

**Village Board Meeting
May 2, 2011**

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

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

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

ABSENT: None

Set Dates for June Meetings:

The Mayor welcomed everybody to the May, 2011 Suffern Village Board meeting. The Mayor said the first item on the agenda is to set the dates for the June meetings. The June workshop will be Wednesday, June 1 at 7:00 p.m. and the Board meeting will be the following Monday, June 6, at 7:30 p.m.

The Mayor said that before we start, he has one presentation to make. The Mayor said that each year the Village of Suffern participates in "Keep Rockland Beautiful." It is something that is very important because people come to the Village and help us clean up the Village. And in the last number of years we have had the Cub Scouts and it has really been something that is great because it helps to clean up the Village and also the Cub Scouts get to learn the importance of community service and keeping the environment in which they live in good condition. The Mayor said he would like to call up Howard Greenstein of Pack 23. A plaque was then presented to Mr. Greenstein to thank him for his dedication and assistance to keep Rockland beautiful.

The Mayor said he would call up the Fire Department and then we will skip around a little bit because we have some people who are here tonight so we want to get them going so they can leave.

FIRE DEPARTMENT:

Chief Dan McInerney said that he had one item that needs the Board's approval and that is to request the Board to approve the Service Award Program results for the calendar year 2010. He said that everybody should have gotten a packet with the members that made it. The results were posted at each fire house for thirty days after the March meeting for the preliminary results which you approved.

A motion approving the Service Award Program was made by Trustee

Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

The Mayor said that what we are going to do next is he is calling up Michael and John to discuss our traffic report from Frederick P. Clark Associates and this was a traffic study of Wayne Avenue/U.S. Route 202 undertaken by the Village and it was paid for by DB Masonry, who is before the Planning Board on a project for townhouses along Route 202 and there were concerns brought forth by a number of residents as well as members of this Village Board concerning the traffic along Route 202 and we thought that, independent of this project, it would be useful to conduct a traffic study and Mr. Brennan offered to pay for that. We appreciate that and the Board got a pretty big book and we are going to get a summary of it.

Mike Galante, a principal of Frederick Clarke Associates, and also John Lange, the planner from their office and also a senior associate, came to the front. Mr. Galante said he had some boards and an easel to use so he could present it to them. The Mayor said it would be more important to let the public see it. Mr. Galante said he would put it on an angle. He said the Board has everything in the books they received.

Mr. Galante said that they prepared a traffic calming study, which is the big book that the Board has, for Wayne Avenue which is Route 202 in the Village. It essentially ran from the intersection of Route 59 under the thruway overpass by Washington Avenue to Memorial Drive to the Village boundary with the Village of Montebello. The purpose of the study was to (1) collect data such as traffic fines, speed, accident analysis, inventory of the road conditions, width of lanes, sidewalks, parking regulations, turning restrictions and this is figure two from the report itself which identifies the number of lanes and any information such as posted speed limits. He said he will go through them.

The next step, and this is figure three from the report itself, is the identification of sidewalks, the lack of sidewalks, sidewalk conditions along Wayne Avenue for the entire length between Route 59 at the train station and the boundary with the Village of Montebello to the northeast. This is simply the identification of the sidewalk locations on both sides of the road - the road includes Memorial Drive, Washington, Chestnut Street and so on. The next step was to reflect the traffic line data at key intersections. They did actual manual traffic counts represented by their firm back in February and they recorded moving counts plus trucks and cars by movements at intersections with Route 59 and 202, at Chestnut Street, at Washington Avenue underneath the Thruway overpass and Memorial Drive. And the data was collected on typical mornings from 7 to 9 and 4 to 6 p.m. And from them information, which was typically the highest volumes, they identified the peak hour volumes for each of these intersections and they identified the volume of traffic by movements at these intersections and the peak hour was

identified as 7:30 to 8:30 a.m. The same intersections in the afternoon they identified the peak hour volume for these intersections as 4:45 to 5:45 p.m. Generally speaking the highest volume on Wayne Avenue was recorded just east or northeast of the Washington Avenue intersection. In round numbers about 1000 vehicles during each peak hour. The afternoon was slightly higher than the morning.

Another part of the study reflecting data was to report the hourly volume by direction for this road and they did this by installing hoses across the road - machine counts, if you will - and that recorded not only the volume by hour - this shows the morning peak, and this shows the afternoon peak and the after school activities - and the volume drops off in the middle of the day and it drops off certainly after 6 o'clock at night and overnight it is very, very low. But this machine count essentially identified the peak conditions which is what they are really into the actual manual counts at each of the intersections. They installed these machines at two locations - on Wayne generally between 59 and the Washington Avenue intersection and the section from Memorial Drive north towards the Village boundary. And this is figure 7 which shows the section near Stewart Circle. And these are from the report.

The other part of this study was to identify speed. And to give you a rough idea Wayne Avenue is carrying about 7,000 to 10,000 vehicles a day. Just for record purposes. They identified the vehicle classification - approximately 10% of the vehicles are school buses and trucks. The remaining 90% would be vehicles whether they are SUV's or cars. One of the key concerns of residents was essentially the speed of the vehicles traveling on Wayne Avenue. And the graphic, which is figure 4 on the report, identifies the speed of the cars and trucks driving on this section of the road. The posted speed limit from the Village down to approximately Washington Avenue is approximately 35 miles per hour. The actual speed of motorists, the majority of motorists traveling on this road, is 49 miles per hour in this section. The section from the overpass of the Thruway down to Route 59 - the posted speed limit is 30 miles per hour. And they found that most are driving about 39 miles per hour. So in each case the speed is higher than the posted speed limit. And in traffic engineering they look at the amount of vehicles that are driving at those speeds and it is called the 85th percentile and it means that 85% of the traffic is driving up to that speed. The remaining 15% is actually driving higher than that speed. And that information is used for analysis for site distance and overall safety.

The next step, and the last step, and he said he would just go quickly to the most important part, which is their findings and recommendations for the Village to consider. And in summarizing the report as short term and long term, figure 10 gives you a summary of the types of suggestions they are offering the Village to consider. This is simply from adding more posted speed limit signs, whether it is 30 or 35 on Wayne Avenue or modifying or replacing signs that say no left turn for trucks for standard signs accepted

by the New York State Department of Transportation and in some cases install crosswalks or consider crosswalks, not just painted crosswalks but crosswalks that are made out of brick similar to what is on main street in the downtown business district of the Village itself. The ones that are highlighted in red are the ones that are short-term and he will just go through some of them. They would recommend as far as reducing the speed on Wayne Avenue from the Village boundary to the overpass of the Thruway is to consider installing the speed monitoring type of sign where it tells you the speed you are traveling on a particular road and in this case Wayne Avenue and it will alert you to the active speed you are driving. They recommend one going south and one going north and it would capture the vehicles when they go through this section where the highest speeds were recorded. This has been used in other areas and it is somewhat effective.

The crosswalks that they recommend are approximately at the Stewart Avenue/Stewart Circle intersection. In the future certainly at Memorial Drive because of the park conditions and then at Chestnut and Route 59 itself. They recommend, as they mentioned before, the placement of standard no turning signs required by DOT and they do recommend in the long-term installation of sidewalks and curbs depending on the location. Short-term underneath the Thruway replacement or maintenance of the street lights to illuminate the sidewalks. It is very dark over there and it is a very large overpass. Long-term again, underneath the overpass, there is another lane, if you will, going underneath the Thruway on Wayne Avenue. The lane is very short but it might not be needed. It kind of suggests speeding to go past slow-moving vehicles in front of you and they would suggest long-term or even short-term striping out that lane because you don't need that lane and long-term is eliminating that lane and keeping it a two-lane road - one lane in each direction. Plus the turn lanes that are there at Washington or wherever it might be and maintaining those turn lanes.

Mr. Galante said that in summary they offer suggestions for the Village to consider to (1) make it a safer road. They did look at accidents for this stretch of road. The majority of accidents were property damage only. Most of the accidents were rear-end collisions and right angle at intersections themselves. It is a different type of road here. There are two different types of roads and two different conditions. So generally speaking they are recommending certain things to reduce the speed and other conditions to improve overall safety for pedestrians with the sidewalks and crosswalks. Everything that needs to be done would have to have the approval of the NYS Department of Transportation.

The Mayor said he appreciates the hard work. He said he knows that they had a meeting and they talked about again what ultimately can be done that is cost-effective and also possible to achieve. So he thinks maybe a wise step would be for the Board to think about this for a little bit of time. Obviously they talked about the traffic reduction, eliminating that second lane, the potential for

crosswalks at certain locations which are similar to the ones that we have in the downtown which are, as Charles informed him, were approved by the state which shouldn't be an issue. Mr. Galante said they were recommending the same type of pavement treatment as on the downtown. The Mayor asked if it mattered. Does it matter that the speed limit is a faster road than what is necessarily on Lafayette Avenue in the business district. Does that impact. Do we have a right to do it based on the fact that it is approved by the state? Mr. Galante said he didn't think so. There are certainly different types of roads but the section to the west is very similar to your downtown street but the section north of the Thruway is a different type of road. So you may have some resistance from the state as far as crosswalks. But you won't know until you ask the state. And the last thing is they didn't make any recommendations that they don't think the state would consider such as speed humps or speed bumps. They know that they are not going to approve those so they are not recommended. You have to be very realistic as far as the types of mitigation or traffic calming measures you can instrument on state highways in your Village. The Mayor said he knows but at least monitoring right of ways is pretty low cost and also the elimination of that extra lane - striping it - and then we talked about some other things - especially around the Memorial Drive turn because of the high volume especially during the summer season where people are crossing to go to the pool. Mr. Galante said they are trying to account for pedestrian activity and certainly for the safety of the pedestrian. There are actually some sidewalks and crosswalks and so on.

Trustee Simon said that one thing he doesn't see on figure 10 is traffic lights. And that was a question that a lot of people had asked. Mr. Galante said traffic signals? Trustee Simon said yes. Mr. Galante said in order to install a traffic signal, number one, a traffic signal is not installed to slow down traffic. Although that is what it does. You don't install stop signs for example to control speed. You can't do that. But a traffic signal, if you were to consider it at let's say Washington Avenue or Memorial Drive you would need a certain level of traffic volume for a period of time during the day and in each case you don't necessarily meet that criteria. And the only place that he would maybe consider it in the future is at Memorial Drive. Because if you look at the volume and the analysis and the result of that analysis exiting from Memorial Drive, you have a level service F - meaning a long delay during the morning peak hour. The other thing that they considered and they don't recommend here is a left turn lane at Memorial Drive on Wayne Avenue itself coming from Montebello to turn left. They were concerned with that left turn. There may be a safety concern with vehicles coming down. That is not recommended at this point of time. But it could be considered in the future.

Trustee Abato said that the only thing that is basically used to slow down traffic would be a speed bump. Mr. Galante said no, you would never have a speed bump on a state highway. Trustee Abato said she knows. She is just saying in general. Obviously there you

wouldn't. But what would be the suggestions or the options for slowing down traffic. Mr. Galante said that in the report itself, in the back, we give you all the possibilities that could be considered. For example, reducing the pavement width, curbing. Trustee Abato said right. She said she knows what is listed. But she is just saying for that particular area. Mr. Galante said it is always easy for him to say enforcement, which he knows the Village has been doing, and certainly more than just recently. That is always the first one that is easy to say. The second option is the speed monitoring signs that tell you how fast you are going - Trustee Abato said which we have - all the time. Mr. Galante said in many cases they actually suggest turning them off at night because people like to see how fast they can go. So they make that suggestion. But this road is already a two-lane road with narrow, paved shoulders. You can't tighten up this road anymore than it is. Trustee Abato said right. That is one of the suggestions. Mr. Galante said that is why that suggestion is not there. He said the other suggestion that they do offer is the brick crosswalks, for example, which gives these motorists the impression that there are pedestrians crossing and that they should be aware and looking for pedestrians and it is a method of traffic calming to reduce speed. So they have offered what they believe the state would consider. Trustee Abato said even like pedestrian crossing signs to go with those. Mr. Galante said if the crosswalk was to be installed at an unsignalized intersection, you would have the standard pedestrian crossing signs. Which are very visible. Trustee Abato said yes, they are.

The Mayor said that what we will do is that we will try to figure a way to get this online at some point. Obviously this is pretty extensive with all the maps and figures. At least the executive summary and the report itself. The Mayor asked about getting this on the website. The Mayor said it is 29 pages, the actual report. And we figure if people want to see it they can come to Village Hall. Mr. Galante said that he would suggest that if you are putting it online you don't need the backup information which has all the accident data but the document itself, which is the twenty or so pages of text and tables and figures, that is what people would really need to see. The Mayor told Mr. Galante whatever he could e-mail us that he thought would be appropriate and we would have the ability to put online. Trustee Abato said that if it is too large and we can't do that and enough information can't be put on the website, we can always make copies of the cd. We could have them available in the Village office to anyone who wants the whole report. Mr. Galante said they could do both. The Mayor said we should be able to get it online.

The Mayor thanked them. He said these gentlemen have moved very quickly on stuff and he would just like to note for the Board's purposes that with respect to anything we have asked them to do that Mr. Galante and John have been very quick and thorough and have done a very professional job and we appreciate their work and look forward to continued collaboration on issues. Mr. Galante thanked

him and said they are happy to be here.

The Mayor said we have one other thing that he would like to bring up. It is an item that is under Charles Sawicki - the Department of Public Works. It is item letter (f) requesting authorization to approve Wickes/Arborists proposal for the pruning of the business district trees in the amount of \$6,670. The Mayor said this was something which was brought up several months ago and the price of it, although there was money in the budget that we were able to pay for it, there was a line item that was budgeted. There was concern over the price of this. So we kind of put it aside but again it has come up because these trees - these are the trees that line the downtown business district that were planted about 10 years ago that are growing into the buildings and are growing to cover people's signs and while they need to be trimmed, we need it done in a professional manner because obviously this is something that is very important to the downtown. They line our sidewalks and our main street. So he asked Mr. Wickes to come and talk about this and answer the Board's questions to understand what it encompasses and how much of an undertaking it is before asking the Board to approve this item. The Mayor asked Mr. Wickes to come to the podium.

John Wickes said that he doesn't really have a presentation but he wanted to talk about the pruning in general. The Mayor said kind of how long, what kind of work this encompasses because, and again he doesn't mean to belittle at all what he does and he respects what he does and everything but you are looking at an amount of \$6670 to trim some trees. There was a concern on the Board. And the Mayor said he knows that we need to get it done and he knows that we want to get it done in a professional manner.

John Wickes said that he represents Wickes Arborists. He said he did submit a proposal to perform the pruning on the pear trees, primarily. Pear trees, typically, if they are not pruned crack and break. They have weak branching habits and these are that type of plant. They do need pruning every three, four or five years or so. And he doesn't remember the last time they were pruned. So they are growing into the street lights, into the buildings and typically this is a maintenance type program that does need to be required to be done. It has to be done in a fashion that doesn't damage the trees so we want to do it professionally in a way that is going to help shape them and make them less risky and still retain their form. So it is prevailing wage work. It is a public works contract so it is not cheap. He didn't know if the Board had any questions. The Mayor asked Charles if he had anything he wanted to say about it. Charles Sawicki said that he thinks the original number of trees was 40 something. Mr. Wickes said there are a lot. Approximately 45. The Mayor said he knows that John has an existing contract with the Village so it would just be the work that is in the scope - that is where it comes from - based on the work.

Trustee Meehan said he had a question. He said that Ira Wickes Arborists has a marvelous reputation and has had for as long as he

can remember. But they are not the only arborists in the world and he was wondering if we have proposals from other arborists. He said he is not good on single source situations. Mr. Sawicki said yes, we do have another quotation which is a higher price. And he also talked to other state contractors who were not able to give a proposal as a result of the fact that they didn't have a truck or trucks to do the trimming. The Mayor said there was one other price. Trustee Meehan said alright. Thank you. The Mayor said that it is considered a service contract and we are not required but Charles did get another price. The Mayor said a number of business owners have come up to him and said to him that this is something that we have to do. It is one of those things that we put aside because he thinks there was concern of the price not fully understanding the scope of the work but then again when it came up again over the past number of weeks as people are coming outside more, the trees are starting to bloom and people have said the same thing. He said at least a half dozen merchants have come up and said they are growing into their signs and trees and the building and the lights. So he thinks it is something that we really need to do.

Trustee Meehan said he had one other question. And that is when we did this downtown redevelopment and the sidewalks and the brick pavers and things we made a decision on the trees being ornamental pears. And part of the decision was that the ornamental pears would be relatively easy to maintain and that they wouldn't go haywire on us. That they would be the preferable type tree as opposed to a maple or an oak or whatever. He asked Mr. Wickes if he thought that was an appropriate decision. Mr. Wickes said there is always a pro and a con with any tree that you select. Trees that were selected do have flowers and the flowers are going to drop. They are going to shed. So any tree that you select there has problems inherent in the tree. Some trees are better street trees than other trees. Pears are okay but they do have a problem with branching. There are other trees that grow bigger but we have power lines. So there are all sorts of differences. Trustee Meehan said he is concerned about the ones that knock the sidewalks to pieces, too. The Mayor said correct. Trustee Meehan said he doesn't think the ornamental pears are going to do that. Mr. Wickes said that we also have the problem that there is only a limited amount of root space. There is only three by three. So it's a tremendously small root space so you want to try to keep the top pruned small so that the roots don't and even then you are only talking about a limited life span. Trustee Corrigan asked when he would start. Mr. Wickes said he would wait until after they leaf out. You don't want to prune them while they are leafing out. The Mayor asked how long from now? Mr. Wickes said late May or June. The Mayor said okay.

The Mayor said that what he would suggest is that we get a motion. He said we can vote on it when Charles comes back up. He said that he would ask that when a motion is made that subject to this agreement on the scope of the work that we are making sure that with the trees that everyone is on the same page with that. Trustee Abato said that she will move this because she feels as though we worked

so hard on downtown revitalization and the fact of the matter is that the trees are there and we don't want them to do anymore damage and we certainly don't want them to get out of control where they start causing damage. She said she thinks it is our responsibility to take care of them and she knows them very well and she knows their reputation and she likes the fact that he takes pride in the work that he does. So she will move it. This was seconded by Trustee Meehan. Attorney Rice asked what the proposal is for. You're not sure of the number of trees. The Mayor said we know the dollar amount. Mr. Wickes said he believes it is all the trees in the downtown area. He said he has two trees - two maples - in the triangle part and then 41 trees that are street trees on Lafayette Avenue and Orange Avenue. So that is 43. The removal of the pear trees that were damaged we are going to hold off on. So it is 43 trees. Attorney Rice asked Charles if that was okay. Mr. Sawicki said he didn't have the proposal. Trustee Abato asked him if he could make sure that it concludes - if he could just go tree by tree if he had to to make sure that includes all the trees that would need to be done. Because it is silly for us to say yes. The Mayor asked if she could amend her motion to reflect that subject to Charles Sawicki signing off on it. Trustee Abato said she would make the motion subject to Charles approval that he is satisfied that all the trees are included that need to be taken care of in the downtown area, which was seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

The Mayor thanked him and Deputy Mayor Simon and Chuck Barone. He said they had the Arbor Day celebration, and again Gail as well. The Mayor said we had a tree planting at the tree farm over at Brooklands and we had kids there from Connor School and they read poems and stuff. Mr. Wickes asked when do we get the Tree City USA. Trustee Simon said the application will go in this month and hopefully they will turn it around quickly and we will get it approved and that will be it. Mr. Wickes said that will be great.

The Mayor said we have two public hearings.

7:40 P.M. - PUBLIC HEARING - LIVE ENTERTAINMENT - DONA MARIA MEXICAN BISTRO:

The Mayor said the first one is on Dona Maria Mexican Bistro. Attorney Rice said just some correspondence and history before the applicant makes any type of statement. Attorney Rice said the most recent occurrence with Dona Maria occurred when on March 7 the Board rejected Dona Maria's application for renewal of live entertainment special permit. At the Board meeting there was

evidence that, although there was a prior warning for violating the time limit for live entertainment, Dona Maria again allowed live entertainment to occur to at least 2:30 a.m. on March 5. So as a result, they had a suspension and a denial of the application. They have made a new application. The Planning Board considered the application at its March 16 meeting because they are required to make a recommendation to the Board of Trustees and by memorandum dated April 4, they advised the Village Board that they made a positive recommendation for live entertainment subject to one day during the week, 5 p.m. to 11 p.m. for private parties and that the building department should be notified two weeks in advance of such private parties and in addition on Friday and Saturday from 6 p.m. to 1 a.m. during the duration of the permit. They also included the usual conditions that it be limited to no more than 5 members in the band with drums and acoustic guitars or a D.J. but not both, that the noise measure at the property line not exceed 90 decibels and that the Board of Trustees reserves the right to suspend the permit for a violation of the permit or for causing disturbances as a result of the permit and could revoke the same upon notice to the applicant. And lastly they recommended that the duration of the permit be only for a period of three months given the history.

Mayor LaCorte said that he is not speaking for the Board but he guesses that what we want to know, or that he wants to know, and he guesses probably members of the Board that it seems that we come here and we establish these rules and even we have given three month permits, which typically people get a year permit. And the reason that we have given three month permits is because the permits have been violated and there has been incidences and he believes that in the situation in which it was suspended it is the Mayor's understanding that the week prior to it that one of the police officers issued a warning and said look, you are over your music time. And he doesn't know if the Chief wants to speak up. And the officer said shut it off or whatever it is and this is a warning. And the Mayor wants to work with everyone. We want to help the businesses. And then the next weekend it happened again. And then at that point the Village Board was informed and then at that point we revoked the permit. We just kind of want to know what insurance do we have that the rules are going to be followed here.

The gentleman who was here said that the first thing that they did was that with the first warning that the owner was not there. So they talked to the staff and we told the staff that when 1 o'clock comes, the music must end. If there is a D.J., he wants him packing up by ten to one. Just to keep it on the safe side. Also, they have talked about giving notice to the building department - written notice - that there is going to be a private party. They would be willing to talk to the police. If you would want us to meet with the police department once a month to make sure that everything is going fine, that is always an option too. But like he says, Mr. Marachi here is willing to do whatever it takes to get his live entertainment permit back because it is vital to his business. The Mayor said we understand that and he thinks that the Board went out

of its way. He said he believes that after it was suspended that you had already planned a sweet 16 party and you came to the Board. The gentleman said yes. And the Mayor said we don't want to hurt anybody and we want to help the business and we made an exception to revoking it to allow it that one time because we don't want to hurt a young lady who obviously this is one of the most important nights of her life that suddenly you can't have music. So we understand the business and it is just a question of trying to have a situation in which we have rules and people follow the rules. But his question would be if that warning was given that weekend when it was after 1 o'clock and the owner wasn't there, why then the following week would it happen again? It is kind of like you are getting a warning and then, okay, fine, we didn't know and then the next weekend it happened again. And that was the point at which we then revoked the permit. The gentleman said that Mr. Marachi actually lost track of time. It shouldn't have happened. It was a mistake. But now after being suspended since March he believes he has learned his lesson and he is going to be more in line with the time.

Trustee Abato asked if she could ask a question. She asked if he was present when the first warning was given. The man said no, he was not. Trustee Abato asked if he was given any notification by his staff that the police officer - the man said unfortunately no. He said he wonders if whether or not the staff understood what the police officer was saying since most of his staff speaks Spanish. Trustee Abato said that is another thing that maybe you need to consider - that you need to have somebody on site that can communicate with the officer and whoever comes in. That is a problem. And she guesses her next question would be at the second incident, was he present? The man said yes, he was. Trustee Abato said so to her you have a staff that is irresponsible because they knew - obviously they told him what the rules are and they didn't follow them. And when a police officer comes into any establishment and speaks to anybody - language barrier or not you know that their presence is there and there is a problem and the first thing you would do is to call the owner, which they didn't do. And the second instance he was on the property and knew that he was violating the rules which he had been given to have his permit. So she thinks that is where our concerns lie. Not only did his staff disregard them but he did too. And we have given him so many chances and she feels horrible about this. She said she knows they have a business and she knows that he wants to have a successful business but there are rules to follow and everybody else seems to - we don't have them sitting here. And it seems to get by with them having a successful evening. But to her she almost feels like if you want to blame it on your staff that they were irresponsible - yeah, it is hard to get good help. But then to say that he was also there - she doesn't know. It is hard to say.

The Mayor asked if there were any other questions or comments from Board members.

Trustee Meegan-Corrigan asked if there was a plan for this not to occur again. The gentleman said that with the Planning Board they have the three month probationary period in place. There is going to be two weeks notice to the building department if it is not on a Friday or Saturday night. He has agreed and it has been reinforced that the music must end by 1 a.m.

Jim Giannettino of 2 Memorial Drive said that actually, before he asks a question, he would like to know if the Chief has any comments about this. Chief Osborn said he thinks this pretty much covers it. He thinks the one thing is that when the officer gave them the warning, they must have understood him, because they did stop. When he told them they had to stop the music, they did stop. Pretty much everything else was covered. Mr. Giannettino said he just likes to get it from the source. Mr. Giannettino said he has a couple of issues. As the Chief just stated if the man understood that he wasn't supposed to be playing music at 1 o'clock, why did it happen the second time, whether or not the owner was there. As we all know, this is far from the first incident that has happened at this location. And he is sure that he had a plan all the other times he had a problem but evidently the plan isn't working. There have been too many incidents. And it is nice to want to work with people but the people have to work with the laws that are in existence and evidently they are not inclined to work with the rules. They have proven it over and over again. Now if this is the owner, he is assuming, he has been there a while. Mr. Giannettino said he knows who he is. He should know the rules by now. He has been in front of this Board at least three or four times. So he really doesn't see why we keep giving people another chance when they prove that it doesn't get any better.

The gentleman said that Antonio has been managing the business now for 15 months and in that time, other than playing the music late, there has been no serious problems like there had been before when the guy got hit in the head with a bottle, and another man got stabbed. Mr. Marachi brought in security which is working well. So he is making improvements.

The Mayor said that is correct. To address what the last speaker said we were assured there was different management and yes, we will - there have been no incidents like that which he thinks were pretty - one incident in particular was a pretty horrific incident where someone almost died but obviously there hasn't been that type of incident and this is surrounding the violation of the permit under this current management. The Mayor said it is legitimate to concede that point. He asked the Chief if there have been other disturbances there. The Chief said minor. Trustee Corrigan asked if they had security while the music is going on? The man said it is on the weekends when there is entertainment. Otherwise it is a family restaurant - someone might come in and use the bar but there is never very many on the weekdays because they have to go to work the next morning very early. The Mayor asked the Chief that when there has been live entertainment security has it been adequate.

The man said there is security. Chief Osborn said yes.

Mr. Giannettino said he is uneasy with this private party designation. How do we know when there is a private party or there is a regular day of business. He is going to tell us two weeks in advance. The Mayor asked what is the designation of a private party. Mr. Giannettino said that is the stipulation of the Planning Board. Attorney Rice said that what they are asking for is Friday and Saturday but they are also asking up to one private party during the week. And the recommendation from the Planning Board was to allow that but to require at least two weeks notice to the police department or building department of any such private parties. Mr. Giannettino said how would we even know if it is a private party or if it is just a regular day. Attorney Rice said they can't have live entertainment other than on Friday and Saturday. Mr. Giannettino said but they can during the week if it is a private party. Attorney Rice said as long as they notify the Village two weeks in advance. Mr. Giannettino said there is still no way of knowing if it is a private party. He said he thinks if you let them have it or you don't let them have it, stipulating a private party to him there is no way of knowing what is going on. Attorney Rice said they are going to have to give notice so that pretty much takes care of the issue.

The gentleman said that on the private parties the music has to be over by 11 o'clock. It is not going until one. Attorney Rice said it couldn't during the week. They don't allow that.

Fred Rella of 7 Dawn Lane said he was just thinking while this was going on and the Board has been very gracious in trying to extend this that perhaps there should be a security deposit put down - maybe \$1,000 or something and if it is violated again they lose it.

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

Trustee Meehan asked that on the private party would that mean that the whole restaurant would be closed and there would be a private party or would there just be a private room. The gentleman said no, no. It would be the entire restaurant - he said we are talking sweet 16 parties, anniversary parties and the reason for the private party will be provided to the building department. Trustee Meehan said okay. Would there be a sign on the door that says private party. The gentleman said that is exactly what he does on private parties. Trustee Meehan said okay, that sounds good to him.

The Mayor asked if there was a motion by the Board. Trustee Meehan said he will move it since it was approved by the Planning Board and he is hopeful that things will work out this time. He said he knows that there has been a bad history but that bad history is not all with this management so under those circumstances and the circumstance that our Planning Board recommended it, he will move

it. The motion was seconded by Trustee Simon. Attorney Rice said let's just make sure we are including all the conditions that are set forth in the Planning Board's memorandum dated April 4, 2011 and that the term is for a period of three months and he is repeating this just so everybody is clear that the Mayor has the right to suspend the permit and the Board of Trustees subsequently to revoke it if there are any issues that come out of the live entertainment and the operations related to that. Trustee Meehan said that he doesn't know if in the past that the Mayor has had the right to suspend. He thinks that is a very good thing. Attorney Rice said that we have done it. We have made it a condition of these permits for a while. The Mayor has a right to suspend until the next Board meeting at which time you can consider after giving the applicant an opportunity to be heard whether or not you will revoke it.

Trustee Abato asked if there was a way that we could - would they have to reapply after the three months. Attorney Rice said yes. You don't necessarily need to hold a public hearing on the renewal although you have the right to. Trustee Abato said so that is at the discretion of the Board. Attorney Rice said right.

Upon vote, the motion was carried, with Trustee Abato and Trustee Meegan-Corrigan voting no. The Mayor said there are two ayes and two noes. He said that this is obviously a very difficult decision here. He said he is very concerned about the lack of following the rules. The one thing that at this point makes him feel a little more comfortable is that these incidents are violations in terms of the permit. What he can say is this. This is a three month permit. He said he will be watching it very closely and as the permit says, if there are any incidents in terms of anything at all that at this point he can tell them that this is a very tough call and there are probably people here and people in the community who think that if he votes yes, he is making the wrong decision but also the Mayor does believe at this point that we are going to monitor this very closely. So he doesn't want to have any excuses whether you are on vacation or whatever it is. That music better be shut down by 1 o'clock and obviously he is not out at that time but the police are going to be aware and they are going to know to monitor it closely and obviously we want to make sure that the security is safe but he also understands that they have a business and a livelihood. But he can tell them now that going forward if anything happens and forces him to revoke it and presumably the Board that it is on them and there are no more excuses. The Mayor said he doesn't care if employees don't know. Everyone has got to know the rules. Because you are now putting us in a difficult situation. The Mayor said he will vote yes for the three month permit so the motion is carried.

7:50 P.M. - LIVE ENTERTAINMENT - LOUNGE 202 INC.

Attorney Rice said that this was referred to the Planning Board. Their memo is dated April 26. They have made a motion recommending approval of the live entertainment subject to the following

conditions: Tuesday and Thursday until 12 p.m. midnight and Friday and Saturday until 1 a.m. Live music will consist of no more than 4 members and play blues or light rock. Again, sound will not exceed 90 decibels at the property line. Subject to immediate suspension if there are any problems and revocation after an opportunity to be heard. Attorney Rice said we also have a letter in the file from the building inspector to Lounge 202 and Mr. Layne has suggested two things. The first matter is the possibility that live entertainment has been taking place on their premises. He said that although he has not witnessed this activity personally he would like to request that there be no live entertainment conducted at the site until the appropriate special entertainment permit has been issued by the Village Board. The second issue refers to the installation of a sign erected on the building without approval by the Planning Board. Please do not activate the sign until you have applied for a sign application and receive approval of the Planning Board. And then they have to deal with the building department on the electrical compliance.

Rich Ellsworth said that the letter that they are referring to that Mr. Rice said to the owner - Mr. Idioshitzki and the person with him tonight is Armand Nalvandani, the manager. The letter from Mr. Layne he would like to address first. There has been no live entertainment at the establishment according to his client and his own investigation. They have a direct tv subscription for music on their televisions. If in fact somebody mistook that for live entertainment, they do apologize, but there has been no entertainment specifically and he thanks Mr. Layne for the code as defined in the Suffern code. With respect to the sign, Mr. Ellsworth said he can take some of the blame for that. He informed his client that they needed a permit application for a new sign. The sign that is existing is a box sign that was on the building when his client took over. They simply purchased an insert for that sign - a plastic insert with the new name on it mistakenly believing that was okay. Mr. Ellsworth said he is in the process right now of submitting a sign application. But there was no physical constructed new sign put up. This was something his client actually inserted into the old box sign. So the actual structure was there. It was just a different name that was put in it.

Mr. Ellsworth said just to reiterate what Mr. Rice indicated. The Planning Board did recommend that the live entertainment permit be granted and he is asking this Board to take that into consideration and grant the permit.

The Mayor said before he opens it up to the public he has a couple of questions. Obviously, this is a new business so his question is, and he just wants to make sure because the previous occupant of this space - originally when they came and again it is just looking for assurances here - came to the Village Board and also the Planning Board regarding entertainment. It was a similar kind of thing - a lounge, lite rock, blues, no more than four members. And what happened is it went from that, which is again a use which is

something that anyone would be adverse to on this Board - to having DJ's starting at midnight - a real kind of club environment. He said he knows that there was one evening where there was a really bad incident where essentially the number of people there and the type of entertainment and the crowd essentially overwhelmed our police department - Mahwah, Ramapo. The Mayor asked the Chief how many officers ultimately - Chief Osborn said there were several departments here. The Mayor said what he wants to make sure is that this music Tuesday and Thursday until midnight and Friday and Saturday to 1 a.m. So there are no DJ's that are going to start at midnight - first get there - that we are not talking about that type of entertainment. Because he thinks we try to be fair in this Village that we welcome business but we also want to make sure that people are straight forward in what they are doing because if not nobody is happy at the end. As a business owner you are not going to be happy, as a Board we are not going to be happy and the residents aren't going to be happy. So this is not a nightclub. Attorney Rice said this application does not permit a DJ. Mr. Ellsworth said this application permits live entertainment. Attorney Rice said consisting of a band of not more than four members playing blues or light rock. Attorney Rice said that is what the Planning Board recommended and he assumes that is basically what you had asked for. Mr. Ellsworth said the application was specific with respect to the narrative and there was no limitation by the Planning Board unless it was entered in after they left the meeting. The narrative specifically refers to a DJ. And they certainly aren't pulling any wool over anybody's eyes. It was right there in the application. Attorney Rice said no it is not. Mr. Ellsworth said in the narrative. He said he used the narrative from the prior. Attorney Rice said he is reading a different narrative.

The Mayor said the Planning Board did not recommend a DJ. The Planning Board recommended - a motion was made by Mr. Gdanski to recommend the live entertainment permit to the Village Board subject to the following conditions: Tuesday and Thursday until midnight and Friday and Saturday until 1 a.m. The live music will consist of no more than four members and play blues or light rock. The sound will not exceed - and then it doesn't say anything about a DJ. Mr. Ellsworth said he was referring to the live band but the application asked for a DJ and there was no discussion at the Planning Board to restrict that. The Mayor said this is what the Planning Board recommended. The Mayor said he has here what the Planning Board recommended. They made a motion and the motion they said had this. The Mayor said he wasn't there and he doesn't know if it is a question of what the intention was. But the concern was - with the previous operation of this business - that the concern was the use of DJ's that were not just DJ's during regular evenings - that DJ's coming in late at night bringing in 500 people and advertise throughout the tri-state area. Mr. Ellsworth said but you do understand that they are two separate entities. And the only similarity here is the location. So what they did was that they did an application and a narrative from the previous applicant as what

the Board wanted and this Board and the Planning Board desired that from the previous application from the previous owner. And they went before the Planning Board and that recommendation refers to the live music - not to the live entertainment. It refers to a live band. He said they went before the Planning Board for a live entertainment permit that includes a DJ and there was nothing mentioned at the Planning Board stage with respect to restricting a DJ. That refers to the live band and to the musicians that would be on stage and it would be limited to four people.

Trustee Abato said they are not recommending a DJ. They are only recommending a band. That is the point. Mr. Ellsworth said his point is that they are restricting the band. There was no restriction. Trustee Abato said that is not what it says. There is no reference to a DJ being recommended whatsoever in the recommendation. Mr. Ellsworth said there is no restriction to it. The Village code is specific with respect to live entertainment. If there was any indication that they were going to restrict the DJ they would have addressed it. They did not indicate that at all. Trustee Abato said this is what they are recommending. Mr. Ellsworth said it is an interpretation with respect to the recommendation. Trustee Abato said no it is not an interpretation because it clearly states four men - Mr. Ellsworth said with respect to the band. It clearly states that the band can be no more than four. Trustee Abato said it would have to say a DJ as well. Mr. Ellsworth said it doesn't have to say that they can or cannot have puppeteers, magicians or comedians as per the code. It is specific. Trustee Abato said no, it is specific in saying it is a band only. You can't have magicians and other kinds of entertainment. It is specific in saying a band consisting of. It is very specific. Mr. Ellsworth said now you are limiting your code. Trustee Abato said no, we are not limiting our code. This is the recommendation of the Planning Board. And the Planning Board is limiting what kind of live entertainment you can have.

The Mayor said he is looking at the other application. We have Dona Maria before us. Motion was made by Chairman Paul Gdanski to send a positive recommendation to the Village Board for live entertainment permit subject to one day during the week and it says here - also it will be limited to no more than five members in a band with drums and acoustic guitars or DJ - not both. So specifically in this other situation they spelled out that a DJ was permitted and in this they're not. And it is the same language with respect to a positive recommendation to the Village Board for a live entertainment permit.

Mr. Ellsworth said you certainly can't have him argue for another applicant when he wasn't at that meeting. He said he was at this meeting of the Planning Board and there was no restriction with respect to DJ's. The Mayor said it wasn't renumerated there. Trustee Meegan-Corrigan asked if this was a different application and a completely different owner and a completely different business, why would you use the same narrative. Mr. Ellsworth said

because he represented both of them. And he put the application together.

Trustee Abato asked if he wanted to hold it and get clarification on it. Mr. Ellsworth said this has been a three month application. He said he doesn't want to hold it. He said he will accept it. Trustee Abato said that she thinks if the major problems weren't because of a DJ you would say maybe they didn't put it in. But the fact of the matter is that the major complaints and the major mishaps and misfortunes were because of the DJ that was brought in with a following of 500 people and like the Mayor said it was advertised across the tri-state and brawls and crowd control and so on and so forth. Mr. Ellsworth said he appreciates that if it was the same applicant. It is not the same applicant. Trustee Abato said the point is that it is the same venue and they are asking for the same kind of permit. Mr. Ellsworth said okay. Trustee Abato said this applicant has absolutely no ties whatsoever to - Mr. Ellsworth said that if you recall the problems you had with the DJ were before the previous application - the October application where the NV Lounge indicated that they would tone it down. So he thinks we are arguing apples and oranges here. He said he thinks we went before the Planning Board and went before this Board initially and we were referred to the Planning Board because we had initially asked for a transfer of the permit. He said you referred us to the Planning Board. He said they submitted that application. They argued before the Planning Board and they recommended an entertainment permit. They did not recommend a restriction. Trustee Abato said okay but there is no relationship between the two owners whatsoever? They are completely blind to each other. Mr. Ellsworth said he has a client who has incorporated as Lounge 202. Trustee Abato said she understands. She is asking a question. Mr. Ellsworth said he knows she is asking a question. He said he is representing Lounge 202 - Uri and Armand. They are his two clients. Trustee Abato said the previous owners and the new owners have no business relationship in this building? Mr. Ellsworth said no. Trustee Abato said they are completely separate from each other - the old owner has nothing to do - Mr. Ellsworth said there is an assignment of lease from NV Lounge to Lounge 202. Trustee Abato said so the building is still owned by the same owner. Mr. Ellsworth said David Shen has owned the building throughout. Trustee Abato said right and NV still holds the lease on the building? She is not understanding. The Mayor asked if the lease has been executed. Trustee Abato asked if the lease has been executed. Mr. Ellsworth said the previous lease was assigned by NV or by actually Village Bar and Grill was the entity to - the Mayor asked if it was agreed upon by the landlord. Mr. Ellsworth said yes - there is an assignment of lease signed by all three parties.

Trustee Simon said that he would like to address that for a minute because he has it on very good authority that the new owner - Uri, and he apologizes and he won't pronounce his last name either - has not signed that lease. That is the first issue he is going to ask Mr. Ellsworth about. That Mr. Resnik signed it, that Mr. Shen

signed it but that Uri. Mr. Ellsworth said that is fine. But if the Board required additional submissions tonight he would have been happy to bring them. He said he doesn't have a copy of the assignment. But if he does, he will look for it. Trustee Abato said so you are saying that he did sign the lease. Mr. Ellsworth said yes, he has a fully executed copy of the assignment of lease. Trustee Abato said that NV is still involved then. Mr. Ellsworth said NV assigned the lease to a new tenant. They are not involved.

Trustee Simon said he did have one other thing that he wanted to ask. It is also his understanding that his clients and Mr. Shen are in the middle of eviction proceedings right now. Mr. Ellsworth said he is not involved in that. He said his client - which client? Trustee Simon said Lounge 202. Mr. Ellsworth said he is not aware of that. The only eviction proceeding - Trustee Simon said that they are in front of Judge Etelson in Ramapo Town Court. Mr. Ellsworth said the only eviction proceedings were NV Lounge and David Shen, which precipitated the assignment of lease from NV Lounge to Lounge 202. Trustee Simon said that it is his understanding that the assignment of lease to Lounge 202 included certain stipulations of financial necessities. Monies had to be paid in certain times and in due course and they have not been so it is his understanding that Mr. Shen is seeking eviction of his current client - Lounge 202. Mr. Ellsworth said that first, he is not representing his current client in any eviction proceedings and second, with due respect, he takes exception at being asked questions that are outside the scope of this hearing. These are legal proceedings that he is not representing somebody on and potentially confidential information that he doesn't know why this Board has an interest in. Attorney Rice said that if a Board member has been made aware of any fact that bears on the application they certainly have a right to ask about it and if an applicant, for example, and he is doing an analogy, is neither the owner nor has the permission of the owner to make an application then, for example, the application is void. Similarly, he thinks if an applicant, and again he is not saying this is the case here, if an applicant is on the verge of being evicted then there may be a real issue about consent and about standing. So he thinks Mr. Simon certainly has a right to ask it and you certainly have the right to whatever answer you think is proper. Mr. Ellsworth said he doesn't know if he should be placed in a position to be asked questions. Trustee Abato said that maybe the owner. Mr. Ellsworth said if you want witnesses here that is fine. Trustee Abato asked if we can speak to owner. Mr. Ellsworth said that Armand is the manager. Trustee Abato said so the owner of the property is not here. Mr. Ellsworth said no. Trustee Abato said the owner of the business is not here is what she meant to say. She said she thinks it is important since Mr. Ellsworth, with all due respect, is not representing you or the owner of the company in this matter and he would probably have no information about that and that is fair. But she thinks that this Board would be very interested in having the owner of this company sit down or come to a Board meeting and discuss with them exactly what the conditions are right now of the

property and if this information that was given to our Board member is something that is going to come to fruition and she would be interested in hearing from him some of the answers to some of the questions that we are asking tonight. And it seems to be that only he would have those answers. Trustee Abato said that she would like to ask that the owner of the business come before us and speak to us and give us a little more information. Trustee Abato said that with all due respect to the gentleman, she hopes that this will be a long-lasting wonderful relationship having him here in Suffern and that we don't have any of the problems. But he has to understand that we are a little skittish right now because of monumental problems at this establishment. And she knows that he is coming into it brand new and she knows it is just the history of what goes on down there. Trustee Abato asked the Mayor that, like she said, have the owner come before us so we can get the information that we actually would need to make a decision on this. Trustee Abato said that she wouldn't be ready with all these questions and all these things coming up to make a decision tonight. She is just one.

Mayor LaCorte said that is legitimate. Those are legitimate concerns. His concern is specifically that the narrative asked for a DJ, made references to what happened in the past and then the motion that was voted on and passed by the Planning Board specifically did not mention a DJ. And the problems in the past arose when a DJ operated. And yes, is it a new business? Yes. But the point is that that was the concern and that if there is live music or blues or loungy type music then it shouldn't be a concern. He said he doesn't understand what the concern would be if indeed that is the business. There was essentially a night club that was operating there before even though it was called NV Lounge. And he believes, and again he can't speak for the Planning Board, but on their recommendation that was made here and what is before us is to ensure that that doesn't happen again. Trustee Abato said that is kind of what our conclusion would be also - that we don't want it to happen again. So for us it is sending a message. That the problem that we were concerned about before is something that they totally left out of their approval. The Mayor said we can open it up to the public but he thinks that maybe what they can do - and it is up to the Board - to approve it as specifically recommended by the Planning Board and if they want to come back and ask for additionally a DJ, at that point, he is sure, to satisfy Mrs. Abato, the owner would come back at that point and then the Board, as long as they go through the procedure, then we will, as is your right, address a request for a DJ as long as the owner is here so we can speak to them so we can address our concerns. But he is personally willing, if there is a motion and a second, to approve the permit as specifically set out by Mr. Gdanski and the Planning Board which allows Tuesday and Thursday until midnight and Friday and Saturday until 1 a.m. and that live music, exclusively up to four members, and play blues and light rock and not exceed 90 decibels. The Mayor said he is personally willing to, if anyone moves and seconds it, to vote for that under those conditions.

Mr. Ellsworth said he appreciates that. What he needs is a little clarification as to what he would seek from the owner and what other Trustees would seek from the owner. There seems to be, like he said, certain information that seems to go outside the scope of this application. You are talking about financial issues, potentially rent issues that are being caused by any delay that his client has in getting up and running or having a DJ or having a band. He said he doesn't know if that is pertinent to the issue. If you are just talking about the owner coming in and discussing the type of music he is going for. The Mayor said that he thinks, to be completely forthcoming, is when information is brought to his attention or to a Trustees attention that calls into question whether or not this is a completely new entity with no relation to the previous entity that that is something that he doesn't think is outrageous for the Board to require the new owner to come here and address those concerns. Mr. Ellsworth said he wanted a clarification. The Mayor said this is not out of left field. This is based on information that has been provided to Board members that call into question whether that is the case and we would like the owner here - with specifically, not if you are willing, again, and he is not a Board member, if we are willing to approve this without the DJ but to go beyond that he thinks that we are not unreasonable to ask the owner here to ask questions to assure that we are not in the same condition that we were the last time. Trustee Meegan-Corrigan asked when is the opening date. Trustee Abato said they are open. They don't have entertainment. Mr. Ellsworth said they have a C.O. right now. They don't have an entertainment permit.

Jim Giannettino of 2 Memorial Drive said he is confused and he thinks probably a lot of people are confused. He said that the Board didn't ask the last person for proof that he owned his business. He had a prior record which was almost equal to this man's, and he hates to defend people. He is not a defense lawyer. But he is being judged differently than the previous applicant with the same situation. We were told that you were going to give the last guy a chance because he is a new owner. This man is a new owner or a manager or whatever he is and we are telling him that he has to show proof that he has a lease. Nobody asked the last guy.

The Mayor said he thinks the situation is, in his personal belief, is that we are willing to grant the music permit as passed by the Planning Board. Mr. Giannettino said that is the right way to go. He agrees with him 100%. The Mayor said but if they would like a DJ, based on the concerns that we have, we would ask the owner to be here. If the owner was here, then maybe we could have the discussion to put aside any concerns we have. If someone comes to you and says, again this is the same business, this is the same people, this is no different, then you would want to confront that person and get assurances from them that that is either the case or not the case and in the absence of that we are not going to act outside the recommendation. Mr. Giannettino said he agrees with him 100%. His question was that the last person didn't get the same

scrutiny because he was the new guy. The Mayor said they didn't ask. We are giving what is recommended. Mr. Giannettino said give him what is recommended and let him get clarification from the Planning Board on the DJ. The Mayor said that is what he is saying. Mr. Giannettino said nobody made a motion - nobody made a second. The Mayor said we are opening it up to public hearing first. Mr. Giannettino said okay. He hopes you do the same. Just judge everybody the same. The Mayor said that is what we are trying to work through here. We are working through this. We didn't have a workshop. We are working through this. Democracy in motion.

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

A motion to grant the live permit application was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Attorney Rice said let's just make sure that we are clear on what we are voting on. You are voting to approve it for Tuesday and Thursday until midnight and Friday and Saturday until 1 a.m. with the live music consisting of no more than four members who will play only blues or light rock and the rest of the other stipulations that are set forth in the Planning Board's recommendation and nothing other than what is set forth in the Planning Board's recommendation. The Mayor said correct. Upon vote, the motion was carried, with Trustee Simon and Trustee Abato voting no.

Mr. Ellsworth said just for the record and he appreciates the vote. The record should reflect that in October of last year that there was a similar application by NV Lounge and he believes that the recommendation came before this Board for the same type of music and he believes this Board approved it except for the fact that they did not obtain a liquor license. So the records in the file should reflect that. He thanked the Board for their time.

GRANT WRITER:

Mr. Fred Rella said that he will be brief. He said the first thing he wanted to talk about is the downtown revitalization program and that would be the Community Development Block Grant. He said that typically every year the office of Community Development from Rockland County awards the grant applications. They inform all the villages in March of who was awarded. But with the lack of a federal budget it was not awarded. And there were even rumors that it was going to be eliminated from the budget. And then there were rumors that it was just going to be cut, etc. And in talking with Joe Abate, who is the head of the Office of Community Development, he did not even know how much was going to be cut so he did varying scenarios to present to the County Legislature and the County Executive, anywhere from 10% all the way up to 60%. So that is how drastic things were. And then on April 22, which was Good Friday, very late in the afternoon, Joe got a call from Washington, D.C. and it was good news. It was that the Community Development Block Grant monies were put into the budget and it was only going to be

a 16 1/2% cut, which was fantastic news knowing that it could be cut all the way to 60% or even no program whatsoever. Each year the announcement of the awards comes from the County Executive's office, Mr. Vanderhoef's. And it is expected that he is going to make those announcements sometime between May 6 and May 15 and we look forward to having some good news for the \$137,000 application that we put in this year for continuation of the façade program and the addition of more of the low level lighting throughout the business district.

Mr. Rella said that he does want to mention that Mr. Wickes is here and that in February we put in a \$75,000 grant to the Department of Forestry for a tree program for the Village of Suffern. And what that program does is that it does multiple things for the Village. For example, there was a question posed by someone in the audience as to how many trees are there downtown. Well, one of the aspects is to have a tree inventory program for the Village so that you would know right away the number of trees in downtown along Lafayette Avenue, the type of tree they are, when they were planted, last time pruned, does it need replacement, or like. This grant application is also for the planting of 100 trees and a maintenance program as well. And we look forward to hearing back from them within the next sixty days as to whether or not we got awarded all or a portion of this grant. So that is something to really look forward to.

Mr. Rella said the last thing he really wanted to talk about is something that is called member item. And those are monies which we put in for every year through our varying representatives throughout New York state - that be like Senator Carlucci and Assemblywoman Rabbit and Assemblywoman Jaffee. This year there were no member items in the New York state budget. But that is nothing new. There were no member items in 2009, there were no member items in 2010. Yet the member items that were administered by the Department of State every year has been processing over a thousand new member items. And you say to yourself how is this happening. How did the Village of Suffern get two member items already this year - one for cameras for the Suffern police department and another one for the recreation department already. And the way that it happens is that we went all the way back - for the Assembly you use the Ways and Means Committee, and for the Senate you use the Senate Finance Committee. And you go back to your Legislators and representatives and you say okay, something was awarded, for example, in Sloatsburg and it wasn't utilized. So it can be reappropriated, the monies, to these committees - the Ways and Means and the Senate Finance Committee - to be redistributed to people like us, the Village of Suffern, which by the way when we are awarded something we put in the contract and we try to execute it as soon as possible. So that is what we have been doing and he is working with Assemblywoman Jaffee, Rabbit and also with Senator Carlucci's office in making this happen for the varying programs that we put in for. The Mayor said and we are going to edit this out so other people don't know about it. Mr. Rella said right. He

asked if there were any questions.

CULTURE AND RECREATION:

Mrs. Gail Curtin said that since the last Village Board meeting, Mayor LaCorte and Deputy Mayor Simon participated in the installation of officers for the Village of Suffern Senior Citizen Club April 6. There was a DARE Dance on April 8. Suffern Little League 2011 season officially opened April 9. The family of the late John Gee sent a donation to be forwarded to Suffern Little League. The Community Center was made available in connection with the recent movie filming by Paramount Pictures on April 14. Breakfast with the Bunny and Egg Hunt was held on April 16. Also on April 16, as you heard earlier in the evening, Scout Troops and residents participated in Keep Rockland Beautiful Suffern Cleanup. A meeting was held on April 26 with the Mayor and Suffern Day Chairpersons to discuss the Village of Suffern's 2011 Suffern Day. The Suffern Senior Citizen Club 29th Anniversary Luncheon was held on April 27. The Village of Suffern Recreation Summer Calendar was mailed to residents on April 27. LEAD was held on Friday, April 29. Again, as the Mayor eluded to earlier in the evening, Arbor Day Ceremony was held at the Tree Farm at Brooklands on April 29. The Lifeguard CPR course was held on April 30.

LEAD will be held on Friday, May 6. Pool registration begins Wednesday, May 11. Mayor LaCorte and Craig Long will participate in the Richard P. Connor Community Day on Thursday and Friday, May 5 and May 6 and Chiefs Osborn and McInerney and staffs will participate in the same on May 12. There will be a blood drive at the community center on Tuesday, May 17, from 5:00 to 9:00 p.m. The Suffern Street Fairs, which she was asked to bring to the Board's attention, May 22, followed by June 12, and September 18. The Rockland County Office of the Aging Senior Citizen Awareness Day will be held on May 26. And Mrs. Curtin will accompany Rose Nappo who will be honored as a nominee for the Rockland County Senior Citizen of the Year for 2011. The pool opens on Saturday, May 28. And Movie Under the Stars, co-sponsored with the Chamber of Commerce, will be held also on Saturday, May 28, with a raindate of May 29. Mrs. Curtin said the last thing she would like to mention is that back in late February, at your request, the Recreation Department began preparations for opening the pool for the first time on Memorial Day Weekend. She said that she presented to them a list of items and people involved in making that happen and she can stand here tonight to let them know that $\frac{3}{4}$ of that has been accomplished. It's not been an easy task but she thinks it is going to work.

The Mayor thanked Mrs. Curtin for continued excellent work. The Breakfast with the Bunny and the Egg Hunt and all these activities. And we are looking forward to the pool and he knows that is gearing up. The calendar looks great. While you are busy year round, this is your really, really busy season. So they appreciate that.

BUILDING DEPARTMENT:

The Mayor said next up is the building department. He said he knows that it has been a long meeting. He asked our code enforcer and our building inspector to be here tonight really to discuss an issue that he knows Mr. Meehan has put on the agenda. So he would ask, if possible, regarding Conserv property at 15 Washington Avenue, if that can be discussed now. Trustee Meehan said okay. The Mayor said they are here and he also knows that Mr. Brennan is here and he will present him and if anyone wants with the opportunity for him to speak at this time.

Trustee Meehan said he will be brief. As part of his review of the budget, he met with the building inspector, John Layne, and code enforcer Randy Ortiz to discuss the needs of the building department. That was one of the department's that was losing a position. The police were also losing a position and that is why he met with the police department and he also met with Charles and his department because they were losing two positions. Trustee Meehan said they discussed the needs of the building department and would they be able to deal without one full-time code enforcer position. And he also brought up the situation with the Conserv building, which has concerned him for over a year. At this time last year he complained to the building inspector, Ken Carr, the previous inspector, about this situation and Ken's determination at that time with that, although the building was an eyesore, it was not a safety hazard and Conserv had applied for a building permit. Trustee Meehan said that he felt then and he does now that the fact that the building was not a safety hazard was sort of irrelevant. It is certainly an eyesore. And if we didn't have a law to deal with that then we should. And he felt that if the property management law was instituted the Village could prevent situations like the eyesore which diminished property values in the neighborhood. And then he also considered the fact that a valid building permit was also irrelevant otherwise anyone could gain immunity from prosecution from the property maintenance law enforcement by the easy process of applying for a building permit and it is relatively easy to get - present a drawing and you give them the money. And he is convinced that the Conserv building is an obvious violation of the property maintenance law and he brought this to the attention of the Mayor in an e-mail dated May 14, 2010. Trustee Meehan said he will read it.

Ever since Mayor Giannettino appointed John Loniewski as code enforcement officer for the Village in 2003, he has always assumed that all possible property maintenance issues were being aggressively pursued. The other day he called Sue Forcello (this is back in last year), who as many of you know is the secretary to the building department, and he asked her what was being done about the eyesore of the Conserv building site on Washington Avenue which had been there since the Conserv fire on February 6, 2009. She told him that it was her understanding that we couldn't prosecute property violations while the owner had a valid building permit. As a

political scientist and a veteran of 27 years in elective office, this didn't make any sense to him at all. He called Ken Carr and he told him he couldn't proceed because, although he agreed that the remainder of the building was an eyesore, it did not constitute a safety hazard. Presuming that Ken was right, he concluded that Suffern's property maintenance law was totally inadequate. If a fire could occur 15 months and now add another 12 months to that and the owner could not be compelled under the law to remove what any reasonable person would consider a blight on the neighborhood, he then called Terry Rice to explain the situation and Terry, who had written the law, told him that he felt that Ken was interpreting the property maintenance law too narrowly and that in his opinion we could certainly proceed against Conserv. The Conserv fire took place on February 6, 2009 - two years and three months ago. Since that time, Mr. Meehan has been asked by several constituents, 20 or 30, if anything could be done about the situation - this eyesore. In the beginning, the first year after the fire, there was an arson investigation which wasn't completed until May, 2010, about a year ago. And possibly you couldn't proceed against them while there was an outstanding arson investigation. After that, he sent an e-mail to Mayor LaCorte, which he read before. There is no doubt in his mind that the Conserv property is in violation of the maintenance law. Is two years an unreasonable amount of time to have this corrected? Is he being impatient? When a community fails to enforce its laws or enforces its laws in a preferential manner, the citizens of that community lose faith in their government and they shouldn't lose faith in their government. Trustee Meehan said he is part of that government and he does not want this to happen in a Village that he loves. For that reason, he is putting himself on record and he is making a motion at this point that the Village Board direct the building inspector, as the head of that department, to issue a notice of violation to Conserv and to let the court decide if Conserv is in violation of the law.

The Mayor said that before Mr. Layne and/or Mr. Ortiz speak, he would just like to say the following. While he does, from time to time, bring property maintenance issues to the attention of the building department, specifically the head of the department, Mr. John Layne, or one of the code enforcers, he does not and has never asked them not to enforce a specific property. He said he has never once had a conversation in which he has asked them not to do their job with respect to this property or any other property. They will speak to that. And in fact the only reason that he has ever even had conversations with them, specifically, and they are here tonight, is because of the concerns that Mr. Meehan has brought up. Again, he has never once on this property or any property told them not to enforce the law or enforce the code. They are free to do so. Again, we all as Board members and community members, most of the issues that come up in property maintenance, are brought to the attention of that department by members of the public and that is completely legitimate because people may see something and they call. However, the Mayor said he does believe that similarly where,

and again if there is an insinuation that somehow someone was told, and again he hopes that Mr. Layne on the record and Mr. Ortiz, will speak to what he is saying. That similarly if there is an accusation that someone has been told not to enforce a particular property, the Mayor does also believe that just as equally and illegally that directing somebody to do something that they believe in their professional judgment is not proper is actually, and again Mr. Rice can speak to this, is illegal. What you are asking him to do, and you are asking the Board, is to direct people who have the authority to carry out the law to do something that they believe in their professional opinion is not proper. The Mayor looks at it as akin of saying that akin to the fact that if the police chief brings somebody in and they do an investigation and they say that we don't have enough evidence to charge this person or we don't have enough information that the Mayor would direct the police chief to arrest somebody. And he thinks that obviously in that situation the Mayor doesn't believe you would advocate such a response. So what the Mayor would like to do, since Trustee Meehan said that again in your statement that there has been preferential treatment or someone was treated in a preferential manner, the Mayor again takes offense to that but he will obviously deal with this in a logical and professional manner and he believes that all the parties that could possibly be part of such a charge are here. The Mayor said he has stated his position that he never once had a conversation outside of today, of you bringing it up, or other situations where you have brought it up, and he has brought it to their attention to please look into the property. And he has never once asked either individual or any individual not to enforce the law. So again, Mr. Layne, Mr. Stark, and Mr. Ortiz are here and he would like them to speak to that fact and then also they can give Trustee Meehan an analysis on the specifics of the property.

Trustee Meehan said if he might. He did speak to them, and it was a couple of weeks ago, and at that point of time they told him that they didn't want - that Mr. Carr had established the policy two years ago and that they weren't going to change that policy unless they felt that they got direction from the Village Board. And what he is trying to do is give them direction from the Village Board because he thinks it is absurd that we have a situation here in the Village for two years and three months of an eyesore that the Village has, according to Mr. Rice in his conversation a year ago, has the capability of rectifying. So, certainly they - and he is not accusing him of doing anything. But he thinks that there is an appearance here. The Mayor said that he will let them speak to that and he believes that whether the opinion that whoever you spoke to gave that direction from the Village Board is appropriate - even if that was the case - and again he is not speaking for Mr. Layne, Mr. Ortiz or Mr. Stark, and if one of those individuals said that, he believes that regardless of what they said that is incorrect advice and again Mr. Rice can speak to this after they speak just to the facts of the issue, that such an action, as he has said before when this has been brought up, is completely inappropriate and even the discussion of it is prejudicial to the property owner. That the

Village Board would direct somebody to do something that they believe in their professional judgment is not appropriate. So again, he will let them speak. Mr. Rice can speak to this. And again we can just get through this logically and professionally.

John Layne asked the Mayor if he would like him to make a statement or answer questions. The Mayor said he would like him to speak to the fact that if you feel that in any way there has been preferential treatment requested or given.

Mr. John Layne said no. At no time would anyone, has anyone or would he accept anyone giving him advice to either give preferential treatment to anyone or to deny fair treatment to anyone. That goes against the grain of what they are trained to do. But there are times when things get emotional and there are issues in communities that bring on a lot of attention but you have to leaf through that and get down to the basic law and guidelines. In this particular case, they did have a discussion with Trustee Meehan - Mr. Ortiz and he - and Mr. Layne said he has to clarify a few points. He said he does not intend to change Mr. Carr's determination because in effect - in fact, that determination was made by him and then Mr. Carr inherited that interpretation. Mr. Layne said that he was the building inspector during this fire and for a period after going all the way to August, he believes, of that year. Mr. Layne said that if you have a valid building permit on a property, if the property is safe - it is considered a construction site and it is secured - if it is not pretty or if it is not attractive, it is unfortunate but there is nothing that says that a construction site has to be a thing of beauty. It was secured. It was safe. And it was an active building permit. Mr. Layne said he feels that the training that he received that he doesn't have the right to enforce the property maintenance codes on a property that really isn't in a form to be maintained. It is being constructed or demolished. In the case of this particular project somewhere along the line the consideration was given by the owners, he is assuming, that they may venture into another proposition and possibly entertain housing versus rebuilding. That doesn't affect the building permit at all unless they elect to withdraw the building permit. So the fact that they are going and looking into other areas of construction, they still have a valid building permit. If the property was not kept neat, outside of the fenced area it appeared dirty, messy and at one time there was a green plastic covering on the fence for privacy that was blowing around and he brought it to their attention and someone else also brought it to their attention and they fixed it. It is a difficult position for them to be in because it is hard to justify that the property is pleasant to look at. But he has been in the construction industry since 1970, on every project known to man in this three or four county area, and that is what they look like. And some look far worse. So that is generally his comment. He does appreciate and respect Trustee Meehan's concerns and those of the people who brought their concerns to him. But there is only so much we can do to put a rosey image on this.

Trustee Meehan said then you are saying that that building is not in violation - is that correct? Mr. Layne said that what he is saying is absolutely that building is in conformance with the state and Village codes having to do with acquiring and maintaining an active building permit. Mr. Layne said they did after the fire have an engineer at the expense of the owner to certify that there are a couple of beams that were under some intense heat, that they were safe. There were some minor modifications done, he believes, so we know that the structure there, as ugly, if you will, as it is is safe under the conditions the site is in.

Trustee Abato said she had a quick question. She asked if the owner of the building and property complied with all of his requests over the last two years to keep up on keeping it safe and keeping the fencing up. Have you had a problem with him? Mr. Layne said he has not had a problem with him. He said he has had two or three situations over his two terms here as your building inspector and they were addressed immediately, discussed and addressed immediately. Trustee Abato said he has always been compliant. The Mayor said his point is that his determination in no way was made with any influence exerted by any member of this Board, including himself. Mr. Layne said yes, you are correct. No one has influenced their department other than to influence them to do what is right and to do it in a timely fashion.

The Mayor asked Mr. Ortiz to speak to this issue also on the terms of enforcing the code. Randy Ortiz said that he would just speak a little bit about integrity and whether they have been doing things fairly. Mr. Ortiz said he will speak specifically to Conserv. Mr. Ortiz said that actually they do quite a bit of property maintenance enforcement. In the last two months they have probably issued somewhere in the neighborhood of - in the last six months - 200 letters and violations about property maintenance issues with blinders on. They go after everybody that deserves to be dealt with. It doesn't matter. Including Conserv, who is doing a renovation behind this building right here and went beyond the scope of the building permit that was issued by Mr. Layne and when Mr. Layne noticed there was an issue with it, they were issued a stop work order immediately and were not allowed to finish the work there until they came into compliance and submitted the proper paper work - architectural paper work - that the building inspector wanted, which set them back probably six weeks or two months and we dealt with it. There was no preferential treatment there and they weren't doing what they were supposed to do - whatever or however why, he doesn't know. But once we realized that it wasn't within their scope, we stopped it. And now they are back on the right track and they are doing the right thing and they got their permit and they are working again. The Mayor said he wanted to make clear because we speak a lot about these issues - John, we speak a lot, Mike, we speak a lot - and again please characterize that our conversations we often talk about property maintenance issues again when things are brought to his attention he will call one of them up and we will discuss it but those are always typically

informational in terms of asking you what do you think, what is going on, to inform him about the property or he will call them to bring something to their attention and then ask them to report back. Has he ever in any way asked you to not enforce property maintenance rules on any specific property ever - have I told you not to do your job. Mr. Ortiz said absolutely not. And they get on occasion asked from different Board members over the year that they have heard from people that there is a property here or look into a property there if there are any issues that we see with it and they act on it accordingly. The Mayor said to be completely fair, and it is a testament to the job they are doing, that often when he speaks to them the issues are not asking you not to do something but often asking you to clarify a situation which somebody has come up to him and said, you know, I am just doing this, I'm a good person, they come along. So they obviously present it in a light that is favorable to them and I will ask you simply what is going on here so he understands and then you will explain it. And as he has found consistently, they are enforcing the law in an appropriate fashion and again that the Mayor trusts what they are doing and that anything he gets is for informational purposes only. But again the discussions are typically on the other end, right, where Randy, what is going on here. And again you inform him and he says okay, that makes sense, because again a resident is going to say well, you know, well I did have three lions and four elephants on the property but you know they're pets and they don't tell you that. So once you realize that that is the case the Mayor has found that they have acted in the appropriate manner and that is why we have continuing confidence in the work they are doing. Mr. Ortiz said he has found unregistered cars and holes in the roofs but never any farm animals. The Mayor said that he thinks - he asked Trustee Meehan if he had any questions for Mr. Ortiz or Mr. Stark. Trustee Meehan said he didn't meet with Mr. Stark and he has no complaints about them. He said he does feel - he would like to ask from Mr. Rice because they did have a conversation last year and he did write the law. And his memory of the conversation with the building inspector and Mr. Ortiz is somewhat different. He thinks that they told him that they were looking for direction and that is why he is here trying to give them direction and he is making a motion and he does feel that a violation is in order and that it would be in the public interest for the Village to enforce the law and he thinks that we should be concentrating on the public interest and not on the private interest - certain individuals - and he would ask Mr. Rice to possibly address his remarks in regard to the conversation he had with him a year ago.

Attorney Rice said that first of all he wants to say that he doesn't think it is ever appropriate for a Mayor or a Board of Trustees to tell a building inspector or a code enforcement officer what to do or not do. He said he thinks these are officers who exercise independent judgment and he thinks that is what the position is based on. They have training and their job is to apply the facts and to make independent judgments and he thinks when Mayors, supervisors, Board members start telling building

inspectors what to do or not do he thinks we are getting into a very difficult and potentially dangerous area. A big part of his practice is representing municipalities when they are sued in zoning constitutional civil rights type suits or positions and that is one of the scenarios that always becomes very worrisome when someone has attempted to tell a building inspector or code enforcement officer what to do or not to do. So he doesn't think that is ever appropriate. They are there to exercise independent judgment. Attorney Rice said he is across the hall whenever they want legal advice and that is all he can do is to give them his view of matters because again they make the ultimate determinations. Mr. Rice said he doesn't specifically recall the details as far as the conversation they had a year or more ago. He said he thinks that there has to be somewhat of a dichotomy with the property maintenance law and he thinks John even referred to this. The first is whether or not a property is safe. Because one of the main points - it is actually not a property maintenance law, it is a dangerous buildings law - and what one of the primary points behind it is to make sure that the property is safe. And John apparently was satisfied that is the case. There also is a vaguer provision that we have used but only after going to Supreme Court first and it is a provision as far as blight on the neighborhood. The problem that you have with the blight on the neighborhood aspect is when somebody has already taken out a building permit and he assumes that part of the reasoning underlying a building permit is to protect rights on a non-conforming use. Because the use is non-conforming and were the applicant to demolish the steel work, for example, to make it look nice he probably would be losing whatever non-conforming rights he has under the older zoning law and stipulations. So there has to be a dichotomy on those types of issues. And the owner can speak to this but they also have an application, as you know, pending for a rezoning.

John Layne said that while Mr. Brennan is coming up he just wanted to clarify one other point that he forgot to bring up. Mr. Layne said that when he did speak to Trustee Meehan, and Mr. Layne was the one that made the comment that that was the position we were taking unless we got a directive from the Board, knowing how a Board functions, what he was, in effect saying, was that the Board would be taking advice of the Village attorney and he would be getting some legal background through a determination. So it wasn't just simply a political feedback he was looking for. And basically you would base your opinions on attorney advice and he was hoping for that if it was necessary.

Trustee Abato said that she would just like to make a comment to Mr. Meehan. She said she is sitting here and she is actually shaking her head thinking how you could even come up with the word of preferential, or the two words, of preferential treatment in such a statement. She said she guesses we could probably or somebody could probably have turned the finger and said the same to you since we have gone over and over this - the recommendations of

the building inspector and the code enforcer. We have heard from Terry that this man has a valid and active building permit. That it is safe. We have heard all of this yet at each meeting you continue to forge on with this - she guesses you could call personal probe into Mr. Brennan's property. So for you to sit here and ask somebody - and obviously it needs to be somebody in this room that you are accusing of preferential treatment - asking for preferential treatment - she guesses the same could have been said about you but wasn't. So she thinks he has to be very careful in the way that he brings about his concerns and she wants to believe that this is a true, honest concern of his. It doesn't say much about your faith in Mr. Layne or Mr. Ortiz and the job that they do that they would even entertain that somebody could even sway them to be preferential and it doesn't say much for your Board members that you sit up here with to make people think that possibly somebody was giving preferential treatment to somebody in this Village. So she guesses that she would want to say to him tonight that he should probably choose his words more carefully and put his concerns where they should be and bring them across in a little bit better of a manner because she will tell him something. This is a very embarrassing night for her. That someone could actually point a finger at preferential treatment during this whole ordeal that we are going through with this Conserv property.

Don Brennan said that he would like to address a couple of the concerns and comments regarding this property. Month after month he comes in front of the Board or he is sitting in on these Board meetings and, Mr. Meehan, you keep requesting or asking the Board to violate his property that he thinks has been made clear that he is not not in compliance with the codes. So his property is in compliance. He said you are asking the Board to violate his rights as a property owner and ignore your own codes to persecute him. The notion that he took out a building permit with the Village and handed them \$20,000 and spent \$35,000 on engineering for a building permit so he can circumvent these codes is ridiculous. Because for \$55,000 he can certainly clean the property up and beautify it for a hell of a lot less. So that notion is a little bit far fetched. Mr. Brennan said he certainly could have put his building back up with a lot less grief but he doesn't think that the Board nor the neighborhood would have been in favor of that. And he knows that Mr. Meehan is talking for his constituents but a lot of his constituents out there don't want a construction company back there. Trustee Meehan said he knows that. Mr. Brennan said that on that note he comes here month after month at the request of the Board to clean up the site. He has done so. He has removed quite a bit of stuff. He does the best he can. But he cannot, as Terry said, and he needs to protect his rights, and not remove that steel and clean up the site any further. Unless the Board is willing to grant him a zone change tonight and if they do, he will clean the site up. But until that happens, which we are in motion for now, the building has got to sit as is. It is secure. It is tight. And he has done everything he could have done. In fact, he has done more than he really needs to do. And he knows that you may not

think so but again he is certainly entitled to store material on site, he is certainly allowed to do a lot of things that he is no longer doing. But again, this just seems to be coming up month after month. So he just wants to be clear at this point. He feels as though you are requesting the Board to violate his rights as a property owner. Because there are a lot of sites - houses getting additions - that have building materials all over them, that are not finished. That he is sure the neighbors aren't all that happy with looking at the neighbor, but that unfortunately is the process of betterment. So he would just request that he, as a Trustee, honor your own codes and rules and regulations and respectively not keep bringing this up month after month while he is in compliance.

Trustee Meehan said he doesn't bring it up month after month. He said he has brought it up twice. And the reason he brought it up at this juncture, and he had no intention of doing it, but he had the meeting and at the meeting he was led to believe that the building inspector and the building department was looking for guidance from the Village Board and that is why he brought it up tonight. They have a different memory of that meeting than he does. But he doesn't think that Mr. Brennan has been a very good neighbor. You have an eyesore there. You are telling him what a great neighbor you are but you still have that eyesore. And you could easily take it down. And he is sorry but he thinks the public interest outweighs your right to have that eyesore there. That is the way he feels.

Mr. Brennan said he has a substantial investment there. Trustee Meehan said he knows it is a big, private interest here. Mr. Brennan said of course it is. Trustee Meehan said it is also a public interest. Mr. Brennan said because he went through a tragedy. His building burned down. And he still has a tremendous mortgage on the property. So if you want me to knock the building down and lose his rights to rebuild and end up with putting up a couple of homes there, he is not prepared to lose a million dollars. And he doesn't think anybody would ask him, would be willing to do that as well. You have asked the Board to fine him, in your words, up to \$5,000 a day. Trustee Meehan said that is what the building - Mr. Brennan said he has been a good neighbor. He has gone above and beyond the call of duty. Anything that people have asked him to do he has done. And he has demonstrated that on numerous other projects within the Village. He said he doesn't know what more he wants him to do other than if you want him to take it down and if the Village is prepared to give him a zone change tonight then he will start tomorrow. But until that happens, he needs to protect his investment. Trustee Meehan said okay. You are a private individual and he thinks you should protect your investment. What he is trying to do is protect the public interest. Mr. Brennan said but you are asking the Village to break their own rules and you are asking for preferential treatment to violate him when your rules say you are not supposed to violate him. Trustee Meehan said we have different opinions about this and he feels that he is in violation of the law. Okay? Mr. Brennan said he can

respect the fact that you don't really know. Trustee Meehan said he spoke to the author of the law last year and he was told that you were. Mr. Brennan said he has also given Mr. Meehan his card and his cell phone number and he has said if you have any concerns or complaints to please contact him and he will take care of them. If what you are trying to accomplish is to speak to your constituents and they have complaints, do so - address them. And he will do the best he can to address those complaints. But the fact that you want to continue to say it is an eyesore, yeah, unfortunately building sites are eyesore. And until they are done they are generally an eyesore. And he just wonders how many other job sites you have said this about in the Village during your tenure. Trustee Meehan said he doesn't think he has said it about anything. Because he doesn't think he has had this over a two year situation. We have somebody trying to sell properties just at Meridian and if he was to view those properties as a potential building owner, he would say gee whiz, and he has viewed those condos there and they are terrific. But then he would say well let's walk around the neighborhood and see what it looks like. And you would walk two blocks and see your place and say reconsider purchasing at Meridian. So he is surprised that they are not screaming bloody murder. Mr. Brennan said he guesses - Meridian - you are claiming that his property is an eyesore for two years and three months. Meridian took more than two years and three months to build. So what did that site look like during construction. And considering there was engineering issues and buildings falling down over there he thinks there should have been a greater concern on that project and not his. Trustee Meehan said that project was violated plenty. Mr. Brennan said the easiest thing he could have done was to rebuild his building which was his original intent.

The Mayor said that Trustee Meehan made a motion and he asked him if he wanted to pursue it based on the counsel's recommendation and what their interpretation of the law is and this discussion. Trustee Meehan said he thinks he has made himself very clear on this. What he is trying to do and what he has been trying to do throughout his public career is to represent the public interest. And you won't hear from him again on this issue. Trustee Meegan-Corrigan asked if he was withdrawing the motion. Trustee Meehan said he would make the motion and see if there is a second. There was no second on the motion.

The Mayor thanked everyone for coming tonight.

VILLAGE ATTORNEY:

Attorney Terry Rice said that as you know, Trustee Corrigan went to the meeting of the Mahwah Township Council. We had our planner and our traffic engineer, who were here earlier, also do a report and it was put in the form of a letter to address the rezoning of the Crossroads property - the Crossroads Town Center, which, as most of you know, was a proposal for a zone change to permit retail use on that piece of property and was approved by the Township Council.

The Village had a number of concerns that were addressed to the Township Council particularly relating to traffic, stormwater management and economic impact on the Village business district. Having approved that, obviously there may be some litigation by other interests but the Mayor was also interested in ascertaining whether or not that might be feasible. Attorney Rice said he was actually contacted first by Howard Geneslaw, who is a land use attorney in New Jersey and by coincidence the son of our former planner, Bob Geneslaw. He is a partner or member of a large firm in Newark. So if the Board is interested in pursuing an action against the Township for the limited purposes of trying to deal with the traffic, stormwater and economic issues that is something that is feasible. There is a very short timeframe in New Jersey. You have 45 days and we are less than 2 weeks to the expiration of that time period. Attorney Rice said he did receive a proposal from him and he has had subsequent conversations because the hourly rates that they were proposing in there were nothing that we thought was acceptable. Mr. Geneslaw said that he would change his billing rate to \$325 per hour and the associate who would be working on it to \$265 per hour. The associate, he said, would be doing most of the work on the case and the associate was actually a former clerk for the New Jersey Supreme Court Judge. So he thinks that we have very qualified people doing that. And although a full-blown lawsuit of this type can be very long and very expensive, Attorney Rice said he can discuss the Village's strategies but at least he thinks as a starting point, if you wanted to move forward with this at those hourly rates, we would put a cap on it of \$10,000 initially.

Mayor LaCorte said he thinks it was just appropriate at this point to evaluate what our potential courses of action are and he thinks this is essentially the one course of action. The Mayor said he thinks that, without getting into potential litigation strategies, whether or not we believe that we can be successful at completely defeating this project, he doesn't think necessarily precludes us from taking some course of action specifically with respect to the concerns addressed by our planner regarding traffic, flooding and potential impact on the business district.

A motion to go into executive session at 9:53 p.m. was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

A motion to resume the meeting at 9:57 p.m. from executive session was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor said they were returning from executive session discussing the attorneys, the potential engagement of the attorney, with a maximum of \$10,000. Attorney Rice you are hiring Gibbons Law firm of Newark, New Jersey at the hourly rates mentioned before with the sum not to exceed \$10,000. The Mayor said if there is a motion he would ask that the motion be subject to finding funding in the budget, obviously, because this is not a budgeted item.

Trustee Simon said he would make the motion subject to the funding being available in the budget not to exceed \$10,000, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

POLICE DEPARTMENT:

Chief Clarke Osborn said the one thing he did not have on the agenda because he just wanted to make sure that we received it was to accept the F-150 vehicle which was donated to us by All American Ford. And though most people know the story on it, we were chosen to receive an F-150 Ford, which is parked out front tonight, which All American Ford donated every part of that vehicle. We paid for nothing. And they chose our department due to our work with the youth, particularly for our hockey program and our toy drive for the last almost 20 years. Chief Osborn said we were very fortunate to receive that on Saturday. We had a large ceremony up at the DARE hockey rink with Curtis Sliwa who presented the vehicle to us for free. So he asks the Board to accept the donation of the Ford F-150 pickup from All American Ford. A motion accepting the donation was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

The Mayor said that was really a tremendous afternoon there on Saturday. It was great. Trustee Abato said and a special thanks to Lou and Ann for their tremendous effort. Chief Osborn said absolutely. Lou Venturini and Ann Cawley set that up for them and did a fantastic job. We are going to get a lot of good use out of that. It's a great thing.

Chief Osborn said just a couple of informational items. In April they made 41 arrests, they had 290 vehicle and traffic summonses. It is probably going to go over 300. They are still calculating. Their system takes 72 hours for them to be processed into our computers. He said we had a commercial vehicle check and we took numerous unsafe vehicles off the road. In regard to speed bumps on Memorial Drive, he met with Mr. Giannettino. He said he would probably talk to him tomorrow. Chief Osborn said they pretty much found a couple of spots they think will work for all of them involved. They actually just came in late last week.

The Youth Explorer Program, run by Detective Cawley, will be starting very shortly. He said he thinks we have 15 Suffern High School students from the Village signed up, which is great. Chief Osborn said he is sure it is going to grow. He will be meeting tomorrow with representatives to finalize everything. He said it

was a lot of work on Detective Cawley's part.

PBA is having the Second Annual Vincent Crotty Memorial Foundation Barbecue Wing Night at the Mahwah Elks on June 4. Chief said he would leave the flyers for that in their boxes. And one last thing in April, our department participated with the New York City police departments to secure the city exercise. A simulated dirty bomb was placed into a vehicle and driven through the tri-state area for three days. Vehicles came through Suffern three times during those days and our officers, several with equipment, which had personal radiation detectors which are on loan to us from the NYPD through the County of Rockland and we picked the vehicles up all three times. With all the officers that we put out there the money was reimbursed by the County and by the State.

Trustee Meehan said to the Chief that you sent us a copy of an e-mail and he certainly would like to share that with the public. He asked Chief Osborn if he could repeat what he said in that e-mail especially in reference to the quarry. Chief Osborn said he actually has the letter right here. Chief Osborn said he sent the letter to Supervisor St. Lawrence at the request of Mr. Meehan in regards to the quarry to make sure that he knows what we have been facing up there. Chief Osborn read the following which he sent to the Supervisor and he already received a response letter and he spoke to the Mayor and some other Board members about it.

Dear Supervisor,

At the request of the Suffern Village Board I have conducted a safety assessment of the Ramapo Quarry and I would like to offer the following recommendations: 1. add additional fencing along the entire perimeter of the quarry to deter illegal entry; 2. remove all standing buildings to deter illegal entry by squatters and vagrants; 3. implement the usage of security guards to monitor any and all entry into this facility.

Chief Osborn said that he signed the letter and sent it to him because most of us understand that the quarry is owned by the Town of Ramapo so that is one of the reasons why he wanted to address it to the town. Chief Osborn said he did receive a response from them. He said to Mr. Meehan that he didn't know if he received the letter that he got back. Trustee Meehan said he hasn't received anything. Chief Osborn said he would get a copy. He just got this. Chief Osborn said that he just received a letter basically saying that they are going to take care of the issues and the things that we have done in the past, such as the Suffern Fire Department training exercises, installation of new signage, ongoing repair of fencing, surveillance of the property. Demolition of the metal building, which Chief Osborn is assuming that is the large building as you pull into the right that he spoke about, installation of additional fencing is ongoing, increase police surveillance of property from noon to dusk. And this should pretty much cover it for the summer of 2011. Chief Osborn said it is their property and he has spoken to them several times, and he spoke to the Chief of the Ramapo

police department as well with regard to these matters and he will stay on them as well. Trustee Meehan said thank you. He appreciates it. Chief Osborn said thank you and he appreciates his support with that.

AUDIENCE PARTICIPATION:

Howard Ripps of Bon Aire said that he had a couple of issues that he would like to address with the Board. But first before that, assuming you find this \$10,000 to pay the New Jersey law firm, are we talking about paying them to determine the feasibility of the potential lawsuit or are we talking about commencing an action. The Mayor said to commence a lawsuit. Mr. Ripps said it would include commencing the lawsuit. The Mayor said correct. Mr. Ripps said because you may make it sound nice but you are going to cap it at \$10,000 but we know that once you commence the legal action \$10,000 will get eaten up very quickly and you can put us right into an abyss. Mr. Ripps said that once you spend the \$10,000 if you commence the action what are you going to do - turn around and say that we are not going to give any more money.

Attorney Rice said that we have a litigation strategy which he doesn't think is appropriate to discuss in public and that is why they went into executive session. Mr. Ripps said that is why he is just asking whether that \$10,000 is to determine whether it would be successful or if it would include the actual commencing. Attorney Rice said it is to commence the lawsuit. Mr. Ripps said you are not capping the expense of the lawsuit. The Mayor said without further authorization from the Village Board.

Mr. Ripps said he had another thing. He happened to have occasion last week to walk in the downtown business area for a couple of blocks and he was just wondering if the gray duct tape around the expensive street lights was a design indication or if it is an indication that those lights are - the Mayor said that what happened was the manufacturer - we ordered additional ballasts and it took a while to receive them. We received them and we are taking care of them and repairing all of them. Mr. Ripps asked if it would be safe to assume that the reason they were damaged is that they were vandalized. The Mayor said he believes one was vandalized. Chief Osborn said two were vandalized.

Mr. Ripps said that it just seems that if you are constantly having to fix those street lights, he never quite understood the efficacy of having them at waist level to begin with. He said he was just curious as to what the plan was with regard to the maintenance of those lights.

The second issue is, and he doesn't know if anybody on the Board is aware of the fact, that on Yorkshire Drive, right near the Lydon fire house, which is an area which you had filled and repaved less than two years ago, is crumbling and there are several potholes there already. The Mayor said we are aware of it. Mr. Ripps said he

guesses that is something that doesn't seem to be an issue that should have arisen this quickly even with the bad winter that we had. The Mayor said he doesn't know if that is necessarily the case. It will be fixed.

Mr. Ripps said lastly. With regards to issues in Bon Aire - they had a meeting just over a year ago where the private carter had attended and we had addressed certain issues with regards to the number of recycling and signage on the dumpsters that are specifically allocated towards paper and cardboard and in that year that we had that meeting nothing has happened. If you come through in the latter part of the week or especially on the weekend you will find recyclables on the ground all around because they just don't have a sufficient number of recycle bins. You will also find that the purpose of the dumpsters is for the paper and the cardboard, which was to manage to keep it neat, that the signage is insufficient. People throw their garbage in there. The stuff is constantly commingled. It is a nightmare.

The Mayor said that he thinks that is the case. He serves on a condo board and if you need more receptacles on an individual basis, you can contact Marangi. Mr. Ripps said we asked for them a year ago. The Mayor said if you want to contact them you can contact them, you can contact the recycling committee and they will get you more of those. In terms of the messes of the dumpster, that is - Mr. Ripps said the signage on them. The Mayor said we replaced signs. If there is a problem with signage you can address that with the recycling committee if there is a problem with signs. The Mayor said that he knows that all the signs were replaced a year ago. He said he hasn't heard any complaints. We had a meeting just before the winter and we will probably have another one again and there were a couple of issues that were brought up. The Mayor said that he knows that Marangi has been very open and he knows they have a service that they instituted. They instituted a bulk pickup on a weekly basis. The Mayor said again if you have problems with them - and he believes overall all the feedback that we have received is overwhelmingly positive and you can contact the recycling committee for signs on those issues and if you need more things from them you can contact them. Mr. Ripps as opposed to Scuffy they are absolutely, there is no question, that they are 100% better. But they asked for those additional recycling things a year ago and they haven't been done. The Mayor said you can give them a call. Mr. Ripps said that Mike Marangi was at the meeting and he asked for them. The Mayor said he understands. But there are 14 groups in Bon Aire so he doesn't think that every group is exactly the same. So if there is a specific group that you are on the board and it needs more of them, give them a call. The Mayor said he can't speak to it. That is all he has to say about the matter. If you are not getting the answer you want, he doesn't know what to tell him. You can get the stuff from them. They have always been very willing to help out any time we have asked them. The Mayor said he doesn't know Mr. Ripps corrals off the top of his head but he is sure if he contacts them - there is another gentleman who is always there

every day - you can call Alex. Alex always answers his phone and he is directly on site every day. He is at 845-893-2618. And he is sure he will take care of that right away. Mr. Ripps said if he doesn't he will let him know.

Jim Giannettino of 2 Memorial Drive said that in regards to this traffic study, he understands that crosswalks are a solution but he doesn't know if it is going to be a help or a hindrance on Route 202. If we put up crosswalks, kids are going to think it is safe just to cross. And he has his doubts about who is going to stop on that road. He said if the ideal solution is that he doesn't know if it is the ideal solution on a highway road. The Mayor said he thinks that is a good point and he thinks that while we didn't get into it in depth with the meeting that he had with them it was more of a suggestion towards town because in general it will slow the road down - not right there but if you can slow it down on Washington and in that area downtown any slowing of the road obviously will slow the entire road down because people have less time to get up speed. Mr. Giannettino said we don't need speed bumps. Nature provided plenty of speed bumps during the winter. Just don't fill them. That is a cheap solution.

Mr. Giannettino said that as far as Mr. Brennan is concerned. He said he wants to do the right thing and he believes he wants to do the right thing. If he takes the equipment out of that building he won't lose his zoning. Is he correct? Attorney Rice said probably not but it is hard to answer a single factual question like that. Mr. Giannettino said come on, Terry, you wrote the book. Give me an answer. Attorney Rice said as he said probably not. Mr. Giannettino said his second question is if he leaves up one of two of those iron columns he protects his zoning, doesn't he? Attorney Rice said that you are asking for a determination to be made by me that are made by the building inspector. And that is what he was starting to say with the first question. You can't just zero in on one factor and say exactly when it is a much more complex situation. Mr. Giannettino said no, but you can look at the law. You don't have to look at it today, you can look at it tomorrow. And you can have a discussion with the building department. If that is his reason, and he understands that he doesn't want to lose his zoning, and he doesn't have a problem with that. But if he can leave up one or two pieces of iron and empty that building that will go a long way to making everybody in that neighborhood happy. And he loses none of his rights.

Jean Hennelly of 135 Wayne Avenue said that first she would like to comment on the event on Saturday afternoon. It was absolutely wonderful. The kids had a blast at the ballfield when you brought the truck around. It was a great day. As far as the traffic study. She said she doesn't know whether it is mentioned in your booklets or not - the dates that the study was actually taking place - but one of those weeks was the week that the schools was closed - it was Presidential week. So she thinks that there is a little bit of a discrepancy. She said she doesn't think the stats are as accurate

as - probably as accurate as they could be. The Mayor said he doesn't think they did the study on that week. Mrs. Hennelly said she lives on Wayne Avenue and she remembers. The Mayor said they may have been surveying on that week. Mrs. Hennelly said right - the men were sitting in their lounge chairs. Trustee Abato said that had nothing to do with the traffic. They were not counting cars on that day. The Mayor said they were not counting cars on that day. Mrs. Hennelly asked what were they doing on the corners then? Trustee Abato said they just measure from corner to corner and how much road is here and how much space between the sidewalk - Mrs. Hennelly said no, these were older men sitting with little counters. The Mayor said he will find out when they were counting. Trustee Abato said they don't actually put somebody there. Mrs. Hennelly said yes they do. She saw them on Chestnut and on Memorial Drive. They were there for about two hours. Attorney Rice said we will check into it. But when the Mayor and he met with the traffic consultant they actually specifically had discussions about the bus traffic there so he is sure that they did counts when there were schools. Mrs. Hennelly said there was but it wasn't throughout the study. The Mayor said you can discuss it and we will post it up. He said we felt confident that the data was accurate and these are experts in what they do. So they count for everything at different times and they measure at certain periods of time. And he does believe obviously that the bus traffic was something that was taken into consideration. Mrs. Hennelly said she just wanted to mention that. She said as far as Conserv she recalls being at the workshop in February and the Mayor was kind enough to let her speak and you had mentioned that within the next week or so that you would remove the steel and as you witnessed, Mayor, you were at the site and you kept your word and you removed the steel but at that meeting you had also mentioned that you had already purchased a new ten foot fence to be installed once the ground had thawed. So it has been two months now and she is wondering when that fence will be erected because she thinks that will go a long way into improving the site. And the last thing that she would like to ask is that she knows last August the Chamber of Commerce was very nice to donate some fountains for Memorial and she was wondering when those would be installed. The Mayor said he doesn't know if they actually ended up purchasing them. There were some concerns. Mrs. Hennelly asked if the money was used for something else. The Mayor said they use their money. He said he would have to check up on that. He said that some people were concerned about it and testing it out and he doesn't know if they ended up purchasing them. He will ask the Chamber.

Mrs. Hennelly said something else popped into her head. She said there has been a brief discussion about the possibility of purchasing land over near South Street and she was wondering if there would be a public hearing on that. She said she knows that it is money in lieu of recreation but will there be a public hearing on that? The Mayor said it is not required by law. It is being purchased by money in lieu of recreation. We are not required to have a public hearing. It is money that is set aside for

recreational purposes. Mrs. Hennelly said isn't it like taking money off the tax rolls. The Mayor said no - well it is, the taxes on that piece of property are literally - he said we looked into it and it is like pennies. Mrs. Hennelly said but the town will be spending more money on just the upkeep and the future of it. The Mayor said if you want to come to a meeting when it is up there - again, it will be on the agenda. We will do it. But it is like purchasing something - it is not a matter that we have to have a public hearing about. We will be doing it publicly and it will be at a meeting. If you come to the meetings, which you do, it is on the agenda. You can do it but it is not something where we have a public hearing. Mrs. Hennelly said that sometimes it is hard when you come to the meetings - sometimes you vote on things before people have a chance to discuss it. The Mayor said again who would we notify. Mrs. Hennelly said no, no, she is just saying like during the meeting - like tonight regarding the tree service. You made a vote on that before anyone could come up and comment on it. Trustee Abato said that would be under the Mayor so audience participation would come first and then the Mayor would actually have that under his. The Mayor said we will make sure that it is on the agenda at the appropriate time to do it. We haven't even received back the appraisal on it.

DEPARTMENT OF PUBLIC WORKS:

A) Requesting Authorization to Purchase New Primary and Secondary Heat Exchangers:

Mr. Charles Sawicki asked for authorization to purchase a new primary and a new secondary heat exchanger at the Wastewater Treatment Plant in the amount of \$3,884. The low bidder is Ral Supply Group, Inc., Suffern, New York. This is a replacement in kind purchase and these are budgeted funds. A motion approving the request was made by Trustee Simon, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

B) Requesting Authorization to Refurbish One of the Activated Sludge Lift Pumps:

Mr. Sawicki asked for authorization to refurbish one of the activated sludge lift pumps at the Wastewater Treatment Plant in the amount of \$17,831. The low bidder is Artesian Well and Equipment Company, Rochelle Park, NJ. These are budgeted funds. A motion approving the request was made by Trustee Simon, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

C) Requesting Authorization to Refurbish One Ultraviolet Disinfection Lift Pump:

Mr. Sawicki asked for authorization to refurbish one of the ultraviolet disinfection lift pumps at the Wastewater Treatment plant in the amount of \$19,565. The low bidder is Artesian Well and Equipment Company, Rochelle Park, NJ. These are budgeted funds. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

D) Requesting Authorization to Release Application for Payment No. 4 to Doyle Contracting:

Mr. Sawicki asked for authorization to release application for payment no. 4 to Doyle Contracting Inc. for the Wastewater Treatment plant secondary digester cover project in the amount of \$67,203.95. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: None

E) Requesting Authorization to Approve Siemens Odor Control Proposal for a Permanent VX-456 Installation:

Mr. Sawicki asked for authorization to approve Siemens odor control proposal for a permanent VX-456 installation located at the Wastewater Treatment plant process building. The VX-456 is a proprietary compound and Siemens is the sole source. Trustee Meegan-Corrigan asked how much it is. Mr. Sawicki said he believes he issued a copy of the proposal. He said that what we are doing here is that we had the initial trial which was done on a smaller

tank - about 330 gallons or so. This would be a larger tank. We are paying \$1.34 per pound and now buying it in a larger quantity it drops down to \$1.25 a pound. Mayor LaCorte said that essentially it is a continuation of the same thing we are doing. It is just more of a permanent and a larger - after we used it we decided it was really helpful in continuation. It just really made sense to get a separate authorization anyway. A motion authorizing it was made by Trustee Simon, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

VILLAGE CLERK:

A) Approval of Minutes of Regular Village Board Meeting of April 4, 2011:

Village Clerk Virginia Menschner asked for approval of the minutes of the regular Village Board meeting of April 4, 2011. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried, with Trustee Meehan abstaining since he was not at that meeting.

B) Request - Christiana & Victor Aning to Erect a Fence on a Village Drainage Easement:

Ms. Menschner said the next is a request. She said that she has given everybody a copy of the letter. The people came to the office. This is a petition to build a fence on the property situated at 25 Cypress Road. Attorney Rice said you don't need planning board approval but you may want to have someone take a look at it - whether or not it is the building department or Charles and make a recommendation. Ms. Menschner said they were told they couldn't build on it because of the drainage. Attorney Rice said that in theory if it was something you wanted to do you would enter into a license agreement and it would be at their own risk and if you told them that they had to tear it up they would have to tear it up. Ms. Menschner said that is what she did tell them. Trustee Abato asked if we could have someone look at it. Ms. Menschner said the reason she asked them to write a letter is because the reason they can't build on it is because it is a Village easement and she spoke to Terry and said if the Village Board decided that they could do it they would have to enter into an agreement that if they did build a fence it would have to come down if the Village had to use the easement. Attorney Rice said he thinks that we should have both Charles and perhaps the building inspector take a look at it to make sure that it is at a location that it doesn't cause any other problems as far as - he said he

doesn't know where it is located - site distance and anything else. Ms. Menschner said they already sought the advice of the building inspector and the Village engineer. Mr. Sawicki said that he hasn't looked at it. The Mayor said you haven't? Trustee Abato said this is the first you are finding out about it. The Mayor asked who they spoke to. Mrs. Aning said Mr. Layne. Trustee Abato said he is the building inspector. The Mayor said we are trying to figure out what we can do to help them out. He said we need an agreement. Attorney Rice said that one, you need an agreement and two, some minor compensation. The Mayor said that he thinks that the Board probably wants to help you out. We just need to go through the process. So he thinks that between now and the next Board meeting if they could set up a time with Mr. Sawicki to look at the property. Also you should contact Mr. Rice's office. You can call 357-2600 and ask to speak with Mr. Rice. The Mayor said again, and he is not speaking for the Board, but he gets a sense here that if Mr. Sawicki is okay with it and we can come up with an agreement that again, some small compensation, the Board isn't looking for - it can be \$100. There has to be legally some sort of compensation and if he is okay with it and if we grant an easement and then again if something happens it would be torn down then he thinks the Village Board will be in a position to act on it at the next Village Board meeting. The Mayor apologized that they had to wait. In the meantime, if they could please schedule an appointment with Charles Sawicki and also contact Mr. Rice at 2600. You can probably talk to Mr. Sawicki right now and set up a time. And then we can get it going and hopefully next month we can take care of it.

C) Request Permission for Mayor to Sign Tax Warrant:

Ms. Menschner said this was a request for the Mayor to sign the tax warrant in the amount of \$9,274,538.51. A motion authorizing the Mayor to sign it was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

D) Request - Ravi - 5 Tables and Chairs from May 1 to September 30, 2011:

The Village Clerk said this is a request from Ravi for 5 tables and chairs from May 1 to September 30. She said she gave this application to Mike and Randy to check it out. Attorney Rice said generally we require approval when they are putting them on the sidewalk. This is on their own property. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

E) Renew Valet Parking Permit - Marcello's:

Ms. Menschner said this is a renewal from Marcello's for valet parking. Attorney Rice said the only thing is that you will want to make it subject to them parking in Lot B. Trustee Abato said we have always stipulated that they must park off of Lafayette Avenue in the B lot. The motion was made by Trustee Abato, seconded by

Trustee Simon. Upon vote, the motion was carried.

F) Request - VFW to Hold Memorial Day Parade - May 30, 2011:

Ms. Menschner said this is a request from the VFW to hold the Memorial Day Parade to be held on May 30 and it will be starting down at the A parking lot. A motion approving the request was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

G) Request - Locomotion Powersports to Have Music at Open House - May 7 and May 21, 2011:

Ms. Menschner said that every year she gets the motorcycle building down on Orange Avenue who has an open house and this year they are requesting permission to have music. It will be May 7 and May 21 and it will be from 12 p.m. to 5 p.m. Attorney Rice said and not to exceed 90 decibels at the property line. A motion approving the request was made by Trustee Simon, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

TRUSTEES:

A) Trustee Bruce Simon - Farmer's Market:

Trustee Bruce Simon said that consulting with the Farmer's Market there is going to be this year for the first time a table for the members of the Village Board to sit out and meet the members of the community. People who can't get to Village Hall, people who can't get a hold of us during working hours. At least one of them will be there hopefully every Saturday during the season. The stipulation from the Farmer's Market is that we provide our own table and chairs, that it not be political in any way, shape or form and we will most likely be situated towards the back by the museum.

B) Trustee John Meehan - Proposal - Quarry:

Trustee Meehan said that Clarke talked about the other part of the question. What Mr. Meehan did is that he was interested - he had his own agenda and this really came up and he made this a huge issue in his campaign last year and he doesn't think anyone would feel that the proposal - the agreement that the town has for 440 multiple dwellings is really very feasible even if there were two entrances. So what he would like to do is have, and he sent his proposal over to Arlene Miller who is the principal planner and she got back to him. And he doesn't know how much this would cost but what he would like to have is the planning firm, and she gave him a list of them, evaluate this piece of property as to what different uses it could be used for and obviously in giving it some thought what we would want in there would be uses that don't generate traffic. And one of the things that came to mind would be self-storage because people - you have 500 self storage things - people go and store things and they don't come back and they don't

create a lot of traffic. It could be residential. We might even have large two acre million dollar homes up there. If there were very few of them that wouldn't generate very much traffic. We could use a combination of things. But what he would ask this firm to do is to evaluate this with the main issue the generation of traffic. We can't have 880 cars here. We all know that. They have been - the Supervisor purchased this property in 2006 and then in 2008 sent out a request for proposal and the only respondent was Goldstein and Company and they said they would build the 440 - they would provide flood mitigation for us but they would want us to change our zone so that there would be 440 multiple dwellings. Goldstein came back to us after they made the purchase and they offered to buy the property for 4.4 million dollars on a contingency basis. And one of the contingencies was good because they were going to provide a 25 year flood protection for the Squires Gate neighborhood, which was a good thing. But they still wanted these 440 multiple dwellings. Multiple dwellings are not a bad thing and Goldstein multiple dwellings he guesses that 20% of the people in Suffern live in Goldstein multiple dwellings and they are really good. And he has no problem with multiple dwellings. But what he has are problems with that many multiple dwellings. So the evaluation here would be to give us guidance to prepare zoning which could go in a lot of different ways but would mainly concentrate on keeping track of generation low so that we wouldn't have traffic jams on Route 59. Now we talked about traffic studies. Fortunately, there was a traffic study for a building called the Gloria office building and he is sure that Terry remembers that. This is a building lot that is right next to and just west of Gitlow towers. And they went in there and went very far along in their application but then dropped it. They were going to have 44 offices and there was an evaluation of the traffic impact on that right here and it was done by Frederick Clarke Associates, the same one who did the one. That is one of the heavy costs involved. And this is just a few streets down. So whoever did this evaluation could use this to determine the traffic flow because he doesn't think the traffic flows down anything but increased since this was prepared which was in 2005. And what he would like to do and he doesn't know what the cost would be but he would like to take this and put a request for proposal together and he put this simple one together and Arlene Miller reviewed it and she said it was okay so he would like to do that and send it out to as many planners as we can and have them come back with a proposal. Very frankly, there has been talk about this. He said he doesn't know why the town purchased it in the first place. Trustee Meehan said he found out about it as a public official in the Village at the time and he found out about it in the newspaper. And that seems to be the way that Mr. St. Lawrence operates. It is a very, very unusual situation for a town to purchase or to gain control of a large piece of property within one of its constituent villages but we are faced with that situation and he doesn't know if the town is going to represent our interest. And he thinks that since it is our Village that our people should be determining what is going to happen there and that is what he has been trying - that was the

note that he made to the people during the election and he found out that the overwhelming majority of people that he spoke to - and he didn't speak to everybody - he only spoke to 20 or 30% of his constituents - and they were in favor and agreed with him that we should go ahead and start the planning on that. And he knows that the Board is not going to give him a blank check here but he just asks that in the normal course of events the developer pays for these types of things. But he doesn't think this is not the normal course of events and he doesn't think that we are really being served by the supervisor of the town in this instance so he would like to see us operate on our own.

The Mayor asked Trustee Meehan a few questions. One, in terms of the key aspect of the proposal here would be a review of the flood plan that is being or has been prepared by Brooker Engineering. The Mayor said obviously we have to get access to that. It is not a public document and the Mayor said he has not made any requests in terms of getting it but he has to believe that at some point they probably don't want to give that up until they get an opportunity to be heard. Right? Trustee Meehan said okay. The Mayor said because we get it, we have it, we say thank you very much, see you later. Trustee Meehan said he wonders if - and this is a question for Terry - since it was presented to us at a public meeting is it still proprietary? Attorney Rice said yes, it is. If they had filed the property it would be subject to the Freedom of Information Law. The Mayor asked when they presented it. Trustee Meehan said there was a public meeting last year. The Mayor said he doesn't know much about it - if at that point they had undertaken - that was just like flood mitigation. Trustee Meehan said it was very specific. The Mayor said he thinks that is a key component of it and he wonders if we can get access to it.

The Mayor said the other aspect of it and this is just an estimate and he talked to a couple of engineers because the plan really has three components. One is the review of the flood plan, if we can get it, and that would have to have an engineer which ultimately no matter what they should review that because it may not work. So you want to have an engineer say whether it works or not. Trustee Meehan said that frankly he thinks that probably consensus here by the Village Board is that we really do want the flood plan and that the only thing that would be the concern on the flood plan - the flood plan - once the flood mitigation project is completed and he doesn't know if it is going to generate anything in the way of traffic - what we have to do is just say that this specific portion of the property which he is sure they will at least give us that much could not be used for development and he doesn't know if we would need an engineer to review like the Brooker Plan. He said he is trying to do this on the cheap but he really wants to see us move towards our own future. The Mayor said he understands. And his point would be, and he doesn't speak for anyone - but if you are asking me if this is something that people can have very strong feelings about the quarry developed or undeveloped. But he thinks that one of the only reasons that anyone would consider developing

this property at all would be the potential to get a serious flood mitigation plan so how can we ask a planner to undertake any sort of recommendation with respect to the property without knowing whether or not the flood mitigation plan would work. If you said no, there is no way it would work. It's crazy. Then we may say hey look, there is no point in zoning any residential here. Because what is the benefit. And he thinks in his view, and again he is not saying he is for any type of development at all, but what he is saying if you are considering any development one of the greatest benefits of it, the prime benefit, is the flood mitigation plan. So again in your thing you said to take into consideration the flood mitigation proposal. So again what he is saying is the timing of this because now we don't have that plan and we are not going to get an evaluation of it so how can a planner or a consultant look at and make an evaluation of what we should do with respect to the entire property until we have an evaluation of that plan which, if we get, if there is an ultimate proposal, the developer would pay for that in addition to paying for a traffic study and then in addition to paying for whatever costs there are. His only point is that he understands what Trustee Meehan is saying and he thinks it is important but let's say that we go and we have a planner look at this and they say okay, assuming the flood mitigation plan works, that is a great thing. That could help Squires Gate, help Memorial Drive, help the Village with flooding in the ballfield. That it's worthwhile having some sort of residential development. And then what happens there is that it puts us in a conundrum. Today we are not even going to know if a flood mitigation plan works unless we have access to it. Assuming we don't it is conjecture and then probably we are going to want them to say that it will work. Then we are in a situation where they recommend some sort of residential zone and either we decide that we are not going to take that recommendation and if we don't then it is why did we have them spend all this money on our dime. And then his other concern just as equally is if they recommend some sort of residential zone and we adopt it and then Quarry Ridge comes forward with a plan we don't like - right now we reserve the right to say we don't want any residential development there but if we take the recommendation of rezoning it, at that point it is then as a matter of right. So we can only control site plan approval but we can't control a minimum amount of units that presumably would be recommended and adopted by this Board. So his point is, plus in the interim, it is all going on our dime as opposed to the developer's dime. He would rather just - he thinks that most of what Trustee Meehan is saying is that he personally agrees with but he would just rather wait to see what they propose. Because he knows that Mr. St. Lawrence came before the Board and wasn't talking about 440 units. Trustee Meehan said he knows and he has talked, and he talked, and he talked. The Mayor said he understands that. But it was less than that, right? Trustee Meegan-Corrigan said it was 250. Trustee Meehan said that is still 500 cars and that is still way too many. The Mayor said he understands but he doesn't think at this point, and after saying publicly and he also believes he said it on his show and he also said it in the newspaper, and he is not making any judgment but he

thinks it would be difficult to come back and say I want 440 units. Trustee Meehan said the fact of the matter is that there is a contract between the town of Ramapo and Quarry Riddge which hasn't been changed and it calls for 440 units. Now if it calls for less then maybe we would consider it. He also thinks that this thing is never going to happen and that is his own personal belief. And he also thinks it is ridiculous for the town to purchase property within the Village and then after it gains control of millions of dollars of real property it decides to get rid of that property. This Village controls millions of dollars of real property. Trustee Meehan said he is operating under the presumption that the Brooker plan is a good plan and he will tell them why. Because Brooker has a phenomenal reputation. He is a really big time engineer. He is in Suffern and he has had many projects in New York City and if you look at his resume it is tremendous and a lot of this is putting faith in Brooker Engineering. Trustee Meehan said this can be a work in progress and he doesn't know if we can resolve it tonight and he is interested. You brought up some good questions and he will have a chance to review those. But he still feels that we should put it out and see what we can do. We do have a traffic study that is a little old but things haven't changed that much and it is still based on Route 59 and basically be based on Tilton Road. It is based on another entrance - a one that is just a little way away. So he would like to keep pursuing this and if we could have it on for another meeting. The Mayor said his one thing is again. He doesn't think - his major concern is one if it is on our dime now versus any potential developer which we wonder if it is ever going to happen. Number two, and again he doesn't think any of us, if we can get some sort of flood mitigation, would be opposed to having the property remain as long as it is secure and preserved. He thinks the major impetus is the potential to get flood mitigation. Trustee Meehan said absolutely. The Mayor said so again he just thinks that we should - he is willing to talk further about this with him outside of this. His concern is again that he thinks we need access to that flood mitigation plan. He doesn't think we can assume it is going to work because if that isn't reviewed and they say it is ridiculous and it is not going to work, and he is just giving hypothetical, then why would we want to ask someone to assume it is going to work and then recommend some sort of zoning to pay for that. And that is his concern that we sit there and we assume it works, we go the only way we are going to get any flood mitigation if we allow some sort of development there whether 20 units or 200 units whatever that planner recommends we then rezone it and it turns out the flood mitigation doesn't work and then Quarry Ridge can come forward with a flood mitigation plan that doesn't work and our only leverage because now the land is zoned residential as a matter of right. So he just wants to - again, he understands a lot of what Trustee Meehan is saying and he is not disagreeing but he thinks we have to work through this and not put ourself in a worse position than we are now. Trustee Meehan said he will see what he can find out between now and the next meeting about the Brooker plan. The Mayor said okay.

MAYOR:

The Mayor said the traffic study has already been done.

A) 457 Plan:

The Mayor said he talked to most Board members about this. He said the Village maintains a 457 plan which is essentially the equivalent of a 401k plan. From time to time, and we haven't done it in a number of years, and he believes it has been ten years and we're supposed to do it every so often, and you are supposed to put out a proposal for the 457 plan. And we have been using Nationwide. And again he has no affiliation with any of these plans but when he is not Mayor he is an investment adviser and in talking with employees that are friends, through the years, they have because they are friends asked him to take a look at what they have and asked where would you invest it if that was the case. Again, just looking at their allocations and the choice of funds. And he always felt that Nationwide didn't offer a really good plan. They had a lot of the same funds which looked like you had a choice but really didn't. The other major provider is Hartford. Hartford offers, he believes, better choices and a better plan. It is the plan that the county has as well as the town. He thinks that again ultimately in determining it the plans are similar and he believes one aspect of the Nationwide plan that had one advantage was their fixed account paid a little bit more but the reason it did was because it restricts you. You can't move money in and out so quickly. You can only move 1/12th each month. So that was a restriction. There are no restrictions with the Hartford plan. The management fee is less in the Hartford plan and he also believes there will be better choices in working with the investment adviser on the plan. Also, the PBA, he believes that ultimately while we make the decision, that ultimately that the people who enroll in the plan are the ones who decide. But most of the money in the plan happens to be held in the police department, which is good for them. So in terms of talking to the union and the police, they would prefer the Hartford plan. They believe it is a better plan. The Mayor said he also spoke to the CSEA and their union had no problem with it. The Mayor said he does believe that this is a better plan. The management fee is cheaper and that is offset by the higher fixed. And also in this plan there would be a loan provision that was something which a couple of people had brought up that if they want to borrow against their balances they can. They will be able to do it with this plan. And he thinks also the investment - the person who will be the adviser for the plan is also a Village resident, a local person and a member of a fire department and he thinks that it is someone who will be around locally to meet with the people as opposed to presently the person comes in and says he is going to be here for two hours and if you can meet that person and they change every couple of years and this individual says he will be available by appointment if people can't meet. Again, the Mayor said he thinks it is a better plan. There is no cost to the Village. The cost is borne by the participant. A motion to adopt the Hartford as our 457

retirement plan was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. The Mayor said the way they do it is that it is seamless for the participant and that it moves over. They can choose what they want or they can move it over with the same type fees. So it is a pretty seamless thing. These are big companies. It happens all the time. The Mayor said we adopt it and then it is just a process by which they go about - we put it out to bid, it was advertised, it came back just again because we are required to do it. And it was Hartford, Nationwide and AIG was the third one. And really the two big ones in the state are Hartford and Nationwide. They control 98% or 99% of the business. Upon vote, the motion was carried.

B) Appoint Joanne Cioffi as Tax Collector - June 1, 2011 to December 5, 2011:

The Mayor said he would like to appoint Joanne Cioffi as tax collector from June 1, 2011 to December 5, 2011. A motion to confirm was made by Trustee Simon, seconded by Trustee Meegan-Corrigan. Upon vote the motion was carried.

C) Appoint Lynne Bryant as Registrar - June 1, 2011 to December 5, 2011:

The Mayor said he would like to appoint Lynne Bryant as registrar from June 1, 2011 to December 5, 2011. A motion to confirm was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

D) Appoint Joanne Cioffi as Subregistrar - June 1, 2011 to December 5, 2011:

The Mayor said he would like to appoint Joanne Cioffi as Subregistrar from June 1, 2011 to December 5, 2011. A motion to confirm was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

E) Appoint Virginia Menschner as Subregistrar - June 1, 2011 to December 5, 2011:

The Mayor said he would like to appoint Virginia Menschner as subregistrar from June 1, 2011 to December 5, 2011. A motion to confirm was made by Trustee Simon, seconded by Trustee Abato. Upon vote, the motion was carried.

The Mayor said the last one is to appoint Virginia Menschner as Village Clerk from June 1, 2011 to December 5, 2011. A motion to confirm was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

A motion to adjourn the meeting was made by Trustee Abato in memory of our dear friend and someone who has given this Village so much and is going to be sorely missed. And there will always be an empty

chair that will never really get filled on this Village Board because she doesn't think there is anybody who could fill his shoes. So, to you Andy, we adjourn our meeting and God Bless. Trustee Meehan said he had the privilege of serving with Andy for twelve years. He actually appointed him to this Board in 1998 and he ran with him three times in the election and he went to the wake, as he knows that all of them did too, and he was privileged to meet - he had met a couple of his children but he hadn't met all of his daughters and he was impressed with his whole family and he thinks everyone was impressed with the Haggerty family and the amount of time that, as Trish said, he put into the Village and the amount of dedication. He said he doesn't think he will every be equaled. So, Andy, we do miss you. The motion was seconded by Trustee Meehan. The Mayor said also that Andy would be sorely missed. Upon vote, the motion was carried. The meeting was adjourned at 11:00 p.m.

