

**Village Board Meeting**  
**Monday, March 6, 2017 - 7:00 P.M.**

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

PRESENT: Mayor Edward Markunas  
Trustee Frank Hagen, Trustee Moira Hertzman  
Trustee Henry Sussman

ALSO PRESENT: Virginia Menschner, Village Clerk  
Daniel Kraushaar, Village Attorney

ABSENT: Trustee Joseph Russo

The Mayor welcomed everybody to the March Village Board meeting. After the pledge of allegiance, the Mayor stated the following:

The Mayor requested that all of us American citizens honor our American flag. There is no symbol in history that is more of a direct representation of the United States than the American flag. The American flag symbolizes everything of and about our great country. It is recognized across the globe and wherever she flies our country stands strong. So let us always remember to honor our flag and kids to bring it back to your schools and spread the word.

The Mayor said at this time he would like to call up Chief Clarke Osborn and Lieutenant Ed Dolan. The Chief thanked the Mayor and Board and all of our guests tonight and the Village Board for letting him present these plaques as well as these promotions and hirings tonight.

The Chief said he would also like to acknowledge Chief Michael O'Shea of the Piermont Police Department - a fellow Chief, from the other side of the county. The Chief thanked him for being here tonight. He said there are numerous officers here from different departments from all over different regions. He wants to thank all of them for being here.

The Chief said the first thing he would like to do is Lt. Ed Dolan - he asked Lt. Dolan to come up and stand next to him. The Chief said Lt. Ed Dolan will be retiring next week after twenty

years of service with the Suffern Police Department. The Chief said Ed lived here in Suffern, went to our schools and grew up here and we want to wish him the best of luck after twenty years of dedicated service. The Mayor read the following message from the plaque: To Lt. Ed Dolan - In Recognition of Your Dedicated and Devoted Service to the Village of Suffern - Suffern Police Department - February 24, 2017. The Mayor congratulated him.

Chief Osborn said he would like to call up Det. Sgt. John Mallon, who will be sworn into the rank of Lieutenant. Det. Sgt. Mallon was then sworn in by Village Clerk Virginia Menschner.

The next promotion was Sgt. Rick Marsh who was promoted to Detective Sergeant. He was sworn in by Village Clerk Virginia Menschner.

The next promotion was for Police Officer Michael Fennessey who was promoted to Sergeant. He was sworn in by Village Clerk Virginia Menschner.

The next person to be sworn in was our newest Police Officer, Abigail Adams. She was sworn in by Village Clerk Virginia Menschner.

**7:05 P.M. - PUBLIC HEARING - SPECIAL PERMIT FOR HALLETT AUTOMOTIVE REPAIR:**

The Mayor said it is now 7:34 p.m. and we will open up the public hearing for the special permit for Hallett Automotive Repair.

Rachel Borice said she was the president of Civil Tech Engineering and Surveying PC. She said their address is 139 Lafayette Avenue in Suffern. She said she is here with the applicant, Mr. Renwick, and the attorney, Mr. Valentine. And they are here for the Hallett Automotive Repair project which is located at 11 Wayne Avenue at the corner of Wayne Avenue and Hallett Place. She said the property is .086 acres. It is the GB zone and they are here to request a special permit for automotive repair. The applicant currently owns an automotive repair shop that is an adjoining property and this applicant is looking to have this application as a compliment to his existing business. The proposed building will have three service bays, there are three parking spaces proposed outside of the project

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and the property fronts Wayne Avenue, Hallett Place and Hallett Place comes around. So they actually have frontage on three sides and the only neighbor is himself - he owns the adjoining property. She said they will be seeking a parking variance based on the requirements of the Village however they do feel that it meets the other requirements of a special permit since it is conducive to the adjoining usage as there is an existing auto body shop next door. Attorney Kraushaar asked if it meets the setback? Ms. Borice said it does not meet the setback. The variances all in total that are going to be required are the lot depth, the front yard, rear yard and development coverage. Attorney Kraushaar said okay, because he just heard her say that that was the only variance that you needed was for parking. Ms. Borice said she was sorry. The Mayor said and the overall coverage. Ms. Borice said yes. Attorney Kraushaar said with regards to the special permit requirements - does it meet all the requirements of the special permit? Ms. Borice said it meets them in that it meets the area in which it is located because there is an existing auto body shop so it fits with that. The adjacent land is the same. It will not be different than the uses that are in the area already. And as far as noise and everything there won't be anything out of the ordinary for an automotive repair shop.

Attorney Kraushaar said maybe this is more apt for Mr. Valentine to respond to. He said he didn't want to put her on the spot. Ms. Borice said okay.

Mr. Valentine said looking at the zoning code, 266-33 and -28 they do comply and they will meet Village requirements regarding the use. No repair work will be - Attorney Kraushaar said there is no requirement for a specific setback? He said within the special permit there is no requirement for specific setback? Mr. Valentine said there is. And they are moving for a variance for the lot depth. Attorney Kraushaar said okay. He said here's your catch 22 in his opinion. He said you can get a variance from a special permit. But that's from another board - the zoning board of appeals. When there is a specific requirement within a special permit that you cannot meet and we have a different example on the next special permit, which is right after yours. He said you first need to get the variance from the zoning board because this Board doesn't have the authority to grant you the special permit unless and until the zoning board grants the variance from that specific term of the statute. So just to give

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you an example - on the next one they have a requirement that the Village Board can only grant up to 300 square feet for a home professional office. In that instance it is within this Board's discretion, and they meet all other requirements presumably, we will find out when it is their turn. But assuming that that is the case the Village Board can grant the use because they are asking for more than 300 square feet but they can go to the zoning board to get the additional. So this Board is limited to considering what is within the statute. But if that is the only issue it is within their purview to issue the special permit. You have a very different circumstance. You don't meet the requirements. And the only way to meet it would be for the zoning board to grant it first and then to come back here. So the record, when we first got this, was a little incomplete. It originally didn't even mention the statute that you were applying for and he doubts that you filled out this application. But once he found that out and he researched it the public hearing had already been set. So he didn't want to take away their opportunity to at least introduce the project and to hear any public comments. But just so you know the Board can't act tonight. They can refer you to the zoning board and if you are able to get the required variance - specifically as related to setbacks - he said he doesn't want to turn them into a human ping pong ball and say go to the zoning board and get one variance - the one that relates to the specific terms of the special permit - and then come back here and get your special permit and then go to the planning board, then go to the zba and then go back to the planning board. But to be honest with them that is probably your best route because without the use none of the rest happens regardless. So that said. The Mayor asked if they had any other comment.

The Mayor said at this time we will open up the floor to the public for public comment. He asked if there was anyone here from the public who would like to speak.

Troy O'Hanlon of 1 Wayne Avenue said he had a couple of comments on this application. He said there is an application before you for a special use permit and he thinks it is important that he give clarification of some facts. He said the civil engineer has produced a piece of paper and in its application stating that the applicant owns and maintains an automotive repair shop on the adjoining property. This facility would be an extension of the current business. That is an inaccurate fact. This has been

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before the Supreme Court in Rockland County. There has been a list tenants on the property. There is a contract of sale which he has with this property. Judge Alfieri ordered the sale of this property on December 15, 2016. The only way Mr. Alistair Renway can still own this property is because he has an appeal that gave him an automatic stay. But pending the appeal he will be evicted from the property. So saying that he owns the property that he is going to use parking for the property is an inaccurate fact. That is the first item he would like to bring up.

The second is the requirements of the lot - Attorney Kraushaar said he would like to ask Mr. O'Hanlon a question because he doesn't think it is very clear. He asked Mr. O'Hanlon if he was saying, putting aside the other property and that private property dispute - are you saying that the present application before the Village is somehow impacted by that other lawsuit? Mr. O'Hanlon said absolutely. Attorney Kraushaar said and if so, how. Mr. O'Hanlon said what it says here, as he said, he has an AA Repair facility and the adjoining property. Mr. O'Hanlon said when he went to the building department today they said that in order to meet the requirements for ten parking spots he was taking spots from that other lot. Therefore it would be impossible for him to take the parking spots from the other lot because he does not own that. The requirements for this lot is ten parking spots. He can provide only three. So therefore it would be an impossibility. Attorney Kraushaar said no, it wouldn't be an impossibility. He can seek an additional variance. Mr. O'Hanlon said okay. The Mayor said on a property that is in - Mr. O'Hanlon said on a property that is in question. The Mayor said that is in dispute. Mr. O'Hanlon said yes. He said the requirements for that property, which is listed on this - it has a hundred foot requirement and this property is only 78 feet deep. The minimum setback on the front yard is 15 feet. He is proposing zero setback. The minimum rear yard is 20 feet. He is proposing zero. The maximum lot coverage is 70%. He is proposing a 98% lot coverage. And parking spaces that are required for this project are ten and he is providing three. So his feeling is that this Board should hold this until the legal action is finished and everything is determined and we can handle it at that point.

Attorney Kraushaar asked the applicant's representative to respond to this because obviously you should have an opportunity

to confirm or rebut the comments that were made. Mr. Valentine said the Supreme Court is now in the second department. They have appealed it. Their reply briefs are due actually at the end of this week. So he doesn't anticipate that that will be argued for at least a year. So as far as he is concerned they are the legal owner of the property until they lose that appeal, which he is confident that they will not.

Attorney Kraushaar asked if they use the lot in dispute on this plan for the overall plan at all? In other words, are you providing parking, for example, the lot in dispute towards your parking for the lot that is before us for the special permit. Ms. Borice said they do make reference on the plan that there is available parking on the adjoining lot. They will revise that and take that off before they go to the zba and before they return to the Village Board. So they will just indicate that there are the three on-site spaces and that is it. They will take off any reference to parking on the adjoining lot. Attorney Kraushaar asked if the statement that it is a 98% development coverage accurate? Ms. Borice said that is accurate. Do you want to know the existing information? She has that too just so you know that it is not a green space at the moment. She said there is currently a 2,000 square foot building, 480 feet of it is gravel driveway and about 1,000 square feet is fill and soil. A very small amount of it is actually landscape. She said she has some photographs if anybody isn't familiar with the property. If you want her to bring them up. Attorney Kraushaar asked what is the present use. Ms. Borice said general retail as far as she knows. Mr. Valentine said yes, general retail.

Attorney Kraushaar asked if there was a tenant in possession right now. Mr. Valentine said no. Attorney Kraushaar asked if they were going to use the existing building or is that going to be demolished. Mr. Valentine said that would be demolished. Attorney Kraushaar said his recommendation would be that they clean up the application so that it completely avoids the property in dispute. He said he cannot, for the life of him, tell them how the zoning board is going to react to three parking spaces, 98% development coverage. But he thinks it is probably in everyone's best interest not to involve property that is in dispute that could potentially, even though he is sure they are confident, potentially not be able to be used and then have to come back before all these boards and have to redo the entire application assuming you get through the zba and

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planning board and this Board as well. He asked if someone could offer a motion to refer the application, once it is revised, to reflect that all activities related to the special use permit for automotive permit for Hallett Automotive are amended to reflect that everything shall occur on the site of the property where the automotive repair is to take place and remove all reference to the adjoining property which is in dispute. And to refer them to the zba. The Mayor made the motion, which was seconded by Trustee Hagen. Upon vote, the motion was carried.

Attorney Kraushaar said we need another motion to continue the public hearing to an unnamed date, at this point because we won't know when or if they are going to be back. So it will have to be re-noticed and re-advertised. The motion was made by Trustee Sussman, seconded by Trustee Hertzman. Upon vote, the motion was carried.

**FIRE DEPARTMENT:**

The Mayor said at this time we are going to have the fire department update since he knows they are waiting to get to their meeting.

**A) Update:**

Chief John Salmon said just to give a little update. Back in January, they only did about 20 runs for the month, which is a little bit slow for them but that is a good thing during the cold months.

**B) 2016 Final Numbers for Members Service Award:**

The second thing that he would like to bring up is the 2016 LOSAP - the final numbers. Dan McInerney, who does all the number crunching, gave a report of the preliminary which you need to vote on so they can post it in the fire houses for thirty days. The Mayor said okay.

The Mayor said this is a motion to post the annual final numbers for the LOSAP Award Program to be posted in both firehouses. The motion was made by Trustee Hertzman, seconded by Trustee Hagen. Upon vote, the motion was carried.

**7:10 P.M. - PUBLIC HEARING - SPECIAL PERMIT FOR A HOME**

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**OCCUPATION IN THE 2R-5(P) ZONING DISTRICT PURSUANT TO SECTION 266-33 OF CHAPTER 266:**

The Mayor said it is 7:55. Public Hearing Special Permit for a Home Occupation in the 2R-5(P) Zoning District Pursuant to Section 266-33 of Chapter 266.

Michael Klein said he was here on behalf of the applicant - Mr. & Mrs. Batinjane. With him is Jay Greenwell who is the design engineer on the project. Mr. Klein said they last appeared before the Board at a public hearing on November 9. At the meeting that evening they were asked to amend the application to not only include Mr. & Mrs. Batinjane as applicants but to also include Mrs. Batinjane's brother who will be the person who will be occupying the property as well as operating a financial planning and insurance business should they be able to obtain the approvals which they are seeking. He said they submitted a letter to the Board on January 12 asking that the application be deemed amended to include Mr. Hakim as the co-applicant. He said they explained that Mr. Hakim is the sole proprietorship, not a corporation or an LLC. Those are questions which were raised at that November meeting. He said since they met with the Board last, Jay Greenwell also prepared a site plan for the property which they hope to use before the zoning board and the planning board if they are able to obtain the special permit approval this evening which they are seeking.

Mr. Klein said they discussed in the prior meeting some details about the property and the project and he thinks at this time, with the Board's permission, it would be appropriate for Mr. Greenwell to just review with the Board the site plan which he has prepared. Mr. Klein said he thought there were some questions about the parking the last time they met and he thinks Mr. Greenwell can answer those concerns as well. And he will be here to answer any other questions that they may have.

Jay Greenwell said his office is at 85 Lafayette Avenue in Suffern. He said they had begun working with the YMCA on this project quite some time ago and their initial interaction with the Y was to look into the development potential. He said he thinks it was pointed out that it could be developed into five conforming single family houses or four two family. The area would easily support it and the configuration would make sense. However, the applicant desires to keep the property as is. He

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wants to fix up the structure, which requires quite a bit of work. But the site itself is very attractive. It has a nice parking lot. On the west side, as they laid it out, there are two spaces in the existing garage which would be for the tenants who would operate the business on the lower floor, financial services. There would be two spaces in front of the garage and there would be nine spaces in the existing macadam. There would be no new macadam. The only thing that would be changed on the site is that the playground, which the YMCA had, would be removed and there would be some upgrading of the plantings and the landscaping and so on. There would be no real change to the exterior. There is quite a bit of money that has to be spent inside. The applicant is well aware of it so what they have done here is that they have added a significant amount of information on the plan. They added the bulk table, the provision for parking, the special permit notes and they called attention to the areas where they needed variances which are for the area of the ground floor being used as an office. And they hope that it has been explained satisfactorily. It just doesn't make any sense. There really is no feasible way to break up the area inside the building on the ground floor. So he wants to live on the second floor, the applicant, and operate his financial service business on the ground floor. The parking very easily relates to an office entry. It is all set up that way. There is a sidewalk in front on Washington and an access there and there is a sidewalk that runs from the parking area to the entrances to the house. They consider it a perfect use. It is very complimentary to the uses up and down the block. Very similar uses. Office occupation, churches, multiple churches. It is a very nice large piece of property and they feel that it is a very complimentary use in this particular zone and at this particular spot. The Mayor said okay. He asked what variance would you be seeking afterwards. You mentioned one variance.

Mr. Greenwell said the variance would be required for less than or equal to five employees and the use of the ground floor in excess of that which is permitted for a home occupation which is the 2400 square feet on the ground floor.

Attorney Kraushaar said so we cover two things - number one - a proper response to that answer or a complete response. And number two that you actually meet the other standards. So let him go through them. The use shall be conducted solely within the dwelling unit and not in a detached accessory building and

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the use shall be clearly incidental and secondary to the use of the dwelling unit for living purposes. Mr. Klein said the space dedicated to the residents would be substantially larger than the lower level which would be used for the business. Attorney Kraushaar said and the garage? How would that be used? Mr. Klein said the garage is intended to be used for the residents. Attorney Kraushaar said there shall be no external display or advertising of services or other external evidence of such other than one internally illuminated identification sign. Such sign shall not be more than two square feet in area for each space and they shall show only the name, address and occupation of the occupants. Internally illuminated sign shall be turned off at 10:00 p.m. Mr. Klein said again this is a professional office that they are contemplating so there won't be any need for glaring signs and a need to meet that requirement. Attorney Kraushaar said okay. The establishment of such occupation shall not require internal or external alterations or involve construction features not customarily found in dwelling units. Attorney Kraushaar said Mr. Greenwell mentioned there is going to be a lot of internal alterations. Are you still going to be able to comply with the second part of that - that it relate to features customarily found in dwelling units? Mr. Greenwell said he would consider the modifications that are being made renovations rather than alterations. Attorney Kraushaar said okay. This one we know you can't meet or at least this Board cannot approve beyond that. The occupation shall not utilize an area exceeding 300 square feet or an area exceeding 25% of the interior floor area of the residence, whichever is less. So we will move on from that.

Attorney Kraushaar said the appliances and equipment required for such use shall be operated in such a manner that they do not produce and emit, beyond the boundary of the premises on which the use is located, dust, glare, heat, light, noise, nuisance, odor, radiation, radio or television interference, smoke or vibration and are in no other manner obnoxious, offensive or detrimental to the immediate neighborhood. Mr. Klein said they certainly meet that. Attorney Kraushaar said the use itself shall be conducted in such a manner and during such hours that it is in no way obnoxious, offensive or detrimental to the immediate neighborhood. As a condition of the special permit the planning board may establish permitted hours of operation based upon the type of home occupation proposed and the frequency of client visitation so as to assure that the proposed use is not

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disruptive to the residential neighborhood in which it is to be located. Attorney Kraushaar said so that would be a condition and then when you went before the planning board you would deal with that issue in greater detail. Attorney Kraushaar said no more than one additional employee exclusive of family members residing in the dwelling unit shall be employed. Mr. Klein said they will be seeking up to the five employees at the site. It is likely that the employees would not be there simultaneously but they would like the opportunity to have up to five depending on the size and growth of the business. Attorney Kraushaar said (8) no service involving the repair of devices powered by electricity, gasoline, diesel fuel, kerosene or other fuels shall be permitted. Mr. Klein said they meet that. Attorney Kraushaar said (9) the use shall not result in the parking of more than 3, he said he thinks is the one Mr. Klein was referring to, 3 client vehicles at one time on the property. Existing driveway shall not be expanded to accommodate client vehicular parking without the approval of the planning board to discourage excessive paving. Client parking is encouraged in existing driveways and on street unless otherwise prohibited. Mr. Klein said they will meet that as well. Attorney Kraushaar said not more than five clients shall be permitted on the property at one time. Mr. Klein said that also is agreeable. Attorney Kraushaar said parking shall be provided on the property as determined by the planning board. The planning board may require additional landscaping or screening to buffer parking areas from adjoining dwelling. Mr. Klein said that is not a problem there as well. Attorney Kraushaar said sound shall not be heard emanating from a home occupation. Attorney Kraushaar said how about if he just reads through this and if Mr. Klein has a problem to let him know. Attorney Kraushaar said notice of the home occupation shall be given to the local fire department. A site plan shall be submitted and shall include, but not be limited to, the lot existing structures, and delineation and description of the location of the home occupation within the proposed structure. Distances to adjacent residences - existing driveways and proposed paved areas submitted as part of the application. Upon review of the special permit application site plan may be waived by the planning board so long as proof of 266-31(i4) and 14A through C is provided in the form of a scaled down drawing identifying all applicable dimensions. Mr. Klein said they meet all those last criteria which he read.

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Attorney Kraushaar said so to make it clear you are requesting a special permit to the extent that the Village Board can grant such special permit for a home occupation for a financial planner and insurance broker in the name of Mr. Bashar Hakim, DBA Hakim Consulting and Mr. and Mrs. Batinjane. He asked Mr. Klein if that was accurate. Mr. Klein said that is accurate. Attorney Kraushaar said if the use and/or the user change at any time that you will agree to apply for a new special permit to the Village Board if that were to occur. Mr. Klein said that is correct. Attorney Kraushaar said and it is up to the Board whether or not you want to put a timeframe on it, on the site. Attorney Kraushaar said he has no opinion with regard to that but at this point he will defer to the members of the Board.

The Mayor said he would put forth a motion to authorize the Village Attorney to draft a Resolution for the special permitted use to indicate all - well, the two variances would go before the zba, right? Attorney Kraushaar said yes. So you would just be considering granting that which you can. Meaning up to the 300 square feet or 25% of the interior area for the residence, whichever is left. And that it would run with the applicant and if the use or user should ever change that the special permit would expire and that they would have to return to the Village Board for a new special permit and whether or not you want to put a timeframe on it is up to you. Trustee Sussman asked if there also is the issue of the one employee other than family that we would be approving now? Attorney Kraushaar said no you would not. The Mayor asked if we should have the Resolution written to be clear or approve it or put a motion forward now to authorize the special permit. Attorney Kraushaar said in the perfect world we would have something for you to actually review. But he can tell him that what he just read, 1 through 15 of 266-33 along with who the applicants were, the use, and if the use or user were to ever change, that the special permit would expire and they have to return to the Board and that is basically all that it would say. But before you do anything, let him ask Mr. Klein. He asked Mr. Klein if the planning board did anything with regards to SEQRA on this? Mr. Klein said he thinks the planning board was relying on the Village Board as the SEQRA agency with regards to the applicant. Attorney Kraushaar said SEQRA has to be done. So for the purpose of the special permit for home occupation only for the Batinjane's and Mr. Bashar Hakim, DBA Hakim Consulting at 91 Washington Avenue, Section 54.51, Block 2, Lot 8 he asked if this Board wished to appoint

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itself lead agency. If so he needs a motion to that effect.

A motion to appoint the Village Board lead agency was made by Mayor Markunas, seconded by Trustee Sussman. Upon vote, the motion was carried.

Attorney Kraushaar said you can declare this to be an unlisted action requiring no further review under SEQRA with regard to the terms of the special permit only. It may be that when they get to the zba and seek the variance for the additional space that the zba may have to address this further. But certainly with regards to the 300 square feet or 25% or less he thinks this would be an unlisted action requiring no further review under SEQRA.

The Mayor asked for a motion authorizing the special permit for a home occupancy use at - Attorney Kraushaar said actually a Type II action - the Mayor said 91 Washington Avenue to declare it a Type II action requiring no further review under SEQRA. The motion was made by Trustee Sussman, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor asked if there was anyone else from the public that would like to speak on this issue. A motion to close the public hearing was made by Trustee Sussman, seconded by Trustee Hertzman. Upon vote, the motion was carried.

The Mayor asked for a motion granting the special permit for home occupancy use in the 2R5P zoning district pursuant to Section 266-33 of Chapter 266 along with the requirement that if the use or user changes the special permit will expire by its terms and the applicant will have to return to the Village Board for a new special permit. The motion was made by Trustee Hagen, seconded by Trustee Sussman. Upon vote, the motion was carried.

A motion to refer them to the zoning board to seek the required variances and if you have any concerns planning related this would be the time to mention it. A motion to refer them to the zoning board was made by Trustee Hertzman, seconded by Trustee Hagen. Upon vote, the motion was carried.

Mr. Klein thanked the Board. He said on behalf of Mr. & Mrs. Batinjane and Mr. Hakim who are keenly aware this is a unique property - the building dates back to 1890 - they have every

intent to do a wonderful job in restoring the property and they think this will be a great addition to the tax rolls and you will appreciate them in the community. The Mayor said great, thank you. Trustee Sussman said good luck at the zoning board.

**BUILDING DEPARTMENT:**

Mr. Randy Ortiz said he would like to give an update with what has been going on with code enforcement in the month of February. Mr. Ortiz said they issued 43 letters, the notice letters to rectify potential violations. They issued 22 actual violation notices - 9 of which were for housing standards such as smoke detectors, carbon monoxide alarms. The rest of them were for property maintenance - snow, garbage cans without lids on them - that type of stuff. They issued 33 appearance tickets - two of those were for illegal dwelling units that were discovered - apartments, houses that had illegal basement apartment - that type of thing. And one was for overcrowding. And they issued 25 parking tickets as well in the month of February. And by the way a lot of those - there were quite a few tickets issued for contractors who didn't think they needed to get their snow plow permits so they were tracked down and issued appearance tickets while they were plowing snow, etc. The Mayor said great. He asked if any of those illegal dwelling units or overcrowding - how did we uncover that. Mr. Ortiz said the overcrowding actually came from the police department. The Mayor said good. Okay. Mr. Ortiz said and the two illegal dwelling units came from informants. People that let them know. The Mayor said okay. He is glad to see that the police department is still, as we spoke of last month, with the training and observation and being able to call code - Mr. Ortiz said actually in that overcrowding situation there was - somebody actually created in the living room a tiny little nook with a bed in it. It was quite interesting but very dangerous. The Mayor said great job. He thanked him.

**SET DATES FOR APRIL MEETINGS:**

The Mayor said this meeting has been jumping all over the board so we didn't set the dates for the next meeting. So the next workshop meeting will be Tuesday, March 28 at 7:00 p.m. and the Board meeting will be Monday, April 3 at 7:00 p.m. And also on April 3 the Mayor said he needs a motion to set a public hearing for the tentative budget for April 3 at 7:05 p.m. The motion was

made by Trustee Hagen, seconded by Trustee Sussman. Upon vote, the motion was carried.

**CULTURE AND RECREATION:**

Mrs. Cathy Mills said they have a few things coming up. This Friday night, March 10, will be a DARE dance. It will be the last for the season. They have gotten a couple of calls. There is no school on Friday but the DARE dance is still on. Just to get the word out there - the DARE dance is still on Friday. Broadway show, Waitress - they have 8 tickets left. So Elaine and she today changed the sign down by Point Park. Hopefully they will get some more interest but they have 8 tickets and they are looking forward to selling the show out. And that will be on Saturday, March 18. Tickets are \$99 a piece which includes the bus ride into the city. The next thing that they have upstairs in the community room - the poetry club, Suffern Poetry Club, has been meeting in the community room. The next one is also Saturday, March 18 and they meet starting at 6:30 p.m. upstairs in the community room. Mrs. Mills said they have this event - the next event that you have on your agenda - is the LEAD event, which is on March 24, that probably will be canceled. The Suffern High School play is that evening. So she is just waiting for confirmation but that might not happen on March 24. And then the next big event, the first big event for the public, will be Saturday, April 8, which will be the Egg Hunt. And they are moving it this year to 11:00 a.m. It currently and has been 9:00 a.m. but they are finding that it is very cold at that hour of the morning so they are trying to move it up to 11 o'clock. And the Sacred Heart religion group usually gets out at 11 so we will have a nice influx of children coming over from there. So 11 - the Mayor asked if we made Father Matt aware of it. Mrs. Mills said yes, she told the religious education group. She didn't contact Father Matt but she got in touch with the religious ed group. She said she will call him tomorrow. The Mayor said okay, thank you.

Mrs. Mills said a few other things that they have which she didn't put on the agenda. She said they are in the process of sending out the letters to the lifeguards so they have a lot of returning lifeguards this year. They have a lot of new interests from younger guards this year so they are really looking forward to having a great new crew this year. With the water department they are going to be walking around the pool, hopefully,

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Thursday. She said believe it or not this is only March but we are looking at the pool to see how it is going to look for the season. That is coming up and the lifeguard situation is looking very good. We are going to have a nice, strong staff this year.

Mrs. Mills said that is it for the upcoming. She said a few things that she has on the bottom of the agenda. She said this past week she took pool operator training. She said as we discussed at the workshop Lou, from their department, is retiring and the Village of Suffern pool, as in every other pool in the county, needs to have a pool operator as a certified person at the pool. So she has now become that certified pool operator. She said she took a three hour test - a two day course and passed the test. So we are officially certified for the season. So this certification goes for five years. The Mayor said job security. Mrs. Mills said that is new for the season.

She said Clifford Theater, she is very, very excited to say, that they are going to perform FAME this year and they have the performance dates on Friday, August 4 and Saturday, August 5. She said we have a new director - Anthony Kollar, that she is looking to request to hire this evening, and the assistant director, assistant to the director, Mary Guccione. She said she has the contracts up with Attorney Kraushaar. She said if we can sign those and get them official they can start preparing for the Clifford Theater season as well as the contract for FAME. If she can get that signed she can start getting all the materials out. Attorney Kraushaar said to Mrs. Mills - you were supposed to get me the information on that. The Mayor said you are looking for the hire, the new hire - Mrs. Mills said yes, for the director and the assistant director. The Mayor said we don't have that. Mrs. Mills said she gave it - it was in Dan's mailbox two weeks ago. The Mayor said so that and what was the other one? Mrs. Mills said there are three things - the assistant to the director contract, the director contract, and then the Clifford Theater contract that we need to sign in order to have the rights for FAME - the Mayor said oh, for FAME itself. Mrs. Mills said yes. The Mayor said so we have none of that. Mrs. Mills said she has copies upstairs - she can get the copies and bring them down. The Mayor said yes, that would be better.

**GRANT WRITER:**

**A) Façade Program - Resolution - Proposal from Architect D R**

16-3/6/17



**Pilla:**

Mr. Fred Rella said that Carrine Kaufer couldn't be here tonight but she has a proposal to engage the services of an architect before you. He said this went out to bid and he believes that she spoke to the Mayor. The Mayor said yes. He has the Resolution before him, which he read.

VILLAGE OF SUFFERN

RESOLUTION NO. 32 of 2017

RESOLVED, that the Village Board authorizes the Mayor to sign Proposal No. 037-021417 with Dominick R. Pilla Associates (DR Pilla) for architectural services for the Suffern Façade Improvement Program Signs & Awnings. The scope of work is to inspect participating storefront's signs and/or awnings in correlation with the above referenced façade improvement program and prepare design and construction plans which will be used by the Village to prepare and submit a plan review package to the New York State Office of Historic Preservation. There are a total of 3-5 properties which will be installing new signs and/or awnings. The fee to complete the work will be at a rate of \$900 per building with approximately 28 hours estimated at the rate of \$165 per hour.

The foregoing Resolution was moved by Trustee Hertzman, seconded by Trustee Hagen. Upon vote, the motion was carried.

Mr. Rella said the last thing, and the most important thing, is that he believes it is his understanding that this is Kathy Van Sickle's last Board meeting - is that correct? So he would like to say thank you very much for your many years of service here. He said he knows you will be dearly missed and irreplaceable although you will be replaced. So congratulations to you in the upcoming years.

**POLICE DEPARTMENT:**

**A) Resolution - Sign Agreement with County of Rockland for Reimbursement of Law Enforcement Overtime:**

17-3/6/17

The Mayor said next he has a Resolution authorizing the Mayor to sign the agreement with the County of Rockland for reimbursement of law enforcement overtime in the amount of \$14,476.32.

VILLAGE OF SUFFERN

RESOLUTION NO. 33 of 2017

RESOLUTION AUTHORIZING THE MAYOR TO  
SIGN THE AGREEMENT WITH THE  
COUNTY OF ROCKLAND FOR  
REIMBURSEMENT OF LAW ENFORCEMENT OVERTIME

RESOLVED, that the Board of Trustees of the Village of Suffern authorizes the Mayor to sign the agreement for reimbursement of law enforcement overtime from the County of Rockland related to a Regional Investigative Resource Center (RIRC) Confidential Investigation in the amount of \$14,476.32.

The foregoing Resolution was moved by Trustee Sussman, seconded by Trustee Hertzman. Upon vote, the motion was carried.

**AUDIENCE PARTICIPATION:**

The Mayor said at this time he will open up audience participation. The Mayor asked if anyone from the audience would like to speak.

Paul Gerard of 2 Cross Street said he had just two questions. Number one - any response from the State Comptroller regarding the audits of Ramapo. The Mayor said actually yes, and we are still trying to achieve a final answer. But the last answer that he received is that they will not answer - they will not answer in writing and they will not entertain us for our request either way. He said it is kind of unusual. The discussion he had on the phone - they will not provide us an answer in writing and they referred us back to the deputy Comptroller at the state in Albany. Attorney Kraushaar said he wishes that Mr. Gerard could have heard this phone call. It was Bureaucracy 101 at its worst. She said her department isn't the one that handles this. He said we asked then why was it sent to her. She said she didn't know. She said that, as the Mayor mentioned, it is to be handled by the deputy Comptroller's office - could you do us a favor. Could

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you write a letter to that effect to the deputy Comptroller and send it back to him. She said no. Attorney Kraushaar asked if she could give us an e-mail stating that you are not going to handle it and that the deputy Comptroller is supposed to handle it. She said no. It was frustrating to say the least. So we will be sending it on to the deputy Comptroller and he is praying that we don't run into the wall of bureaucracy that we have been running into. Mr. Gerard said so that is the next step? The Mayor said that is the next step - to the deputy. Mr. Gerard said okay. Attorney Kraushaar said and that just happened Friday.

Mr. Gerard said second question - where is the budget? He said there is a hearing April 3. The Mayor said the tentative budget is not completed at this time. We continue to work on it. Mr. Gerard said Mike Genito said last month that it would be ready on the 20<sup>th</sup> of February. This is March 6 - what - Attorney Kraushaar asked him if he was sure that he was not confusing the audit - Mr. Gerard said no, he got up here and asked specifically. He said he would wait for Mike to come up and do his finance update at the last Board meeting but he had two questions. Because if you remember we had to sign the paper to get up here to speak so he said he would be happy to wait for Mike's responses when he gets up here but one of those questions was when will the budget be available to the public. When he came up he said February 20 it will be done. So it is now March 6. Mr. Gerard said he sent a couple of texts to the Mayor that got unanswered. He said he had to hunt the Mayor down at the workshop and the answer was well, it is fortunate that we started early because we would be a lot more late. That is not an answer. Where is the budget and why hasn't the public seen the budget yet. The Mayor said it is not completed. It is not finished at this time. Mr. Gerard said okay - the Mayor said he understands that Mike, Mr. Genito, did say, and he is not sure if he said it but if you are saying that he said February 20 it's not ready. Mr. Gerard said okay, but he said prior to that we started early this year so we expect to be done early. And now April 3 is late if we are not going to see it. The Mayor said it will be published and everybody will be able to see it. Absolutely. Mr. Gerard said okay, but when. The Mayor said when it is complete. Unfortunately Mike is not here tonight so for a definitive answer he cannot answer. Mr. Gerard said okay. So it is just not ready even though he said it would be ready two weeks ago. Attorney Kraushaar said the guy who allegedly said it

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isn't here to defend himself. Trustee Sussman said that is not his recollection. He thinks February 20 might have been the day for the department heads to get their numbers in. The Mayor said he doesn't recall February 20. We are not going to argue the point. But we will try to get him a definitive answer. He said you will hear him say February 20. What is the hold up? He started early. Why are we later than normal? What are the issues that is making this difficult? The Mayor said we are not late. We are still within the timeline. We are just working on the budget. Mr. Gerard said okay. You couldn't tell him that when he was texting him. He had to come see him. The Mayor said you saw him last week, correct. The Mayor said you texted him, yes. He said he receives hundreds of texts, hundreds of phone calls. He said he apologizes if he didn't respond to his text in a timely fashion. Mr. Gerard said okay, but then your answer is it would be a lot later if we didn't start early. The Mayor said we started early for this fact if we encountered issues that we would be able to address them and move forward. Mr. Gerard said okay. So when is the public going to see it? Before April 3? Are we going to see it before April 3? The Mayor said if Mr. Genito was here he would have a more clear timeline. Mr. Gerard asked if he could ask him for a follow-up then. The Mayor said it will be published on line. Mr. Gerard asked if he should reach out to Mr. Genito. The Mayor said if you would like to. Mr. Gerard said to get that answer. The Mayor said sure.

Jim Giannettino of 2 Memorial Drive said he believes that the date that it has to be given to the public is March 20, when it is presented to the Board. So you usually don't see it before that because everybody is working on it. The Mayor said correct. Mr. Giannettino said he wasn't going to get up but he wanted to wish Kathy good luck. You were a great employee.

Bruce Simon of 31 Utopian Avenue said like Mr. Giannettino he would like to say Kathy thank you for everything. He said he knows during his two years on the Board you were an invaluable help. And he doesn't think he could have done even a part of what it was and he is sure all the people who he had the pleasure of serving with would agree with that.

**DEPARTMENT OF PUBLIC WORKS:**

**A) Resolution - Water Department Chemicals:**

20-3/6/17

Mr. Charles Sawicki requested authorization to publicly advertise an RFP for water department chemicals. The proposals will be due March 27 at 3:00 p.m. The Mayor said it is up here on March 23. You are saying March 27. We just want to have the correct date. Mr. Sawicki said he apologizes. He changed it today. It is the 27<sup>th</sup>. The Mayor said okay. We will make that change here on the Resolution. The Mayor read the following Resolution:

VILLAGE OF SUFFERN

RESOLUTION NO. 34 of 2017

RESOLVED, that the Village Board authorize Mr. Charles Sawicki to publicly advertise for the bid solicitation of Water Department chemicals. The bids will be due on March 27, 2017 at 3:00 p.m.

The foregoing Resolution was moved by Trustee Hertzman, seconded by Trustee Sussman. Upon vote, the motion was carried.

**B) Resolution - CSEA Peer Trainer Refresher Course:**

Mr. Sawicki requested authorization for Mr. Bill Barish to attend the CSEA Peer Trainer Refresher Course on April 4 through April 6, 2017 in Saratoga Springs, New York with no cost to the Village. The Mayor asked if we determined if there was a management side going to this training. Mr. Sawicki said right now he doesn't think they have finalized that. As it stands right now it is for Mr. Barish to go. The Mayor read the following Resolution:

VILLAGE OF SUFFERN

RESOLUTION NO. 35 of 2017

A RESOLUTION AUTHORIZING WILLIAM BARISH TO ATTEND  
THE CSEA PEER TRAINER  
REFRESHER COURSE IN SARATOGA SPRINGS, NY  
APRIL 4, 2017 THROUGH APRIL 6, 2017

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WHEREAS, the Village Board adopted Resolution No. 27, 2015 authorizing attendance at Municipal Conferences at its re-organization meeting on December 7, 2015 with prior approval by the Board of Trustees, and;

WHEREAS, Mr. William Barish wishes to attend the CSEA Peer Trainer course April 4, 2017 through April 6, 2017 in Saratoga Springs, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Suffern hereby authorizes William Barish to attend the CSEA Peer Trainer course in Saratoga Springs, NY, at no cost to the Village. Notwithstanding same, Mr. Barish will be entitled to his full Village salary while in attendance at the conference.

The foregoing Resolution was moved by Trustee Sussman, seconded by Trustee Hertzman. Upon vote, the motion was carried.

Mr. Sawicki said he would also like to thank Kathy for all her hard work. He would also like to wish her the best of luck.

**VILLAGE CLERK:**

**A) Northeast Electrical Inspectors, LLC:**

Village Clerk Virginia Menschner said we don't have a Resolution for this. This is for Northeast Electrical Inspectors and he did speak to Steve and he said that he did check them out and he approves of it. It is so important for an electrical inspector to tell them who - Attorney Kraushaar said yes, but at the workshop meeting he requested that the building inspector put that in writing so that we have a record that the company was reviewed and approved by the entity which gives out that information of who can be used to do an electrical inspection. And that is why that Resolution is not here. The Village Clerk said she will ask him for that and she will give it to Attorney Kraushaar.

**B) Approval of Minutes of Regular Board Meeting of October 5, 2016:**

The Village Clerk asked for approval of the minutes of the

regular Board meeting of October 5, 2016. The Mayor said present were Frank Hagen, Robert Morris, Joe Russo and Ed Markunas. So there are only two of us here so we can't vote on that.

**C) Approval of Minutes of Special Board Meeting of October 21, 2016:**

The Mayor said so now the special Village Board meeting of October 21 three of them are here - Frank Hagen, Moira Hertzman, and himself. A motion to adopt the minutes was made by Trustee Hertzman, seconded by Trustee Hagen. Upon vote, the motion was carried.

**FINANCE DEPARTMENT:**

The Mayor said Finance is not here but he thinks we touched on that already.

**VILLAGE ATTORNEY:**

**A) Resolution - Authorization for Village Attorney to Take Online Courses:**

Attorney Dan Kraushaar said he had a Resolution to take online courses for a full year for \$499 - the Attorney read the following Resolution:

VILLAGE OF SUFFERN

RESOLUTION NO. 36 of 2017

A RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY  
TO TAKE ONLINE COURSES FROM NACLE FOR UNLIMITED CLE'S  
FOR A ONE YEAR PERIOD FOR THE TOTAL OF \$499,  
TO BE PAID FOR BY THE VILLAGE OF SUFFERN

WHEREAS, the Village Board adopted a Resolution encouraging training for employees relevant to their work for the Village; and

WHEREAS, an opportunity has arisen for the Village Attorney to take unlimited CLE credits for a one-year period from the

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National Academy of Continuing Education for the total sum of \$499.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the payment to NACLE of \$499 to cover the unlimited CLE credits for a one-year period for Village Attorney Daniel N. Kraushaar.

The foregoing Resolution was moved by Trustee Hagen, seconded by Trustee Sussman. Upon vote, the motion was carried.

**MAYOR:**

**A) Resolution - Authorization for Mayor to Sign Modification to Consent Order:**

The Mayor asked Mr. Sawicki if he had any information on this Resolution authorizing the Mayor to sign the modification to the consent order. Mr. Sawicki said at the wastewater treatment facility, as most of us know, that there are testing requirements and the results are sent to the DEC. Those testing of various constituents changed recently and one or two of the constituents were missed. This consent order will acknowledge that the Village moving forward will ensure that all constituents are tested in accordance with the DEC regulations. Attorney Kraushaar said so they gave us a pass in terms of a fine. Mr. Sawicki said by the way when he saw that on the agenda he was a little bit surprised. Where did that come from? Who generated that Resolution? Attorney Kraushaar said he told Virginia to show it to him - Mr. Sawicki said there is a \$250 fine that is associated with it. Attorney Kraushaar asked if he recommends that the Board authorizes the Mayor to sign it? Mr. Sawicki said yes he does. The Mayor read the following Resolution:

VILLAGE OF SUFFERN

RESOLUTION NO. 37 of 2017

A RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN THE MODIFICATION TO CONSENT ORDER  
ON CONSENT # R3-20110202-36

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RESOLVED, that the Village Board authorizes the Mayor to sign the Modification to Consent Order on Consent # R3-20110202-36 between the Department of Environmental Conservation and the Village of Suffern. This modification sets forth interim permit limits and makes them a part of the original Consent Order of March 13, 2012.

The foregoing Resolution was moved by Trustee Hertzman, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor asked if anybody had anything else.

Attorney Kraushaar asked Cathy Mills about MTI Production contract - correct him if he is wrong. \$430 for the rental, \$400 security deposit, a royalty fee of \$75 per performance, and there is a list of additional materials - do you anticipate any of those - Mrs. Mills said she doesn't anticipate that. If she does need it before - she said again the director hasn't had a chance to look at that. Once the director looks at that she will come back before the actual ordering of them. But the \$430 fee includes a majority of what we would need, and she is hoping all of what we would need. Attorney Kraushaar said is that just for FAME? Mrs. Mills said yes, that contract is for FAME and FAME only. Attorney Kraushaar asked for a motion to authorize the Mayor to execute the contract with MTI Production, specifically for the production of the FAME musical and to expend the sum of \$430 for the rental, a \$400 security deposit fee, and a \$75 royalty fee per performance - Mrs. Mills said there will be two performances - Attorney Kraushaar said for two performances.

VILLAGE OF SUFFERN

RESOLUTION NO. 38 of 2017

RESOLVED, that the Board of Trustees authorizes the Mayor to execute the contract with Musical Theatre International in the amount of \$980 (\$430 fee, \$400 security deposit, and \$150 royalty fee for two performances).

The foregoing Resolution was moved by Trustee Hagen, seconded by Trustee Sussman. Upon vote, the motion was carried.

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Mrs. Mills said and then the Assistant Director and Director so we can officially welcome them to come in and sign and then we can go from there.

Attorney Kraushaar asked for a motion to authorize the Mayor to sign an agreement hiring Ms. Mary Guccione as an independent contractor to perform the duties of Assistant Director of the Clifford Theater for 2017 from April 10 through August 6, 2017 for the total sum salary of \$1100. Attorney Kraushaar said this is separate and apart from her employment as a part-time employee with the Village. This is a different status. She is an independent contractor. Mrs. Mills said that is how we did it last year. Dan had asked for that specifically last year.

VILLAGE OF SUFFERN

RESOLUTION NO. 39 of 2017

RESOLVED, that the Board of Trustees authorizes the Mayor to sign the agreement hiring Mary Guccione as Assistant Director for the Clifford Theater summer program at the sum of \$1100 effective April 10 through August 6, 2017.

The motion was made by Trustee Hertzman, seconded by Trustee Sussman. Upon vote, the motion was carried.

Attorney Kraushaar asked for a motion to authorize the Mayor to execute an independent contractor agreement with Mr. Anthony Kollar as Director of the 2017 Village of Suffern Clifford Theater program starting April 10, 2017 through August 6, 2017 for the sum total of \$2200.

VILLAGE OF SUFFERN

RESOLUTION NO. 40 of 2017

RESOLVED, that the Board of Trustees authorizes the Mayor to sign the agreement hiring Anthony Kollar as Director for the Clifford Theater summer program at the sum of \$2200 effective April 10 through August 6, 2017.

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The foregoing Resolution was moved by Trustee Hagen, seconded by Trustee Sussman. Upon vote, the motion was carried.

Attorney Kraushaar said this is a Resolution which predates the majority of the Board at this point to rescind a Resolution from a meeting of April 13, 2015 concerning the beautification of Point Park by Jonathan Turco, AKA Turco Landscaping. This is in connection with a grievance which was brought and it is one of the conditions outlined in the settlement.

VILLAGE OF SUFFERN

RESOLUTION NO. 41 of 2017

RESOLVED, that the Board of Trustees of the Village of Suffern hereby rescinds its Resolution from its meeting on April 13, 2015 concerning beautification of Point Park by Jonathan Turco a/k/a Turco Landscaping.

The foregoing Resolution was moved by Mayor Markunas, seconded by Trustee Hagen. Upon vote, the motion was carried.

**ADJOURNMENT:**

The Mayor said he would like to adjourn the meeting in the name of Mrs. Kathy Van Sickle for her dedicated years of service to the Village of Suffern and it doesn't go unnoticed by everyone here applauding and wishing you well. And it is great to open up a new chapter in your life. Thank you Kathy. It has been a pleasure for the couple of years that I have been with you. A motion to adjourn the meeting at 8:56 p.m. was made by Trustee Sussman, seconded by Trustee Hagen. Upon vote, the motion was carried.

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