

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

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

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

ALSO PRESENT: Virginia Menschner, Village Clerk

ABSENT: Terry Rice, Village Attorney

Set Dates for April Meetings:

The Mayor said the workshop will be Wednesday, March 30 at 7:00 p.m. and the Board meeting will be the following Monday, April 4 at 7:30 p.m. The Mayor said we will also be holding a public hearing for our 2011/2012 budget on March 21 at 7:00 p.m. That is a Monday. Just so everybody knows the preliminary budget is posted currently on our website so you can take a look at that as well as our budget timeline. The Mayor said as he mentioned before, we changed the procedure a little bit last year. In the past the Village would hold a budget hearing on the budget where the public would come and then give comments and then because of the way the law was written we would have to vote on the budget that night, which didn't make much sense because if people were going to come in and make suggestions you have to be able to take time to take it under consideration and look into it. So the way we do it now in terms of a budget timeline is the budget was prepared with the department heads and the treasurer which was then presented to him and he then held meetings with each department head going over their budgets. We revised the budget and once that revision was complete we then presented it to the Trustees. That is where we are now. The Trustees are now in the second week of a two week period where they can take a look at the budget, have meetings with individual department heads, make suggestions. Those will then be reflected in the next version of the budget which we will then present to the public for a public hearing. After the public hearing we will take two weeks to review those comments and suggestions. Some of them may be reflected in the budget and then we will vote on the budget at the April 4 Board meeting.

The Mayor said he is going to deviate a little bit from the agenda. First we have two Village employees who are being promoted today. Since they work very hard and have to get up early, we are going to have them come up first and then Supervisor St. Lawrence is here from the Town of Ramapo and he is going to come up and talk about a number of issues and things that we are working together on.

The Mayor said that first he would like to call up Steve Rothaupt

and Todd Strassburg. The Mayor said that really one of the greatest things about this Village is our Department of Public Works and these men and women work very hard each day to ensure that we have great services and our garbage is picked up, that our roads are in good shape, that all the shrubbery is well-manicured, that our sewer plant is running, that our water plant is running, and really they do everything to make this Village the truly special place it is. And what we wanted to do is recognize two employees that have worked hard and we want to make sure that they get to move up within the ranks of the Department of Public Works. We have two individuals here who have really done a great job. Currently their position is MEO-1's and we are looking for a position for MEO-2's and in talking about it we realized that we had two great candidates so it made the most sense to create two positions and to promote two individuals. The Mayor said that Steve will be here 14 years in June and is a long-term employee and Todd has been with the Village for three years and really has made a name for himself and does an excellent job. On behalf of the Village Board it is our honor to promote the both of you, effective immediately with Board approval. A motion promoting Steve Rothaupt and Todd Strassburg was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

The Mayor congratulated both employees.

Supervisor Christopher St. Lawrence thanked the Mayor for letting him address the Village Board and to members of the public that are here. He said he wanted to congratulate Todd and Steve and he knows that Steve has got to run out to the fire house. He has a meeting going on there. He is a volunteer fireman. And he wants to thank him for that work. And also, as the chairman of the Rockland County Solid Waste Management Authority, he wants to commend Suffern for the work that they do on recycling. Mr. St. Lawrence said that we are one of the top recyclers in the county of Rockland and that is done by our DPW as well so kudos to them.

Supervisor St. Lawrence said he wanted to talk about a couple of issues, or a myriad of issues, that are going on. He said he will try to keep it short. The town is working with the Village and he wanted to bring the Board up to speed and he wanted to talk about some of the things that he and the Mayor have been working on to help the Village and to further help the Village. One is the Ramapo River walkway trail which has been ongoing now for about five years. We are now down to the point where we have all of our approvals except for the getting of the final right-of-ways on the property and that will connect the Suffern train station along with the trail that comes up through Mahwah, the Oakland trail, all the way up through the Torne Valley up to its terminus which will be at Route 59 just south of the St. Lawrence center. So that will be ongoing and they hope to break ground on that he would like to bring down the engineers, Hudson Valley Engineering, with the Board and with a map on what that will show. But it will connect Suffern, Hillburn and eventually Sloatsburg so the kids will be able to ride their bicycles into the Village or people could actually go to the train station by bicycle from Hillburn or from other areas outside of the Village of Suffern. So it is a wonderful thing and we received a

grant from T-21 money from the federal government to help us with that. But funds are tight and this is something that he and the Mayor have been talking about. Recently as the vice-chairman of the Sewer Commission in the county, they came through the Village of Suffern and they put their lines in to connect their diversion line from Lake Street right on Lake Road right at the tip of Montebello to their brand new wastewater facility in the Torne Valley. One of the things that they said in that project is they wanted to help the Village and enhance things in the Village. They improved Washington Avenue. The Mayor asked if they could do some work and widen the area and put in the new curve on Washington Avenue, right by 202, which they did. Part of that project they had committed up to \$50,000 to the Village for projects that could be ongoing for the Village. That money has not been accessed. Supervisor St. Lawrence said he believes, in talking with the Mayor, and he knows the Mayor believes this as well, that we should be releasing that \$50,000 to the Village for projects that you want to do and leave it without any strings attached that you can do projects that will enhance the residents here in the Village. Supervisor St. Lawrence said that they also put a Y connector down in the ballfield in case there was ever any problem with the Village's system and we needed an emergency hook-up to their system. It would be able to do that as well. It gives them a great redundancy there but they wanted that \$50,000 to be advanced to the Village. So at their March 24 meeting of the sewer commission he will put in a resolution to send the Village of Suffern a check for \$50,000.

Supervisor St. Lawrence said the Village has also requested, and this has been ongoing with the Mayor and he and the attorneys, some liquidated damages since the project took longer than they anticipated. The sewer district had decided not to put forth any liquidated damages on the contractor yet it was the position of the Village that you felt that there were some liquidated damages that it was not completed in a timely fashion and there was a request, an original request, by the Village of close to \$250,000 in liquidated damages. That has been going back and forth and not really getting too far. So the Mayor and he had a meeting and discussed what potential things they could do to stop having further fights and incurring legal costs for the county - the county would use county attorneys or special counsel and you would either use your counsel or special counsel in that fight. Supervisor St. Lawrence said he would like to bring the Board up to date on what he would propose to do after speaking with the Mayor and that is to settle this with the Village and put in a resolution, besides the \$50,000, another resolution of \$100,000 to the Village of Suffern, once again to go to the Village to be used in your general fund for whatever projects may be coming up. That would be something that you can discuss with your Board as to whether you want to continue. As he said, the sewer district is not putting liquidated damages onto the contractor but if the Village wanted to sue the county they certainly have that right to do that. But if we wanted to work on having a settlement they would be open to that as well. So he will continue those discussions and he wanted us to be able to continue those discussions with our Board as well.

Supervisor St. Lawrence said he also just wanted to bring an update. When Avon came in years ago and the town put in a pilot agreement to take some of the town taxes away, one of the things that took place was that the Village received \$50,000 for the firehouse and they are continuing to do some work that can help the fire company's here in the Village of Suffern. The town has passed a bond for \$900,000 in the town to put in the opti-vision system - the opticon - in all the traffic lights in the town of Ramapo including the Village of Suffern. He said they will be working with us to get permission to do that. Mike Riley is heading that up. And the town will pay for the cost. And that will allow our vehicles to come to a traffic intersection and be able to push a button - either the police vehicles, the ambulances and the fire trucks - and it will put a red light in all three directions except the direction that that emergency vehicle is traveling in. It will stay green. And it will make things a lot safer. Supervisor St. Lawrence said he just almost witnessed an accident right at the entrance at the Suffern Free Library recently because someone was coming out and the vehicle was coming down and they didn't see it. The lights were on and some times people are pre-occupied in their vehicles as well. So they are moving forward with the opti-vision as well.

Supervisor St. Lawrence said he just wanted to give us an update that they wanted to work with the condominium associations in Stonegate to work on doing some beautification this spring in the Stonegate park. And they look forward to those meetings along with they are going to, at the Bon Aire Park repair the retaining wall in the Bon Aire Park along Campbell Avenue. He said he would like to continue to work with the Village and come up with a way to put sidewalks on Campbell Avenue from Bon Aire to Route 59. As we know, that is the line of demarcation between the Village and the town so on the one side of the street is the town of Ramapo and the other side is the Village of Suffern. Whether they put them on both sides or just the town side or the Village side he thinks it is something that we really desperately need for the people in that area. So he would like to work on that project as well. He said he knows that the Village of Suffern is working on their sewer system and he would like to be able to see how the solid waste authority can help the Village on purchasing an upgraded centrifuge. Presently, the solids that come from the Village of Suffern to the solid waste authority are in about the 12% range. They would like to see them in the 25% or better range. A new centrifuge press that could dry the material out better would give them more capacity at the solid waste authority. Because they would get wet sludge in and they would have to put wood into there and it takes up the capacity of their system. So they would like to make the calculation, which he has asked to be done, as to what would be the savings if they would be able to help and make some contribution to upgrade our sewer plant repairs to putting in a centrifuge dryer press there that would help on the solids. So that is something that they could have ongoing conversations about.

Supervisor St. Lawrence said lastly is the Suffern quarry. He said the quarry was gifted to the town of Ramapo in December 2006. It has been four years now. When they received that quarry, there was some

ongoing potential for mining that had not expired by the Tilcon Quarry Company and they retained those rights and they also had retained some rights to bring things onto the property which they have always tried to dissuade and tried to stop. Tilcon has a mine reclamation area there that they need to clean up and recently they tried to bring some materials in and tried to say it was part of the mine reclamation project, which it was not. Working with the Village's attorney and with the Mayor, they were able to have them cease and desist. He believes that all of their rights have expired to continue mining. They didn't renew their mining permit and he does not believe they have any rights left on that quarry property. So as the Village knows, they have had an ongoing study being done on flood mitigation by Brian Brooker Engineering and he now believes that the people in Squires Gate - they can take all the people or about 99% of the people out of the flood plain and put them in a 25 year flood plain by the mitigation. By putting the five siphons that will take the top of the flood off, divert it into the quarry when there is a flood and then they would be able to release it after the flood waters have receded. That is a project that the engineering has been done. It is very exciting. And that is their main goal and he knows that is the Mayor's main goal to have flood mitigation on that property. And that is what the town wants to do. Supervisor St. Lawrence said they have always said that they wanted to have recreation on that property and one of the ways that they are able to pay for the engineering study and for the flood mitigation was the concept of having some development on that property. He said he knows that the original development that was a potential that was put out by the Quarry Ridge was in the 450 to 600 units of housing. He said he doesn't think that this Village Board or even the town is looking to have such a massive development on that property. He said he thinks we need to keep sight on what we want and that is flood mitigation, park and recreation facilities there and some housing for volunteers, for seniors and for the community. And he thinks that we should be looking at something that is 30 or 40% less than what these plans were. Instead of 450 maybe 250. Something that would fit on the property with the acreage there that would be available for that development. But he doesn't want - this is under the control of the Village of Suffern. What he would request is that they have a joint meeting of the town board, the Village Board, invite people from parks and recreation - Michele Antosca and Gail Curtin who do a wonderful job for recreation in both the Village and the town, the engineering department and let's all get on the same page in ameliorating any situation there that we don't like. Supervisor St. Lawrence said he did get a copy, which he will give to the Board, of any possible events that have been taken place there. They have been working very hard with Tom Sullivan, with the Mayor and with their police department to try to secure the property. They have been walking the fences and trying to secure it from area that people are getting in and they want to continue to let the Suffern Fire Department utilize it for training and things of that nature but they want the property cleaned up. They wanted to bring in O'Sullivan Tree Service to work on taking down any of the dead trees on the property and continue to clean the property up. But he thinks we really need to work together as a town and Village Board and that is what he would like to request from the

Mayor - if we could set a date or if the Mayor could set a date where we could keep this process going along and to meet those three prong goals that they have on that property. So that is what he wanted to talk about. He said he also has a letter here from Kimberly Ray, who is their special counsel, which he will leave with the clerk that she sent on March 4. It delineates a lot of the legal things that are going on with Tilcon. And he thinks this could be a project that would be great for the future of the Village of Suffern and he just wanted to kind of let everyone know on where they are with some of the projects that are going on.

Mayor LaCorte said that he appreciates Supervisor St. Lawrence coming. He said he covered a lot of ground here. The Mayor asked when the meeting was. Supervisor St. Lawrence said the 24th of March is the meeting. If the Village needs more time to decide. The Mayor said he believes it is fine. They discussed it at the workshop based on the initial conversation. He believes the Board is amenable to an agreement because again that the amount that the Village would potentially recover - he thinks the \$150,000 makes sense based on getting that money now than going to a long litigation where the potential to recover a little bit more. But there is also the potential to recover less and there is no point in doing that if we are able to work it out. The Mayor said what he will do is that when he hears back from him following the 24th that he again can hopefully at the April meeting present it to the Board to agree to a settlement and then your attorneys and Terry Rice can work out the details of it. Pretty much he is sure there would be a payment and then some sort of release. Probably pretty simple.

The other thing in terms of the centrifuge is our next big step in our rebuilding of the sewer plant. We are right now in the final month of completing our digester cover which should be completed by the end of March and then the next major project - we have already authorized three million dollars of spending. So we have a bond issue that has already been authorized and this is just a multi-year project so that is the next thing. So any help they can give us on that would be great to potentially borrow less money and we have other items outside of the sewer district that we would like to be able to work on in terms of capital projects. But we recognize that that is something that needs to be fixed. In terms of the quarry, obviously he will talk to the Board members about setting up a meeting. One thing he would ask is if it could be relayed to Brian Brooker to take a look. Through the years, traditionally, it has always been about Squires Gate which has been flooded and just today about a half dozen houses had to be pumped out. The entire park was flooded, our ballfield was flooded. But in the last number of years it seems that the worst flooding has gone to Memorial Drive. He guesses that over the years Lake Antrim really isn't a lake anymore. So that is unfortunate in that whole area. So he doesn't know if Brian can take a look at what possibly can be done on the Antrim side since obviously Antrim is closer to the quarry also to try to help to reduce the flooding that is happening on Memorial because Memorial was flooded from Wayne Avenue all the way around the bend pretty much to Montebello Road. So it really has been bad the last number of years.

Supervisor St. Lawrence said we could ask Brian Brooker what could be done as far as the quarry side as well for that. But he will say this that it has become very difficult to go in and to dredge out areas and increase the retention ability throughout the system. He said they want to do it all the way through the Mahwah which would help even in Lake Antrim. Lake Antrim needs to do the same thing as well. Unfortunately, the DEC has characterized any material that is taken out as hazardous material and then to get rid of each ton of material or 1000 cubic yards it is an incredible amount - about \$150. It makes it impossible to do the project. He said he has written to the DEC and he has asked them to give them the ability when they want to clean out retention areas to be able to properly dispose of that material, to work that material, they could work it at the solid waste authority or on top of the landfill and they have the ability to be able to work the material and make sure that it is clean before it leaves that site. But it is a detriment to all of the communities when that material cannot be used because it is defined as hazardous material. Lake Antrim needs to be dredged. It has been decades since that was done and that would give a little bit more retention there rather than over onto Memorial Drive there as well. And at the solid waste authority they are calculating that if they didn't have to put the wood material in with the Suffern sludge how much more free board space that would give them in the facility. As you know we don't charge Suffern anything for bringing their sewer sludge there nor do they charge any of the other sewer districts in the county but they can charge and have the ability to charge other communities and they have been doing that. They are taking the value of the material, the space that would be freed up by doing the centrifuge, what they could sell that space for and to have that money then be dedicated to go toward helping with some bonding on the centrifuge. So he thinks there is a possibility that they could help on that project. Maybe not as much as they would like but they would certainly be able to help it where they could make that calculation and be able to do that. So he would love to - he said he will send the Mayor a copy of the letter that he sent to the DEC and maybe we could sign onto it and maybe we should get everyone in the county in the stormwater consortium to sign on to the fact that we can do things in our retention areas upstream that can help our flooding downstream.

Supervisor St. Lawrence said thank you very much. He said he would stay for the rest of the meeting but he has a workshop at the town.

The Mayor thanked Supervisor St. Lawrence again for being here and he said we will follow up on a number of these issues. And hopefully we will bring the potential litigation issue to a close at our next Board meeting following the vote of the sewer district on March 24.

FIRE DEPARTMENT:

A) Request Board to Approve Preliminary Service Award Program Results for Calendar Year 2010:

Chief Dan McInerney said he would like to request the Board to approve the preliminary service award program for the results of

2010 so that it can be posted at the fire house for thirty days. A motion approving the request was made by Trustee Abato, seconded by Trustee Simon.

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

NOES: None

ABSENT: None

B) Permission for Hook & Ladder Company to Have a Dedication Party for the New Aerial at the Suffern Hook & Ladder Headquarters on Lafayette Avenue on Saturday, June 11, 2011. This is by Invite Only:

Chief McInerney said he was asking for permission for the Hook & Ladder Company to have a dedication party for the new aerial at their quarters on Lafayette Avenue on Saturday, June 11, 2011. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

C) Permission for Fire Department to Take Apparatus Out of Town for Parades:

Chief McInerney said he was requesting permission for the fire department to take apparatus out of town for the following parades: Port Jervis on July 9 and Spring Valley, New York, which is the county parade, on September 10. A motion authorizing the request was made by Trustee Simon, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor thanked the Chief and all the hard-working men and women last night pumping out. He asked how many homes was it? Six? And it seems like it has been coming down a bit. He asked the Chief if he thought it was worse than last March or the same. The Chief said they went to a lot of different places. The Mayor said it was pretty bad this morning. He thanked him again for his hard work. He said he knows it was a late night.

8:00 P.M. - PUBLIC HEARING - PROHIBITING PARKING ALONG A PORTION OF ESSEX LANE:

The Mayor said that next up we have our first public hearing prohibiting parking along a portion of Essex Lane. He asked Chief Osborn to come up and give a brief description.

Chief Clarke Osborn said that basically this is a portion on the eastern side of Essex Lane - a very small portion from the area of Bon Aire Circle in slightly. And the reason that they wanted this particular area to be no parking is that we have one of our condo board members, Cliff Albertson, and he spoke with him and worked with the condo associations in Bon Aire. When people pull out of the lot - the closest lot to Bon Aire Circle on Essex - it is very difficult when they come out that a clear line of vision both north

and south so when cars pull out it is a hazard so this is for a portion to take it a little farther so the vehicles can see and pull out safely. That is all at this point.

The Mayor thanked him and said he would open this up to the public. If anyone has any comments, he asked them to please come up to the microphone and state their name and address.

Cliff Albertson of 52 Bon Aire Circle said that he was the president of Bon Aire Condominium I and he would just like to ask the Board if they would concur with Chief Osborn's recommendation. It is just when they are coming out of the parking lot to the right just to have that little few feet of visibility to see the cars coming down Essex Lane because he thinks there have been a couple of accidents there and this would prevent some accidents in the future. And he asks them for their approval and recommendation. The Mayor thanked him.

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

LOCAL LAW NO. 3 OF 2011

A LOCAL LAW AMENDING SECTION 254-61 OF THE
CODE OF THE VILLAGE OF SUFFERN
PROHIBITING PARKING ALONG A PORTION OF ESSEX LANE

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

Section 1. Section 254-61, "Schedule XI: Parking Prohibited At All Times," of the Code of the Village of Suffern is hereby amended by adding after:

[Name of Street]	[Side]	[Location]
Essex Lane	East	80 feet south of Bon Aire Circle

the following:

[Name of Street]	[Side]	[Location]
Essex Lane	West	From the driveway on the west side of Essex Lane in the vicinity of 5 Essex Lane to a vicinity to a point 30 feet south thereof

Section 2. This local law shall take effect immediately upon

filing with the Secretary of State.

A motion adopting Local Law No. 3, 2011 was made by Trustee Meehan, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

The Mayor said that we have a presentation. He sees that our long-time former justice, Matt Byrne, has arrived and we have a presentation for him so he is just going to step up to the podium and do that. He asked Matt to come up. The Mayor said that it is a pleasure on behalf of the Suffern Village Board to present to him, Judge Byrne, this plaque, which is fitting because there is a gavel there and he never had to use one because there was always order in his court. It says "presented to Suffern Village Justice Matthew Byrne with gratitude and appreciation for sixteen years of service, 1994 to 2010. Congratulations on your retirement. Village of Suffern, Board of Trustees, presented March 7, 2011."

Mr. Byrne said he started coming to Board meetings in 1982, watching. The good doctor was here at the same time as him. And he got his first taste of Suffern politics. His father got elected in 1982 and served for 12 years. Mr. Byrne said he was honored to come after him and serve for another 16. So for 28 years there was a Byrne on the bench, if you will, and it was a great honor. He said he keeps hearing about retirement and he is not sure what that means. If only it was a real retirement. But his kids have him back on Tuesday nights and they love it. And it was an honor to serve the community that he was born and raised in for as long as he was able to. Suffern is a special place and that is why you are all here. We know it is a special place. He is going back to the time of - he is looking at Fred here. Fred Rella, his dad, so many good people who have served in Suffern over the years. Six Mayors. In the short time that he was judge, six mayors. He said he is not sure what that says about the longevity of judges or Mayors but it was an honor to serve and to work together with the Village and do some good things and make sure that people got their fair day they were entitled to every time they came to the court in Suffern. So thank you very much and thank you for the honor.

The Mayor thanked Judge Byrne for his many years of service and for the phenomenal job he did.

GRANT WRITER:

A) Appoint Michael Shilale Architects for the Facade Program (4 Buildings - \$11,500):

Carrine Kaufer said that basically tonight she is just asking the

Board to select an architect to help them with the facade improvement program. She said they did receive a total of six proposals from area local architects and they have decided to go with Michael Shilale Architects. They had the best proposal with extensive state historic preservation office experience which was their main concern in dealing with getting the program completed. The next step is they will be selecting the properties to participate in the program and hopefully be able to move forward late spring or sometime in the summer with the design process and get going with construction before the end of the summer. A motion approving the architect was made by Trustee Abato. Mayor LaCorte said he had a question. He said that first he would like to note that the fee here for four buildings of \$11,500 is completely covered by the cost of a grant that we received from the Community Development Block Grant so this is not coming out of the Village coffers. It is a grant exclusively for the purpose of the facade program. Secondly, he just wants to make clear that our goal here is to do these buildings here this year, in the calendar year, and he knows that Carrine and Fred working together have done a good job and he believes we have over twenty applications from interested property owners so he just wants to make sure that we are on the same page, that we are ready to move forward. He said he knows that obviously that some of it is out of their control in terms with working with the state historic preservation but he just wants to make sure that they feel confident that we can be in a position where we are doing work this fall and completing four buildings before we get into next years winter.

Michael Shilale, the principal of Michael Shilale Architects, said they are celebrating their 20th year this year and for the 20 years they have helped municipalities and educational institutions and commercial and residential clients solve their building problem, protect their assets and investments, save money. He said he thinks they do that pretty well. And they also build their vision. And Suffern has a wonderful, wonderful character and he remembers taking his girlfriend at the time to the Lafayette Theater over thirty years ago and they have been married twenty-five years this year so he is committed to making this Village even better than it already is. He said they have tremendous experience in dealing with historic buildings. They do building condition surveys for the school districts throughout the region where they are forensic architects looking at building conditions, facade conditions and roof conditions. So they are expert at analyzing buildings and coming up with ways to improve them and also controlling costs which he knows is a critical thing here. And they believe, with the work they have done with SHIPO that they can get some of our buildings done this year as long as they can get cooperation from the building owners and they are excited to be part of this program.

The Mayor thanked him and asked if any of the Board members had any questions. The motion was moved by Trustee Abato, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato

Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

The Mayor thanked them for all their hard work and we look forward to moving this project along.

8:10 P.M. - PUBLIC HEARING - CROSS-CONNECTION REGULATIONS:

Charles Sawicki said the public hearing is for cross-connection regulations. The main purpose of this ordinance is to provide protection to all potable sources from any foreign contaminants. Generally backflow devices and double check valves would be used and it is a requirement from the Rockland County Health Department and the state of New York.

The Mayor said he would open this up to public comment. Since nobody spoke, a motion to close the public hearing was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

VILLAGE OF SUFFERN

LOCAL LAW NO. 4 of 2011

A LOCAL LAW AMENDING CHAPTER 261
OF THE CODE OF THE VILLAGE OF SUFFERN
ADOPTING CROSS-CONNECTION REGULATIONS

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

Section 1. Chapter 261 of the Code of the Village of Suffern is hereby amended by adding thereto Article III "Cross-Connection Controls" to provide as follows:

Article III - Cross-Connection Controls

§ 261-32. Purpose; State Regulations; interpretation.

- A. The purpose of these regulations is to safeguard potable water supplies by preventing backflow into public water systems.
- B. Regulations of the State of New York, Part 5.1-31(a)(2), require that when a supplier of water instructs the user of a public water supply to protect his water service connection by the installation of a protective device, plans for the installation of the protective device must be submitted to the supplier of water and to the state for approval.
- C. The regulations are to be reasonably interpreted. It

is the intent of these regulations to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should be commensurate with the degree of hazard.

§ 261-33. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIR GAP SEPARATION

A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

APPROVED CHECK VALVE

A check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze composition or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushing shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element, e.g. clapper, shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE CHECK VALVE ASSEMBLY

An assembly of at least two independently acting check valves, including tightly closing shutoff valves on each side of the check valve assembly, and suitable leak detector drains plus connections available for testing the water tightness of each check valve. This device must be approved as a complete assembly.

APPROVED REDUCED-PRESSURE-PRINCIPLE BACKFLOW PREVENTION DEVICE

A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing.

The device shall operate to maintain the pressure in the zone between the two check valves less than the pressure on the public water supply side of the device.

- A. At cessation of normal flow, the pressure between check valves shall be less than the supply pressure.

In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere, thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged. The enclosure must be self-draining, so that the large amount of water which the relief valve may vent will be disposed of reliably without submergence of the relief valve.

- B. This device must also be approved as a complete assembly.

APPROVED WATER SUPPLY

Any water supply approved by the New York State Department of Health.

AUXILIARY SUPPLY

Any water supply on or available to the premises other than the approved public water supply.

BAROMETRIC LOOP

A loop of pipe rising approximately 35 feet, at its topmost point, above the highest fixture it supplies.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER

A person who has a certificate issued by the State of New York Department of Health for a backflow prevention device tester. He or she shall be provided with an appropriate identification card which must be renewed every three years. Failure to perform his or her duties competently and conscientiously will result in prompt withdrawal of his or her authority.

CROSS-CONNECTION

Any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as equally safe, wholesome, and potable for human consumption.

VACUUM BREAKER, NON-PRESSURE TYPE

A vacuum breaker which is designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE-TYPE

A vacuum breaker designed to operate under conditions of static line pressure.

WATER SUPERVISOR

The consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross-connection and other sanitary defects, as required by regulations and laws.

§ 261-34. Protection of Public Water System at Service Connection.

A. Where protection is required.

- (1) Each service connection from a public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system, unless the auxiliary water supply is approved as an additional source by the water purveyor and is satisfactory to the public health agency having jurisdiction with regard to quality and safety. Notwithstanding the foregoing, it is expressly prohibited and illegal that any well water not under the control of the Village shall be allowed within the Village of Suffern.
- (2) Each service connection from a public water system for supplying water to premises on which any substance is handled under pressure in such fashion as to permit entry into the water system shall be protected against backflow of the water from the premises into the public waters and waters originating from the public water supply system which may have been subject to deterioration in sanitary or chemical quality.
- (3) Each service connection from a public water system for supplying water to premises on which a substance of unusually toxic concentration or danger to health is handled in liquid form, even though it is not under pressure, shall be protected against backflow of the water from premises into the public system. Examples are plating factories using cyanide and hospitals. This is not intended to apply to normal household installations.
- (4) Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections, unless such cross-

connections are abated to the satisfaction of the water purveyor. It shall be the responsibility of the water user to provide and maintain these protective devices, and each one must be of a type acceptable to the State Health Department.

- B. Type of protection. The protective device required shall depend on the degree of hazard as tabulated below.
- (1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross-connection, the public water supply shall be protected by an approved double-check valve assembly.
 - (2) At the service connection on any premises on which there is an auxiliary water supply where cross-connections are known to exist which cannot be presently eliminated, the public water supply system shall be protected by an air gap separation or an approved reduced-pressure-principle backflow prevention device.
 - (3) At the service connection to any premises on which a substance that would be objectionable but not necessarily hazardous to health if introduced into the public water supply is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check valve assembly.
 - (4) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled, but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced-pressure-principle backflow prevention device. This device shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible.
 - (5) At the service connection to any premises on which any material dangerous to health, or toxic substance in toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced-pressure-principle backflow prevention device, providing the alternative is acceptable to the water

purveyor.

- (6) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced-pressure-principle backflow prevention device.

C. Frequency of inspection of protective devices.

- (1) It shall be the duty of the water user on any premises on account of which backflow protective devices are installed to have competent inspections made at least once a year, or more often in those instances where successive inspections indicate repeated failure. These devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified backflow prevention tester, and all test results will be provided to the water purveyor within 72 hours after the test is made.
- (2) Records of such tests, repairs, and overhaul shall also be kept and made available to the water purveyor and the local Health Department upon request.

§ 261-35. Protection of Potable Water System Within Premises.

- A. Separate drinking water systems. Whenever the Chief Operator of Water Distribution or Director of Public Works determines that it is not practical to protect drinking water systems on premises against entry of water from a source or piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.
- B. Fire systems. Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use, shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire-fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for

fire-fighting purposes. Any auxiliary fire-fighting water supply which is not approved for potable purposes but which is so connected that it may be introduced into potable water piping during an emergency shall be equipped with an approved automatic chlorination machine. It is hereby declared that it is the responsibility of the person or persons causing the introduction of said unapproved or unsafe water into the pipelines to see that a procedure is developed and carried out to notify and protect users of this piping system during the emergency and that special precautions are taken to disinfect thoroughly and flush out all pipelines which may become contaminated before they are again used to furnish drinking water. In the event the means of protection of water consumers is by disinfection of the auxiliary fire-fighting supply, the installation and its use shall be thoroughly reliable. The public water supply must be protected against backflow from such dual domestic fire systems, as detailed in Article II of this chapter.

C. Process waters.

- (1) Potable water pipelines connected to equipment for industrial processes or operations shall be protected by a suitable backflow prevention device located beyond the last point from which drinking water may be taken, which device shall be provided on the feed line to process piping or equipment.
- (2) In the event the particular process liquid is especially corrosive or apt to prevent reliable action of the backflow prevention device, air gap separation shall be provided. These devices shall be tested by the water user at least once a year or more often in those instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. These tests must be performed by a qualified backflow prevention device tester, and records of tests, repairs, and replacement shall be kept and made available to the water purveyor and the Health Department upon request.

D. Sewage treatment plants and pumping stations. Sewage pumps shall not have priming connections directly off any drinking water systems. No connections shall exist between the drinking water system and any other piping, equipment, or tank in any sewage treatment plant or sewage pumping station.

E. Plumbing connections.

- (1) Where the circumstances are such that there is special danger to health by the backflow of sewage, as from sewers, toilets, hospital bedpans and the like, into a drinking water system, a dependable device or devices shall be installed to prevent such backflow.
- (2) The purpose of these regulations is not to transcend local plumbing regulations but only to deal with those extraordinary situations where sewage may be forced or drawn into the drinking water piping. These regulations do not attempt to eliminate at this time the hazards of back siphonage through Flushometer™ valves on all toilets but deal with those situations where the likelihood of vacuum conditions in the drinking water system is definite and there is special danger to health. Devices suited to the purpose of avoiding back siphonage from plumbing fixtures are roof tanks, barometric loops or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breakers and other backflow protection devices which have been proved by appropriate tests to be dependable for destroying the vacuum.
- (3) Inasmuch as many serious hazards of this kind are due to water supply piping which is too small, thereby causing vacuum conditions when fixtures are flushed or water is drawn from the system in other ways, it is recommended that water supply piping that is too small be enlarged whenever possible.

F. Marking safe and unsafe waterlines.

- (1) Where the premises contains dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.
- (2) Water Supervisor. The local Health Department and the water purveyor shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premises where it is necessary in the opinion of the water purveyor, a water supervisor shall be designated. This water supervisor shall be responsible for the installation

and use of pipelines and equipment and for the avoidance of cross-connections.

- (3) In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and water purveyor shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination.

§ 261-36. Recourse for Non-Compliance.

- A. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state regulations and this article.
- B. Service of water to any premises may be discontinued by the water purveyor if a backflow prevention device required by this article and regulations is not installed, tested, and maintained; if any defect is found in an installed backflow prevention device; if it is found that a backflow prevention device has been removed or bypassed; or if unprotected cross-connections exist on the premises, and service will not be restored until such conditions or defects are corrected.

§ 261-37. Contents of Application.

All applications must be accompanied by plans, specifications and an engineer's or architect's report describing the project in detail. The application must be signed by a New York State registered professional engineer or architect. The project must first be submitted to the water supplier, who will forward it to the local public health engineer. This form must be prepared in quadruplicate with four copies of all plans, specifications and descriptive literature. Electronic versions of this information may be submitted.

§ 261-38. Examples of Cross-Connection Hazards.

The following is an example list of facilities that are especially likely to have cross-connection hazards. The list is not intended to be all inclusive.

- A. Automotive plants.
- B. Auxiliary water systems such as wells.
- C. Beverage bottling plants.
- D. Breweries.

- E. Food Processing plants.
- F. Chemical plants and plating facilities.
- G. Film laboratories.
- H. Hospitals, medical buildings, sanitariums, morgues and mortuaries.
- I. Irrigation systems.
- J. Laundries and dye works.
- K. Meat-packing plants.
- L. Metal manufacturing, cleaning and fabricating plants.
- M. Radioactive materials production or research plants.
- N. Restricted classified or other facilities closed to the public.
- O. Sewage.
- P. Buildings heated by boilers where treatment chemicals are used.
- Q. Building with certain types of air-conditioning systems.
- R. Printing operations.
- S. Furniture stripping.
- T. Lawn care services.
- U. Fire hydrants not under the control of the public water supplier.

§ 261-39. Penalties for Offenses.

Any person who shall violate any provisions of this chapter, shall be punished as provided in § 261-23 of this chapter. In addition, upon determination of the Superintendent of Public Works that a violation of this chapter has occurred, the Superintendent of Public Works shall notify in writing the owner of the affected premises by first-class mail at the last known address of such person, setting forth specifically that water service may be terminated if the violation is not corrected. If the violation is not rectified within the time provided in said notice, the Superintendent of Public Works may cause a notification of termination of water service to be served on the property owner and

occupants in the same manner setting forth the date of termination, at least 20 days hence.

The notice of termination shall state that the owner or occupant of the affected premises shall be entitled to a due process fair hearing, prior to the termination of service. The owner or occupant of the premises which will be affected by the termination of service shall notify the Village Clerk that they request a fair hearing prior to the termination of service. Said notification of the Village Clerk shall be in writing and shall be delivered to the Village Clerk within 10 days of the receipt of the notice that the water services will be terminated. The Board of Trustees shall hear said appeal or may designate a hearing officer. Said hearing and decision must be finalized prior to the termination of any water service by the Village Water Department.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 4, 2011 was made by Trustee Simon, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

CULTURE AND RECREATION:

Mrs. Gail Curtin said that since the last Village Board meeting they had a DARE Dance at the community center on Friday, February 11; senior movie afternoon on Thursday, February 24 and LEAD this past Friday night, March 4. Mrs. Curtin said she would just like to take the opportunity to thank Chief Osborn and his staff for their continued cooperation with the LEAD event. They do appreciate it. Mrs. Curtin said upcoming is the DARE Dance, Friday, March 11; the Suffern Rotary First Annual Jack Keough Memorial Pancake Breakfast, Sunday, March 13. They have LEAD again on Friday, April 1, and then they have the annual breakfast with the bunny and egg hunt on Saturday, April 16.

Mrs. Curtin said that under miscellaneous they have been working steadfastly on getting the pool up and running for May 28 this year. She would also like to thank Trustee Meegan-Corrigan and Trustee Meehan for their input over the last week and a half on some of the guest policy suggestions that were made by the Advisory Board on Culture and Recreation. She said she does appreciate their input on that. Mrs. Curtin said they have met with some of their staff and the entire prospective staff will be taking a swim skills test up at the high school on March 19 and right before that and right after

that they will be meeting with each one and putting together the staff for 2011. She said she mentioned to the Board at the workshop and she mentions it to them again. If they are interested in attending the Arts Council of Rockland 2011 County Executive Arts Award Ceremony on Thursday, March 24, just let them know.

A new item that was mentioned to them at the workshop - they are very excited to be working with the new president of the Chamber of Commerce, Rich Gandon, and he is going to bring to his chamber board on Wednesday night and then she will bring to the recreation board on Thursday, with the Board's blessing, the first movies in the park that they are hoping to have on Memorial Day Weekend. So if that works out, you will be opening the pool and then inviting your community to a movie down at the ballfield. So thank you for your permission to move forward with that and she will let them know how that goes.

Mrs. Curtin said that also they would like once again to give authorization to at least the cub scouts of the Suffern area who would like to participate with Keep Rockland Beautiful and have their Suffern cleanup on Saturday, April 16. And one other thing. She communicated with the Mayor late this afternoon. They received an e-mail from Chris Sharp from the Suffern Midget Mounties and early as it seems he was asking for permission, and she said that she sent a copy of the e-mail to Virginia and to the two chiefs and to Charles, just so they can all get on board if there is a reason that they have to say no so they can let them know. They are looking to do a bonfire on actually Labor Day Weekend, on Friday night September 2. And early as it seems, she guesses with their scheduling of games, etc., they would just like to know that they have authorization to move ahead with that. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

AUDIENCE PARTICIPATION:

Jean Hennelly of 135 Wayne Avenue said that first she would publicly like to thank Gail for doing a wonderful job in getting in touch with her the following morning after last month's meeting advising her that the issue with the minutes was corrected. She said she appreciates her correcting it. Also, at the last meeting, she had mentioned about the dock leading to the raft at Lake Antrim and now that obviously it has thawed she is hoping that we will really jump on that and get that fixed whether you take it out or get it secured. But it is a big hazard. So she hopes that we can get that by the end of the week which would be nice so they can have that fixed.

Mrs. Hennelly said that one other thing that she would bring up. She noticed that we are having a special meeting on the budget and she is not sure if she will be able to be here and she would like to bring up the fact that she is very disappointed that you are not going to reinstate the money that used to be given to the Suffern Library. She said it looks like the tax rate has gone down and she knows that there is money in the recreation fund. She said she knows

that you have been putting money elsewhere and she thinks that the library is a very valuable asset to this area and she thinks that we should support it as best we can. So she really thinks we should look into putting those funds back in - whether it be \$5,000 or \$2,500 or something. She said she thinks it is the least we can do. And that is about it for now.

VILLAGE ATTORNEY:

The Mayor said that Terry is not here. There was one item on the agenda but the Mayor has asked to take that off in terms of deferred compensation. As the Board knows, last month we authorized to go out to bid so right now we are in the process of seeing what vendors are out there so it would make sense to hold off on that to see if we are looking to change vendors.

POLICE DEPARTMENT:

Chief Clarke Osborn said he had a couple of informational items - nothing on the agenda. Just to give an update for January and February. He said they had a pretty busy month with the vehicle and traffic activity. They have been working very hard. Obviously the main purpose of the vehicle and traffic activity is to keep accidents down and keep the pedestrians and public safe. They have issued 290 summonses in January and 256 vehicle and traffic summonses in February. So the numbers are definitely way up from last year. The officers are doing a very good job. So far to this date it is 74 since January 1. Officer John McGee retired on February 28 after serving over 24 years with this department. He said John came on two years before he did and he worked with John for many years. Very good officer and we are very proud of his dedicated service. So he is retired officially as of last week. Our K-9 unit, K-9 Patriot, our newest K-9, will be ready to go on the roads in the near future - very shortly. Officer Lou Venturini is donating countless hours of his own time to train in Yonkers. The dog is already trained. Our dogs come from Czechoslovakia. We take pride in that because of the simple fact that we find that the Czech dogs from the Czech Republic are very social and approachable yet aggressive when they have to be and can handle situations. So he will be on the road active probably in April when we retire our K-9 Hero. He said he will keep them informed. He is a beautiful dog and Officer Lou is probably the most dedicated officer you will ever have in any department and he thinks most of them know that. And last but not least our detective bureau is currently focusing significant efforts in tracking down arrest and bench warrants. They have been doing that for the last month and they have apprehended numerous criminals. So they have done a great job following up on warrants. That is on a daily basis. The Chief said he would be here for the duration if any questions come up.

DEPARTMENT OF PUBLIC WORKS:

A) Requesting Authorization to Release Application for Payment No. 3 to Doyle Contracting Inc.:

Mr. Charles Sawicki asked for authorization to release application for payment no. 3 to Doyle Contracting Inc. for the WWTP secondary digester cover project in the amount of \$135,051.05. A motion authorizing the payment was made by Trustee Simon. Trustee Abato said she had a question. She asked how many more payments are there on this. Mr. Sawicki said this would take it to about - well you asked the number of payments. Mr. Sawicki said we probably have two or three or maybe even four depending how things play out. Trustee Abato said so we are halfway home. Mr. Sawicki said the payments - this would bring the payments to about \$270,000. Trustee Abato said okay, thank you. The motion was seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

B) Requesting Authorization to Purchase a WEMCO Chop Flow Pump:

Mr. Sawicki said he was requesting authorization to purchase a WEMCO Chop Flow Pump for the WWTP in the amount of \$12,600. This is a replacement in kind - sole source purchase from Dave Heiner Associates, Inc. of Parsippany, New Jersey. These are budgeted funds. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

VILLAGE CLERK:

A) Approval of Minutes of Village Board Meeting of January 3, 2011:

Village Clerk Virginia Menschner asked for approval of the minutes of the regular Village Board meeting of January 3, 2011. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

B) Live Entertainment Permit - Donna Maria Mexican Bistro:

Ms. Menschner said this next item is a live entertainment permit for Donna Maria Mexican Bistro. She said she thinks we have a letter from our Code Enforcer. The Mayor asked Randy Ortiz and Chief Osborn to come up. The Mayor said just to fill in the public that is here. In previous years Donna Maria Mexican Bistro had some issues regarding safety and some incidents. They had a live entertainment license that was revoked by the Village due to really a couple of

incidents one in which somebody almost died. He had to get hundreds of stitches. It was under new ownership. They came in. They once again requested a permit. Based on the fact that it was new ownership and we were assured that there would be proper security, the Village granted a temporary permit for three months. So now we are here on the agenda tonight to theoretically extend that permit on a more permanent basis which typically is a year. But there have been recent incidents over this past weekend which Mr. Ortiz made the Board aware of and which the Chief and our Code Enforcer Randy will elaborate on.

Chief Osborn thanked the Mayor. He said just to give them a background. Obviously the issues in the past, several of them severe incidents, not minor incidents, and we thought it had calmed down and we tried to work with the establishment. This past weekend, this past Saturday night into Sunday, it would have been Saturday morning, we had the music permit expire at 1:00 a.m., which he thinks they all do in the Village. And at 2:30 a.m. an officer went in and the music was still going and he advised the owner that he was in violation of the permit and the owner said he was well aware of that but he had a big event going. At that point, he was made to turn it off. The week before he was issued a verbal warning by the same officer. So one was that we have a report in writing of the time. What he did this morning was contact our code enforcer, Randy Ortiz, who has been very accommodating to them and he explained the situation to Randy. Mr. Ortiz said the Chief basically said it all. The person that applied for this permit was here and made promises to the Board that they were going to do the right thing, made promises to the Police Chief, to the building department, to everybody. And it was very clear about the one o'clock curfew. And it wasn't one night, it was two weekends that they did this - last weekend and the weekend before. And it wasn't ten minutes after one o'clock. It was close to three o'clock in the morning - close to two hours after they were supposed to stop. And that is pretty much it.

The Mayor asked if there were any questions from the Board. Trustee Meehan said the only question that he had is the permit is for live and this is obviously recorded music. Chief Osborn said he believes that the way the law is written - Mr. Ortiz said it is in their permit that a D.J. is part of that. Chief Osborn said just to clarify it was Saturday morning - Friday night into Saturday - 2:30 a.m. Saturday morning.

The Mayor said that he has the permit here and it was requesting on or before 1:00 a.m. The Mayor said he would ask the Board, if the Board wishes, that the current permit doesn't expire until March 31, 2011. So the question is whether the Board wants to take action and revoke the permit and also what the Board can take action and not take action on the permit beyond March 31.

A motion to revoke the permit was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato

Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

The Mayor asked if there was a motion to grant the permit or not take action or if anyone so chooses to move. Nothing was done. The Mayor said we can just leave it.

The Mayor said that the Building Department will inform them that their permit has been revoked. Mr. Ortiz said the Village Clerk will. Trustee Abato said that is effective immediately so somebody should let them know now.

C) Request - Shamrock Hotel - To Erect Tent for Weekend of March 17, 2011:

The Village Clerk said next on the agenda is that we have Shamrock Hotel who wants to erect a tent. This is just for the day of March 17 - St. Patrick's Day. Trustee Abato said she believes it is for the weekend. The Village Clerk said it says the weekend of March 17 - after St. Patrick's Day. A motion approving the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

D) Request - Shamrock Hotel - 10 Tables & Chairs - March 15, 2011 to November 1, 2011:

The Village Clerk said this next one is still from Shamrock Hotel. They want to put 10 tables and chairs from March 15 to November 1. A motion approving the request was made by Trustee Simon. Trustee Abato said that she had a question for Randy. She asked if she could ask him quick. We are talking about the Shamrock. The 10 tables and chairs are the same as they always have. Mr. Ortiz said he thinks so. It sounds about right. We have never had a problem there. The Mayor said but we think that there is sufficient room there. They have that large - Trustee Abato said that large front area. Mr. Ortiz said he knows they have had tables and chairs out there before. And they have never been a problem. Everything has always been orderly. It sounds about right. The motion was seconded by Trustee Abato. Upon vote, the motion was carried.

E) Sacred Heart Church - Festival - June 29-July 3, 2011:

Ms. Menschner said the last item is that the Catholic Church is going to be having their festival again and that is going to be from June 29 to July 3, 2011. A motion giving permission was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

TRUSTEES:

A) Trustee Jack Meehan - Conserv:

Trustee Meehan said he will be brief. He spoke about this on Wednesday. He is fulfilling a campaign promise to a number of his constituents. The Conserv fire took place over two years ago and we are still looking at the remains of that building. He would like Mayor LaCorte to do what all the Mayors that he has served under since 1998 have done and that is vigorously enforce the property maintenance law. The situation at the Conserv site is a clear violation of the property maintenance law. In fact, the Village Board which passed this law felt that a situation like this was so serious that they made the fine for the violation \$5,000. That is \$5,000 a week while the violation condition existed. He said he sympathizes with the owners of Conserv with the loss but he also thinks it is unreasonable for the people in the neighborhood and those passing by to have to put up with a condition when a simple remedy of enforcing the law would long ago have solved the problem.

The Mayor said that we discussed this at the workshop and he explained to Mr. Meehan that although the Mayor is the executive of this Village, we have department heads who do enforce the law. He said he does bring matters to their attention but he does not tell them to give a fine or not give a fine because he believes that would be an abuse of his authority. The Mayor said he also made Mr. Meehan aware that that site holds a valid building permit which has been in place since after the fire to rebuild the commercial building under the same specs as existed before and that as such it is considered a building site. The Mayor said he has talked to the building department head. Our building inspector said that was the case, and if Mr. Meehan would like to speak to Mr. Layne about that. The Mayor said they also discussed that currently it is obviously a complicated situation because while the individual holds the building permit and can rebuild their commercial property they have put an application to the planning board to build condominiums on that site. The Mayor said he thinks that is something which the neighbors in the area and the neighborhood would much prefer than a commercial site - a construction company - especially since right nearby Cross Street has just been built, which is condominiums, so it is kind of the ongoing plan of having residential redevelopment in the downtown in close proximity to the building district. So obviously we are in a situation where if the planning board gave, as the owner who was at the workshop, gave them an approval to build there then he has stated that he would tear down the property. However in this situation because it is a non-conforming use that the part of the structure that remains would be part of rebuilding the building if they do not receive approval from the planning board. Also at this meeting which we addressed at the workshop on Wednesday, the owner of the property also said that some of the materials had been moved there, that a larger fence has been purchased or rented that will be erected as soon as the ground thaws and again we are moving forward towards the resolution of this to condominiums and the last point being that while he believes it is just over two years since the fire that it wasn't until, he believes, July of last year that they were given approval or the investigation was closed which would have enabled them access to the property. So again we all want the site cleaned up and we believe, and he believes Mr. Meehan commented favorably on the proposal at

the workshop for condominiums so again it's just a matter of trying to work through the situation. The Mayor said his last comment is that yes, the law does provide for fines up to \$5,000 - it is not \$5,000 - it is up to \$5,000. It is a maximum fine.

Trustee Abato said that she has a comment. She said to Mr. Meehan that she really wants to say that she thinks that our code enforcer does an excellent job with property maintenance and keeping up on that. And she kind of wishes that all our property maintenance problems were all Don Brennan's because Don Brennan at least has come to us on several occasions and told us what he is going to do to improve that area and he acknowledges and understands how the residents feel. He reaches out to them. He meets with them. This is a man who is working with the Village to try to get this property back in order. And she kind of finds it offensive that you would think that the code enforcer wasn't doing his job and that we have to step in to take care of that. This is not somebody that she feels is somebody who is ignoring his responsibilities. He is doing his best to try to get the property cleaned up. And that is not the kind of person that you want to start slamming with fines. If he was completely ignoring his responsibility to the property, she could understand that. But he has come to the Board, he's went to the residents and he acknowledges that unfortunately right now it is not in the best condition and he wishes it was in better condition but there was nothing he could do about it and as soon as the ground thaws out he intends on doing some more to keep the area not so visible. So she kind of thinks it is a moot point and we kind of worked that out at the workshop. And Don came and spoke to them and explained to them that he is working to better the property.

Trustee Meehan said one last thing. He wants to comment on the valid building permit. He said he read the report by the Rockland County Sheriff's Arson Squad and there is absolutely no way that the structure as it exists could ever serve as any type of building. The heat totally destroyed so that to say that this could somehow be a building is absurd. And it also seems absurd that anybody could go out and apply for a building permit and that they would somehow be immune from the law because they held a valid building permit. And he thinks that is all he has to say.

B) Trustee Jo Meegan-Corrigan - 1 Side Parking on East Maple:

Trustee Meegan-Corrigan said that what she would like to do is request that we start looking and she believes that Chief Osborn was going to look at one side of the street parking on Maple Avenue - which would be from Orange Avenue down to Park Avenue which would only be approximately four parking spots. It is a very, very dangerous intersection and although Bagel Train would only be losing four spots she thinks that in the sake of safety because no one seems - they seem to care more about their bagel than they seem to care about how they are parking and how they are pulling out and all of that. So she would request that we look into and file the process to getting that street as one side parking.

Chief Osborn said he can give an assessment on the safety side of

it but it is up to you which way you want to go. The Mayor said if it is a matter of safety. Chief Osborn said he will always give them a safety survey. Trustee Abato asked if the Chief could also give them two perspectives on each side of the street parking - parking on one side or the other. Chief said okay. The Mayor said he took a look at it because again he knows it is Trustee Meegan-Corrigan's neighborhood. So obviously you live there and you know the neighbors more than he does. He said he looked at it and the concern would be that if people were going to get into accidents it would be turning off of Orange Avenue because that is kind of when you would make a wide turn. If you are driving down the road you are not really going to clip a car. He thinks what happens when people turn off they tend to turn wide into a lane and then they can sideswipe a car. But on that part, there is a house, the yellow house, looking from the train tracks down East Maple. You are looking down East Maple from the train tracks. The Bagel Train is right in front of you on the left. The house on the right there is no parking from that house to the corner coming back. And then on the left side is his lot. So during that first section of East Maple when you make a right or a left coming off of Orange Avenue there is no parking on either side of the street there.

Trustee Meegan-Corrigan said there is a blue house which is a two-family - there is no parking from there to the corner where they continually park all the time. Then there is the parking lot. Then there are four spots that are on the opposite side of the street that you are talking about. Those are the spots that she is proposing. Because of the neighbors that also live there they have very, very small driveways if at all one. And she thinks it would be a hindrance to people that also live on the street not to be able to park in front of their house. She said she knows that Nancy and Steve have gotten tickets and they have paid the tickets. They have also gotten their vehicle hit on that corner. And that is why there is no parking from that corner halfway through their property. Also, in fact, we also need to make sure that we are getting the parking authority out there and making sure that we are not allowing people and they are getting tickets because if people start getting tickets where it says no parking from here to the corner, the word is going to pass around and they actually won't park there. So she also told Scott Shedler that we would sit down and review this to make sure that he was on board with this and he sounded favorable with it as well. Trustee Meegan-Corrigan said she just wanted to get the ball rolling and see what we could do to get it done.

Chief Osborn said that we could put up another sign and also yellow curbing. Trustee Meegan-Corrigan said the signs are brand new on both sides of that street. Chief Osborn said that maybe yellow curbs but he will look into the safety of it. Trustee Meegan-Corrigan said if he would, that would be great. She asked if the Mayor wanted her to get the letter from Scott Shedler for the parking authority suggestion? The Mayor said sure. So when we come back at the next workshop we can discuss this and if there is still a recommendation we can move forward with a public hearing.

Trustee Simon said just one thing. Nick from the Bagel Train

obviously is a little concerned about a potential loss of spots. He did ask Trustee Simon to come here, as he did at the workshop last week, and express his concern that his business could be impacted by this. Trustee Simon said he explained to him that while we are not obviously trying to hurt his business that this is an issue more about parking and safety and traffic. He asked Trustee Simon to put it on the record and he has.

MAYOR:

The Mayor said he has a couple of items. The first being that we discussed at the workshop looking into purchasing the property in Squires Gate that goes on the corner of Temple and Spicer. It is really the back end of the car wash. Theoretically it is a building plot but he thinks that the owner understands that because it is a flood plain and they would never really get permission to build there. He has been placing snow and rocks there trying to do something with the property and it is really near a bunch of residential homes on Temple. So the code enforcer has been involved. Is aware of it. It is kind of a complicated issue due to the fact that he thinks the property predates site plan approval for what is allowed there. So anyway we came up with the thought of purchasing that property with money in lieu of recreation. That way we can have that property and we can clean it up and we can create a community garden. We all know that the people in Squires Gate don't have a lot of room and there is not a lot of space there so he thinks this would be a great addition so what he would like to do is an initial step, which we talked about in the workshop, is to get Board authorization to appoint Waterstone Real Estate Appraisals, Inc. to appraise the property at a price not to exceed \$2500 and this money can be used from the money in lieu of recreation fund. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

The Mayor said that next, unfortunately, we all know that long-term employee and someone who is very important to the Village, Frank Abato, has been ill for a number of months and as a result is unable to continue with his roll on the sewer grievance board. The Mayor said he is appointing Scott Squaglia to fill Frank Abato's unexpired term which goes to December 5, 2011. A motion confirming the appointment was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

A motion to adjourn the meeting at 8:46 p.m. was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

