

**Village Board Meeting
Monday, April 7, 2008**

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

PRESENT: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee Patricia Abato, Trustee John Meehan

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

ABSENT: None

Set Dates for May Meetings:

The workshop will be held on Thursday, May 1, 2008 at 7:00 p.m. and the regular Board meeting will be held on Wednesday, May 7, 2008 at 7:30 p.m.

FIRE DEPARTMENT:

Fire Chief John Dawson said he had nothing to report. The only thing he has is to recognize the Eagle Scout, who is not here yet.

BUILDING DEPARTMENT:

There was no report.

CULTURE & RECREATION:

Gail Curtin said that since the last Village Board meeting, the Egg Hunt was held, and on behalf of the Recreation Board, they thank all of the Board for their participation and they also would like to again thank some of the merchants and businesses that helped us this year. She said that we had more than we normally have. We had assistance and donations from Bagel Train, from Suffern CVS, from the Keegan Insurance Agency, from Commerce Bank and from Dairy Queen. So all of the kids left with a lot of stuff and we thank those businesses for helping us. The Spring coloring contest participation was way up this year. We had probably around 30 or 35 more entries than we had last year. So it looks like the kids enjoy that. Senior movie afternoon was on March 27. Perhaps the Chief will mention this as well that the last DARE dance of this school year was held this past Friday. And once again the Mayor will be recognizing for the second time Eagle Scout Jamison Roberts when he arrives. But the Mayor did attend his Eagle Court of Honor this past Saturday.

Upcoming events in the department include LEAD this Friday night, April 11. On Saturday, 55 residents will make the trip to New York City to see *Hairspray*. On Saturday, as all the Board knows, she

will not be in attendance but she thinks most of them will be at the Suffern Little League Opening Day Parade and she believes the parade leaves here at Village Hall at 10:00 a.m. to go down to the ballfield. Senior movie afternoon will be on Thursday, April 24. And then two more reminders that we mentioned at the last meeting but we mention it again. We will be participating in the Great American Cleanup on the Village Hall lawn on April 19. That's next Saturday. And we will mention again the Lions Club Blood Drive on Tuesday, May 20 in the evening at the Community Center.

Trustee Abato asked Mrs. Curtin if she had a time, when the meeting time is, for the cleanup. Mrs. Curtin said we will gather here at Village Hall at 9:00 a.m.

VILLAGE ATTORNEY:

Attorney Rice said that we discussed a number of matters Thursday night and he doesn't have anything that requires Board action.

POLICE DEPARTMENT:

Police Chief Clarke Osborn said that he had just one item on the agenda tonight and then some informational items. He said that item will be the establishment of a local law for the formation of a Volunteer Auxiliary Police Force. He said he checked back on every piece of paperwork that he had and it does not appear that we ever had a volunteer police force in the 112 years of our department. So he is asking that the Board establish this local law. He said to Attorney Rice that he did write this up but he didn't know if Attorney Rice had a copy. Attorney Rice said yes, he saw it tonight. He said that he thinks what we need to do is to set a public hearing if we are going to do a local law. Set a public hearing for the following meeting. He said that Chief Osborne gave him and he thinks that he is going to distribute some general verbiage. Attorney Rice said he thinks that we need to be a little more specific though just as far as what they can and can't do. We have a starting point here but we can work through this a little bit more and have a local law for the Board. Chief Osborne said that is fine. Attorney Rice said what we need to do is to set a public hearing for the next meeting. Chief Osborne said he figured that because they don't believe it was ever on the books, which he didn't realize, and he thinks it is better to put it on and be safe with it. The Mayor said that whatever we have to do we will do it the right way. Trustee Abato said she would like to ask just for the record what the purpose is of the public hearing. Attorney Rice said to establish by local law that we are going to have an Auxiliary Police Force as well as to clearly set forth what their duties are and what their functions are not. Trustee Abato said we did get a list of that from the Chief, did we not. The Chief said he did leave a list, he believes, for the Board members. If not, he can distribute other copies. Trustee Abato said she did and she thought everyone else did as well. She asked Attorney Rice if he got that. Attorney Rice said he got a short description. Trustee Abato said no, no, no. We had gotten something previous to this.

She asked Chief Osborne if that was correct. She said that they had been given something that stated and kind of spelled out what. Chief Osborne said that he thought he had given all the Board members some informational items about what the force would consist of. He said he did that a few months ago when we started looking into it. Trustee Abato said the do's and do not's. She said she did see that and she said we need to get a copy of it for Attorney Rice. Attorney Rice said we need to develop all of it a little further. He said this is a little more than what Clarke gave him is a little bit more than what we had before. But there are a few things that he wants to make explicit because he wants it very clear, especially for liability purposes, the clear line of distinction of what an Auxiliary Police Officer does and what they don't do. Chief Osborne said that is understandable. Right now, just so they know, it basically states in his memo that they don't have any powers of arrest. It is used as basically to assist them with several things - traffic control, civic events, time of emergencies and natural disasters, which all Auxiliaries are geared for. But what he can do is go up and meet with Attorney Rice if there is no problem. Attorney Rice said that is fine. He just needs the Board to establish that we will have a public meeting next meeting. A motion to set a public hearing on May 7 at 7:45 p.m. was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

Chief Osborne said that he just wanted to give some informational items. In March, we made 42 arrests, issued 299 vehicle and traffic summonses. Next month, in May, we are looking to ask the Board if we can give out our annual Police Awards. Actually he should say that a week in May is National Police Week so he can bring some members of our department in next month and issue them and give out awards based on certain criteria. He said he asked the Board if we can do that. We also will be sending three officers to AR15 Sniper Rifle training in about two weeks at the Rockland County Police Academy. He said as they know we do have AR15 rifles in our patrol cars and we are going to get some more of our officers qualified with them. Our accreditation is right on target. So far, we have issued 53 general orders with regards to accreditation. So we are doing very well with that. 53 new general orders have been issued in regards to accreditation. Our DARE dances - and he wants to thank Gail and her staff and Elaine. We have had a great year of DARE dances. They were full every time we had a dance and we had our last one on Friday night, which was very big. And one more thing with regards to DARE. On May 10, they will be taking their annual DARE trip. Instead of Yankee Stadium, they will be going to Shea Stadium this year. He said a lot of people are not happy with that. But due to several reasons, we had a difficult time getting that many tickets from the Yankees. So the good thing about this year is he spoke to the METS public relations department and when they realized what kind of DARE car we had, they asked us if we could bring the car on the field before the game around the warning track of Shea Stadium because it is DARE day. So May 10 we will be having our DARE car on Shea Stadium representing Suffern with about 400 students and their families. He said they are all more than

welcome to join them. Just please let him know.

Mrs. Curtin said that before the Mayor goes on. The exodus of the fire personnel was a result of Jamison apparently didn't realize that he had a tutoring session tonight for some Regents. He sends his apologies and Chief Dawson has asked if he could possibly attend the next meeting on May 7. The Mayor said that sounds good. Absolutely.

7:45 P.M. - PUBLIC HEARING - AMEND FEES IN LIEU OF PARKING:

The Mayor said Attorney Rice will fill everybody in on this. Attorney Rice said that one of the provisions in the zoning law relates to the establishment of businesses in the downtown business district and understanding that it is difficult for a business on a small lot to comply with the parking requirement for their particular establishment, the zoning law for many years has had a provision for the payment of money in lieu of the provision of parking and it provides that the owner or tenant can come to the Board of Trustees and the Board of Trustees can determine the payment in lieu of providing parking. In the last Master Plan update for the business district the plan recommended a sliding scale of \$3000 for the first 1-10 spaces, and it diminishes for the last category - 31 or more spaces. It is \$1500 per parking space. So the amendment to the fee schedule reiterates those parking fees but it also provides that in the first category, which is 1-10 spaces, the fee as he mentioned was \$3000 per space. For a small business, when the requirement is 1-4 spaces, instead of paying the \$3000 per space requirement, when the Board entertained an application for accepting money in lieu of providing an actual parking space, if the Parking Authority has sufficient capacity, the Board can say that we will waive the payment for the first 4 spaces as long as the tenant or owner keeps in place a parking permit with the Parking Authority. So the requirement, if it is 1-4 spaces, would be, in the Board's discretion, the fee would be waived for those first 4 spaces or if it was say, the requirement for arguments sake, was 6 spaces, the first 4 spaces would be able to receive a waiver from the Board and then the owner or tenant would be responsible for the payment for the additional two spaces. And of course, as is provided in the zoning law, in all instances, the owner or tenant would have to come to the Board of Trustees for them to make that determination.

The Mayor asked if anybody would like to come up and comment or ask any further questions about this issue.

Vince Crapella, President of our Chamber of Commerce, said that he wanted to applaud the Mayor and the Board for doing their work and being responsive to the Chamber's concerns on this parking issue. So he thinks that he would like to see a waiver on 6 but they will take 4. So he thanks them very much for it. And also, for the record, he just wants to mention this. He said he supports 287G and it is a personal opinion.

Trustee LaCorte said that Vince had approached members of the Board about this parking program and just so people are clear on it, because there has been some confusion, the money is used to provide additional parking. For example, we have the lot which we purchased at 120 Orange Avenue. And there are going to be improvements made to create a walkway so that people will be able to access the lot directly from Lafayette Avenue. And the concern here is while we want to increase the available inventory of parking in the Village, we didn't want to hurt small businesses by forcing them to have a significant outlay of cash while they had other expenses associated with opening a new business. So what this new scale does is that it enables small business and typically because you will need 1 to 4 spots to be able to purchase at, he believes it is \$325 per year per spot. So if you need 4 spots instead of coming up with \$12,000 up front, it would be \$1300 a year and you would purchase those parking permits from the Parking Authority. Scott Shedler, the Chairman of the Parking Authority, has endorsed the amendment to this plan and believes it is the best way to balance the concerns of small business owners and at the same time building up a good fund of payment in lieu of parking so that we can improve the existing parking and purchase more parking spots.

Michael Curley of 84 Orange Avenue said that he was just a little confused with the point there. He asked if there was a law in place right now that was voted on that you pay for your parking right now. Attorney Rice said that anyone who is establishing a new business has to pay, if they can't supply the parking on site, can apply to the Board of Trustees to have this option of making a payment instead of providing the parking. What this law does is provides instead of an actual payment for the first 4 spaces, if the Board of Trustees deems it appropriate, and the Parking Authority has sufficient capacity, then for those first 4 spaces in the requirement, they can get annual parking permits instead.

Mr. Curley said right. Are those annual parking permits right now. Is that the price of them right now? \$325. Trustee LaCorte said yes. But it only applies if the use changes. For example, your business, for example, or any other business in existence. If a restaurant was to sell to another restaurant who would come in and just change the name, then there wouldn't be a parking requirement. The use is grandfathered in. It typically comes up where a particular use and it is defined in the fee schedule would increase what would be needed there. For example, if it was a storefront which operated an office with two people and it went to a restaurant based on the square footage, the idea is that a restaurant would need more parking than someone working alone in the office. So in that circumstance they would typically need to provide additional parking and that is where this comes into play. So again, if it is the same use to the same use, restaurant to restaurant, there is no additional parking requirement and you're just grandfathered in. Similarly, if it went from a use that had required more parking to a new use that required less parking, obviously if you need less parking, you don't have to pay for more parking. It is only in the limited circumstance where you are going

from a use that, according to the schedule, needs to provide more parking and in this situation what we are trying to do is to come up where the new business owner doesn't have to pay \$3000 for a spot up front. And that they can just purchase a permit and in talking with Vince and the Chamber, we discussed it as Board members and other merchants that had expressed concern about the law and how it was. He said we came up with this new alternative and they are all in support of it. And it's a happy medium. Mr. Curley asked if the \$3000 per spot was a one time payment. Trustee LaCorte said yes. Mr. Curley said that is fine and thanked them for their time.

Jack Rosenberg of 13 Somerset Drive said that if a beauty parlor becomes a nail place, does it change anything? Attorney Rice said probably not. There are specific requirements in the zoning law for parking for a particular use usually depending on the square footage or perhaps, in some instances, the number of seats. So if the parking requirement doesn't change then this law is not relevant to a particular use.

Mr. Rosenberg asked what is the charge now. Attorney Rice said these are the same charges. The only thing that this does is to make an exception or an alternative method for 1-4 spaces. Mr. Rosenberg said that but right now if it is 4 spaces only, it is waived? Attorney Rice said it can be - the fee essentially can be waived as long as the store owner keeps a parking permit in place. Mr. Rosenberg asked what that meant. Attorney Rice said just as he said - as long as they have a parking permit from the Parking Authority. Mr. Rosenberg said a parking permit to do what. Attorney Rice said to park. Mr. Rosenberg said where? Attorney Rice said in the parking lot. Mr. Rosenberg asked which parking lot. Attorney Rice said wherever the Parking Authority thinks that they have sufficient capacity. Mr. Rosenberg said a municipal lot. Attorney Rice said correct. Mr. Rosenberg asked if there was a shortage of parking downtown at this time. Attorney Rice said that Mr. Shedler believes that he has sufficient capacity to be able to deal with this. Mr. Rosenberg said that in other words he thinks that the parking downtown is not 100% utilized at this time. The Mayor said yes, he spoke with him this afternoon and he fully endorses this. Mr. Rosenberg said he didn't hear the Mayor. The Mayor said he spoke with him about two hours ago and he fully endorses this. Mr. Rosenberg said in other words, what you are saying, is that he feels that there are a sufficient number of vacant spaces so that he can accommodate new businesses. The Mayor said right. Basically he is along with the same thinking of all of them that he doesn't want to hurt the little guy, the new business that is coming in that is struggling to get in and then has to shell out \$3-6-9-\$12,000 before they even open. And believe him over the couple of years we have had a lot of businesses that have said that they would like to come in but this is hurting me extensively. And again, as Dagan said, if it is a business where it is a large office building like a building that is being built in the middle of town next to Dunkin Donuts and let's say you have 60 office employees, well that could be 60 spots that you are going to lose

in the B lot or somewhere else so that is where it is important that we get these fees and then we can set these individuals up with parking somewhere as long as they pay the regular parking fee - the regular monthly permit fee whatever that is.

Mr. Rosenberg said that three years ago, 70% of the owners or the merchants downtown felt that there was a shortage of parking in this Village. In other words you are saying that in the three year period the situation has improved tremendously. The Mayor said that he is not getting any complaints. You will get the complaint, of course, from the one person that doesn't want to get out of their car. Mr. Rosenberg said he is not complaining, he is not complaining. The Mayor said who has to walk a block, who wants to find a spot in front of a store. But we are trying to get people educated into the fact that we do have municipal lots and if you have to walk a half a block to a retail outlet or restaurant, that is something that we all have to do.

Mr. Rosenberg said you bought a piece of property at 120 Orange Avenue in January, 2007. Has there been a parking lot constructed. Trustee LaCorte said there is going to be parking there. There is a lease agreement. There's a payment plan. Mr. Rosenberg said wait, wait, wait, wait. He said he asked a specific question. Trustee LaCorte told Mr. Rosenberg to speak to Scott since he can give him the exact dates. Mr. Rosenberg said don't you know? Trustee LaCorte said the lease was signed, there are improvements being made to the walkway, there was an easement so that the building could remain in place because, as you brought to the Board's attention and we appreciate, there was concern over the fact that if the building remained there wouldn't be means of ingress and egress into the lot so an easement arrangement was worked out with the adjacent property owner to provide the Village with a means of entrance so that the building could remain so that was negotiated. A lease with the Village to repay the Village's costs associated with paying for the lot because we are making the payments on it had to be arranged and there are improvements that are being worked out. Scott plans to open that up. And also just to further comment on something that you said. Another reason why there has been an improvement in downtown parking is that the Parking Authority, specifically Scott, came up with a plan to try to move commuters out of the central location in the Village. For example, the B lot had a high number of commuter spaces there and that is the key shopper lot. So now there are far fewer commuter spots in that lot and that has opened up shopper parking.

Mr. Rosenberg asked where did they go. The Mayor said they have been moved out to lots like the one under the Thruway between Muggs Pub and Ireland's. Mr. Rosenberg said that you are saying in effect that there are fewer commuters coming into this Village and parking within the Village. Trustee LaCorte said no. Mr. Rosenberg said you haven't built a single space in all the years, not one has been built, so if there were 600 there are 600, and now you've moved some of them out so then there are fewer commuters parking within the Village. Is that correct? The Mayor said right, within certain

lots, like the B lot. We are opening that up for more shopping. Mr. Rosenberg said if you move them out of the B lot they have to go somewhere. The Mayor said right. We told you where they are going. Mr. Rosenberg said they aren't going to stop commuting, are they? No. He said the point is that you made an easement with Mr. Shen so that you can go through his driveway and come around in the back and park. But that is only because it is open. There is no fence. If you built a fence on 120 you couldn't use it - the easement - could you. Trustee LaCorte said but there is no fence. Mr. Rosenberg said he knows that but have you paved it, have you striped it, have you got 24 cars parking on 120 Orange Avenue. How much revenue has been derived in 15 months. The Mayor said that is up to the Parking Authority. The Parking Authority is in charge of the lots. Mr. Rosenberg said how much revenue. The Mayor said why don't you just talk because nobody can talk back to you apparently. You ask a question and we try to answer and you keep talking. Mr. Rosenberg said go ahead and answer. Trustee LaCorte said that Mr. Rosenberg opposed 120 Orange Avenue. Mr. Rosenberg said he certainly did. Trustee LaCorte said so we purchased it, we told you the process that went through, and obviously we would like things to move quicker, but there has been a lease negotiated with the Village. There has been an easement negotiated with Mr. Shen. There is no fence there. If there was a fence or a brick wall or a force field if we were in Star Wars then presumably you wouldn't be able to enter and exit on that property and we would have to remove the building. But none such barrier exists and an easement has been agreed upon with Mr. Shen so now there is no barrier putting the spots in and keeping the building there. And that is it. The next thing is to get it open and then beyond that he believes Scott is also working out the arrangements to get the walkway. Mr. Rosenberg said you are talking about the walkway. Where does it come out on Lafayette Avenue since there is nothing but buildings on Lafayette Avenue. How do you walk through a building. Trustee LaCorte said it is right next to Chazz Hair Design. Mr. Rosenberg said which one. Trustee LaCorte said the walkway, he believes, is the lot next to DaNina. There is a walkway there actually between his fence and the wall that would be where Chazz Hair Design is located. Mr. Rosenberg said on the east side of the beauty parlor. Someone said yes. Mr. Rosenberg said there is a wall there. Trustee LaCorte said on the west side. Chief Osborne said towards Orange Avenue. Mr. Rosenberg said you mean that part of the parking lot is an easement. Trustee LaCorte said the walkway is another negotiated easement and there is a wall there and he thinks part of that wall needs to be taken down so you can access 120 Orange Avenue. Mr. Rosenberg asked how wide is that wall, The Mayor said this hearing is on money in lieu of parking. Mr. Rosenberg said he mentioned it. If he mentioned it, at least let me talk about it. Mr. Rosenberg said he didn't mention it, he did. So he is saying how wide is that wall. Trustee LaCorte said how wide is the wall? He said he doesn't know. Mr. Rosenberg said if you take down the wall people can then walk all the way into the back onto 120 Orange Avenue. That is your easement, right? Trustee LaCorte said at least part of the wall. Mr. Rosenberg said at least part of the wall. Trustee LaCorte said or at least part of the wall. Mr. Rosenberg said he can't follow.

He can't understand. The Mayor asked Mr. Rosenberg if he has spoken to Scott Shedler. Mr. Rosenberg said no. The Mayor said he is the gentleman in charge of that lot - striping it, whatever wall is taken down, whatever walkway is going out toward Lafayette Avenue. The Mayor said he thinks it would behoove Mr. Rosenberg to sit down and speak with him and find out what his intentions are instead of asking us the dimensions of different things which we really don't have the answer right in front of us. This is a meeting on waiving fees for certain parking and now we are talking about 120 Orange as we usually end up doing. Mr. Rosenberg said you mentioned parking. Parking has been mentioned at this public hearing and that is the only reason he is up here because parking was mentioned. He didn't bring it up.

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

VILLAGE OF SUFFERN

RESOLUTION NO. 4 OF 2008

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

Section 1. The Standard Schedule of Fees of the Village of Suffern is hereby amended to provide for the following fees:

Money in Lieu of Parking (pursuant to § 266-38(A) of the Zoning Law):

1- 10 spaces	\$3,000 per space
11 - 20 spaces	\$2,500 per space
21 - 30 spaces	\$2,000 per space
31 or more spaces	\$1,500 per space

Section 2. As provided in § 266-38 of the Zoning Law, acceptance of payment-in-lieu of providing parking is subject to the discretion and approval upon application.

Section 3. If at the time of approval of the payment of money-in-lieu of the provision of parking by the Board of Trustees, the applicant provides proof to the Board of Trustees that the Village of Suffern Parking Authority possesses the capacity to provide to the applicant not more than four parking spaces and the applicant agrees to purchase yearly parking permits from the Parking Authority for so long as its establishment is in operation for the number of parking spaces required by the Zoning Law, up to a maximum of four, the foregoing parking fee may be waived by the Board of Trustees for up to four parking spaces for so long as the applicant maintains parking permits for such parking spaces.

Section 4. This resolution shall take effect immediately.

A motion adopting Resolution No. 4, 2008 amending the standard

schedule of fees for the Village of Suffern payment in lieu of parking was made by Trustee LaCorte, seconded by Trustee Abato.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

8:00 P.M. - PUBLIC HEARING - 2008-2009 BUDGET HEARING:

The Mayor said we will now open the public hearing regarding the 2008-2009 budget. The Mayor said this is our final budget or at least for tonight, our latest amended budget which came in at 5.97. The Mayor said he has asked our Treasurer to sit up here so this way he doesn't have to keep going back and forth to the microphone if you have any technical questions that he may be able to answer that the Mayor may not. The Mayor said that anyone that would like to come up at this time to question or comment on the budget as it is to please state their name and address for the record.

Joseph Cestone of 25 Temple Lane said that he had two questions in regard to the Water Department and its deficiency of \$600,000. He said his first question is is the Village books audited by an outside CPA annually. Treasurer Tom Zordan said yes. Mr. Cestone said they are? Mr. Zordan said yes. Mr. Cestone asked if the findings were available under the Freedom of Information Act to the public and how can he get a copy of their findings. Mr. Zordan said they are issuing the report this week to him and he will get his name and address before he leaves and he will make sure he gets one. Mr. Cestone said he appreciates it.

Michael Curley of 84 Orange Avenue said that he is sure that the Board put a lot of work into the budget and he knows that they worked a lot of hours and a lot of missed dinners at home but a little while back here we had meetings in reference to where the water went up, going up 11% and 3% and then 3% and 3%. He said he thinks this budget stands at what percentage rate right now. Trustee Abato said 5.9. Mr. Zordan said 5.97. Mr. Curley said that he thinks with the 5.97 and with the other 11 and other 3, he thinks this Board should reconsider and look back into the water situation and to take a burden off of the residents. He said he thinks, he realizes that there is a cost for pumping out water but at the same time, if we don't use that water, that water flows right by and goes back into the Hudson. So when we talk about a resource, we have an asset that can pump out that resource and help the people of Suffern. He said that years ago, as he reviewed some of his old budgets, he said we use to actually make money in the Water Department and we use to take money from that Water Department and put it into our General Fund. If you had that same situation today, you could have no tax increase, probably, or a slight increase or you could do things - give more money to the

Fire Department or Senior Citizens or anyone who may need it. He said he is not here to say that they did a bad job with the budget. He said he is sure that everybody worked very hard on it. He is asking them to revisit an issue. He is asking them as individuals, who won't vote to sell the water, to let the people decide if they should. Mr. Curley said that he understands that Mr. Rice doesn't feel like that is a possibility. Mr. Rice said it is nothing that we can legally do. Mr. Curley asked if there was any way to put it. Mr. Rice said that the items that are permissible to hold a referendum on are specifically set forth in the law and that is not one of the items that we could. Mr. Curley asked if you could do it, not as the Water Department. Then he said he would leave that alone. He said he thinks they should all reconsider it. Just think - again, something he never brought out even though he brought a lot of points out - that water flows. And if he is wrong he would like to know. And even if you appointed some sort of blue ribbon commission to look at this. And you have Dr. Leshen here who has been on the water/sewer department for many years - a very educated man. You have a lot of educated people in this Village. Even if you did a commission and they come back and say why. If he thought we were losing a resource for Suffern he wouldn't be up here standing and pushing this so hard. But he doesn't think we are. He said you can have a stop loss that if you go below a certain amount of gallons, you don't sell it. He said he just thinks - he understands the resource and he respects those people who say that. But he doesn't think that everyone understands that that resource just passes us by and goes into the Hudson. He said he is only asking for what is safe for the Village. He said you are selling a resource for them also. People are forced to get second jobs to pay their bills. People are forced to stay away and not have time to go with their kids to go to a baseball game. There are many ways to look at what resources exist out there. He said again he appreciates that they worked hard and he is sure they all worked hard on this. He said he is just asking them to look at that. He said that he doesn't know if people realize that the water fund balance was put into the budget for many years because we had that extra there. And he doesn't care who gets that water. He doesn't care what they look like and what they believe and what they think. He said he cares about the residents of Suffern and how to make their lives a little bit nicer.

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

A motion to adopt the 2008-2009 budget as presented here this evening was made by Trustee LaCorte, seconded by Trustee Abato.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

The Mayor thanked Tom for all his work alongside of himself and other members of the Village Board for coming in with this budget. He said he won't say it is a low budget however he will say that in this time where we are in a recession it is a lot lower than a lot of other towns and villages around and we really did slice and dice on this one. And as always next year if things are better, if the economy is better, revenue, what not, and there are less tax certioraries, we will do better.

DEPARTMENT OF PUBLIC WORKS:

Supervisor Dan Haglund said he had a few items on the agenda.

A) Authorization to Advertise for Bids for Polymer - Return Date May 1, 2008:

Mr. Haglund said the first item is authorization to advertise bids for polymer for the Wastewater Treatment Plant with a return date of May 1, 2008 at 11:00 a.m. A motion authorizing the advertising was made by Trustee Meehan, seconded by Trustee LaCorte. Upon vote, the motion was carried.

B) Authorization to Advertise for Bids for Liquid Caustic Soda - Return Date May 1, 2008:

Mr. Haglund said the second item is authorization to advertise bids for liquid caustic soda and chlorine for the Water Department, to be returned on May 1, 2008 also at 11:00 a.m. A motion authorizing the advertising was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

C) Authorization to Pay WJL Corporation Payment No. 3 - \$101,819.75:

Mr. Haglund said this request is for authorization to pay WJL payment number 3 in the amount of \$101,819.75 for curb work. A motion authorizing payment was made by Trustee Abato, seconded by Trustee LaCorte.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

D) Appoint Patrick Crotty from Temporary Laborer to Permanent Laborer:

Mr. Haglund said this is for authorization to make Patrick Crotty a permanent worker instead of a temporary worker. A motion appointing Patrick Crotty as permanent was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor John B. Keegan
Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

NOES: None

ABSENT: None

Mr. Haglund said that the next item is that he just wants to let the residents know that we have topsoil and mulch available to them and it is also available to the landscapers if they want to purchase it. He said they can just call the office and we can arrange it.

E) WJL Progress:

Mr. Haglund said the contractor just reclaimed West Maltbie Avenue today. They are going to finish that up tomorrow. And then from there they should be going to Sunderland, then Millbury - and he has the actual schedule and hopefully they can keep to it weather permitting. If anybody wants to see it he has a copy of it.

The Mayor said well done to Mr. Haglund. He said he knows he is putting in a lot of extra hours, a lot of time on his own. He has been here since quitting time today and we appreciate his extra efforts with this whole road project. And the Mayor also knows now that the springtime is the time that they are really busy out digging to get the parks and everything ready.

AUDIENCE PARTICIPATION:

Adam DiStefano of 19 Prairie Avenue said that he had a couple of questions on 287g and other topics closely related to it. He said the first is if we do get into this program, what are we going to do if we catch people who are under this jurisdiction for it. Where will we place them after the arrest since the county jail won't let us use their facilities. The Mayor said we are still trying to make out an arrangement where we can send them to county jail. We are still waiting to hear from Sheriff Kralik and from County Executive Scott Vanderhoef. The Mayor said we have several letters to the New York Corrections Department and our attorney, Steve Mannion, as you know, is under the assumption that this is all doable. So we are kind of scratching our heads and again still waiting to hear from the other end of the county on what the hold up is on this. But to answer the question, if we can't use the county jail, there are other federal facilities - New Jersey, New York, right now Orange County, New York is in an arrangement with the federal people with the possibility of adding 100 beds up to their county jail just for federal prisoners. So if that happens, it is a couple of miles more, but that is where we will send the prisoners. Mr. DiStefano said he just wanted to make sure that he gets this right. He said the county jail has the ability to take them but chooses not to, right? The Mayor said the county jail right now, according to the Sheriff, is about maxed out. However, the Sheriff did say he is not

going to turn away any prisoners. Now do they want federal prisoners there or can we detain them for anymore than one night. That is the question. Now, at this time, it costs the taxpayers of this county about \$120 a day to house a prisoner there. If we were to send a prisoner there, it would be the county paying for it. However, if we send a prisoner under the ICE program, 287g program, ICE is willing to pay up to \$99 and maybe more if it is negotiated and actually the taxpayers in the county would be saving money. So the question is can you have federal prisoners with civil prisoners. The Mayor said we don't see a problem with it. Our special counsel, Steve Mannion, doesn't see a problem with it. It has been done in other states. The Mayor said we don't know what the hold up is. Again, it is the other end of the county and we are waiting to hear.

Mr. DiStefano said another question he has is let's say we arrest someone here, before we enter the 287g program, and they are wanted by the federal government. He said he knows that our facilities are not able to house them. Would the county jail also turn them away. The Mayor said our jail, and he asked the Chief to correct him if he is wrong, we can hold a prisoner overnight but we are not equipped to house them for any long period of time and we would probably, at this point, call in an ICE agent from outside the Village, maybe from New York City and ask what they would want to do with the prisoner. At this time if a prisoner went to the county and we didn't have the ICE agents to start the detention and deportation procedure, they would do their sentence and probably end up back in the Village. Mr. DiStefano said he wasn't talking about anyone involved in the ICE program. He is just talking about someone who is just wanted by the federal government. Chief Osborn said that if they are arrested and they are wanted by Immigration for an immigration violation, the county jail will take them if there is a stipulation. If they do not, we have the number of ICE 24/7 and they will send someone up to pick them up. Chief Osborn said he has never had a problem with the county on that. The only problem with 287g is can the county enter into an agreement with the state in regards to 287g.

Jack Rosenberg of 13 Somerset Drive asked if the Board had heard anything at all from Mr. Abate about an award under the CDBG program. Treasurer Tom Zordan said that we are receiving \$50,000. Mr. Rosenberg asked what it will be used for. The Mayor said it will probably be used for Ramapo Avenue, the opposite side of the street where, he doesn't know if he remembers that we talked about it a couple of meetings back that we are able to do possibly one side of the street, the sidewalks and curbs, and now we can probably do both sides with this extra money.

Mr. Rosenberg said that some years ago the previous Board had a discussion about making the positions of Mayor and Trustees four year terms instead of two year terms. He said that nothing came of it. But he has a question. Can that be accomplished by a resolution or must it be by local law. The Mayor said that he thinks that would have to be a referendum. Attorney Rice said that his

recollection is that it has to be by local law subject to referendum, mandatory referendum, he believes. Mr. Rosenberg said it is subject to a referendum? Attorney Rice said yes, he believes so. Mr. Rosenberg said how about if the Board wanted to make the position of Mayor full-time with a doubling or tripling of the salary. Can that be done strictly by resolution or must it be done by local law. Attorney Rice said he doesn't think that requires a referendum. He frankly hasn't looked at that in quite a while but no, he doesn't think it requires a referendum. Mr. Rosenberg asked if the people could submit a petition for it or are they prohibited. Attorney Rice said you can submit a petition for anything but it wouldn't have any force of law. Mr. Rosenberg said he couldn't understand what Mr. Rice was saying. Mr. Rice said you can submit a petition for anything but the filing on the petition on that, he doesn't believe, wouldn't have any enforce. Mr. Rosenberg said you could reject the petition and it could become law without a vote. Attorney Rice said the petition would have no legal effect, which is what he was trying to say, and the Board could take whatever action it deemed appropriate. Mr. Rosenberg said he means that suppose a petition was presented - could the Board say they are sorry, this is something which the Board can do and there is no right to have a referendum. The Mayor said that on something like that, he thinks we would probably consider it. Mr. Rosenberg said it is not a question of what we think. The Mayor said no, but we would have a public hearing on it. Mr. Rosenberg said it is a question of what the law says. Attorney Rice told Mr. Rosenberg that he is asking questions on something that he hasn't researched. If he ever took a look at it, it was quite a few years ago. His opinion is that it is not subject to a referendum. He said he doesn't know that for a fact. And if it is not subject to either permissive or mandatory referendum, then the filing of a petition would have no legal effect. Mr. Rosenberg said okay. It is strictly a Board action and the public has no review of it. It is just an action by the Board like any other resolution and it takes effect. Attorney Rice said he believes so although the Board has not discussed it so he hasn't looked at that. Mr. Rosenberg said he didn't say it did he just wanted to know what the law provides. Attorney Rice said that as the sentence that he was trying to get out would have said was that he doesn't know all of those for a fact because the Board has not discussed it but to the best of his recollection that is what the law provides. Mr. Rosenberg said alright, he understands it is the best of his recollection.

Since nobody else spoke, the public portion was closed.

VILLAGE CLERK:

A) Approval of Minutes of Regular Board Meeting of March 10, 2008:

Village Clerk Virginia Menschner said that the first thing on the agenda is the approval of the minutes of the regular Board meeting of March 10, 2008. A motion approving the minutes was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

B) Approval of Minutes of Special Board Meeting of March 26, 2008:

The Village Clerk said this is for the approval of the minutes of the special Board meeting of March 26, 2008. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried, with Trustee LaCorte abstaining since he got there late.

C) Advertise for Concession Stand - Return April 29, 2008 at 11:05 a.m.:

Virginia Menschner said that each year we have to advertise for the concession stand and she would request permission to have them returned on April 29, 2008 at 11:05 a.m. A motion authorizing the advertising was made by Trustee Abato, seconded by Mayor Keegan. Upon vote, the motion was carried.

D) Request - Permission for Suffern Little League Opening Day Parade on Saturday, April 12, 2008 at 10:00 a.m.:

The Village Clerk said that everybody received a letter for permission for the Little League Opening Day parade on Saturday, April 12, 2008 at 10:00 a.m. A motion approving the request was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

E) Designation of Meetings:

Ms. Menschner said at the workshop, Dagan LaCorte made the suggestion to move our regular workshop session to the first Tuesday of each month. Trustee LaCorte said he believes it was Trustee Abato who suggested that. The Mayor said just to reiterate on that. Trustee Abato had a good idea that it would give us more time if we do have any issues before the following Monday when our meeting is because now our workshop is on Thursday and if we have anything important that we have to go around and research, it gives them one day to actually do it. This will give them about a week between workshop and Board meeting so that we can accomplish what we have to. The Village Clerk said so that means that the workshop will be the first Tuesday of each month and the regular meeting will be the following Monday. The Mayor said no - it will be the Tuesday before the first Monday. Trustee Abato said it is the Tuesday before the first Monday of every month. Trustee Meehan said it could be the previous month. The Mayor said it will be the previous month, most likely. Trustee Abato said it could be but not always. The Mayor said most of the time it will be. Trustee LaCorte joked and said the plan is just to confuse people so they won't know. Trustee Abato told the Village Clerk that it is the Tuesday before the first Monday.

F) Set Date for Public Hearing re: Water Rates (May 7, 2008 at 7:50 p.m.)

Village Clerk Virginia Menschner said that we have to set a date

for a public hearing on our water rates and she would like to have it set for May 7 at 7:50 p.m. A motion setting the date was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

G) Set Date for Public Hearing re: Sewer Rates (May 7, 2008 at 8:00 p.m.)

The Village Clerk said we also have to set a date for a public hearing for our new sewer rates which would be May 7, 2008 at 8:00 p.m. A motion setting the date was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor said we did have a request for a 15-minute parking spot over near Mom and Pop's Deli. The Mayor said we do have 15-minutes parking spots around the Village in quite a number of areas - mostly on corners. The spot in question which we thought would be best for that and the Police Chief has no problem with it nor does the Parking Authority Chairman would be the last spot heading west on the south side of Chestnut Street right adjacent to the Chestnut Street Park. So the Mayor said we need to set up a public hearing for May 7, 2008 at 8:10 p.m. A motion setting a public hearing was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

FINANCE DEPARTMENT:

Treasurer Tom Zordan said he had nothing to report.

MAYOR:

The Mayor said he had nothing to report on.

A motion to adjourn the meeting at 8:30 p.m. was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.