

**Village Board Meeting
Wednesday, May 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 Dagan LaCorte, Trustee Andrew Haggerty
Trustee John Meehan, Trustee Trish Abato

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

ABSENT: None

The Mayor said that he would like to make a special presentation to Jameson Roberts, who became an Eagle Scout from Troop 21 in Suffern. The Mayor said he has earned 27 merit badges and the distinction of a bronze palm. He is a member of the Order of the Arrow, scoutings camping honor society, and Jameson is also a patrol leader for Troop 21. His accomplishment was, and the Mayor said he is sure that most everyone has noticed while riding around the Village of Suffern, the yellow Maltese crosses that were painted on the road. Jameson painted 287 of those on our roads. The reason being that they are right near fire hydrants and they allow the fire department to ride down the road and see the yellow Maltese cross and know there is a hydrant there. The Mayor said he thinks this is a great tribute to the community and he thinks that he really did a hard job. He put 272 hours in that job and it took 11 work days to do it. The Mayor said the Fire Department is also here to honor him but right now the Mayor said he would like Jameson to come up and the Mayor then presented a certificate to him. The Fire Department also presented him with a plaque thanking him for his efforts from the Fire Department.

SET DATES FOR JUNE MEETINGS:

The Village workshop meeting will be held on Tuesday, May 27, 2008 at 7:00 p.m. and the regular Village Board meeting will be held on Monday, June 2, 2008 at 7:30 p.m.

The Mayor said that he would like to bring the Police Department up because the Mayor knows that Chief Osborn has some awards to present this evening.

Chief Osborn said that prior to the awards ceremony, he would like to go through his agenda just to get through some items on the agenda.

A) Set Date for Public Hearing - Speed Limit on Hillside Avenue and Cypress Road from 30 to 25 mph - June 2, 2008 - 7:45 p.m.:

Chief Osborn said that he would like to ask the Board to set a public hearing for a reduction on the speed limit on Hillside Avenue and Cypress Road from 30 mph to 25 mph. He said that as was discussed before, 25 mph is the lowest we can go according to law in regards to a Village owned road. So he is going to ask the Board to do that. And the reason for that is that, as most of you are aware locally, that is where our main elementary school is - R.P. Connor Elementary School - and a lot of kids do walk to school, ride their bicycles and he feels this would definitely help to enforce the speed limit. He said we have our motorcycle unit up there on patrol running radar and we feel to keep everyone safe, we are going to ask the Board to reduce the speed limit on Hillside and Cypress Road and have a public hearing set for next month. A motion setting a public hearing was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

B) Request Resolution to Accept a Donation of a 1999 GMC 16 Passenger Bus from Buckwild Towing:

Chief Osborn said this is a request for a resolution from the Village Board to accept a donation of a 1999 GMC 16 passenger bus from Buckwild Towing. The Chief said we will get it painted black and white to use it as an emergency command center if needed. The price is right. There is no cost to it. We are going to get the painting done for free as well. So basically he is just asking the Board to approve our acceptance of this vehicle. A motion authorizing the acceptance of this vehicle was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

C) Department Update:

Chief Osborn said he had a quick update as far as what is going on in the Police Department. In April, 2008, we issued 366 vehicle and traffic summonses. That was the most we have had in many years. He said he hasn't seen a month that busy so the officers are doing a fantastic job here and it is a credit to them. They made 36 arrests in the month of April. Officer Mike Fennessey trained with the U.S. Marshall's Fugitive Task Force in New Jersey for several days of tactical training. And as you are well aware, Mike is a member of our County SWAT Team - our REACT Team. Officer Rick Marsh became certified as an AR-15 patrol rifle instructor. He went to a several day course at the Rockland County Police Academy where Sgt. John Gloede and Officer Jose Martinez also attended. They all got qualified to use it. Officer Marsh took it a little further and became an instructor for our department with it. This Saturday, they will be taking a trip to Shea Stadium to see a Met game vs. the Reds for DARE Day. They will be taking 350 area residents with them and several of them are students from our DARE program and they have also gotten everybody shirts for the event. And on top of that, they have also made a contact with the Mets and due to the fact that we have a national champion DARE corvette, they are going to be bringing the DARE corvette unto Shea Stadium before the game

for a pre-game ceremony on the warning track to drive it around. So it is a credit to our DARE program. It is still going excellent and they will be going down there on Saturday.

At this point, Chief Osborn called Lt. Nugent up and they presented their awards. He said he would like to thank the Village Board for giving him the opportunity to recognize several Suffern police officers for outstanding duty in 2007. He then presented the awards.

FIRE DEPARTMENT:

A) Final LOSAP Report:

Deputy Chief Dan McInerney said that they presented the Board with a final copy of the LOSAP report which they would like the Board to approve so they can be sent in. He said they also provided the Board with two new applications for members. They are both 16-year-old members. One is Zac Hiller from the Hook and Ladder Company and the other is Thomas Jackson, who will be joining the Hose Company.

A motion to accept the final LOSAP report was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

A motion to approve new member Zac Hiller to the Hook and Ladder Company, pending approval, was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

A motion to accept Tom Jackson to the Hose Company subject to the approval of the Hose Company was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

Chief McInerney said that the only other note he wanted to make is that on the 17th of this month, they will be going to the Haverstraw town parade and they will be taking two or three pieces of apparatus with them.

BUILDING DEPARTMENT:

There was no report.

7:50 P.M. - PUBLIC HEARING - WATER RATES:

The Mayor said that we will now open up the public hearing regarding water rates. He said that again, anyone who comes up to the microphone, the Mayor said he would just like to remind them to please let us know their name and address for the record.

Stu Tarkan of 77 Somerset Drive said that he had a question before he makes his statement. He said he would like to know if the water rates are now tiered in three different segments where a low rate comes first, then a higher rate in the middle and then a lower rate for the big users. He was told yes.

Mr. Tarkan said that he looked into this once before and this system is not fair to the people who live in condos where there may be six or eight units connected to one meter. If you would look at an example where there may be say 100 units at a lower price and then 200 units at a middle price and 300 units at some third price, these eight units would share in that lower price so they would only get 1/8th of the benefit of the lower rate. Now the last time he looked at it was when George Parness was Mayor and at that time he had thought we had changed it to a uniform rate eliminating the tier system so that the condo people would not be charged a higher rate than other citizens. He asked for some comment on that.

Trustee LaCorte said that is the case. We do have - the rate is tiered and increases as there are more units consumed and the reason is that while on some level it does impact condos, we are really looking also at the large commercial users. Mr. Tarkan said he can understand that but you cannot consider where there are multiple units using one meter. They are individual people. It is not the same as a commercial unit that is using one meter for a large amount of money. And what the effect is that they are not getting the benefit of the lower first tier. They are only getting 1/8th of that benefit and that is not fair to the citizens who live there.

The Mayor said he would like our Treasurer to come up and comment on that.

Treasurer Zordan said that in actuality, that is correct, that yes, eight people do pay and they only get the benefit of the lower rate one time. And he happens to be one of those people. But the reality is that everyone pays a minimum fee of \$30 for the first ten units. So that works out to \$3 per unit. Well, the condominium that has 8 people, they don't get 8 minimum charges. They get one minimum charge for the first 10 units so that would basically be \$3 per unit. If we charge them individually, they would have 8 minimum charges at \$30 each, so basically you are saying the first 80 units would cost them \$3 each. So the first 80 units that they would use combined would be \$240 but because they only get one minimum charge, the first 10 units would be charged at \$30 and the next 70 units would be charged at the current price - \$2.09. So in essence, they are saving 81 cents per unit for the next 70 units. So there is some savings there. When you go beyond that, then yes, they lose out on that. But initially they are saving some money. And unfortunately, because of the way our Village is constructed, there are always going to be inequities in the things that we do. And if you have an apartment house with four units, they get charged differently too. They get individually charged but they are one building, but they might have a hose that they all pay for jointly. The same thing is you have the co-ops. They are four-unit dwellings but they have even more in one building than we have our eight. So there is always going to be some inequities in the system that is very difficult to address and to try to make it fair for everyone, the only way you can do that is to say okay, everyone have their own individual meter and everybody pays the same. That is really

the only way to do it.

Mr. Tarkan said he doesn't want to belabor the point, but there are 1000, he believes, condo units in Bon Aire alone. He said we are not talking about a few people sitting around in a couple of little houses. The fact that these people are paying a higher rate. They are not getting as much of a minimum rate and then they are going into the second tier of the water usage which is higher. And it is not just right. Now, one way to overcome it is not have these two tiers. You can still charge businesses who use a lot of water a lot without having a two tier rate. The thing is to just have one tier for up to a reasonable amount that would take care of everybody. Then they are all at the same rate and everybody is using the water at the same rate and that would be fair to all these condos. The Mayor said that he brought something to our attention that he thinks that a lot of them were unaware of. He said that what we will do is that we will look into it and if it looks like inequities, we will address them the best we can.

Michael Curley of 84 Orange Avenue said that back to that gentleman's first point of the units. The units at the first rate, they are only paying for all eight units, they are only paying at one time. If there were eight separate units, they would pay it at \$3 eight times. They are only paying it one time. And the next two units, and he doesn't know if anybody realizes - he has the law right here - it goes to \$2.49 and then \$2.97, which is still under the \$3. So they are actually getting a benefit not a loss. Unless he is misinterpreting this. He said they are actually saving - the condo units - because they are only paying that fee once and the other two fees are less than \$3. So they are actually doing better than worse. If they made them separate meters, they would pay more in Bon Aire according to the law - the past law and the new rates. But back to his point. His point has to do back a couple of months ago when we discussed about selling water and his fears of what would happen. His fears were what is happening now. We have to amend our Village water rates to a high rate to get us a fair amount so that we are safe in the Village. His problem is that it is a very high rate now. In the law, it doesn't say what the rate is but the rate is approximately 12 ½ or 13% increase that we are going to have now. That is a lot for the people to take on right now. He said that the big concern is that if water is a resource in the Village of Suffern. And that is fine. Water is a resource. And his contention always was that water can be an asset and if we are on that plane that water was only a resource, we would not be approving Saccardi and Schiff at this point. Saccardi and Schiff is a report that we are having done to build a whole new project on Orange Avenue. If we do that, potential on Orange Avenue is approximately 300 more condos in the Village of Suffern. You at that point could be taking a population of Suffern up a minimal 5% to over 10%. Now, if you are concerned about a resource, you wouldn't be selling that resource then. So he doesn't think the argument of resource applies any more. If you are keeping things on a level, but if you are willing to increase the population by 5, 10 or even more percentage points, it doesn't mix. It doesn't fly. And

that is based on listening to the Board talk about the potential of 300 condos. So multiply 300 times 2 people, depending how many units are in a condo, one bedroom, two bedroom, three bedroom. So if we really want to save the water, that project wouldn't exist anyway. So he doesn't see it that way. He said he sees us selling that resource and even if we went with a three year, four year or even five year plan. By that time, then, maybe those condos would be built. We would only be locked into for that time. But if we are going to sell that resource anyway down the road, why not sell it now and help out the people. That is just how he sees the object playing. Because that is the plan of this Board because this has all happened in the last few months. You voted to go ahead with these projects. We have even given the people a ½ % to a percent increase for that future project. He said he doesn't see United Water as the big, bad wolf. He sees them as a company there that we may need some day. He said he has heard when he is up here talking about water and water rates and selling it, people comment that what if the wells are contaminated. If the wells get contaminated, we are going to be in United Water's front steps, asking them for help. Because that is where he would be if he were sitting up there because we would probably have to buy water from them. So why wouldn't we use this opportunity to negotiate with them to say if something does happen these are the rates we can get. Tomorrow's planning starts today and if we are looking to do all these moves, he thinks that is the way we have to go. He thanked the Board for their time.

Jack Rosenberg of 13 Somerset Drive said that the newspaper article informed the public that there is a possibility of a 12.7% increase in the water rates and as a direct result of that increase, the deficit would be reduced from \$631,000 to \$472,000. That is a difference of \$159,000. Now, he doesn't know the intricacies of what is going to happen in the future but he would like to ask this question. If it is correct at that rate, it would take three more years just to come back to 0 - 3 times 159 is 477. It would take another three budgets before you would get back to a point where you would not be in a deficit. Can anyone of the Board tell him whether or not that will be the future of the water rates for this Village. The Mayor said that right now for this year, we broke even. So there was no increase this year. So we expect there to be no increase - as far as our spending and as far as us going our deficit, we expect that deficit to stay where it is and buy it down over the next five years with this plan. Mr. Rosenberg said he doesn't quite understand. The Mayor said excuse me? Mr. Rosenberg said if it is 472 after this year, how will it come down to zero. Tell him how.

The Mayor asked Mr. Zordan to come up and explain it. Trustee LaCorte said that is the cumulative deficits over the last number of years. In terms of what the Mayor was saying - in terms of an operating budget, we are not in deficit this year. But in the past number of years - the past 8 years - each year the water department has run a deficit. At first, the deficit was paid for by the balance that was available in the water fund. After that was

exhausted, the water fund borrowed money from the general fund. So what happened now is that we balanced the budget. We are not accruing additional deficits however we need to pay back the money that was borrowed from the general fund. If the water fund was not a separate entity aside from the general fund, it wouldn't matter because there is a surplus in the general fund and then there is the water fund. And they are just part of the same thing. But it is a separate entity on its own and it needs to be in balance. So we are just now paying back what has been borrowed over the previous years - over a five year period.

Mr. Rosenberg said in other words, you are saying that there will be no 12.7% increase in next years budget, the following year's budget, and the following year's budget. There won't be an increase. The Mayor said it is 12% this year and 3% per year for the next four years. Mr. Rosenberg said and that will make it zero? The Mayor said that will zero us out, if, considering, that everything stays the way it is now. We raised the rates last year and we expected to buy down some of the deficit, but unfortunately, we don't understand how it happened, people used less water. Mr. Rosenberg asked what the increase was? The Mayor said 6.7%. Mr. Rosenberg asked what the two previous years were. The Mayor said he couldn't tell him that. But he can tell him this. The 12.7%, the 3% for the next four years, comes out to about 26% which will still be less than United Water's rates. Mr. Rosenberg said that Suffern's water bills have always been more than competitive with every other water supply in the County of Rockland. We always had the lowest rates. He said he would also point out that Mr. Haggerty and he served 9 consecutive years together and that Mr. Meehan joined the two of them and the three of them were together for six consecutive years and the water fund was not only in the black but we had a surplus. He said from personal memory, we had so much surplus in the water fund that we could take money from the water fund and put it in the general fund which is permitted by law. You cannot do that with the sewer fund because it is prohibited. The Mayor said you can't give money from the general fund to the water fund. Mr. Rosenberg said you can take money from the water fund and put it into the general fund. The Mayor said it is Russian roulette. Mr. Rosenberg said you can take money from the water fund and put it into the general fund which would then reduce the general tax rate. That's what happens. Trustee Abato said that is what we are doing. The Mayor said that is what we are doing. Mr. Rosenberg said that he just wanted to point that out. He said that he left the Board on December 1, 2003. There have been five budgets adopted since and he remembers that the Board that succeeded the Board that he was on at one point had a surplus which he believes was below 5% but it was in the black. There never was a 631 - there was no 531, there was no 431 - there was no 331 - there was no 231 - 131. The Mayor said we are not here to point fingers. Mr. Rosenberg said he is just trying to point out to you. The Mayor said we are here to figure out a way out of this problem. Mr. Rosenberg said one suggestion. There is a dispute about giving United Water the right to have some of our water for \$200,000 a year. Would it be worthwhile, and this is a question which has yes and no. The no is that you don't know

what the future holds. It may be that the situation with droughts and global warming, etc., etc., has reached the point where you cannot afford to let somebody else use your water. But if you think that \$200,000 per year would be a benefit to the rate payers of this Village, he said he doesn't think there would be too many people who could criticize you severely because you were trying to help the rate payers. He said he doesn't fault them at all, he doesn't fault them at all, whatever their decision, but you should consider what the right course should be. The Mayor said he would like to explain something to him. Mr. Rosenberg said he doesn't have to explain. The Mayor said that he wants to explain to everybody. He said the offer was \$200,000. We met with our engineers, and our water experts, they told us that it would probably cost between \$80,000 and \$100,000 just to pump that water to United Water. So now we are down to \$100,000. \$200,000 sounds a lot better than \$100,000. We had two public informational hearings on the water. And again, we are up here as individuals to listen to the public, and that is why we have public hearings, as we are tonight. And the problem is that most of the people who came out to the two informational hearings were against selling the water. The Mayor said that we have always said that we are going to do what the public wants us to do. The problem is that if there were a lot of people in favor of selling the water, why didn't they come down to the public hearing and voice their opinion and this is the problem. He said that we have had several Trustees who have said that everybody that they talk to was against selling water. He said he talked to people who were against it and he talked to people who were for it. But unfortunately, when we had our public hearings, we invited everybody to come down here and voice their opinion, and the majority of the people in this room were against selling the water so that is where we ended it.

Mr. Rosenberg said that the people in their infinite wisdom decide who is going to run the government at all levels. He said he doubts very much that anybody would say that the people are always infallible and always correct. You get the kind of government that you vote for and the kind of government that you put into office. He said he is just saying to them, without criticism and without saying that it wouldn't be tough not to accept the water. He said he didn't know that the \$200,000 is not \$200,000. Maybe you should ask for \$300,000 then. But think, think very carefully about what is in the best interest. He said he doesn't know whether or not your experts can say you can do it without suffering any real loss. One other point. He remembers many years ago that one of the wells was not operating and he was flabbergasted to find out that that well has never been fixed. The Mayor said that well has been fixed. Mr. Rosenberg said no, he begs his pardon. There is one well that is not used. There was even an article in the paper that the water had too much salt in it. Mr. Rosenberg thanked the Board. The Mayor said that we have a well right now that has salt in it.

Tara Agan of 23 Meadow Avenue thanked the Board for this opportunity. She said that she guesses her question that she has is that if we are using less water, and that really has been the trend

inside of our Village, then how are we evolving our strategy to manage the expenses associated with water management. Because it seems that if we are in a deficit, there is something that is costing us too much. So any research that has been done on what it is really costing us to manage water? Trustee Abato said that we are not in a deficit this year, though. Ms. Agan said not this year. She is saying overall. The Mayor said the problem is that we can't predict water usage. We can try. Ms. Agan said but we know our expenses. The Mayor said if we have a year of a drought and people are told they can't water their lawns or fill their swimming pools, we are obviously going to use less water. We now have building going on. We have 80 units going up at Gitlow. So we know that there is going to be more water usage in the near future. We have a condo complex being built on Cross Street. So that we know. We should see an increase in water usage in the Village. But our expenses associated with running that department. Does that have something to do with the large deficit? The Mayor said yes, it does, because if a pump breaks down, it is not hundreds of dollars. We just replaced a pump part this year that was \$17,500. And it is like a car. If your water pump goes on your car, you either park it or fix it. Well, we had to keep the water flowing and we can't predict a break down at the plant. And that is one of the problems. We had some expensive repairs over there in the last few years. Ms. Agan asked how old is our water facility. The Mayor said about 20 years old. Ms. Agan asked if that is part of the problem. Trustee Meehan said he had discussed this with our Treasurer and maybe Tom would comment on this. He said his understanding when he went into his office and asked him about this is that we had been using the wrong formula to make a prediction of water usage. In other words, perhaps overestimating the number of units. So what we have been essentially doing is undercharging the rate users. Ms. Agan said there just seems to be a need for more work, in her opinion, and on an evolutionary strategy to predict, like you said, water usage against the expenses of running a water department. There has to be something that balances out better. Trustee Meehan said that one of the problems that we have in Rockland County is that we really have a lot more water than we need but if there is a drought in the County, the Rockland County Health Dept. issues a statement that you can't wash your cars, you can't fill you pools. Well, we could still do that in Suffern, but we are still covered by that law. So when that happens, we suffer from that. Ms. Agan said that her recommendation is how can we look forward faster. It seems that we have a twenty year old facility, we have rates that might be not necessarily evolving with the way that we are growing this Village, and there are additional things that we should look at from an expense standpoint. So her recommendation is that if we can look in that direction, that would be great. Because she thinks there would be a balance to selling water in the future if that was ever an option against how do we really grow this Village more properly. She thanked the Board.

Joe Brennan of 15 Claremont Lane said that he knows that we have bonded money for a new meter reading system and he asked if the Board could tell us at this point how much money is being lost as

far as revenue to the water department because of inaccurate or missing water meter readings. The Mayor asked if Tom had those figures.

Treasurer Tom Zordan said that in actuality, yes, we did borrow the money. That money is sitting in a bank account earning interest at this time. So we are not losing any money on that. The interest that we had generated for the last few months was higher than what we have to pay out. So we are not really losing any money in that regard. In terms of potentially not doing readings or missing meters, he said he actually, to the chagrin of a couple of people, went back and did some research in November and he checked every meter that we have a card for, that the water department has ever installed. He said he took every card. And then he went and compared that to every bill to ensure that everyone is being billed or we are giving an estimated billing to everyone who has a meter. So everyone has received a bill in the October billing and this current billing. Everyone is getting a bill. So that is not a problem. The only reason that we may be expending more money is because we haven't had a chance to get the system installed because of unfortunate unforeseen circumstances with our personnel and we are a little behind on getting the plan out for bid and awarding a bid. So our meter reading men might have earned a few more hours overtime but we are not talking about thousands of dollars. He said he doesn't even know if they actually worked any overtime in this regard. He said he can check into that and get a figure of what it did cost us, but he is sure it is not a tremendous amount of money. That is really the only additional expenses that we would have incurred.

Mr. Brennan said that maybe he is missing something because if he remembers correctly at one of the workshops, when there was a presentation made for the Village Board to buy this water meter reading system, which everybody seemed to be in agreement about, it was because the amount of water that is coming out of the water department compared to the amount of water that is being billed by the water department - there was a loss of about 30% there so that almost 1/3 of that money, 1/3 of that water that is coming out of the ground is not being billed. And wasn't that the reason for going for the meter reading system. The Treasurer said that the biggest reason that there is a difference between what is being pumped out and what is billed out is because all of the municipal buildings that use water - we don't pay for the water. So that water gets used. The Fire Department, which uses a lot of water. That water doesn't get billed out. But it does get pumped out. So all that water that the Fire Department uses and what the municipal buildings use, that doesn't get charged to anyone. But it is run through the system. It is pumped out. It is accounted for. And they report every year that 650,000 gallons, or whatever it is, is being generated, is being pumped up. But how much is actually billed out - that is a totally different number and that is why it seems that there is a tremendous difference. Mr. Brennan said that number one, if the Village, and he finds it kind of hard to believe that with the small number of employees we have in the Village, even with the

Fire Department, that they are using 30% of the water that comes out of the water department. That number has to be skewed somehow. And number two, if that is the reason that we bought the new water meter reading system, then maybe we don't need the system. Trustee Abato said that wasn't the reason, she doesn't think. She thinks that maybe there is a couple of things going on in his head at the same time that you may be mixing it up. The biggest thing was the return that we were getting on the meter readings which was very low. And she thinks it was at 30%, if she wasn't mistaken. She said it was at 30 and now we are down at 24. So she thinks our concern was that we weren't getting the return readings as quickly as we would have liked to and therefore we weren't getting the bills out to bring in the payments. So there was discrepancies amongst the readings of the people that sent in their readings and she thinks that the efficiency of this system right now is just going downhill as Tom just indicated that now we are going from a 30% return to a 24% return. With this system, you get a 100% return, everybody gets their bills the same time, and everybody is due the same time. There is no lag in payments. There is no lag in billing. Because it is efficient. 100%. The readings are all done by a computer. No one has to read their own meters. And the other problem was that you had overtime because you had to make appointments with people after hours. So we were paying out a lot of overtime to make up for the difference of the people who we couldn't get to during the day during normal business hours. Mr. Brennan said that right now all of the water meter readings have gone out, right. And the people know what their bills are. So therefore the only reason for buying this new system would be in order to control some of the expenses because we are not getting all the readings back. Trustee Meehan said that he thinks for the general public. He said that we had a system that worked on the telephone and it worked real well until people started to not have telephones and went to cell phones or did like he did and switched to Optimum Online and you can't read his phone line, and that is what has happened and that is why we are having problems. But this is foolproof until we find out it is not. Trustee Abato said until somebody finds a way to get into that one.

Isabel Haggerty of 4 Parkside Drive in Suffern said that a couple of years ago, she got up and spoke against the sale of water to United Water. She said she is still opposed to this idea and she is willing to pay the increase in water and sewer rates. She said it is her belief that if we allow United Water to buy water from us during the summer months, it is there way of getting into our water system permanently. The residents of this Village have to realize that we pay the lowest water rates in Rockland County. She said she has a friend who gets her water from United Water and her friend pays almost twice as much as she does, except in the summer, when she pays triple rates. At the last meeting that we had on this subject, most of the people in attendance were willing to pay the increase rather than sell water to United Water. She said that in closing, she knows that we will get through the financial situation we are in and things will even out eventually. She thanked the Board.

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

VILLAGE OF SUFFERN

LOCAL LAW NO. 3 OF 2008

A LOCAL LAW AMENDING
CHAPTER 261 OF THE CODE OF THE
VILLAGE OF SUFFERN REGARDING WATER RATES

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

Section 1. Section 261-15(A&B) of the Code of the Village of Suffern is hereby amended to provide as follows:

- A. For consumers within the Village:
 - 1. For the first 10 units or fraction thereof: \$30.00 minimum charge;
 - 2. For that portion over 10 units and less than 71 units: \$2.49 per unit;
 - 3. For that portion over 70 units: \$2.87 per unit.
- B. For consumers outside the Village limits:
 - 1. For the first 10 units or fraction thereof: \$50.00
 - 2. For that portion over 10 units: \$3.78 per unit.

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

A motion to adopt Local Law No. 3, 2008, a local law amending chapter 261 of the Code of the Village of Suffern regarding water rates 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 - SEWER RATES

The Mayor said we now have a public hearing on sewer rates. The Mayor said that at this time, he will open up the floor for any comments about our proposed change in our sewer rates.

Jim Giannettino of 2 Memorial Drive said he was questioning if we are in a deficit in the sewer department. He said he doesn't believe so. The Mayor said no, we aren't. Mr. Giannettino said that is why he would like to know why we are getting an increase at a time when we are getting a 12.7% increase in water. If at all possible, he thinks we should forego the increase in the sewer rates if we are running in the black in order to help the people deal with the 12.7% in the water, which he agrees with. He said he doesn't want us to sell water either and he is not bringing that into it. He said his other question is in relation to what he heard about the billing. He understands that it is down to about a 25% read. He said a lot of bills were read at the beginning of April. He asked when does this rate increase go into effect. He said as soon as the State approves it. The Village Clerk said it is a local law and it has to be filed with the State. Mr. Giannettino said that is what he thought which would probably be the end of May. The Village Clerk said it usually takes about two to three weeks. Mr. Giannettino said right. So he is saying the end of May, the beginning of June. He said that people are going to be charged at the higher rate from the beginning of April through October which is unfair. He said they will accept the rate increase but why should we add on another four to five weeks of a rate increase where we should be paying the \$2.09 or whatever the second step to the rate is. He said it is something to consider. People are going to be paying more as they do with everything else in this world. But why should we penalize them another six weeks at a higher rate when they are actually using it at the lower rate. He thanked the Board.

Treasurer Zordan said the former Mayor is correct in that, yes, for the period for the month from the time they read your meter from whatever date that is, April 8, April 1, April 15, whatever that is, yes we will be charging you the new rate when it becomes law. But you have to look at the reality of the situation. If we are talking about someone who uses 100 units of water in a six month period and we charge them for two months worth, we are talking about 30 units that they are going to be paying the higher rate on. If it is a 22 cent increase, he said he thinks it comes out to \$6.60 or somewhere thereabouts that we are talking about. He said if someone is upset about that he can understand. But the reality is that if we don't charge the money today, you are still going to have to pay the money tomorrow because we have to make up our deficit. All the rate payers have to help close the deficit. It has to go away and we have to operate the water fund. Whatever we charge you is just being used to operate the water fund. You have to pay the money whether it is today or next week. If everybody

says, hey, let's make the deficit go away, I would say okay, we will double the rate for two years and then we will see if we can drop it. That is the reality. We are trying to alleviate this but if now he is going to be hearing criticism that I will be paying an extra \$6.00 on my next bill because my rate increase is going to start on April 14, he said he doesn't know what he can do for him. It is just the way the billing is. It is the way the system is. Once we get the new meter reading system in, then each year we will be closer to that month and date so that your meter will be read on April 27 and your bill will go out on April 30 and you will have it on May 1. But because we have to go through manual labor and we have to go out and do readings, it takes a lot of time and a lot of manpower to get all the readings done. This is the best way we can do it. The Mayor asked Mr. Zordan how this rate compares to last year's rate. Trustee Abato said the sewer. Mr. Zordan said the sewer rate? He said the sewer rate is going up 1.57%. That is 8 cents and it is 4 cents each six months per unit. A unit equals 100 cubic feet or 750 gallons of water. And the way it works is that we realize that people use more water in the summer. They might be watering their grass, cleaning their car. It doesn't necessarily go back right into our sewer system so we say to them look, we are going to charge you for whatever water you use for the winter, that is going to be your charge for the whole year. So if you use 100 units of water in the winter, in the winter you will be charged for 100 units of usage for your sewer and in the summer you will be charged for 100 units of usage. Even though in the summer you might use 150 units of water because you are watering your lawn or washing your car. Whatever. Taking two showers instead of one. Whatever the case is. So we are trying to be fair to people in that regard. But like he said, we are raising the sewer rate 8 cents. Trustee Abato asked Mr. Zordan to tell her what that works in the budget as. That increase. Total revenue for that. Mr. Zordan said the total revenue is 8 cents, 560,000 units, and it might be \$40,000 or something like that. That is what we are raising. Trustee Abato asked what is that percentage wise. Mr. Zordan said it is 1.57%. He said the other thing that he would like everyone to understand is that our budget for our water budget is \$1.6 million, our sewer department is \$1.2 million. It is not, in terms of budgets, it is not a tremendous number but we have employees and you need people to work. When they get a 4% raise or 3% raise, whatever it is, and your payroll is \$500,000 and they get a 3% raise, now you have to give them \$15,000 and it is going to come from somebody. So if he is charging you an extra penny on 560,000 units, he has to charge you 3 cents just to pay for their raise. And that doesn't change any other cost like electric, which he doesn't have control over. So that is why things change. If something breaks down, we have to get it fixed. The Mayor said that we adopted the budget. It is in the budget. By the law, we can't change it. The Mayor said it is a very minute increase. Mr. Zordan said actually it is the same rate that it was five years ago. There was a period where it was lowered by 8 cents and now it is going back.

Mike Curley said you bring up and you brought up questions about it

that it is only 1.5%. But 1.5% on top of 5.99 on the budget on top of 12.7 is a lot. So this 1.57 is a lot. If we don't need it and we have an excess in the budget, even if it is only pennies, let the people have the pennies. That's all. If we have excess in the budget and we don't need it, don't take it. If it is so small, don't take it.

Dave Gutierrez of 23 Meadow Avenue said that all he remembers is a conversation with - it was actually regarding the water issue and it was the Christopher St. Lawrence meeting - and there was some mention of sewer - the possibility of getting a cutting-edge sewer facility plant - something totally free. He said again he is not very learned or researched in this space but it is just something that kind of kept resonating in his head that there was this kind of cutting-edge solution that could be dropped in Suffern's lap. Something with wood chips. Something totally free. The Mayor said we are in the plans of receiving a centrifuge - a donation actually - a \$500,000 piece of equipment. So with that he thinks - he doesn't know if we discussed this at the last meeting - but with that we will be able to get our sludge up to the Torne Valley facility the way they would like it which is the reason that it is being paid for by the Town/County sewer department. And again, it is benefiting not only us because we make less trips to the Torne Valley facility but it benefits them because it is coming up drier and they have to supply less wood chips to mix with and dry it out. Which would mean more space for them where they could actually treat other town's sewerage waste and they would make more money. Mr. Gutierrez asked if the centrifuge solution is what sits in the west ward. Is that considered that. The Mayor said this upgrade centrifuge is in that building. The old one. But that centrifuge compared to this one is like one of those washing machines with the two rollers on it compared to what you can buy today. That is the difference. This one probably runs at least 100 times faster in revolutions. It is sort of like the spin cycle on a washing machine. The sludge goes in, it spins, the water comes out and what is left over we have to shift up to the Torne Valley facility and the problem is that our centrifuge is so old at this point that we can't get the water out. With the new centrifuge, it actually goes up. It looks like topsoil and it is dry. Mr. Gutierrez said that you are predicting that this new technology will in fact optimize that whole process and ultimately lower the cost. The Mayor said absolutely. Mr. Gutierrez said he also knows there is a growing concern in the west ward about the smell. And he is also thinking this is going to resolve that as well - the new centrifuge. The Mayor said that as far as the smell - and believe him - he has lived in the west ward for thirty years and he thinks it qualifies him to be an expert on sewer smell. And he has lived in three houses over there. And he can tell him that today, in this day and age, and he is not just saying that because he is the Mayor, but he can go a week, sometimes two weeks, without even smelling anything where as years ago it was like every time you turned around you were checking your shoes. So it was that bad. It is a lot better. It is improved. We have new chemicals that mist into the air and actually cling to the odors and bring them to the ground. And if

anybody over there wants to eliminate the odor, it is him. And as Mayor if he can't do it, it is impossible. But we have an old plant and the new plants are actually covered. And to cover the plant, we checked a few years back - is about 1 million dollars to put some sort of a tent-type cover over the tank area to try to eliminate the smell. But he has to say, unless the wind shifted, he doesn't smell it like he did years ago. It is a lot better. Mr. Gutierrez said thanks for the proactive solution on that.

Jeff Genser of 32 First Street said that he would like to thank the Village for not selling the water to United Water. It is a resource. We can't predict droughts. And he thanked the Board very much. He said he learned something unfortunately at the meeting that monies from the general fund cannot be used for the water department. So unfortunately all the suggestions that he was going to make was based on that theory. Perhaps he can talk to somebody at another time because he thinks he has some good ideas where the Village can save money. In other words, if we can be on CNN and be at the cutting edge of this immigration issue, we should be at the cutting edge of conserving not just water but all of our resources and look at the largest portion of the budget and see how we can trim things, cut down gasoline usage by buying all hybrid vehicles, not the police vehicles, but non-police Village employees to drive - minimum 45 mpg vehicles. Things like that so that we can save on fuel and other things in that direction. He thanked the Board.

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

LOCAL LAW NO. 4 OF 2008

A LOCAL LAW AMENDING
CHAPTER 220 OF THE CODE OF THE
VILLAGE OF SUFFERN
REGARDING SEWER RENTS

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

Section 1. Section 220-41(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

The sewer rent shall be established and may be changed by Local Law following a public hearing thereon. The sewer rate shall be \$4.54 per 100 cubic feet of water consumed.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 4, 2008 was made by Trustee Abato, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

8:10 P.M. - PUBLIC HEARING - ESTABLISHING A 15 MINUTE PARKING SPACE IN THE VICINITY OF 30 CHESTNUT STREET

The Mayor said we now have another public hearing establishing a 15 minute parking space in the vicinity of 30 Chestnut Street. He said that basically we have, just to fill you in, we have 15 minute parking spots all over the downtown area. Most of them are at the end of a street. And at this time, he thinks, in speaking with the police chief he thinks the best spot would probably be the last space on Chestnut right near the park. And he thinks that is basically what was requested.

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

VILLAGE OF SUFFERN, NEW YORK
LOCAL LAW NO. 5 OF 2008

A LOCAL LAW AMENDING SECTION 254 OF THE CODE OF
THE VILLAGE OF SUFFERN REGARDING PARKING
RESTRICTIONS ON CHESTNUT STREET

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

Section 1. Section 254-65 of the Code of the Village of Suffern, "Schedule XV, Time Limit Parking" is hereby amended by adding thereto after [Name of Street] Chestnut Street [Side] West [Time Limits; Hours/Days] 2 hours; 9:00 a.m. to 6:00 p.m., Monday to Thursday and Saturday; 9:00 a.m. to 6:00 p.m., Friday; except Sundays and Holidays; [Location] 10 feet north of Lafayette Avenue, the following:

[Name of Street]	[Side]	[Time Limits; Hours/Days]	[Location]
Chestnut Street	East	15 minutes	Last spot facing northbound in front of Chestnut Street Park

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 5 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

8:15 P.M. - PUBLIC HEARING - TO CREATE AN AUXILIARY POLICE FORCE

The Mayor said we now have a public hearing to create an auxiliary police force. He said that this is probably the third Village Board meeting now that we have talked about this and we had some stipulations with our insurance company and things like that that we had to check with to make sure that we had all our ducks in a row. And we do. He said that he thinks that anytime we can get volunteers to do anything in this Village is a great thing and to volunteer to help to assist the police not in apprehending criminals but in helping with parades or local events, with traffic control and with crowd control, it is a good thing.

A motion to close the public hearing was made by Trustee Meehan, seconded by Trustee LaCorte.

VILLAGE OF SUFFERN, NEW YORK
LOCAL LAW NO. 6 OF 2008

A LOCAL LAW ESTABLISHING AN AUXILIARY
POLICE FORCE IN THE VILLAGE OF SUFFERN

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

Section 1. The Code of the Village of Suffern is hereby amended by adding thereto a new chapter, "Chapter 43" entitled "Police Auxiliary" to provide as follows:

43-1 Auxiliary Police.

A. An auxiliary police force is hereby established. The auxiliary police persons shall be appointed by the Board of Trustees upon recommendation of the Chief of Police and shall serve at the pleasure of the Board of Trustees. The Chief of Police shall conduct a full investigation of the background and

history of any such volunteer prior to making a recommendation to the Board of Trustees. Auxiliary police persons shall serve without compensation or payment of any kind. The Chief of Police shall ensure that auxiliary police persons receive sufficient training prior to undertaking activities hereunto

B. Auxiliary police persons shall assist in non-police matters Village Police Officers as traffic control, civil events, and emergencies upon their direction in such activities.

C. Auxiliary police persons shall not carry firearms and shall not have the authority of arrest, issuance of Appearance Tickets or Uniform Traffic Tickets. Upon completion of training for such devices, auxiliary police persons may, upon written authorization of the Chief of Police, carry handcuffs which they may use only in emergency situations upon the direction of a Village Police Officer.

D. Upon prior approval of the Mayor, the Chief of Police is authorized to adopt additional rules and regulations regarding auxiliary police persons not inconsistent with this local law.

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

A motion to adopt Local Law No. 6 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

8:20 P.M. - PUBLIC HEARING - REPAIR AND MAINTENANCE OF SIDEWALKS, ETC.

The Mayor said we have one more public hearing. The repair and maintenance of sidewalks and so forth.

Attorney Rice said that we have had a provision in the Village code

for a number of years requiring the owner or occupant of the property to be responsible for maintaining the sidewalks and curbs adjoining the property. Trustee Abato suggested that we extend it, and this was based on a local law that another community had, to amend the law to extend the responsibility into the gutter area two feet into the street. And that is basically the sum and substance of this amendment.

The Mayor asked if anybody would like to comment on this.

Michael Curley of 84 Orange Avenue said he just wanted to get this clear. He said that now you want people to not just where the sidewalk ends but you want them to be responsible on the street part also? Attorney Rice said the immediately adjoining area. It already provided that the gutter was the responsibility. This clarifies it. The area extends to two feet to clean. Mr. Curley said just clean. What if someone trips and falls. Attorney Rice said you don't have to pave the road. Mr. Curley said that what if there is a trip and fall. Wouldn't you be assuming liability under your homeowners policy. Attorney Rice said it may be a liability. Mr. Curley said he thinks they should reconsider and he doesn't think they should pass it then. He said he thinks they are putting more liability on the homeowners. They have enough on their back. And he doesn't think you should put more liability on them. Attorney Rice said that the main point is to require people to clean the area immediately adjacent to their property. Mr. Curley said his concern is not that. His concern is the liability that now goes on the homeowner on the slip and falls. You have plow trucks that knock up roads and cement. It is tough enough being responsible for that sidewalk. Now they have to be responsible for the street too? He said he thinks they should reconsider it.

Trustee Abato said that she thought that Mr. Curley was misinterpreting this. She said that if there is negligence - the local law reads now that if you are negligent in not keeping that area maintained and someone is hurt because of your negligence then you are responsible for that. This law is to be an addition to what we already have in place and just now clarifies that we want you to keep your gutter clean. Mr. Curley said that as the attorney just said - and he trusts his opinion on this. He said yes, you may take liability. Attorney Rice said there is specific language in here on the circumstances. Trustee Abato said there is specific language in here that covers that - it's for failure or negligence to make and maintain. Mr. Curley said it is always going to be failure or negligence on your sidewalk but now you are extending the person's sidewalk. Trustee Abato said it is the same thing for that area as well. Mr. Curley said no it is not. If somebody falls in the street you are not getting sued for it. He disagrees with her. Trustee Abato said the language is very clear in the local law and it says that if you are negligent and you do not keep that area clean and someone is directly injured because of your negligence then you are responsible. It does not say that you are responsible if someone trips or falls over their own feet. Mr. Curley said he didn't say trips or falls over their own feet. Trustee Abato said right. Mr.

Curley said that now we have plows that go through the winter and drive down streets. These plows go right on and knock up cement and knock up roads all the time. You are now, if they fall on the street, you are now pulling in that homeowner and putting liability on him. Attorney Rice said he doesn't think that is the circumstance that we are talking about. Mr. Curley said can you give me definitively that it is not. Attorney Rice said you know that anyone can sue anyone at any time for anything. Mr. Curley said that is what he is saying. You are opening up the homeowner for more liability. And he doesn't think you should do that. Attorney Rice said he doesn't think that we are really broadening it anymore than what previously existed. Mr. Curley said you extended it two feet there. Attorney Rice said that it previously said sidewalks, curbs and gutters. Trustee Abato said that is what it is. Attorney Rice said it is more of a clarification than much of an extension. Mr. Curley said that he thinks now by saying the two feet you are putting a definite liability on them. The two feet are part of theirs. Attorney Rice said under certain circumstances it would be, yes. Mr. Curley said he thinks that is why you should reconsider it. He doesn't think you should put more liability on it even if there is a chance they get more liability. He said that he thinks that most people in Suffern do go out and take care. He doesn't think that 90% of the people or 95% of the people should have to take more liability for 5% of the people who don't take care of their property maybe the way you want them to. He said he thinks those people should be punished. Not the other people.

Trustee LaCorte said that Mr. Curley has a legitimate point. The reason behind passing this law was, and again he doesn't want to speak for Trish, but in terms of talking about it and why it was brought up was a concern, especially in the downtown area that certain merchants were just sweeping stuff into and past the gutter and that the streets were dirty so you want to make clear that you couldn't just use the streets for a dumping ground for whatever garbage that you swept up while cleaning in front of your place. But again the intention there is not to extend the liability on a homeowner - to sort of say hey, now it's not the Village's responsibility especially as you mention that plows do go through. So he thinks that we - he doesn't know if it needs further clarification or are we confident that that is not the case. Again, Trish, he doesn't want to speak for you, but he wants to make sure that that was our intention.

Trustee Abato said that when she proposed it she did not view it as adding on extra liability and she still doesn't truly feel that we are adding on extra liability because the gutter was included anyway. We are just clarifying because people are not keeping their gutters clear of debris. They are sweeping into it. It was implied and never said. And if it is creating more liability insurance wise for the homeowner then she thinks that has to be visited. But she doesn't think that it is much more if you measured it out then it already is in the law.

Mayor Keegan said that again he thinks this was for - Trustee Abato

said it was litter purposes only. The Mayor said right. It is a lot of retail outfits with a lot of cigarette butts and again sweeping stuff into the streets. The Mayor said that now we do sweep the street at least once to twice a week on the downtown area. And he does not believe, and again, you have a valid point. That this said anything about snow removal or you would have to go out and repair the street if there was something wrong with it. He said he doesn't see that. It is ludicrous. If that is what is being perceived here then maybe it needs further clarification. Maybe we need to change the wording.

Trustee Haggerty said he thinks he is right. The wording should be changed.

Tara Agan of 23 Meadow said that not being familiar with this issue but she agrees with Mr. Curley. What happened to good old communication. Maybe this is something between the Board and the Chamber of Commerce if it is dealing with retail. Why are we getting litigious over having a conversation with people about picking up butts on the street. Trustee Abato said that she doesn't think we are being litigious at all. Ms. Agan said you are trying to pass a law and if the people don't obey the law you are going to sue them, right? Trustee Abato said no, no, no, no, no, no. Attorney Rice said no. Ms. Agan said why are we having a law then. Attorney Rice said why doesn't he explain it. Trustee Abato said there is one on the books already. This is just amending the law. Ms. Agan said she understands that there is one on the books but why aren't we communicating before we're passing two more feet on the law. Trustee Abato said we have asked numerous times. Ms. Agan said the Chamber of Commerce? You sat down with them? Trustee Abato said absolutely. They know. They are actually much in favor. Because a lot of them have come to us and said, hey, I'm keeping my storefront nice. I'm keeping my gutter area clean. Ms. Agan asked if the problem is with certain kinds of businesses - restaurants, or? Trustee Abato said that she doesn't think you can control people coming in and out of the businesses everyday. So if you have a uniform law that covers all your business owners then those who do go out of their way to make sure that their store fronts are clean and their gutters are clear and clean. Ms. Agan said then that is a lot different then where we started this conversation. Trustee Abato said that is where it is. Ms. Agan said which was liability around home ownership. Trustee Abato said it is not meant for that purpose. It is meant for. Ms. Agan said okay, then there is more clarity in what you are saying. But her additional question would be why wouldn't you talk this out with business owners before passing an additional law. Trustee Abato said we already have had several conversations. Ms. Agan said with every single business owner in Suffern. Trustee Abato said with the Chamber, they have had several. She asked if everyone has talked to the Chamber. She said she is not understanding the issue. Trustee Abato said the issue is that the Chamber, most of the Chamber members, are very concerned over the fact. Ms. Agan asked if there were any Chamber members here. Trustee Abato asked if she could finish answering her question. Ms. Agan said she was just wondering if Chamber members

are here. Trustee Abato asked if she could just finish. The Mayor said you are supposed to address us. Trustee Abato said there are several owners in the downtown area who are not keeping their storefronts clear of garbage. Ms. Agan asked has the Board talked to them. Trustee Abato said she was not going to answer any more questions. She said go ahead and say what you want. Ms. Agan said she is trying to ask did you talk to those business owners personally. Trustee Abato said she is trying to answer her question. She said she apologizes if there was anything implied that there was any liability that was being on to the homeowners, store owners, building owners. But the point is that we as a Board have vowed to take a very firm stand against the way that our Village looks. And she thinks that if we allow people to keep dumping their litter on our Village, something that we take pride in and something that we are trying to move forward and to revitalize, then why bother. Why not let it go as it is. Have no laws. Everybody can throw their garbage in the streets. And hey, we're done for the day.

Ms. Agan said that she guesses she was just looking for clarification on having a conversation instead of passing law. Trustee Abato said we had several conversations and then the unfortunate part of it is that we had to go and rent a gum machine and have the sidewalks cleaned, which cost the Village a lot of money. We continually have people throwing their garbage in the street. You can go down there every single day, every single morning and she is sure that Dan could get up and tell her how much garbage is swept into the street. And it is just negligence on the part of the store owners. Ms. Agan said she thinks it is negligence on the part of a lot of people, not just store owners, to this gentleman's point. Trustee Abato said you can actually see that it is swept off the sidewalk and into the gutter. Ms. Agan said that she guesses it is clarification ultimately on homeowners vs. retail. That would be her first comment. And secondly she was just suggesting a conversation. Trustee Abato said we have had several. And the Code Enforcer is enforcing the laws. And you can also speak to him. He has had to go into these stores and say you can't do this. And guess what. Dan is calling up and saying, hey, guess what. Did you talk to this guy, because guess what, all the garbage is out in front of the store again. Bags of garbage. Ms. Agan asked if there are fines associated. Trustee Abato said yes, absolutely, they are breaking a local law. This is just giving us - people not to say that we didn't tell them that they were responsible for the gutter. Well it says, yes, you are responsible. Not to sweep your garbage into the gutter. Ms. Agan said that extending it into the gutter would help you be able to fine more? Trustee Abato said absolutely. Ms. Agan said thank you for the clarification.

Mayor Keegan said that in light of the fact that we have a law on the books that is almost identical to this law, he would like to ask the Board to table any decision on this law tonight so that we look at it a little further. That we look at the wording on it a little further and he thinks that we can possibly bring this back up at the next Village Board meeting. But he really would like to

review it a little better in light of some of the facts that came out about snow removal and repair. Whose responsible. And he doesn't know what the feeling of the Board is on that.

Trustee Haggerty said that he thinks that the Mayor is 100% correct. The repair and maintenance of sidewalks is very misleading. If we want to make sure that they keep the area clean. Trustee Abato said that has always been. Trustee Haggerty said sweep it. Or whatever else it is, spell it out. That it is the downtown area. Not the homeowner. Trustee Abato said that our local law already provides for repair of the sidewalks and maintenance. Trustee Haggerty said that we ought to change the name of it then. Mayor Keegan said it does but again the law has been in effect for a long time and it says gutters and we didn't have a problem up until tonight. Now we are talking about what is the actual measurement of a gutter. If we are going to get into liabilities and lawsuits and that, then he thinks we need to look at this further before we make a decision on it.

Trustee Abato asked Attorney Rice if it was possible to add provisions in there for liability. Because you really can't waive liability, is that correct? Attorney Rice said it is crafted, especially the second section, is crafted in a particular way to deal with the number of court decisions and frankly to protect the Village's interest in liability situations. So it can be changed but he wouldn't do it on the fly tonight. He said we can sit down and talk about what aspects of it you like and what aspects of it perhaps you don't like. And certainly we can change it. Trustee Abato said and it can provide more coverage for the homeowner and the business owner. Attorney Rice said you have to tell me what you folks on the Board want and then he can write it. Trustee Abato said like Mike said, why should they, if there is snow there and someone trips and falls or slides on the ice, obviously they can't be responsible for that. Attorney Rice said the situation is the same with any type of negligent type of claim. If somebody slips and falls just after it started snowing or something like that, there is no negligence involved. If somebody doesn't deal with the situation for a number of hours after it stops snowing then there may be an issue of negligence. And what we consistently had in the code, whether you agree or disagree, we can talk about. But for many, many years it has been the responsibility of the adjoining homeowner and, if it is not done, then yes it shifts liability to the adjoining homeowner. Trustee Abato said that already there is liability and people are not really aware of it. Attorney Rice said the change in this local law is very small as compared to what presently exists. Trustee Abato said that the liability pretty much is only a piece of that. Attorney Rice said it hasn't changed. Trustee Abato said then that is something to look at as well because like Mike said if that liability already exists without us amending this law then she thinks that is something and it is a good thing that was brought up. And she thinks it is something that we should look at. Maybe we need to put something in there that snow removal is the Village's responsibility. Attorney Rice said we will talk about it. The Mayor said he doesn't know too many people

that shovel their gutters. Trustee Abato said exactly. And she doesn't think that anybody should be responsible for their gutters. The Mayor said that gutters are for snow plows, as far as he is concerned.

Trustee LaCorte said that he thinks that one thing is clear. This changing the law tonight was for a specific purpose to ensure and to address concerns of many business owners over a number of months and years regarding the way that people were maintaining the garbage in the gutters and how it affected the streets and the look of the downtown. If it is going to do something beyond that, then we should make sure that we look at it carefully. And he thanked Mike for bringing that up because we don't want to put more liability on homeowners when we didn't intend to do so. That is just his opinion.

Jack Rosenberg of 13 Somerset Drive said doctor, heal thy self. He said that the city of New York has 6000 miles of roads. The city of New York is presumed to know of every defect in the entire city of New York. Outside of the city of New York, you must have actual notice. He said he was out campaigning on Bon Aire Circle and he came to Danbury and at the curb coming out of Danbury onto Bon Aire Circle or coming into Danbury from Bon Aire Circle, a bunch of the Belgian blocks were broken and actually out in the street. Now if a car was coming and made a right turn, it would hit the Belgian blocks. It could go up on the sidewalk and kill somebody. Did you ever read about somebody getting hit by a car on a sidewalk. It happens. The point was that he called up the Village the next morning and he told them about it and he imagined that they took care of it and they fixed it. Now, he wants to give four instances of your own neglect, if you don't mind. Mayor Keegan asked if he could ask Mr. Rosenberg something, and he said he wasn't being disrespectful, but we are going to have a regular public audience participation which he thinks is where his point needs to come up. Right now we are talking about a law that we are going to put on hold. Mr. Rosenberg said he was going to speak in the open portion of the meeting about these four things. So let him tell them about it. The Mayor said he doesn't see how Belgian blocks fits into this law. Mr. Rosenberg said the Village has been negligent in doing a number of things which you should be aware of and take care of it. He said he has notified certain people in the Village and they haven't done anything about it. So now he is bringing it to the Board. Number one. People cut the corner. The Mayor said we are still on a public hearing. Mr. Rosenberg said that people cut the corner from Milford unto Bon Aire Circle West and they don't get onto the correct - Trustee Abato said that we are in a public hearing for a local law. We can't hear this right now. Mr. Rosenberg said he begs her pardon. Trustee Abato said we are in a public hearing for a local law on property maintenance. Mr. Rosenberg said right. Trustee Abato said this is not anything to do with property maintenance for the portion of the local law that we are trying to amend. So this is not the proper time to discuss it. Mr. Rosenberg said didn't Mr. Curley say that you are putting burdens on people. Trustee Abato said no, we are not putting

burdens on people. Trustee LaCorte said you turn onto Bon Aire Circle West now. Right. You turn Milford Lane. Mr. Rosenberg said that three or four times he has brought it before the Board. And he has gotten promises from the former Superintendent of Public Works to put little dots so that cars will come around the dots instead of cutting it and only getting on the right side of the line 10 or up to 20 yards. That was one thing. But take a look at the corner of Chestnut and Lafayette. The metal grates - part of your downtown revitalization program. One of them has been gone for six months. Another one in front of HSBC is 75% gone. It should have been taken care of a long time ago. You've got all kinds of people from the government walking around giving out tickets and everything. Why didn't they call you up and tell you about it. Then of course here is another thing. You put out pedestrian stanchions and you take them in before the winter. Trustee Abato said we are in a public hearing. Mr. Rosenberg said he is almost finished. He said it doesn't matter whether he says it now or in the open portion, does it? Trustee Abato said yes, we are in the middle of a public hearing. Mr. Rosenberg said well if it's pertinent, it's pertinent. If it's not, it's not. The Mayor said let us close this public hearing. Trustee Abato said can we get past our public hearing? Mr. Rosenberg said he would like to leave and he doesn't want to wait around until you get to the public portion in another hour. How does he know when you are going to do it. The point is that the pedestrian stanchions were taken away in December. Instead of putting them out in the middle of March or April 1, they are still not out in the street. Three people have been hit by cars. Frank Evans, a woman whose name he doesn't know, and himself on May 23, 2003. He said he got hit by a car. He said he was in the crosswalks. He was crossing with the light. He got hit. You put the pedestrian stanchions back in. And the other thing was that there is a driveway between the movie theater and the building to the west of it. Many years ago he noticed that it had sunk in and that when it rained the water stayed there. In the summer time, if the water stays there, it gets bugs and insects and all kinds of terrible things get into it. People can get sick. So he went to Frank Iannaccone, because the Parking Authority had the obligation to repair it. And finally, he got around and he fixed it. Well, go take a look at it today. It sunk in again. The Mayor asked him if he was talking about the parking lot behind the movie theater. Mr. Rosenberg said there is a driveway. The Mayor said driveway. Mr. Rosenberg said between the movie theater and the building to the west. And right toward the end of the building as you are coming - the Mayor asked if he could just ask a question to his Supervisor of Public Works. He asked him if that driveway was going to be redone with the parking lot. Or is that part of that. Mr. Rosenberg said he is just calling their attention to it so that they will be aware of it. He thanked the Board.

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

A motion to table the public hearing until the next meeting and Trustee Haggerty said and also to change the wording on it, which

Trustee Abato said that is what we are going to talk about and that is why we are tabling it was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

CULTURE & RECREATION:

A) Authorization to Hire Memorial Pool Staff:

Gail Curtin said she was requesting authorization for the hiring of the 2008 Suffern Memorial Pool staff as follows: Head Guards Michael Brennan and Danielle Cohen, seasonal salary \$6,000 each. Full-time lifeguards: Peter Hubert, Adam DiStefano, Steven Feane, Daniel Courtney each at a seasonal salary of \$4,200. Samantha Dunn, Andrew Fredericks, Molly Kauders, Jin Lee, Matthew Leon, Jordan Manos, Kelly Sheehan, Rebecca Sullinger and Brad Cohen part-time lifeguards each at a seasonal salary of \$1,700. John McBrinn as a sub \$8.50 per hour. And Kyle Cioffi returning as pool maintenance at \$8.75 per hour. A motion to hire the pool staff was made by Trustee Meehan, 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

Mrs. Curtin said that in addition to what the Board just approved, some of these individuals will also be offered additional positions as instructors and/or swim team coaches. And she will get back to them when they finalize those.

B) Department Update:

Mrs. Curtin said it is rather late and she wasn't sure how much the Board wanted to hear about an update, but she will go quickly. She said that since the last Village Board meeting, LEAD met twice at the Community Center. She said we took our trip to New York City to see *Hairspray*. They participated in the Great American Cleanup and Mayor Keegan and she spent a good part of last week with various elementary school students - R.P. Connor 2nd graders, R.P. Connor kindergarteners came to the Community Center and as they did on the update today, she would like to thank Elaine and Andrea for reaching out to the Connor School and working with us so that they could come to the Community Center. And then, finally, they went to Montebello School where the Mayor explained how government works to the 2nd graders. Mrs. Curtin said she is trying to talk real fast. She said the Lions Club blood drive will be at the Community Center on Tuesday, May 20. She said that two other things just quickly. She said she thinks the Board got a copy but in case they didn't we got a lovely letter addressed to the Mayor and the Board with a copy to her office thanking both the DPW and the Recreation Dept. for the assistance given to AARP tax service at LPL this past year.

If you didn't get a copy of that letter, she said she is sure she can get one to them. She said they thanked the Board for making that possible. And finally, the YMCA little people have come back asking if they could use the pool as they have done in the past three years and we will show what they come up with to Terry before they send that letter out.

VILLAGE ATTORNEY

Attorney Rice said it will be under Virginia's agenda.

DEPARTMENT OF PUBLIC WORKS:

Supervisor Dan Haglund said he just had a few things on the agenda this evening.

A) Return of Polymer Bids - Atlantic Coast Polymer (\$1.89 /lb.):

Mr. Haglund said the first thing is to accept the returned bids for polymer - Atlantic Coast Polymer at \$1.89 per pound. A motion accepting the bid 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

B) Return of Liquid Caustic Soda - Jones Chemicals (\$1.04/gal. delivered):

Mr. Haglund said the next one is to accept the bids for the liquid caustic soda from Jones Chemicals at \$1.04 per gallon delivered. A motion accepting the bid was made by Trustee Meehan, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

C) Reclaiming and Paving of Street Department Yard (\$68,000):

Mr. Haglund said this item is for the reclaiming and repaving of the Street Department yard. He said the original quote was \$68,000 and he was able to negotiate it down to \$63,000. A motion authorizing the reclaiming and paving of the Street Department yard at a cost of \$63,000 was made by Trustee Meehan, seconded by

Trustee Haggerty.

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

NOES: None

ABSENT: None

Trustee Haggerty said he had one question for Dan. He asked if we had an outside contractor that we are using to cut down trees. Mr. Haglund said that Louis Tree Service is doing it from Orange and Rockland. Trustee Haggerty said we set up a situation a long time ago where we have to take down a tree, or we would like to take down a tree, that the homeowner is spoken to before it happens instead of walking out and seeing what happened. Mr. Haglund asked Mr. Haggerty if he was referring to the ones on Boulevard, he said that was an emergency. Trustee Haggerty said yes, he was talking about Boulevard. Mr. Haglund said yes, that was an emergency situation. They wanted to finish the curb work and the trees are actually in the way. They are protruding out into the street. Trustee Haggerty said two were on the south side. He said there is a telephone pole there now but he doesn't see where this is happening or help the installation of a sidewalk or curbing. Mr. Haglund said some of the tree is still standing because there are guide wires in there. If you go down in front of #3 Boulevard, you will see a telephone pole. He said we cannot take the rest of them down until those guide wires are moved otherwise the telephone pole could fall down. He said he is waiting for Orange and Rockland. Trustee Haggerty said he thinks that we ought to go back to one of the things that we had set up that before we take a tree down on somebody's property we tell them about it and why it is necessary instead of them coming out and finding it gone. Mr. Haglund said he doesn't want to go and cut trees down for no purpose. The purpose was that two of those trees had big holes in them and the second purpose is that they have to do the curbs. And that is stopping them because the roots of the tree are actually pushing the curbs out and they can't replace them. They can't do the curbs. Mr. Haglund said we will be planting new trees. Trustee Haggerty said he wasn't questioning the fact that it was necessary. Just that the homeowner should be notified of what is going to happen and the reason for that. Mr. Haglund said yes, he has no problem with that. He said we have notified people in the past but this was a spontaneous thing where he had to get it done and the day before he actually had to call up John Turillo with Orange and Rockland to get these trees down. He said he called him at 5:00 at night. And he said he would have a truck there the next day. The Mayor said okay, then we will be notifying them in the future. Mr. Haglund said oh, yes, unless it is an emergency situation where we can't. Trustee Abato said do we at least go afterwards and let them know why it came down. We should probably do at least that. Mr. Haglund said that he has pictures of the trees, reason why the trees are taken down. Trustee Abato said she was just saying that even if it

is after the fact, if it is an emergency and the homeowner is not home, she thinks that a knock on the door when they are home just to let them know. Or a phone call. Mr. Haglund said no problem. Yes, we do that now.

Mr. Haglund said the other thing is roadway improvements. He said that right now, as people can see, they are on Boulevard replacing the curbs. After they get the curbs done, hopefully they can get it paved within the next couple of weeks. He said that Orange and Rockland is still doing the gas line on Hillside. They should be done, hopefully, in the next week or week and a half. Trustee Abato asked Mr. Haglund if she could ask him a favor. She said that she has had a lot of residents complain. She said she tried to get him today but she wasn't able to reach him. She said it is about the machinery that they are leaving on the streets. She said that the Boulevard is not a very lit street and they are not putting any kind of reflectors or anything on those pieces of machinery and people are coming up on them and all of a sudden they are there because it is so dark. She asked if they could put a blinking light or something on that machinery to let people know. And the other thing is coming out of Boulevard unto Washington Avenue. There is that big hole there that they have a cone and it is almost in the middle of the road. It is causing a lot of almosts. People coming out of Boulevard and people trying to turn into Boulevard. Because it is almost like a one lane at that corner. And she doesn't think that that little stanchion thing that they have there is enough because people are coming around it. She asked if there was something more that they can do there. She thinks that would help a lot with that particular intersection before we have a problem. Mr. Haglund said yes, he told the contractor that they have to fill the holes in even if they have to do it on a daily basis until the road is paved. Trustee Abato asked him if saw that one. Mr. Haglund said yes. Trustee Abato said it is pretty bad. Mr. Haglund said yes, he told them that it was supposed to be filled in. Trustee Abato said you have to go on the wrong side of the road to avoid it. Mr. Haglund said right. Trustee Abato said and that is at an intersection. Mr. Haglund said the reason why that cone is there is because there is a manhole right there. If someone hits that they are going to blow a tire out. Trustee Abato said they need to do something though like ASAP because somebody is either going to get hurt because there is also a mailbox right there or there is going to be an accident. Mr. Haglund said he has told the contractor and he will address it again tomorrow. Trustee Abato said she appreciates that. Mr. Haglund said he has told them about barricading the equipment also. Trustee Abato said yes, that is pretty dangerous because that street is dark and if you go down there tonight and then all of a sudden you come up on a piece of machinery and it is like Wow! Mr. Haglund said he will tell the contractor tomorrow. The Mayor said he had a couple of complaints which he went over with Dan on Hillside Avenue where the road was paved but the storm drains, the catch basins, weren't raised. And a couple of people complained. They said they were so low that it was like a hole in the road. And Dan explained to him that it is part of the punch list where they are going to have to come back

and raise those. Correct? Mr. Haglund said yes. They told him originally it wasn't in their contract. But it is in the contract. They will be coming back and raising those catch basins and any manholes or any defects in the blacktop. They will be coming back and fixing everything. The Mayor said good. Trustee Abato said if there are any safety issues, and she doesn't know that a punch list is acceptable. She said she thinks that they should be handled on an as they come along basis. She said she doesn't think a punch list is acceptable for people getting hurt and opportunities for people getting hurt. That should be done like Terry said like yesterday. Mr. Haglund said he agrees. Trustee Abato said if they are not going to do them, then we should probably have Terry contact them and put some kind of something in writing that it is their responsibility. Mr. Haglund said yes, they are aware of this and he has told them several times and he will have to go out there with the Mayor. Trustee Abato said maybe the Mayor should actually go out there. She asked the Mayor that if Danny is having no success with them, then maybe he should go out there. Attorney Rice said we are coming up with some serious problems and he thinks we need to put it in writing. So if you want to tell us what they are tomorrow, let's get something in writing to the contractor. Mr. Haglund said he agrees. No problem. He will meet with the Mayor tomorrow and he will go over all of that. The Mayor told Mr. Haglund to stop in tomorrow and they will come up with a plan. Mr. Haglund said okay.

Mr. Haglund said one of the last things he has is that we have the compost and the mulch for the residents. They can come down to the Street Department garage and they can actually pick it up themselves.

AUDIENCE PARTICIPATION:

The Mayor said that we are going to have audience participation at this time. It is one thing we have every meeting. He said he knows that a lot of people spoke already. He said if anybody wants to come up at this time and speak on any issues, items, any comments. This is the time to do it. So if you come up, please state your name and your address for the record.

Silvio Conte of 17 Yorkshire Drive said that first he wanted to thank the Village for the new roads and the Belgian block. He said they did it pretty quickly with very little inconvenience to the people up that way so they appreciate the contractor and everybody if you were on their case to keep it quick. So, thank you.

He said just one thing. And he just spoke to Dagan and he may have clarified it for him. When we had the public hearing on that whole situation, the word FIOS and Verizon came up and he wanted to know what the possibility is to get the FIOS line in his particular area. And he has called Verizon a number of times. He spoke to the techs a number of times. Guys were working on his road. And basically they said they can't do anything about it. They said the Village has to give them the approval to set him up. Mr. Conte said

he spoke to Dagan. Trustee Abato said they already have the approval. Mr. Conte asked if that was a completely false statement. Trustee Abato said completely false. They already have the approval from the Village to put all the lines in. Trustee Abato said she spoke to them because she has had a lot of people complaining about that. She said they are on a time-table. And it is just when they are going to be in his area, that is just it. It is just what area they are working on. What area they are going to get to. Mr. Conte said he lives like 100 feet from Bon Aire and they should at least set up an underground system. Trustee Abato said she called the regular number just like everybody else just to see what they would say. And they have no clue. Every time you call you get a different answer. But if you want to leave your phone number with one of the clerk's, she will call our representative tomorrow and she will find out when. Mr. Conte said he appreciates it. Trustee Abato said she will get back to him. Trustee Abato told him if he had any problems with installation or anything like that or with the reps or whatever, just let her know that too. Because she has really been trying to work on some customer service with them. So she is hoping that there is a much better communication now. Mr. Conte said he appreciates it.

Dave Gutierrez of 23 Meadow Avenue in the west ward said that he just wants to really thank the Mayor. He said the west ward really, really looks great. He said he thinks the streets are amazing. The blacktop. He said he had some friends from out of town who just thought that the whole neighborhood looked tight and cool. He also said he wanted to thank Danny in the Street Department. He said the top soil and mulch that he has created is absolutely amazing. He is a total gardener. And his whole yard is basically converted to a garden. And it is some of the best top soil. The Mayor said if you can't grow something in that top soil, then you are in trouble. Mr. Gutierrez said that he has to really compliment that. He said that he spoke to Chief Osborn for a minute. He said that we have had a lot of people who have passed away in the west ward and their children have moved back in. Tony Vella is one of them. And it has brought all of that. He said the entire Vella family lives throughout the west ward and now the whole Meadow Avenue has become the place where kids are now skateboarding, biking, and everything like that. There is a huge, huge insurgence on Meadow Avenue now. Most kids play on the street that cuts the main highways and that is where most parents love their kids to play. He said we have a huge insurgence of additional children now on Meadow Avenue. He said he talked to Chief Osborn and he was possibly suggesting. Could we get a couple of Children at Play signs or something. We get a bunch of people who are just rifling through the stop signs sometimes during rush hour or if there is a jam up on 287. The Mayor said he doesn't see any reason why we can't do that. Mr. Gutierrez said just something simple like that. Trustee Abato said it is on Meadow. Mr. Gutierrez said the whole Meadow Avenue - how it cuts it all. That is where all the kids skateboard. And there are just cars starting to get crazy. But other than that, as a west wardian, he is really happy at how the whole neighborhood is turning out. He really appreciates it.

The Mayor said we will go out and take a look at that. He said he doesn't see any reason why we couldn't do that.

The Mayor asked if anyone else would like to speak.

Bruce Simon of 31 Utopian Avenue said he had a question. He said the sewer project from Hillburn that is going to run through the Village, according to today's paper, is finally moving forward. He said he doesn't know if that is a good or a bad thing. He said there was mentioned in the story about \$100,000 coming to the Village to offset police overtime and these kind of things. He said he has to worry about where he lives. The sewer lines and everything are pretty old. They are least 60 or 70 years old. He said he doesn't think that anything has happened to them since they went into the ground. And he has a concern that when Memorial Drive and some of these other streets are dug up, all the vibrations and all the problems are going to cause issues for them. Is there anything in this plan that is going to kind of indemnify the Village so that if other upgrades that wouldn't have had to have been made are now forced that we are not all going to have to pay for it. The Mayor said that at this point, we have verbal agreements. He said the project is out to bid so we can't really sit down with the people who are going to do the roads yet because we don't know who is going to do them. And that is up to the County Sewer Department. But he is sure that we are going to have some clause in there that if there is any kind of damage that it will be a liability factor there and as, the same as the road project, they ruined a lot of sprinklers up in Stonegate and they repaired anything that they did ruin on peoples property putting the roads in and Belgian block curbs in, they are making good on it. So we are going to make sure that there is a stipulation in there that if they cause any lateral damage, that we are going to hold them to it. Mr. Simon said thank you. The Mayor said that is actually in the agreement. He said he wants to read it to him, that section. It says "The district shall insure that the contractor shall restore all Village property damaged by the contractor in connection with the construction of the diversion line. The repair shall restore the damaged property to the maximum extent reasonably practicable to its character and condition existing immediately prior to the damage or better." Mr. Simon said thank you.

VILLAGE CLERK:

A) Approval of Minutes of Regular Board Meeting of April 7, 2008:

Village Clerk Virginia Menschner said the first thing on the agenda is the approval of the minutes of April 7, 2008. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

B) Crumbs - Request for Tables and Chairs on Sidewalk:

Ms. Menschner said you have a request from Crumbs for tables and chairs. They have asked for May 8 to October 8. Trustee Abato said

that usually it is until the end of September. The Village Clerk said she doesn't remember. The Mayor said it is usually the end of September. Trustee Haggerty asked how many tables and chairs are they looking for. Trustee Abato said three tables, 8 chairs. The Mayor said that is what they usually have, right? Trustee Abato said she usually remembers them ending in September. The Mayor said he remembers them having two tables. Trustee Abato said she remembers them ending in September, not October. Trustee LaCorte said because of global warming, we are having nicer October's. Attorney Rice said that if they are asking for another table, then he thinks we need to have somebody look. Trustee LaCorte said they had one around the corner also. The Mayor said there has already been a complaint on the table on the corner. People coming down from 35 Park Avenue said they didn't think it was wide enough to walk there. The Mayor said he went over that with the Code Enforcer. And he went out and measured and he said it is just as wide as Lafayette. But a third table, he doesn't know. Trustee Abato said they had three. She said they had one on Park and two on Lafayette. The Village Clerk said they did. The Mayor said then he doesn't see a problem with it. Trustee Abato said that she just was asking the Chief if it was not the end of September that we ask for them to be removed from the sidewalks. Or is October okay. The Chief said it is okay. Trustee Abato said then she has no problem extending it. Trustee LaCorte said he seems to remember. He said he thinks what happened is that people had come in last year because it was nice and asked if it could be extended. Trustee Abato said extended, right. Trustee LaCorte said then we talked about this year doing it. Because if it is freezing, they will take them in. But if it turns out to be a nice October. Trustee Abato said she remembers that. You're right. She said she has no problem. Attorney Rice said subject to the same conditions as the previous year. Trustee Abato made the motion, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Village Clerk said that she did want to say that she gives each of these applications to John Loniewski before she gives them to the Board. She said she thinks he checked this out.

C) Request for Mayor to Sign 2008-2009 Tax Warrant:

The Village Clerk said this is a request for the Mayor to sign the tax warrant and the tax warrant is going to be current taxes \$7,654,511.10. Pro-rata tax \$3,500.24. Relevied water \$124,699.05; solid waste \$499,107; relevied solid waste \$43,138.46. A grand total of \$8,324,955.95. A motion authorizing the Mayor to sign the tax warrant was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried.

D) Return of Bids for Container Service Area:

Attorney Rice said that as you know the Village has a separate container district for refuse removal for the condominiums. The previous contract expires May 31 of this year so it was bid out again. There were a number of bids. The low bidder was Scuffy who

is different, obviously, then the current contractor. In order to find out if they were the lowest responsible bidder because they certainly were the lowest bidder, in the first instance Dennis Lindsay from Riddick Associates spoke to many of the contracts that Scuffy presently has in New Jersey and as he mentioned Thursday night, the municipalities were satisfied with the only concern some problems in initial startup. Based on Dennis' letter, Attorney Rice wrote to Scuffy and asked a number of questions. They responded from their attorney by letter dated April 23. We then entered into a number of letters going back and forth with Interstate, the second bidder and the present contract holder, raising various questions about licenses and compliance with the bid documents. All of those issues were viewed by himself and/or Dennis and given to Scuffy's attorney to comment on. So we have a number of correspondence going back and forth and he is satisfied at this point that Scuffy has complied with the bid specifications and certainly based on Dennis' exploration of their experience that there certainly is nothing to conclude that they are not responsible. Now Mr. Haggerty raised at the last meeting a question about recyclables and Attorney Rice checked the bid documents and Scuffy's attorney also wrote to Attorney Rice with respect to that issue and it stated in their letter "all recyclables will be deposited at the Rockland County Solid Waste Facility in Hillburn and the Village will receive all revenue from the recyclables per the bid specifications." Attorney Rice said that there were a number of minor items that were raised by Interstate with respect to, for example, the bid specifications said you had to have a local number. Scuffy was going to provide an 800 number but in the last letter from their attorney, dated May 5, they said they will also provide a local number which in fact is here. The various issues regarding licenses and so forth that were raised by Interstate he doesn't believe to be valid but he has since been informed that in any event Scuffy has all of the licenses and permits that Interstate has complained about, although he doesn't think that most of them are even relevant to picking up refuse in the Village of Suffern. So based on that he thinks that legally you have no choice but to award to the low bidder. We have seen nothing to suggest that Scuffy is anything other than the lowest responsible bidder.

A motion to award the service container area contract to Scuffy Carting LLC 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

Attorney Rice said that as part of that motion that it is \$13.05 per unit.

E) Labor Relations Services - 2 Proposals:

The Village Clerk said she was turning this item over to the attorney also. Attorney Rice said the issue is labor relations services and if he understands properly, the Board wants to table this.

Trustee Abato said she had a comment on this. She said that she does feel that they have all had the opportunity to speak to Mr. Bonnist and Mr. Cutro regarding labor relations and, for the record, she would like to also comment that the Board members that spoke to them all felt that they found them competent to do this work. She said that her biggest fear is that we keep putting this off and we are not making any decision on being represented in our labor relations. And we do have a PBA contract that is up that needs to be negotiated as well as a CSEA contract that needs attention. She said that we really need to be more diligent in trying to hire someone for this position and stop dragging our feet on it. She said she had hoped - she knows that there was another firm that we were supposed to consider - and she had hoped that she would find something in her box - a proposal or some kind of information on this firm. She said she has received nothing from them. Attorney Rice said he sent it out to everybody. Trustee Abato said she doesn't have anything. She said that all she has is - she looked at her stuff and there is nothing here. She said that she has gotten nothing to look at and she didn't know anything about it honestly until Dagan called her when she got home to say that there was another firm that we were possibly going to look at. She said that she would like to say that she would like to move this along as quickly as possible and she would prefer not to wait another month to get this going. She said she doesn't know how the other Board members feel but she felt that Bonnist and Cutro were more than capable. They have worked on the other side of management issues. She said that they would be more than sufficient. She didn't find any faults with them for us to look any further and she just wondered what the reasoning is behind us again now delaying hiring someone to negotiate these contracts. Is there a problem with the Cutro and Bonnist firm or is it that we just want to keep looking. She doesn't understand.

The Mayor said that Trustee Abato has a valid point there. He said that he doesn't think that we should rush into something as important as a PBA contract which affects all the taxpayers of this Village. He said he doesn't think there is any rush on it. He said he knows we want to get it done and we don't want to carry it on like they do in New York City for two, three, five years. The Mayor said he does however think that, and again he originally liked the original law firm until he sat down this week with the new people and basically he would like every Board member to sit down and at least listen to what they have to say because he was very impressed. The Mayor said that he has been in labor relations all his life and he was very impressed with them. And Trustee Abato is right. Maybe we shouldn't carry this on another month so he would like to propose that we have a special Board meeting between now

and the end of the month maybe next week or the following week and at that time we can not only sit down and invite them in for the members that haven't heard them, but we will have other issues to talk about. Trustee Abato thanked the Mayor and said she would like that. Trustee LaCorte said that he had mentioned at the workshop the possibility of, and he mentioned to the Mayor this evening, the possibility to be brought up later, if he may interrupt, there is some stuff that we need to take action on in terms of Orange Avenue redevelopment. We got the draft of the Urban Renewal Plan and all the Board members submitted comments and they are reworking it. The Board then needs to vote to declare itself the lead agency, which we need to do at a Board meeting, on the Urban Renewal Project and refer it to the Planning Board for a public hearing. So we will probably have that back from them in the next week or so and it would be nice to be able to do that and maybe go over a couple of other items.

The Mayor said that in light of the fact that he would be out of town from the 15th to the 20th, he didn't know if the Board wanted to have this special meeting next week early or wait until the 21st. Trustee LaCorte asked what everyone thought. Trustee Abato said she would like to do this as soon as possible. She asked if it was possible to get a meeting with the other firm. The Mayor asked the Village Clerk if it was possible to get a special Board meeting for next Tuesday. The Village Clerk said she could call Mr. O'Reilly tomorrow and find out if he could be here. The Mayor said as far as notifying the media. The Village Clerk said that that she can take care of. Trustee Abato said it is just getting a meeting together with Mr. O'Reilly. Trustee LaCorte said the Planning Board is the third Wednesday. Trustee Meehan asked about just arranging to have Trustee Abato and Trustee LaCorte to meet with Mr. O'Reilly before the special Board meeting. The Mayor said instead of bringing them to a special Board meeting. Trustee Abato said she would like to do that before a Board meeting.

Trustee LaCorte said that would be great. They could set that up and then set a Board meeting and then he guesses there was the other issue with Orange Avenue so we need to keep that moving to get it to the Planning Board so they can hold their public hearing. Trustee Abato said that she had one other quick question. She asked if anyone knows of this firm because she doesn't know any of them. She said she spoke to references from Bonnist and Cutro. Has anyone checked into any of these municipalities on how satisfied they were with this firm. Attorney Rice said that he hasn't but as he mentioned when he first sent the memo on them after the Board asked him to inquire. He said he called John Galligan, the labor consultant with the Conference of Mayors and he highly recommended them. Trustee Abato said but nobody spoke to any of these. The Mayor said we just met with them yesterday. Trustee Abato said no, no, she was just asking. The Mayor said that is why he wants to table this so we can get references on them. Trustee Abato said they provide a whole list. She was just wondering if anybody had called any of them.

The Mayor said what would be the best date. Trustee Abato said she would make herself available. She said that Trustee LaCorte has a harder schedule than she does. Trustee LaCorte said that he is available, so what are we looking at here. Trustee LaCorte said that he wants to make sure that we are in a position when we have this special Board meeting to refer the Urban Renewal Plan to the Planning Board for public hearing. He said we don't want to rush this. Trustee LaCorte asked the Mayor when he was leaving. The Mayor said he will be gone from the 15th to the 20th. Trustee Abato said the 15th is the only day that is not good for her. Anything else is good. Trustee LaCorte said that now we are getting to the 14th and tomorrow is Thursday. Do you want to just wait until you get back. The Mayor said the 22nd is the Democratic Convention. Trustee LaCorte said we can do it earlier in the day. Trustee Abato said yes, we can do it earlier in the day. Trustee LaCorte said like 4, 4:30 or 5:00. He said because we need a couple of hours to talk about things. Trustee Meehan said that his problem is that it is baseball season and he is umpiring almost every day. So it could be earlier. The games start around 4:00. So if it could be earlier. Any Wednesday or Thursday, earlier. Trustee LaCorte asked Trustee Meehan what earlier is. Trustee Abato said 4:00. Trustee Meehan said no, no, that is when the games start. Earlier would be like 2 or 2:30. Trustee Abato said that is in the middle of a workday for Trustee LaCorte. Trustee LaCorte said that we want to be able to have people come. He figures we don't want to make it where it is in the middle of a workday that if someone wants to come to the meeting. Trustee Meehan said maybe later at night. Trustee Abato said that is the Democratic Convention. Trustee LaCorte said could we do it at the workshop meeting. The Mayor said that would be a week now before the regular meeting after the change. If you just want to wait until the workshop meeting, we can do it then. Trustee LaCorte said then we can vote on it then.

Trustee Abato said we would have the special meeting at 6:00 and workshop at 7:00. Trustee LaCorte said or 7:30. We need some time. The Mayor said the special meeting will be at 6:00 and the workshop will be at 7:00 on May 27.

F) Request from VFW for Memorial Day Parade Permit (Monday, May 26, 2008):

A motion giving permission for the Memorial Day Parade was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

G) Authorization to Re-Advertise for the Concession Stand - Return May 27, 2008 at 11:10 a.m.:

A motion to re-advertise for the concession stand to have bids returned on May 27 at 11:10 a.m. was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

H) Authorization to Re-Advertise for Surplus Vehicles - Return May 27, 2008 - 11:00 a.m.:

The Village Clerk said we have three pieces of equipment that were not sold. One piece was the 1988 sewer mounted cleaning machine. The person who bid on it - they do not want it. She said she wrote and told them that they were awarded it and they refused it. The Village Clerk said she is asking to re-bid it. A motion to re-advertise the surplus vehicles with the bids to be returned May 27 at 11:00 a.m. was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

Ms. Menschner said that she had one other thing. Georgie Porgies. She was asked to bring that up. Attorney Rice said that most of the Board members were aware of the scenario that if a store, for example, in the downtown business district can't provide the number of parking spaces that would be required, then instead they can come to the Board of Trustees and ask to pay money in lieu of parking. You recently, at the last meeting, changed the standard fee schedule to provide that the first four spaces for which a store owner would be responsible, instead of requiring the payment of, he believes, \$3000 per parking space, the first four spaces would be exempt from that requirement if the Parking Authority has sufficient capacity to sell permits and if the store owner agrees to purchase a permit and keep the permit in full force and effect during the whole time that the business operates. This particular concern would be responsible for six parking spaces but the store that was there before it had a requirement of five. So obviously both practically and legally the only thing you can charge the new operator for is the difference. So that is one space that he would be responsible for and that one space comes within the four that you provided the different scheme for. So if you are in favor of this, and he doesn't think that he has given us a letter yet. Trustee LaCorte said he has. Attorney Rice said to the Parking Authority. Trustee Abato said it is right here. Trustee LaCorte asked her if she had it. Attorney Rice said he hasn't seen it. Attorney Rice said he still doesn't see anything from the Parking Authority. He said it is okay. There is not a problem. He said the way we wrote the law there are two requirements. One that we have a letter from the Parking Authority that they have the capacity, which undoubtedly they do. And secondly that the applicant agrees to keep a parking permit in full force and effect. Attorney Rice said we apparently don't have either of those but what he would suggest is that you approve it subject to him providing those two documents to the Village Clerk and then we are done. Trustee LaCorte said he would like to say just one thing. He said as complete, fine. He said he knows that a number of the Board members have been working with particularly Georgie here trying to work this out. And the last couple of days the reason that this is a problem is that the Parking Authority won't give him a letter until they know how many spots there are. But he isn't able to find out how many spots there are until we tell him how many spots. Trustee LaCorte said he guesses in the future we get a straight line. Attorney Rice said he spoke to Scott, he spoke to Susan. Trustee LaCorte said he knows. She called today and told the Parking Authority he only needs one spot because they weren't going to give

him a letter today until someone told him from the Village that he only needs one spot. Trustee Abato said can't we pass this. A motion approving this subject to providing two items to the Village Clerk was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried. The Village Clerk said what is it they want - a letter from the Parking Authority. Trustee Abato said he is going to give him one now that he knows how many spaces. She asked Trustee LaCorte if that was correct. Trustee LaCorte said sorry? Trustee Abato said that now that Sue told the Parking Authority it is one space, he will give him a letter. Is that correct, right? Trustee LaCorte said he will then go in with his check and buy the one permit and he can open up.

FINANCE DEPARTMENT:

Treasurer Tom Zordan said that he had a couple of items. He said that during April, we made a final payment on one of our water BANS. The total BAN outstanding for the Village is \$1,733,068 at the end of the current fiscal year, which will be May 31, 2008. This is a reduction of \$230,282 from the prior fiscal year and is in agreement with the budget. He said our outstanding bond debt is \$6,085,000 of which \$675,000 is scheduled to be paid during the fiscal year beginning June 1, 2008. Second item. He said he is asking for approval to attend a New York State GFOA Downstate Spring Seminar on May 16 in New Windsor, New York. He said the cost is \$85 and he attached the program for them. A motion authorizing the request was made by Trustee Meehan, 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

Mr. Zordan said that he is requesting that we close the following project as it has been completed and fully funded. Capital project 2003.15 water improvements. The remaining balance of \$7,841.92 will be transferred to the water department. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

Mr. Zordan said that as we mentioned earlier, water and sewer billings were completed. The invoices were sent out on May 1 and he would like to thank Barbara Cottiers for all their work. Virginia, Gilda, Kathy, Laura, Joanne and Lynne for getting all those bills

out. He appreciates that.

Mr. Zordan said that the last item that he has is that we received two proposals for our telephone services. One was from Broadcom and one was from Cornerstone, which is our current supplier. The Broadcom proposal would reduce our monthly phone bill on average by \$500. The one from Cornerstone would reduce our phone bill on average by \$600 a month. Initially he wanted the Board to make a decision on it, but what he would like to do is to get the okay so that he can get a copy of the contract for Terry to review because they might have changed from the prior contract that we had - the language. So if that is okay with the Board, he would like to get in contact with Cornerstone and get a copy of the contract and let Terry look it over. The Mayor said okay.

MAYOR:

A) Appoint Mr. Frank Abato to Permanent Assistant Operator, Grade 3A Wastewater Treatment Plant (Trainee):

The Mayor said we have received a letter from Personnel that we can now appoint Mr. Frank Abato to permanent assistant operator, grade 3, Wastewater Treatment Plant trainee. He said he would like to appoint him to that position. A motion confirming the appointment was made by Trustee LaCorte, seconded by Trustee Meehan.

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

ABSTAIN: Trustee Patricia Abato

ABSENT: None

ADJOURNMENT:

A motion to adjourn the meeting at 10:20 p.m. was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

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