ask him a question. She asked if they can turn that so that the doors are facing the other way so it is not on the hill portion. Mr. Vespucci said they can't. Trustee Abato said they can't get the trucks in there, right? Mr. Vespucci said no, they can't even get to it. They pick it up and they push it back. Trustee Abato said she was thinking they could roll it out if they changed the access. Mr. Vespucci said what they could do, like they did the last - they are so cheap in his Stonegate development over there. They scrimp, they patch things up. They don't want to put any extra money in that. And he made a suggestion to put a speed bump, which is the best thing there is. He said that is the best thing there is. He said he looked online. It would cost \$150 for a six foot section - it is three inches. It is rubber. The wheels are not going to come over that. The Mayor said that is the problem. Mr. Vespucci said they are bolted to the ground so it is not going to move. It is bolted to the ground. So if it goes they just replace it. The Mayor said that is the problem. What is Marangi's responsibility and what is the condos? Mr. Vespucci said then again - this Mike Smith, whatever, from Marangi - right away he calls up and says we are not responsible. Your homeowners is responsible. This other one, Frank Rebella, who manages 174 houses - we are not responsible. Now what happens there. You are in a catch 22 over there. The Mayor said that is the problem. Trustee Abato said that maybe it is a good idea to send a letter out to both of them. The Mayor said he remembers sending a letter to the homeowners association because Marangi said look, we have them on wheels. They want to take them off wheels and then they didn't

want them to take them off wheels - the associations didn't. And then they said look, you have to secure these closures. Where the Mayor is on the Board in Bon Aire II it is not on a hill but it is fully enclosed with a gate. So they can't come out. And that is the problem. They are saying well if it is on a hill and you enclose it there and they have wheels it is gravity. Mr. Vespucci said don't you understand. They weigh over a ton. That is like a tank coming down. The Mayor said he understands. Mr. Vespucci said what happened last year and the Suffern police were called and they had it confiscated. It came down the hill - lucky there wasn't a car across the street, went across the street, knocked the wheels off. If any car would have come down the street it would have been demolished, killed. There would have been a tragedy committed right there. Trustee Abato said that maybe we could get a meeting - we could have someone from Marangi come out there as well as the property manager. And we could have them both standing there at the same time so that we can get them to commit to a resolution. The Mayor said yes, we have to work it out. Trustee Abato said we can't wait on this. Mr. Vespucci said it goes on deaf ears. Because they are going back and forth. Trustee Abato said okay, let's try to do that. Let's try and get the property manager and someone from Marangi. Mr. Vespucci said he has numbers of all the people. He has pictures of the street. Trustee Abato said okay. If you could give those pictures to Charles. Mr. Vespucci said he will give them to him. Trustee Abato said we will work on this.

Mr. Vespucci said he thinks you should have a code enforcer to come there and look at that. Trustee Abato said we are going to have better than that. Mr. Vespucci said or better than that or give them a time line when they should fix that thing. Trustee Abato said that is what we are going to do. Trustee Meehan said his suggestion for the future is when you sign a contract with them the next time that they - Mr. Vespucci said they say it is the Village. That is your contract. Trustee Meehan said we facilitate the contract. Then the next time we have a contract they are going to have safety stops on all those wheels. Trustee Abato said the problem is that the corral is put there by the management company so they dictate where they go. So it is not Marangi. It is where the corral is. It's on a hill. Trustee Meehan said he understands that. Even if it is on a hill if the thing is immobile or if you have the capability of locking the wheels - Trustee Abato said they don't stay locked. Somebody can go over there and put there garbage in and kick it off. The Mayor said he thinks a barrier, like Mr. Vespucci suggested, or a gate would work. Mr. Vespucci said they don't want to spend the money. The Mayor said that Marangi has been very - in the past we have worked with them. They have the bulk pick-up every week. And they seem like they have been a company very much willing to work with the people. They have put out tons of extra dumpsters. They always return phone calls. But he thinks just on this issue there is a certain point - the

Mayor said we will work it out. We will sit down and figure it out. Mr. Vespucci said he should have taken a picture of the dumpster last year across the street with the wheels hitting the curb, knocked them off completely. If there was a car there, that would have been it. The Mayor said we will get this done. We will facilitate a solution.

Mel Berkowitz of 52 Milford Lane said that everyone has made statements - good, bad or indifferent. And we have to rectify them, obviously. One of the things that interests him, several obviously, again. Going back to what Trish said. Those corrals have been there for many years. The present management company, if they are one year or five years, they didn't put those corrals there. So obviously the whole board gets together and put a corral. They may move them. But it is everybody's concern. He said that everything that came up was the meeting in Mahwah about what they want to do and what they don't want to do. They continue to have meetings. He said he has attended most of their meetings throughout this year. And he has tried to work with them. He got them a spot in the street fair to raise funds and raise interest during the last six months. But they feel - they are still fighting the builder. And he is not sure if this goes on, there is another meeting Monday, and it says no mall in Mahwah. No mall, no mall. While this builder is going to give us \$300,000 it sounds great. He said he doesn't know what happens - if our attorney could find out - if no mall happens. Does it have anything to do with this? Attorney Rice said that what he said earlier that upon signing the agreement the Village would get paid \$125,000. When and if the project is approved they will pay an additional \$175,000. And that sum will be secured by either a letter of credit or a bond so we will be sure to get it if it is approved. Mr. Berkowitz said okay. It sounds clear.

Mr. Berkowitz said another issue is something that we are all concerned about. Water under their buildings and obviously the water breaks up the cement and then the cement breaks up and then the buildings might start sinking. He said we talk about the quarry and we have talked about it a long time. We talk about building up there. One of the things which he found out in the last five or six years that we are under water where they live in Bon Aire. When that was built it was built over streams that a lot of people seem to know. Most of the old timers here say they used to play up there. There were lots of streams there. So with that said, they have to hire an engineer in their section - they have two or three buildings that actually Brian Brooker looked at and he said there was a major problem here. And that was before these storms that came up. And so a number of people where he lives have a commitment to an engineer and the engineer said to them "why don't you have the Village find out if the water is underneath or when the drainage was built was it built improperly thirty-five years ago. If that is the case we have a major problem here." Mr. Berkowitz said these are known engineers

throughout New Jersey, Connecticut, and New York State. And he will give our attorney the names tomorrow perhaps. And they feel that the Village should be responsible to get cameras in to make sure that the water is going into the system, into wherever it should go. They feel that it is being clogged up because the drain is not working properly. With that said, he said they have a man coming to shore up the buildings in April. There is one building where he lives and if you look at the outside of the buildings, there are tons of cracks. If you look upstairs in the buildings, in the apartments, there are more and more cracks than you have ever seen before. Some of them are two inches thick right now. So what they are saying now is if Mr. Goldstein wants to start building elsewhere, including the quarry, perhaps he ought to try to make sure he does it right and perhaps he tries to pay the bill that they are going to have coming up in April. So he leaves that for the audience to think about. And he leaves it for the Board of Trustees to think about.

Jean Hennelly of 135 Wayne Avenue said those are photos of 166 Wayne Avenue. The first photo there is a picture of a ditch that was put there for the percolation test back in late spring - late May or early June. And as you look at the next photos there is a broken gas main pipe. And then the last one - you can see a close up - there is electrical tape shoved in the hole of the gas main. And that has been there since late May. She said she thought - this is the two floods since the time of those ditches being placed there. You can see in one of the photos there is a steel rod and when the flooding occurred there would be bubbling in that area. And she just assumed oh, they hit on an underground stream. And now she realizes that it is actually the gas bubbling up. And she wants to know who is going to take responsibility for that and why - she was here in June and she complained that there were no markings - utilities - there is a national law that you have to call before you dig. And it wasn't done and this was the result. God forbid somebody flicked a lit cigarette out of a window. Just look what happened in Haverstraw. It is ridiculous. She said she wants to know who is responsible for this. The Mayor said we will inform the code enforcer to go out there to see what the problem is. We don't know if there is a gas leak there. If they did call if there was digging. But we will look into it.

Mrs. Hennelly said the Village water department was out in front of their house the night - O & R was called several times. The owner of the property works for O & R, first of all. They were called repeatedly and they came to the sight and they said they smell no gas. The Mayor said O & R? Mrs. Hennelly said yes. A representative from O & R came out and said they smelled no gas - there is no gas leak. She said then she hears that the building inspector came out and he said he smells gas. There is a gas leak. Then they had three trucks come and they were there from 8:30 in the morning until 7:30-8:00 o'clock at night. And

she heard they were going to have big trucks come in and dig up the gas main. They had a water department employee come to their house and asked if they had a water spicket out in front. They need it for their machine to run water. He said they are going to be here tonight. And that was it. At 6 o'clock, after O & R was there all day - at one point there were four utility vehicles out there. Trustee Falciglia asked who dug this hole? Mrs. Hennelly said that would be Conserv, Don Brennan's company. Trustee Falciglia said he doesn't see any markings. Mrs. Hennelly said there weren't any markings. And at the moment there is a huge commercial backhoe on the property. And she immediately called O & R and she said listen, there is a backhoe there and there are no markings. And finally the following week there are markings there at the moment. But there are still no DPW markings. There are no sewer markings, there are no water markings. She said she doesn't know when they are going to ask for a permit for demolition.

The Mayor said they have gone in for an application. The building inspector and the code enforcer will make sure everything is in place. They are going to make some drills there before the building is knocked down. So they are going to do some drills there. So our fire department will be there and we will make sure it is done safely. Trustee Abato asked if Conserv called us and asked us - because that almost doesn't look like a gas line. That is first of all. She asked if he saw these pictures. Mrs. Hennelly said if you go by the house you can see - they have it marked now. There are three yellow flags right there. Trustee Abato said but you just said there were no flags. Mrs. Hennelly said these are photos prior to the flags being placed. Trustee Abato said that she is having a feeling that the digging was done by whoever it was marking out. Mrs. Hennelly said no, it was Don - he was on the site. Trustee Abato said he might have been on the site but that doesn't mean that he actually dug it. She said she doesn't know. He may have. But what she is saying is that if there are flags now so somebody had to do the investigating to what was there. Mrs. Hennelly said these holes were dug over six months ago. Trustee Abato said we will look into it. The Mayor said we will look into it. Mrs. Hennelly said in the meantime why is there a construction vehicle on the site when there is no permits in place. It is not a parking garage. It shouldn't be. The Mayor said the building department has been there. He said he thinks the last time there was a concern that they were knocking down a building without a permit. They went and they got a permit application. Mrs. Hennelly said she heard that there was no permit issued. The Mayor said we are going to look into it. What can he say. We are going to look into it. Mrs. Hennelly said what about the asbestos. Are they going to remove the asbestos before the firemen go in there? The Mayor said you are asking me questions that he doesn't have the answer to. Mrs. Hennelly said then they need to be answered before anything is done. The Mayor said what you need to do is that if you have a question ask the people who are

doing it. They are going to pull a permit and they will ensure when they pull a permit for demolition that it is done properly. And if there is a problem there that you showed he will refer it to the building department the first thing in the morning to take a look at it. Trustee Abato said to Mrs. Hennelly not to wait until Board meetings. Something like this - Mrs. Hennelly said she sends e-mails that never get responded to. The Mayor said when did you send an e-mail about this. Trustee Abato said she responds to e-mails. The Mayor asked if she asked the building department about this. Mrs. Hennelly said she asked about the markings and she asked about the asbestos removal. She asked about the demolition. The Mayor said you said that they are about to demolish and they haven't gotten a permit. And the Mayor said he believes that it was saying refer to the permit and that you contacted the building department and that they told you that they came in for a permit application. And they are not going to demolish a building until they get a permit. So we were told in an e-mail that they are about to demolish a building and they haven't pulled a permit. Mrs. Hennelly said she hears - the Mayor said you hear - Mrs. Hennelly said she heard and then she asked if this was true. The Mayor said we are in the business of dealing with facts and if you ask the building department they are doing everything properly. And he has full confidence in our building department. So in this matter that you referred to today we will refer it to them in the morning. We want safety in this Village just as much as you do. Trustee Abato said yes, absolutely.

Mrs. Hennelly said she has another issue at hand. She said that she sees on the agenda here that you have an agreement with the auditors. And she sees that the payment will be \$37,600 for the first year. What did we pay this year? The Mayor said he believes that their increase is like a 2% increase over last year. Mrs. Hennelly asked how many man hours does it roughly entail? The Mayor said they are here for weeks at a time. Mrs. Hennelly said and this is the base price. The Mayor said we went out to bid on a professional services contract to get several proposals. This came in as the low bidder. It was lower than the previous auditor and this is within the amounts that are and within the policies of our purchasing policy. Mrs. Hennelly said did we pay above the base price this past year? The Mayor said what do you mean the base price. Mrs. Hennelly said that in the literature that was online today they said that this is the base price and there could be extra charges. The Mayor said no, the charges are for what they are - what was included in the total amount there. If there was an additional audit or some stuff that Tom prepares, which ultimately he prepares himself. So there are certain documents which the Treasurer can prepare and if they have to prepare it it is an additional fee. But no the fees are what was there. There are no additional charges.

Mrs. Hennelly asked if it is customary to have a two year contract. Has

this been done before? The Mayor said yes. Actually there were longer contracts - he believes for five years. But a contract is only valid - he said we could sign a fifty year contract with them but it doesn't mean it's valid. It is only valid for this current Village Board. Mrs. Hennelly said so it is two years. The Mayor said yes. Mrs. Hennelly thanked him and said she really thinks that backhoe should not be there until there is a permit in place.

**DEPARTMENT OF PUBLIC WORKS:**

**A) Safety Training:**

Mr. Charles Sawicki asked for authorization in accordance with the Village education policy to enroll Mr. Steven Cottiers in the Grade D water operations course conducted by Morrisville State College in Morrisville, New York to be held on March 20 and 21, 2012. This course is a prerequisite for the Grade D water license with a course cost of \$300 and approximately \$300 for lodging and meals. The Water Department pick-up truck, unit 7, will be used for transportation. Currently no local courses are available. The Mayor said he would just to confirm. In terms of our education policy we have a distinction. While the Village will reimburse anybody for continuing education or furthering their education, we do draw a distinction between something that is while a benefit to the Village in terms of someone increasing their skills between something that is needed for the Village. The former being that they will do it on their own time and the latter if we need it to fulfill licensing requirements to continue our operations that we will send them during Village time and he believes that it was a determination on Mr. Sawicki's part that this is the latter - that we need this. Mr. Sawicki said yes, we most recently had a meeting with the Rockland County Health Department and they were a little bit concerned that not all of our water employees had D licenses. A motion approving the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

Mr. Sawicki asked for authorization for Mr. Joe Hunt and Mr. Nick Fabricatore to attend the CSEA Peer Training refresher in Saratoga Springs, New York on March 20 through March 22, 2012 with no cost to the Village. A motion authorizing the request was made by Trustee Abato,

seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**B) Personnel:**

Mr. Sawicki asked for authorization to hire Mr. Thomas Cronk, a resident of the Village of Suffern, to fill the vacant Auto Mechanic I position within the Street Department. Mr. Cronk will start on Monday, February 13, 2012 at a rate of pay of \$22.29 per hour. Trustee Abato said that we agreed that it would be on a probationary period, is that correct? Mr. Sawicki said yes that is correct. Trustee Abato asked what is the probationary period? Mr. Sawicki said the probationary period is six months. A motion to confirm the appointment by the Mayor was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

The Mayor said he thinks it is going to make a very big difference getting ourselves a second qualified auto mechanic. Mr. Sawicki said yes, definitely.

**C) Street Lighting:**

Mr. Sawicki said that during the September, 2009 Board meeting the Board approved the balance of \$23,350 from project 2006-003 to be transferred to the street department garage lighting project. Funding is still currently available. The lighting level within the street garage has been a problem for years. Currently in some areas the lighting is only two or three foot-candles. OSHA requires a minimum of ten foot-candles. Mr. Sawicki said he was requesting authorization to issue a contract to Smart Watt Energy, an authorized sub-contractor for the O&R Willdam Energy Efficiency Program. Smart Watt Energy administers these energy projects for O&R. The cost of the base program is \$12,492.64. The O&R program will pay \$8,009.85. However, the Village being a municipality is required to pay prevailing wage at an additional cost of \$2,791.63. All of the new fixtures will be repositioned 90 degrees requiring additional labor and material at an additional cost of \$2,875. All of the fixtures will contain mirrored reflectors at an additional cost of \$900.00. The total cost to the Village is \$11,049.42. Mr. Sawicki said everything is worked off of a base specification. That base specification is a total cost of \$12,492.64. The Mayor said you subtract \$8,009 from the \$12,492.64 which gives you like \$4400 plus \$2791 plus

\$2875 plus \$900. Trustee Abato said the way he had it worded looked like their portion would be \$8,000 and our portion would be \$2700. But you are saying plus that. Mr. Sawicki said right. The total cost of the project would be, if you add those two numbers, would be \$19,000. And they are paying \$8,000 and we're paying \$11,000. Trustee Abato said we are budgeted for this, right? Mr. Sawicki said yes. Trustee Abato said she will move it subject to Attorney Rice's approval because he hasn't seen the agreement yet, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

The Mayor said he thinks this is long overdue and he thanks Mr. Sawicki for addressing this quickly as it was brought up by some of the people on the safety committee and while it is a nice mood in there, very romantic, it is probably not lighting to work by.

**D) WWTP Dewatering Equipment:**

Mr. Sawicki asked for authorization to proceed with trial demonstrations of dewatering equipment for the Wastewater Treatment Plant. The first trial demonstration will include a hover technology screw press during the week of March 19, 2012 with no cost to the Village. The second trial demonstration will include a Prime Solutions Inc. rotary fan press during the week of March 26, 2012 at a cost of \$3,000. The cost for the electric feed and the mechanical connections for both installations will not exceed \$4,000. This will be charged against the WWTP improvements capital project account, H8130.4200.0003.2011-005. Trustee Abato said you have \$3,000 on your request. Do you want to increase that to \$4,000. Mr. Sawicki said no, no. It is three plus four - \$3,000 goes to the rotary fan press supplier/manufacturer. Trustee Abato said right. Then an additional \$4,000? Mr. Sawicki said then there is the hook-up costs. The Mayor said you only have three in there. Mr. Sawicki said it is three plus four. The Mayor said \$7,000. Trustee Abato said \$7,000 will be charged to that account. Mr. Sawicki said it is not to exceed on the electrical and the mechanical. The Mayor said just so everyone knows this is the next major capital improvement after the digester cover in the sewer plant. The dewatering device currently is a centrifuge but Charles, along with the gentlemen Don and Nick and everyone at the plant, determined that a traditional centrifuge is really a high energy consumer and that these methods can save a lot of energy. In addition to the capital budget we

are pursuing additional funding from the sewer district because right now our centrifuge that turns our sludge to cake delivers a cake that is wetter than they would normally take but they have to throw in straw and hay to try to dry out the gunk so by us doing this it is going to save them money and capacity so we are trying to work with the sewer district to get additional funding to help us out with that. It is in their benefit also. Mr. Sawicki said just one other thing. On the mechanical connection for this we are actually doing that work in house. It is for parts and fittings. Trustee Abato said that she will move it not to exceed \$7,000 so that will include the \$4,000 on the electrical, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

**D) Account Transfer:**

Mr. Sawicki said he was requesting authorization to charge \$3,680 to the collection system repairs account number G.8140.4400.0105. This cost is associated with sludge container transportation during the month of December and January. This allowed them to extend the operation of the centrifuge, reducing the sludge blanket within the clarifiers and reducing odors. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

Mr. Sawicki said he had one additional item he would like to add to the agenda. Mr. Sawicki said this is for NYS DEC interconnection for an engineering report and water supply permits. There are four water supply emergency interconnections with United Water and the Village of Hillburn that require the NYS DEC permits. An engineering report and joint applications are required. He said he is requesting authorization to utilize O'Brien and Gere to prepare the required engineering report and joint applications and all other associated required permit documents. The cost is not to exceed \$10,000. Trustee Abato asked if

these were being required by the DEC. Mr. Sawicki said yes. Trustee Falciglia asked required for what. Mr. Sawicki said these interconnections are not new. We have had these interconnections for years. It appears that during Irene we had to utilize United Water and as a result of utilizing United Water it activated this interconnection and some parts of the documentation that went to the DEC kind of raised a flag that we didn't actually have a permit for these interconnections. These interconnections are twenty five to thirty years old. But in any event it is something we have to do and we are going to do it. Mr. Sawicki said this is not to exceed - he said they did have a meeting last week and they made it perfectly clear to O'Brien and Gere that we want them to take the approach - the least expensive approach - and they are in full agreement, fully aware. Trustee Abato said we are going to make the motion not to exceed \$10,000, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

The Mayor said that just so everyone knows we met with United Water. They supplied us with water and one of the things we talked about, which they have offered, United Water, has offered to help us is that realistically we are a sole source aquifer which means we get all of our water from the Ramapo. So during the storm it wasn't that we couldn't pump water. It was that all our wells were underwater so our pumps couldn't work. There was nothing wrong with the source. So what we are looking to do, and United Water actually thinks it is a lot cheaper than we expected, is to take at least one of the pumps and elevate it out of the flood plain and have a generator so that way, even if, because realistically that the incident that is going to cause us to go off-line is not contamination, it is a flood, that knocks out the plant. So by elevating it outside the floodplain - and we thought about this because in a meeting we had discussing the money deal with them, they had talked about how they failed to pump near Binghamton and DEC required them to build it out of a floodplain and everything else was shot during the storm but that one well was able to pump because it was out of the floodplain. So if we do that we can continue to pump in a storm which would be great and it would also avoid us having to connect into United Water, which costs us money. Because realistically we are paying for our water. It is the same water. It is just that if we didn't take it from them it would come to us. So it is like we are being charged for our own water which is kind of strange. But they are still pumping. And on top of it we are talking to Hillburn about entering into an agreement

with them to provide them water which would save them money and also make us money and hopefully any capital expenditure we are looking to get grant money for that. And then lastly, one of the items on the agenda, is to, if God forbid there is contamination, is we are looking for water sources as a second source along the Mahwah. So if the Ramapo is contaminated upstream, we can still pump from the Mahwah and then sell potentially excess water there. So we can look to save money generating and also to secure our water supply for the next hundred years. Hopefully this will be a very productive front on the water plant. We are looking forward to it. Trustee Meegan-Corrigan said that is one of the projects that we put into FEMA for one of the grants so that way we know we have to do it but we are hopeful that they will give us the thumbs up on that one.

**VILLAGE CLERK:**

**A) Approval of Minutes of Village Organization Meeting - December 5, 2011:**

A motion approving the minutes of the Village Board Organization meeting of December 5, 2011 was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**B) Approval of Minutes of Regular Village Board Meeting - December 5, 2011:**

A motion approving the minutes of the regular Village Board meeting of December 5, 2011 was made by Trustee Meegan-Corrigan, seconded by Trustee Abato. Upon vote, the motion was carried.

**C) Approval of Minutes of Regular Village Board Meeting - January 3, 2012:**

A motion approving the minutes of the regular Village Board meeting of January 3, 2012 was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee Abato abstaining.

**D) Special Permit - Live Entertainment - Village Leprechaun (Ireland's):**

Attorney Rice said his only question is that he can't understand exactly what they are asking for. Trustee Abato said it says live music, band, DJ and Karaoke. Trustee Abato said it says something. The Mayor said live band to 2:00 a.m. on St. Patrick's Day - Attorney Rice said it is only St. Patrick's Day? He doesn't know. The Mayor said would fall on St. Patrick's Day. Karaoke would fall on St. Patrick's Day. Attorney Rice said so this is only for St. Patrick's Day. Trustee Abato said 2:00 a.m.

on St. Patrick's Day. It is March 17. Attorney Rice said what day of the week is it? The Mayor said it was a Saturday. Attorney Rice said okay. One o'clock. The Mayor said 1:00 a.m.? Trustee Abato said he wants 2:00 a.m. But we are saying 1:00 a.m. Attorney Rice said he realizes it is a national holiday but he thinks we should be consistent. The Mayor said okay, let's do it until 1:00 a.m. Is there a motion to amend it to 1:00 a.m.? Trustee Abato said he has to amend it. The Mayor said no, we can do it. Attorney Rice said we can grant it. Trustee Abato said yes, then she will amend it to 1:00 a.m. with all the usual items and he has to sign the letter that states all of the rules - Attorney Rice said 90 decibels - Trustee Abato said 90 decibels and everything - just like everyone else. Attorney Rice said revoking won't work too well. The motion was seconded by Trustee Jo Meegan-Corrigan. Upon vote, the motion was carried.

**E) Request to Attend Training Seminar - Court Clerk Christine Andersen and Anne Rizzo, February 20-21, 2012, the Hilton, New York City - Cost \$415.00:**

Village Clerk Virginia Menschner said she has a request for Chris Andersen and Anne Rizzo to attend a training school on February 20 and 21 at the Hilton, New York City at a cost of \$415.00. A motion approving the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

The Mayor said it is important. Chris has suggested bringing Ann because Chris was out a little bit and she is back. But when she was gone some of her skills we want the other ladies to have so the court can function.

**F) Request - Parking Authority - Increase Parking Fines - Section 254-20 Time Limit Parking; Section 254-19 Parking Prohibited Certain Hours; Section 1201 NYS VTL Double Parking:**

Village Clerk Virginia Menschner said the next thing is a request from the Parking Authority. They want to increase parking fines, section 254-20 time limit parking. She asked if she should read them all. Attorney Rice said no, no what he thinks we need to do is the Board has to schedule a public hearing. Some of this may be local law, some of it may be resolution. But they are not telling us what they would like

an increase to. Trustee Abato said we did get it. Trustee Meegan-Corrigan said she sent it to everyone. Trustee Abato said but she still thinks we need a public hearing. Attorney Rice said there are no numbers here. Do you have something else? Trustee Abato said she did get something else. She said that Jo sent it to them. Trustee Meegan-Corrigan said she sent the e-mail. Attorney Rice asked if you had the numbers that they want to increase to. Trustee Abato made a motion to set a public hearing on March 5, 2012 at 7:40 p.m. Trustee Meegan-Corrigan said she can forward the memo to Terry. The motion was seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**FINANCE DEPARTMENT:**

**A) \$1,300,000 Revenue Anticipation Note - Resolution No. 3, 2012:**

Treasurer Tom Zordan said the first thing the Board has before them is a resolution to sell a revenue anticipation note for the water and sewer fund in the amount of \$1,300,000. And this is against revenue that we will be collecting in May. The Mayor asked the Treasurer to tell us what the cost of this is. Mr. Zordan said that we would be borrowing the money for four months and it is a little less - about a 1 1/2% interest rate - the Mayor said for the year, right? Treasurer Zordan said yes, it is a 1 1/2% interest rate for the year. The Mayor said it would be \$19,000 for four months - about \$6,000 in total. A motion approving the resolution was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

RESOLUTION NO. 3, 2012

RESOLVED, by the Board of Trustees of the Village of Suffern, in the County of Rockland, New York, as follows:

Section 1. Revenue Anticipation Notes (herein called the "Notes") of the Village of Suffern, in the County of Rockland, New York (herein called the "Village"), in the aggregate principal amount of not to exceed \$1,300,000, and any notes in renewal thereof, are hereby authorized to be issued pursuant to the provisions of Sections 25.00 and 39.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law").

Section 2. The Notes are authorized to be issued in anticipation of the receipt of certain revenues expected to be received by the Village during the fiscal year ending May 31, 2012, consisting of: (i) \$750,000 in anticipation of the receipt of water revenues; and (ii) \$550,000 in anticipation of the receipt of sewer revenues. All of the foregoing shall be due and payable to the Village during the fiscal year ending May 31, 2012. The proceeds of such Notes shall be used only for

the purposes of paying the current expenses of the Village for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The following additional matters are hereby determined and declared:

- (a) The Notes are not issued in renewal of other notes.
- (b) The Notes shall mature within the period of one year from the date of their issuance.
- (c) No revenue anticipation notes have been heretofore issued in anticipation of the revenues specified in Section 2 hereof.
- (d) The Notes are issued in anticipation of the collection of revenues other than real estate taxes or assessments.

Section 4. The Notes hereby authorized shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the Village. The faith and credit of the Village are hereby pledged to the punctual payment of the principal of and interest on the Notes and unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the Village and a tax sufficient for such payment shall be inserted in the budget of the Village and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this resolution and the Law, and pursuant to Section 50.00 and Sections 56.00 to 61.00 of the Law, the power to sell and issue the Notes authorized pursuant hereto, and any renewals thereof, and to determine the terms, form and contents, including the manner of execution, of such Notes, and to execute arbitrage certifications relative thereto, is hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The Notes shall be executed in the name of the Village by the manual signature of the Village Treasurer, the Village Clerk, or such other officer of the Village as shall be designated by the chief fiscal officer of the Village, and shall have the corporate seal of the Village impressed or imprinted thereon, which corporate seal may be attested by the manual signature of the Village Clerk.

Section 7. This resolution shall take effect immediately.

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

NOES: None

ABSENT: None

**B) Electric Contract Renewal:**

Treasurer Zordan said that over the past couple of weeks he has been talking to the electric companies to renew our electric contract which expires August 1 and we like to do it with some lead time this time we aren't pressured into a last minute decision to buy electricity. The electric rates have been very favorable. He said he has a contract for the supply of electricity and it would cost us 5.766 cents per kilowatt hour. Currently we are paying 8.767 cents per hour. By entering into this new contract we will save approximately 3 cents per kilowatt hour which roughly is \$82,000 per year. And we did go out to have our - we did ask a few companies to bid on this and this was the best pricing that we could get. And if we would have done it today it actually went up about a half a cent. This is the bottom price. The lowest price it has been in ten years. He is asking that the Board approve the contract. A motion to approve the contract was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Patricia Abato  
Trustee Jo Meegan-Corrigan, Trustee John Meehan said  
with compliments to Tom

NOES: None

ABSENT: None

**C) Resolution No. 4, 2012 - Uniform Justice Court Act:**

Treasurer Zordan said the Board has before them Resolution No. 4, 2012, the Uniform Justice Court Act, in which each year we have to have our justice court records analyzed and audited. And the Board either has to accept them, the results, from the auditors or not accept them. So he needs to have that resolution voted on.

RESOLUTION NO. 4, 2012

RESOLVED, that pursuant to section 209-A of the Uniform Justice Act, the Board of Trustees acknowledges that an audit of the justice court performed by Rosen Seymour Shapss Martin and Company LLP for the year ending May 31, 2011 and that such records have been audited.

A motion adopting Resolution No. 4, 2012 was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

**D) Agreement - Auditors Rosen Seymour Shapss Martin and Company LLP:**

Treasurer Zordan said lastly, as it was brought up before, the auditors, Rosen Seymour Shapss Martin and Company LLP - their contract is up for renewal and as it was brought up, they have replaced Bennett Kielson and at that time we saved over \$11,000 a year on the contract. So he is asking if the Board would approve the renewal agreement for the next two years. A motion approving the agreement was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

**TRUSTEES:**

**A) Trustee Jack Meehan:**

Trustee Meehan said he had a couple of motions that he will be making. The first regards a simple change in meeting rules. And the change would obligate all Village Board members when voting for a change, when voting for a zone change, to disclose at the time of the vote if they had received any campaign contributions from the zone change applicant. And he so moves it. The motion was seconded by Trustee Falciglia.

The Mayor said he had talked to Terry about this about how to - the question of whether, while we all want disclosure, the question of enforceability and if we are going to have disclosure and why there wouldn't be wider disclosures at just this particular time period. Just with this particular type of thing that if anybody is doing with the Village or if somebody is potentially opposing a zone change and they gave a contribution how we would be able to disclose that and monitor it. And what situations would trigger - for example, granting of permits to somebody who potentially has given a campaign contribution. So why would it just apply to this specific situation. Attorney Rice said he thinks there are a couple of points. First of all, making a change to the meeting rules basically doesn't accomplish anything because there is no enforcement mechanism. So if the Board wants to do something along these lines he thinks what it should be is it should be a local law amending the chapter in the Village Code with respect to ethics. He said

there are enforcement provisions in that. Secondly, he doesn't know why we would limit it to zone changes. He said he thinks, and he is not sure exactly how he would write this - it will take some amount of work - but he thinks it should apply basically to any type of vote that the Board of Trustees takes on any matter. It is already covered as far as business dealings such as contracts and so forth but he thinks it should be broader than just zone changes. He said he doesn't know why we would deal just with that item separately. Trustee Abato asked Trustee Meehan why is that. Attorney Rice said let him finish. He said the other thing is that he thinks there should be a number. If somebody gives a dollar, he doesn't know if you need disclosure on that. So he thinks he needs to draft something for them to take a look at so there is some limitation and lastly, although he doesn't think it is going to be an issue, he does have to check the state law both as far as authority and potential redemption issues. So what he would suggest is that if the Board wants to move forward with this, let him get back to them for the next Board meeting with something that they can take a look at and then if you are all in agreement with it, set a public hearing on the issue at that point.

Trustee Meehan said that would be fine. He said he will withdraw the motion at this point and hopefully we can - it is not something that comes up very often and he is willing to have it discussed. As to Trish's question. He said he can't tell her how upset he was at the vote on 166 Wayne Avenue and a lot of other people were too and that is the genesis of this rule change. Trustee Abato said as Terry said it should be a broader - it should be for everything. Anytime that you feel that there is some business that is being done with the Village that you should disclose something. It should be much broader than that. Trustee Meehan said he thinks there are - for instance, each of them get every year to sign something that we have no business. The Mayor said direct finances. Trustee Meehan said that is one thing. If you want to broaden it, that is just fine. The Mayor said it can also be for opposing something because if someone sits there and gives you a contribution to oppose an application - if he owns a Ford dealership and next door someone wants to open a GM dealership - so if that person gives me a thousand dollars because, whatever, they believe in him and believe he supports it and someone gives you a thousand dollars because you oppose it, it is the same thing. So he thinks it should be someone who has - the Mayor said what his concern is again is that he is for disclosure. He believes it is a good thing. Trustee Abato said we do disclose. The Mayor said we do disclose financial things. His fear is that if somebody doesn't disclose something just because it didn't trigger that - like a hundred dollar donation or something and you have a fundraiser and then you vote for an entertainment permit innocently and then next month I say, Mr. Meehan or whoever, you got a hundred dollar donation and you didn't disclose it and I'm going to bring you up on ethics violation.

Where realistically you did disclose it already but you just failed to disclose it at a Village Board meeting. So he thinks we just want to be careful not to constantly get politics and contributions involved in the Village business. So yes, he wants full disclosure. Maybe something we should consider is making our public disclosures available - directly linking them to our website so people can have easier access to our financial disclosures which he thinks it is everything in there. But again his fear is that again you go on my God, you didn't disclose - this person owns this business - oh, I forgot, they gave me a hundred bucks. I have a hundred donors who gave me a hundred bucks and now you make a motion to have me violated on our ethics. So that is his concern. Trustee Meehan said he wants to make it better. And he will make it broader. But he thinks when we vote on a zone change - the State of New York mandates that whenever we vote on a zone change that we notify everybody within 500 feet. And the reason for the intent of that law was that they feel it is safe legislation - the governor tells them that those people who are the most affected because it is in their neighborhood. He said thank you for your consideration on that and he looks forward to the change.

Trustee Meehan said on the second item. Trustee Abato said to Trustee Meehan that she thinks that is a great idea that the Mayor just had, to be honest with him. She said she was in favor - she was okay with what he was going to do. But she thinks it is a great idea to link our financials to our Trustee website. Absolutely. The Mayor said make them available at Village Board meetings. He doesn't care. Trustee Abato said so then we don't have to worry about - because a lot of people don't know how to get onto the election website. Trustee Meehan said it is very complicated. Trustee Abato said it is complicated, you are right. So if we just linked it on the website than anybody could go on there at any time with one click and see our financial disclosures instead of six years ago I took a contribution and oh, my God, I totally forgot that that person contributed and then she is up on an ethics charge. She has to agree with the Mayor. The Mayor said what is the time. Should it be between four or three years or five years. Trustee Meehan said he thinks this is something that Terry is going to have to work on. Attorney Rice said is that suggestion instead of a local law or an addition. The Mayor said we can make them available online and make them available here. Trustee Meehan said that would be an addition. The Mayor said his fear again is that he doesn't want to trigger anything where an innocent mistake says I violated it. Trustee Meehan said let's see what Terry comes up with. Trustee Abato said she thinks we should do that anyway.

Trustee Meehan said that we have had a lot of people complain to him about the Conserv property. And our building department determined that there is nothing that they can do about that. And a lot of people

sometimes say there ought to be a law and that is where he is coming from. He thinks there ought to be a law and that we shouldn't have to put up with this kind of structure and that we should have some way to amend our property maintenance law so that painfully and very explicitly it covers this type of situation. He said it probably wouldn't cover the Conserv property, if not immediately but maybe in six months or a year. But we shouldn't have a situation where someone could just have a total eyesore that we can't do anything about it. So that is why he would like to see a change in the law so that we can have a law that can address that situation. And he would move - he thinks this would be a situation where Terry would have to work on that. That is something he would like to see and that is his suggestion. And he was going to make a motion. Attorney Rice said he would put something together. The Mayor asked if anybody had any questions. Trustee Meegan-Corrigan said she does. She asked Attorney Rice if he could look up the bill of attender. Attorney Rice said that as Mr. Meehan said it probably wouldn't apply to any existing situation. It would be going forward. Trustee Meegan-Corrigan said then we also have to keep in mind that if we are going to do that we have to keep our four homeowners in mind down on Lonergan Drive. This would have to be a local law as well, correct? Attorney Rice said yes. Trustee Meegan-Corrigan said because we can't just pick on one property because that is what we are not allowed to do. Attorney Rice said correct. Trustee Meegan-Corrigan said that we would have to keep in mind that we also have to start fining and following process on those four homeowners down on Lonergan Drive. Trustee Meehan said you are dealing with - it is unconstitutional. There is something called an expo factor - you can't pass a law after the fact. Trustee Abato said but what happens if, God forbid, that should happen in another portion of our Village. Trustee Meehan said the law could be written in such a way that flood victims - that is why we have Terry to do that. The Mayor said are we missing - what are we missing in our current - Attorney Rice said he thinks the position was that if a building permit is taken out then the provision in our dangerous buildings law that says if the building is damaged to a certain extent or is a blight on the neighborhood that certain actions can be required. The building department apparently has taken the position that if you have a building permit then those provisions don't come into effect. Attorney Rice said we have something. Apparently the interpretation is that if you apply for a building permit - the Mayor said he understands what he is saying. He said he thinks we have to distinguish between any building site is going to have - yes, you can say that that is a clean-up and that was a mess. But any building site would typically fail our typical property maintenance law. Right? Attorney Rice said yes. The Mayor said there is a fine line. Trustee Meehan said reasonable is the word you are looking for. Four years later is not reasonable. Trustee Meehan said he appreciates Attorney Rice looking into it.

Trustee Meegan-Corrigan said she just has a few other things that we didn't cover and some of the other projects that we put into FEMA for the municipality which was done on January 31 - and thank you Charles for scrambling to get all that done - is the dredging of Lake Antrim, the athletic center flood prevention, as we discussed the portable water well, and also for flood doors down at the water plant and sewer plant, which was also Charles' idea. Trustee Falciglia asked what about a Dutch dam? He said it is an aluminum dam that is probably about this high that comes in sections. If you know a storm is going to come, you put it up. Trustee Meegan-Corrigan said that is a flood door. Trustee Falciglia said they use it in the Netherlands. Trustee Meegan-Corrigan said we pretty much covered everything else that she had to review.

**MAYOR:**

**A) Orange Avenue - Request for Interest:**

The Mayor said the first thing is Orange Avenue. We put it out for request for interest again since it has been a while since we had last gotten some interest. We heard back from one company. We have their proposal or their packet. He said what he would like to do first, before moving forward, is to see what everyone's feedback is. The developer contacted him and asked him what we think. Obviously this would be rental - market-rate rentals. So again he knows there had been a preference for condos but everyone he talks to says the condo market - it could be a long time. So again he wants this to be a consensus of the Village. He does believe that if you go around that there are some really good products being built around the area that are market-rate rentals but again he wants everyone to be on board with this. Because this is a pretty big decision. He said if you look at their resume they have done pretty substantial stuff. So he thinks that maybe we should look at this first, get some feedback, and then get back to the developer and then at that point if we want to move forward we can get the public involved. He said he doesn't want to waste somebody's time if there really is not an interest from this Board. It is not fair to them. He is sure they have already spent a significant amount of money responding to the request. The Mayor said unless somebody has a better idea on how to proceed. We can put this online. He has no problem with that. But he doesn't know if you want initial input back from them and then put it online. He said he thinks they deserve some comments from the Board. Trustee Meehan said we just got it. He has been looking at it. He said he is sure there is somebody we can call on this. The Mayor said they have been pretty good. They e-mailed him. And he respects anybody who puts in their money and their time and shows an interest in the Village of Suffern. Trustee Meegan-Corrigan said it is a very nice presentation. The presentation is nice. The Mayor said they probably spent \$25,000 or \$30,000 doing all this work. The Mayor said we have

that and we will see what happens. And again if there is no interest then we don't need them to spend more money. He just wants to be fair to people.

**B) Authorization for Village to Join R.B.A. - Dues \$310:**

The Mayor said he was approached by Al Samuels at a recent event at the hospital about the Village joining the Rockland Business Association. They have a special rate for non-profits. And most towns and villages in the county are members. He asked what do we get for the membership. And they talked about doing different seminars in the Village, about business, creating more interest in the business so he thinks that anything we can do to help the Chamber and help the businesses is a good thing. The Mayor said he is open to anything and if they are going to bring their resources in and it's a yearly dues of \$310, he thinks that is a worthwhile investment but again it is the kind of thing he wants to leave open to the Board. Trustee Abato said she thinks that it definitely is a good idea. Trustee Meegan-Corrigan said she agrees. Trustee Abato said she would make the motion to join the R.B.A. - the Mayor said they will come and talk to the Chamber and do a presentation and everything. The motion was seconded by Trustee Meegan-Corrigan.

AYES:AYES: Mayor Dagan LaCorte  
Trustee Patricia Abato, Trustee Jo Meegan-Corrigan,  
Trustee John Meehan said he will give it a yes and see  
how it works out for a year.

NOES: Trustee Charles Falciglia

ABSENT: None

The Mayor said that is his position as well. He thinks that if we get some good stuff out of it and it leads to business and helping the business owners it is good. If not, he thinks it is worth it for one year.

**C) Schwartz Property Drilling:**

The Mayor said he had two more items. One is something which we approved about six months ago. Drilling in a particular area of the Village to see if the Schwartz property has water below it. So that would give us a second source of water. It would also hopefully enable us to preserve the Schwartz property and purchase it so that there wouldn't be any development on it. It would be very nice. The dream would be to build a quick pumping station in the middle. It is a little shack. No one would see it. Get a source of water. We could sell additional water and preserve the property. Maybe elevate the road out of the floodplain and

then open up the parks, the field and the pool where it is all like a big area into Brooklands. Because right now you have to cross Memorial Drive. So if you could open that up he thinks it would be beautiful. It is a dream but he thinks if there is substantial water there - water is a very significant resource. We had talked about this a while back. We had approved money. It was one of those things where it took a little while to get a proposal back. We have access to the property going on somebody's backyard who has volunteered so that we won't have to go onto the property to do it. We don't want to trespass. So based on the unit cost of the proposed scope of an overburden test boring with a pithtometer, a well yield test and report would be \$9,800. Again, this is something that we had approved before and budgeted and he thinks finally we have talked about it on and off for years. So let's find out if there is water there. Because if it is - it is like white gold or clear gold. The Mayor said we had authorized up to \$11,000. It is \$9,800. He said the Board has a proposal there from Cornerstone Environmental Group. A motion to award the bid to Cornerstone to approve the Schwartz property drilling through an undisclosed backyard was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

#### **D) Bus Route Update:**

The Mayor said it has come to his attention from some residents and the department of transportation that the county - that they were no longer having the bus stop at the corner of Chestnut and Lafayette in front of Capital One Bank because there are parking spots there and it was dangerous and they were in the middle of the road. So what happened is that we went out there and we had to remove one spot - maybe two - and we striped them out so that way the bus can pull to the side. And as of last week that was taken care of. Signs were put up. Bus stop. And the bus is now stopping there again instead of going all the way around to Hallett Place so that people would have to walk down from Hallett all the way down to the corner there. So he thinks it is a good thing. And he thanks the county for working with us on that.

The Mayor said he had one last thing. He said unfortunately we have had a lot of losses during this new year. Three of our long-time Village employees - Susan in the building department, Joe Hunt and Joanne all lost their mothers just this past month. And just this morning we

learned that long-time employee, fifteen years with the Village, he believes, Joe Stein, passed away. Way too young. 38 years of age. So he would like to adjourn the meeting in all their memories. A motion to adjourn the meeting at 10:25 was made by Trustee Abato, seconded by Trustee Jo Meegan-Corrigan. Upon vote, the motion was carried.