

**Village Board Meeting  
Monday, July 8, 2013**

A regular Village Board meeting was held on the above date at 7:00 p.m. with the following members present:

PRESENT: Mayor Dagan LaCorte  
Trustee Patricia Abato, Trustee Charles Falciglia  
Trustee Jo Meegan-Corrigan, Trustee John Meehan

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

ABSENT: None

**SET DATES FOR AUGUST MEETINGS:**

The Mayor said the date for the workshop is Wednesday, July 31, 2013 at 7:00 p.m. and the Board meeting is the following Monday, August 5, at 7:30 p.m.

**FIRE DEPARTMENT:**

**A) Membership Applications:**

Chief Mike Stark said there are three new members that he would like the Board's permission to vote on this evening. They have submitted applications and they are Tyler Cleary, Michael Cleary and David Katz and they are all from the Suffern Volunteer Hose Company. A motion approving the members was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

The Mayor said we have a public hearing at 7:15 and 7:20 and it is not quite there yet. But we have a public hearing that was held over concerning the money in lieu of recreation fees. As requested by a couple of Board members, we had John come up with an additional schedule and information. The Mayor asked John Lange to come up to the podium.

Mr. John Lange said that they came up with a various set of alternatives. It is really just a numbers game about where you want to put the larger discount. So they are straight-lining. In the first example he gave there was a greater discrepancy between the first and second tier spread out in different ways than the others. So what he did was to show you cumulatively

what would happen under the old system versus the new system along the bottom. So for instance somebody who would have twenty units of housing would have paid \$100,000. Under alternative one, it would be \$49,500; alternative 2 \$61,500, \$78,500 and \$64,800. They are substantial differences but just a question on how we do it. In each of these you are still going to trip through the scale. You are going to pay the one price for the first one. You are going to pay for units two to five the two to five price. So it is still cumulative but it is just a question on how it all adds up. And it is really up to the Board to decide where they want to put the emphasis on the discounts for the quantities.

The Mayor said he knows that we were all sent this and he understands that it is not in the packets. So he doesn't know if anyone can see what you have there or has questions. Trustee Abato asked if Alternate I was the original one. The Mayor said the one we had talked about was \$5000 - 2 to 5 is \$3,000, 6 to 10 is \$2500 and \$2000 for 51 or more. The Mayor said it is alternative one. What the original proposal was last month.

Mr. Lange said it is how you apply it. You would get 100% credit for something for the public, 50% credit for something that would be half and half. Attorney Rice said those are guidelines and the Planning Board would still have to do an individualized recommendation. Trustee Abato said yes, those are just the guidelines, correct? That is not something that is written in stone. Mr. Lange said correct. Trustee Abato said so they would determine how much of a percentage it would be. Mr. Lange said yes. The Mayor said he personally likes Alternative I because he thinks the fee schedule is fair and then willing to discount their credit less if it is not available for full public use. So he would get Alternative I. He said he likes Alternative I on the fees personally with Alternative II on the credit. So the fee structure, he thinks, is fair but they are getting less credit if it is not public use. 50% up to 50k and private use is only 25%. So he thinks you make it up back that way. That is his view. It is for the fees Alternative I and for the credit Alternative II.

The Mayor said remember, we can do this anyway you want. If someone wants to change any of the fee structure you can suggest that. Trustee Abato said she thinks II and II is fair. The Mayor said that is no credit though. With Alternative II 60 units mean what - like how does the bottom - oh that is just the revenue

without the credit? Trustee Abato said correct. The Mayor said the bottom is the revenue without the credit. Trustee Abato said right. The Mayor said so if you do semi-public use 50% up to 50k - so if you spend 100 - the Mayor said he thinks that is fair. He likes II and II. Trustee Meegan-Corrigan said she likes that. Trustee Meehan said he would go along with that. The Mayor said that is fine. Because the key is, you are right, he thinks everyone is right. The big thing is the fees are higher but the credit is more reasonable. And look if you put in \$100,000 of semi-private use or \$200,000 you can still get a \$50,000 credit. But you are putting in a lot of money. So that is the high end which is good. He said he likes that. It seems fair.

Attorney Rice said it is just a matter of putting together a resolution. The Mayor said if he is a developer and he builds 60 units. He owes the Village \$136,000. He puts in \$200,000 of recreation into the building. But it is a private gym, a private pool. So if he is correct, that \$200,000 he would get \$50,000 credit - \$136,000 minus \$50,000 would be the payment. He put in \$200,000 - Trustee Abato said it would be 25% of \$50,000. The Mayor said Alternative II - he builds 60 units. It is \$136,000 on the fees. Correct? 60 units. He puts in \$200,000 worth of recreation in the building but it is all private. So if he is correct you would get \$50,000 of that \$200,000 back. (Mr. Lange could not be heard on the tape.) The Mayor said 25% of the 50,000. Trustee Abato said that is just the guidelines. The Planning Board may decide that no, it is only 10%. The Mayor said we are trying to make it where it is not. Trustee Abato said the fees are written in stone but we said the credit is not going to be because every kind of recreation is different. If you put in a bocci court as opposed to a health club - there is a big difference there. The Mayor said he understands. But the determination he understands is whether not how much money they are putting in. Because they can prove it by receipts and whatever. And they are going to have to be responsible for that. He is sure it is a public document. It is a determination on the flexibility of the fees whether it is public, semi-public or private. Trustee Abato said correct. The Mayor said so if it is a bocci court you say oh it is out there. Is there a fence, is it private. But people can use it but it is really for us. Okay, we will determine that that is semi-public. Trustee Abato said correct. But it doesn't have to be 50%. You are talking about a bocci court or a tennis court. They are going to decide how much recreation that they have. The Mayor said okay. So the fees are set so there is some flexibility in terms of the determination

as to how the credit works. He said he is okay with that as long as the fees are set. Trustee Abato said the fees are set.

The Mayor said the public hearing was closed. It was just tabled with respect to a vote. So what would be the procedure now. A motion to reopen the public hearing was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

Jim Giannettino of 2 Memorial Drive said he sees that you have adjusted the fees somewhat. He said your purpose of doing this at the last meeting was so that there would be uniform charges of fees. Now you have moved the fees around somewhat but you are interpreting the credits. So what have you changed? You were interpreting the fees. Now you are interpreting the credits. The Mayor said what he thinks is, and John said and Terry is saying there is flexibility. The Mayor said he thinks that the fees, his feeling, is that the fees should be set and the credits should be set and the flexibility should be a determination whether it is public, semi-public or private, right? Because you are saying to someone well we will give you a \$50,000 credit but this is completely closed. It should be different. The type of credit you get on that as opposed to an open playground. So personally he thinks that the flexibility with the Board should just be over the determination whether the proposed recreation is public, semi-public or private. He asked Mr. Lange if there was any reason why not? The Mayor said he wants to eliminate - Trustee Abato said her reason behind that is if you put a bocci court in there and you get the credit for it - you know what? In six months you can take it out and not have it. And then you have the credit for it. That is her thinking. Mr. Giannettino said that is why he is saying. It is either public or it is not. Trustee Abato said right. But her thinking is that if it is a bocci court - if it is a tennis court obviously it is going to stay there. But a bocci court or something that is on a smaller scale that they could get the credit for and then it could disappear in six months to her - she doesn't know. She just feels like if it is a smaller scale recreation it should be a smaller amount of credit towards it. That is her thinking behind it. She is just thinking if it is a structural thing that is done - a playground, a tennis court and it is semi-private as opposed to a bocci court that could be gone next month, in six months or next year, then you have given them credit for something that is not going to be there. That is her only thinking behind it. Mr. Giannettino said he can agree with that.

What he can also say is that they can put in a playground, fence it, and lock it. The Mayor said yes. He said he thinks that is a good point. So he is thinking - is there a way, Terry, to get the public determination, the full public determination, can they dedicate it to the Village? Attorney Rice said he doesn't know if they are going to be dedicated in all instances but there certainly can be conditions either of a site plan approval or subdivision approval - there can be conditions of approval if it is not dedicated that it will be used for a certain purpose and if we want there can be covenants recorded as well. So you could do it that way. The Mayor said okay. He said he feels comfortable, personally, if we leave in those formulas as is with the determination only to as the type of access there is. Because you have to determine whether it is public or not public. So semi-public - it's a bocci court - we are not fencing it - there are conditions. Yes, it is on private property but people can come in as opposed to it as a bocci court and it has been dedicated to the Village so that it clearly is public. And then obviously a gym inside a locked private building is obviously private.

Mr. Giannettino said but on the same token, and this is the last one on the bocci court - they can let me use the court but the balls and stuff may not be available. The Mayor said we are going to have to - Trustee Abato said that is what she is saying. She said that is why she is saying that we need the room to decide on how much access and how really readily it is to the public and not to the public. The Mayor said fair enough. Trustee Abato said that is why she thinks that the wiggle room is good for the Planning Board to say okay, you have a playground there but it does have a lock on it and they can only get in certain times. Okay, maybe that doesn't warrant 50%. Maybe that only warrants 25%. Do you know what she is saying?

Mr. Giannettino said his second and last question on this topic. 50 or more units you are saying \$2000 a unit under the new plan. He said he thinks that - the Mayor said it is a break point. Mr. Giannettino asked what would it come to for 100 units. The Mayor said he would tell you right now. You have 60. So it would be \$80,000 more than the second alternative. So what is that? \$136,000 is the number? So it would be \$216,000. Mr. Giannettino said okay. \$216,000. The reason he is saying this is we have, to his knowledge, and correct him if he is wrong. He said we only have two parcels of land that anything over 50 to 100 can be built on. That is Orange Avenue and the quarry. That is your

last bite of this apple. After that, recreation is not going to get any good pay days. You are going to get a house here and a house there. So you just cut off your last two means of getting a sizable amount of recreation money. He said he thinks it is something you really ought to think about. The Mayor said that under that example he is saying that even if you build 100 units and you put in another \$200,000 of recreation, they are still going to pay a fee of \$166,000 for a 100 unit building. Mr. Giannettino said correct. The Mayor said that is a pretty sizable chunk of money after a full credit of 25% if they put in more than 50 grand. The bottom line is if I am building a building and I put in an indoor pool, a gym and I give everybody who lives there free access and say, hey, I am providing recreation that no one would ever leave - rock climbing wall, whatever. Millions of dollars of recreation in the building. And I still have to pay the Village \$150,000. Mr. Giannettino said but you are losing the site of the fact that if you left it the way it is now, at the top level only, you would collect \$1,200,000 on the quarry proposal the way it is today and you would collect \$500,000 on something on Orange Avenue. The Mayor said he will tell him right now. No projects would be built. Because the purpose of the recreation fees is related to recreation. If you are going to charge someone \$5000 a unit for 100 units then you would need to give them dollar for dollar credit for what they put in the building. No one is going to sit there and say wait a minute. Our people are buying this building because of the recreation on site. We are spending a million dollars on recreation. Fine, if you want to charge them \$500,000 for money in lieu of recreation, that is fine. But we want a \$500,000 credit for the money we put in. This guarantees us that no matter how much recreation they put in the Village is still getting paid. Mr. Giannettino said unfortunately the way you are figuring this is as you are the contractor. You are the Village of Suffern. Let the contractor worry about his money. You worry about our money. First of all you supposedly have a proposal from the Goldstein's to build 240 units in the quarry. The Mayor said that is not true. Mr. Giannettino said okay, then tell him what the number is. The Mayor said we do not have a proposal. There is nothing before this Board with respect to that. Mr. Giannettino said well there was, supposedly, a meeting with the Planning Board with that number. Trustee Falciglia said 272 units. Mr. Giannettino said okay - 240 - the number is immaterial. They are willing to build knowing that they have to pay \$5000 a unit. Someone said that is not true. Mr. Giannettino asked why isn't it true? The Mayor said this is a debate - we

can go back and forth on this. The bottom line is that no person has ever paid that \$5000 a unit. It increased 1000% when you were Mayor just as something to be done and the fact is that every proposal since then that has been in the Village - Gitlow II, Gitlow III and Cross Street all came to the Board for relief because it wasn't economical and we gave them relief. So the simple thing is instead of having a fee structure that comes up with these great numbers that gives amounts and then leaves it to us to complete discretion. We are trying to put a system in place. Mr. Giannettino said so nobody has built in the last eight years and paid that fee. No one. The Mayor said no one has paid on a significant - is it possible that one house paid \$5000 - Mr. Giannettino said why should they be treated any differently than a major contractor that has millions of dollars. The Mayor said because the point is you are paying in lieu of recreation. He thanked Mr. Giannettino. Mr. Giannettino said he would give the resident owner the break before he would give the large corporation.

John Lange said the rec fee is based on the need that the Village has for recreation facilities. You did a recreation plan. It basically said you have 99% of what you want. The only thing that was identified was another softball field or two. So when we create this it is reflective of what the actual needs are not what we can extract from the developer. The Mayor said that is what he thought the purpose was as well. Trustee Meegan-Corrigan said she thinks the site is getting locked on what this is all about. She truly does. It is not a cash mechanism for the Village in lieu of recreation.

Mr. Adam DeStefano of 19 Prairie Avenue said he agrees with that. He said that when he was doing some research on what some other facilities charge in lieu of recreation he found out that Airmont does \$3000 per lot and our nearest neighbor, Montebello, they don't do a slide ruler type thing but what they end up doing is it is \$7500 per lot but if you are going to build multiple units such as townhouses or you are going to build condos it is \$5000 for a single bedroom, \$6000 for two bedroom, and \$7000 for three bedroom. He asked Mr. Lange if he had looked into doing something similar where it is based on the number of bedrooms because obviously if you have a three bedroom - the Mayor asked Mr. DeStefano to please direct the Board - Mr. DeStefano said yes. He was also addressing the person you hired for this. He said he was wondering if he looked into doing a different effect based on for these larger projects the number

of bedrooms because he thinks that would be a much more effective way and it would be fair to the small time resident as Jim brought up. And the larger corporation who is only going to build a single bedroom for someone who may want to retire in the Village. The Mayor said that as Mr. Lange said this is not a revenue stream for the Village to extract as much money as they can. This is a purpose to deal with recreation. And the point is he said we have an analysis of our recreation that says that we have everything other than softball fields. The Mayor said he believes it is our job to bring in revenue and every single residential project that we are talking about here there has been no tax breaks. These are full-paying tax revenues so we are forgetting here that the Village is going to get substantial tax revenue in perpetuity. That is where we are in the business of having residential redevelopment to bring in tax dollars. The purpose of the recreation fee is to provide recreation which we have significant recreation. So thank you. Mr. DeStefano said he agrees that it is meant to bring in recreation but it also can be used as a deterrent to prevent large buildings from being put up that are unnecessary and where you are saying it is going to raise the tax base. And the Chestnut Gardens which we would have gotten approximately \$56,000 a year from that project each year for the tax revenue was sold to a non-profit. So we can't even guarantee that some of these wouldn't be something like that. Because they have the right, the builder does, to sell it that way. The Mayor said that is not true. Chestnut Gardens - he has been talking to them and if you read the paper on this issue that we do not believe under the circumstances in which they purchased it that it will be available for tax exemption. Mr. DeStefano said yes, you say that you don't believe, but you don't know that for a fact. The Mayor said yes, well, but based on the law and the advice that he has they are not going to be able to get a tax exemption. It is not for the purpose of carrying out their non-profit. It is to house construction workers during construction and once that is done they plan on selling it. He said he has been advised that that is not the use contemplated for purposes of tax exemption. Mr. DeStefano said okay, he is glad to hear that.

Mr. DeStefano said the last thing he wants to say is that doing something like this is a bad decision because it is only going to encourage people to build more units and he doesn't agree with that entirely because he thinks it will lead to overdevelopment in the Village.

Treasurer Tom Zordan said he usually doesn't talk but to alleviate Trish's concern about a bocci ball court disappearing six months later why don't you write into the credit that it has to be a permanent and maintained recreational facility - whatever it is. This way if they do take it away they forfeit that credit that they got and they have to give us back the money. The Mayor said okay. That is what we are talking about.

Tim McInerney of 8 Pavilion Road said just a quick question. He said you are pushing this the last two meetings. When you used to do the budget for the Village you push it out three months ahead and the public gets a shot at this. Why all of a sudden are we pushing this so much that we want to cut the money. The Mayor said we have been talking about this for six months. This is not pushing it. Mr. McInerney said yes, but it has only been the last two meetings that it has been hot and heavy. That there are not a lot of people that are involved in it. He is wondering why we are going to take less money than more money. The Mayor said we are not taking less money. As he has said repeatedly. This was a Mayor two administrations ago who raised the fees 1000%. In every subsequent situation we have had where we have had significant units - three developments - 100 units Gitlow II, 100 units Gitlow III, and 50 units in Cross Street. In every situation the applicant has applied and received a reduction in the fees. Because you could make it \$100,000 a unit but it doesn't mean it is legal and enforceable because John has said repeatedly it has to bear some sort of relationship to recreation. Our need for recreation, recreation that is going to be used, recreation that is not available on site. So what he is saying is to have a system in place. The Mayor said like anything else, certain people only come - this has been something we have discussed for months - even years over doing it - and it is a process that is in place that we are dealing with. It came up now. We had our planner review it. It is on the agenda. Some people had more questions last month. Now we are here dealing with it this month.

Mr. McInerney said the only other question he had was if you vote on it and it passes through tonight - the builders who are building, who haven't built anything just yet - then they are entitled to go with this because they haven't built anything. The Mayor said they are going to go, like anything, to the Village Board and if we don't change it you are going to have a situation where they are going to come to the Board again and the Planning Board and we are not going to have a system in

place and they are going to ask for a discount and then we are going to have to hire John Lange again to do an individual analysis on every single one. And then we are going to get back to the situation where why don't we put a plan in place that actually is reasonable and was not done arbitrarily two administrations ago based on a number that was 10 times in excess of what it was previously. We are just trying to put a system in place so we don't have to deal with this every time someone comes forward. Mr. McInerney said alright. He was just thinking that you have 40 or 50 units that are going to be built that haven't been built and this is more like a windfall for these guys. The Mayor said it is not. As he said repeatedly, it is not. He has said it again. It is not. Every single person who has come before has requested and been granted relief significant relief from that formula. Gitlow I, Gitlow II - 100 units at \$5000 a unit - \$500,000. They paid the Village \$100,000. That represents an 80% discount. So you are using words like windfall. They got a windfall. Our point is that fee structure was not reasonable. So we now have a structure in place that is reasonable so that no one can use words like windfall or whatever because that applicant - any applicant now who is before us has a right to go to the Village, has a precedent, there is a law in place and they would get relief based on the current formula. So instead of it being arbitrary, like someone would say okay Gitlow got 80%. I'm building on Washington or I'm building on Orange. I want 80%. No. Then why did you give them 80%. Or let's say someone else gets 85%. Why did they get 85%? The next guy comes in. That is why we are doing this. Because we had numbers that were never enforced ever. So we are fixing it instead of having something that bears no reality. To have something that bears reality. Simple as that. Mr. McInerney asked if there was a little bit of wiggle room in there so that you can judge on different ones? The Mayor said that is what we just said. We are doing it based on the credit they have. But we want a fee structure in place that is uniform so no one can accuse any Board member or anybody of treating people differently which is potentially what we face based on the current system. That is why we did this.

Jean Hennelly of 135 Wayne Avenue said the thing is if you had flat out said no to Gitlow, would they just have walked away? She said she doesn't understand. You guys caused the problem by okay, we'll give you a break. We'll give you a break. If you had just kept it at the \$5000 like the other towns do then we would have had extra money to take care of the town pool, to take care

of the parks that we have now. And she thinks we could use a tennis court in town. We don't have one of those. Another softball field would be wonderful but there are other activities people could use. The basketball court in by the pool people can break an ankle. That could be spruced up. There are plenty of things that we could use money for. So there is rec money that could be used for the curtains here. We need new microphones. The Mayor said thank you. Mrs. Hennelly said you are blaming it on a previous administration. What would have happened if you had just said no. The Mayor said HUD would not have built the project. HUD would not have given them the money to do it. So your answer is there would have been nothing, no project and no \$100,000. HUD would not have allowed a - it was not in the budget - \$500,000 for rec fees. That is a fact. He said he appreciates her concern. Mrs. Hennelly said they could have gone elsewhere then. And we would be saving services for the police, and ambulances and more room at Good Sam. The Mayor said he feels that it is important to have senior housing, affordable senior housing available for the people who have spent their life in Rockland and want to stay here. So he thinks it would be a loss to lose that. And his good friends at Gitlow feel the same way.

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

A motion to adopt the fee structure was made by Trustee Abato. Trustee Meehan said he had a question for the Village Attorney. He said it seems to him under a technical basis that what we are voting on was not what was advertised in the public hearing and it seems to him that maybe we need another public hearing. Attorney Rice said the notice of public hearing was not on a particular amount. The public hearing was held last time and although it was closed it was reopened here. So he doesn't think there is any kind of issue as far as the sufficiency of the hearing. Trustee Meehan said okay. Attorney Rice said and this is not a local law, by the way. It is a resolution. A motion to adopt Resolution No. 13 was made by Trustee Abato. The Mayor asked if we had an amount. Attorney Rice said if he understands what you were proposing is it was one new lot would be \$5000 per lot or unit; 2 to 5 \$4000; 6 to 10 \$3000; 11 to 50 \$2500; 51 through 100 \$2000; and 101 or more \$1800 with the guidelines being full public access 100% up to \$50,000; semi-public use 50% up to \$50,000; private use 25% up to \$50,000. Trustee Abato said

with Planning Board - Attorney Rice said the guidelines, right. Trustee Meegan-Corrigan said and also what Tom said - to make sure it is a permanent structure. Attorney Rice said put it in the resolution that any project that receives a credit there should be either a dedication and/or sufficient assurances by means of easements, restricted covenants or conditions of approval to ensure that any use offered for recreational purposes is maintained for that use in perpetuity. The motion was seconded by Trustee Meegan-Corrigan.

VILLAGE OF SUFFERN

RESOLUTION NO. 13, 2013

BE IT RESOLVED by the Board of Trustees as follows:

Section 1. The Standard Schedule of Fees, Zoning, Subdivision "C", "Money in Lieu of Recreation," is hereby amended to provide as follows:

C. Money in Lieu of Recreation (per proposed dwelling/unit).

1 (new) lot/unit: \$5,000; and  
2-5 lots/units: \$4,000 per lot/unit; and  
6-10 lots/units: \$3,000 per lot/unit; and  
11-50 lots/units: \$2,500 per lot/unit; and  
51-100 lots/units: \$2,000 per lot; and  
101 or more lots/units: \$1,800.

Appropriate credit to be determined by the Planning Board for on-site recreation facilities provided by the applicant, with the following to be utilized as guidelines to assist the Planning Board in undertaking the required individualized analysis:

Full public access to all on-site recreation facilities:  
100% credit up to a maximum of \$50,000;  
Semi-public access to all on-site recreation facilities:  
50% credit up to a maximum of \$50,000;  
Private use of recreation facilities-limited to residents of project: no more than 25% credit up to a maximum of \$50,000.

The Planning Board shall require for any project that receives a credit against the full recreation fee the dedication of the recreation lands depicted on the plan and/or sufficient assurances by means of easements, restricted covenants or conditions of approval to ensure that any property or facility offered for recreational purposes is maintained for that use in perpetuity.

Section 2. This resolution shall take effect immediately.

AYES: Mayor Dagan LaCorte said he votes yes.

Trustee Patricia Abatao said she was voting yes and contrary to Mr. Falciglia she does not want that expense passed on to the person who is trying to buy a home to live in. She said she thinks we are all falling on very hard times right now and that is exactly what is going to happen to each and every person who tries to get themselves a home for their family. That bigger number is going to be passed on to them. So she thinks this fee schedule is reasonable and she thinks it is a good plan for the Village and she votes yes.

Trustee Jo Meegan-Corrigan said she was voting yes because she had long conversations with John on this program and she truly understands what this is all about. And this is not about getting a revenue stream for the Village of Suffern because as soon as the last two lots are built on, unless someone is taking down a house and rebuilding it, which doesn't even count at that point because it is an existing building, this will go away. This will not be here forever. This is not something that ten years, fifteen years, twenty years down the road is going to be in existence. And we don't have that much park space left that has been deemed that we need to be able to actually charge these charges so she thinks to make something reasonable and projects to move forward to whomever is going to build them needs to happen. Otherwise we are going to be looking at vacant lots where no one wants to touch and we are going to be continuing to look at the same things that we are looking at right now. So she votes yes.

Trustee John Meehan said he thinks that this is a situation that is going to have to be revisited. But it seems for 2013 that these seem to be reasonable numbers. They may not be reasonable in five or ten years from now but it is just something that crossed his mind and he is going to vote yes.

ABSENT: None

NOES: Trustee Charles Falciglia voted no and said let me give you my reasons. He said on the surface this seems like an excellent idea. Economy of scale - buy one, you get one free. However, that philosophy is rooted in the premise of generating additional business or inventory depreciation. The argument that this will bring more development or redevelopment in the long run rings hollow in his opinion, for two reasons. First, Suffern does not have hundreds of land available for development. Second, in a generally rebounding housing market, this cost can easily be passed on to the buyer. A developer's profit margin is such that to help offset it in return for a loss of revenue is, again, in his opinion, not the way to go in these economic times. To say that a developer will be dissuaded from a project because of this has no historical foundation. If anything, this proposal seems to disproportionately reward the big developer in contrast to the individual homeowner. With no revenue match in place to offset the loss, he is urging his colleagues to vote no. He said he is very comfortable negotiating on a case by case basis with each developer because sometimes the errors go right to who is doing the negotiating. So once again, he votes no.

The Mayor thanked Mr. Lange for his hard work on this.

The Mayor said we are going to do Culture and Recreation and then Village Attorney and Grant Writer and then we will go back to the public hearings.

**CULTURE AND RECREATION:**

Mrs. Cathy Mills said for the Recreation update for the month of

July we have Clifford Theater auditions for July. Performances started today. Practices will be all month in July. The performances will be on August 2 and August 3. And this year's performance will be "Legally Blonde." Mrs. Mills said they have upcoming a pool party tomorrow, July 9, and that will be Silly Willy from 6:30 to 8:30 at the Suffern pool. They have a concert on July 11 - No Exit - and that will be at 7 o'clock at the Avon Gazebo. They have Family Day which is July 14 at the Suffern pool and the raindate for that will be July 21. That will be from 12 o'clock to 3 o'clock. They have a concert on July 25 with Magic Touch and that will also be 7 o'clock. They have a children's concert on July 29 and that will be Kurt Gallagher at 7 o'clock. They have a concert on August 8 and that will be Reflections Big Band and that will also be at 7 o'clock. And then just as an update, Suffern Day will be on September 28 and the raindate will be on September 29 and the time is from 11 to 3. Mrs. Mills said that was it. She asked if there were any questions. The Mayor said no. He knows that there was a meeting today with Tom and her with respect to - Mrs. Mills said yes, Clifford Theater. She said it was to discuss the upcoming performances which will be on August 2 and August 3. And the program has grown quite a bit this year. They have over 50 children which is a great success so they are looking at budgets and looking at different expenditures that they are going to have during the year. So that is ongoing. The Mayor said okay. So he guesses that they are working in terms of that if there is more kids there is more revenue. So figuring out the expenses so we have to do an amendment later to the budget on that. He asked Treasurer Zordan if we could do that. Mr. Zordan said yes. Trustee Meehan said he had a question. He said he didn't know there was a cost to the participants and he doesn't have a problem if there was. Mrs. Mills said we are looking at a lot of new opportunities to look at for the program. We might look to hiring a new person which would help the current directors. We have two directors for the play and a musical director so we are looking to hire somebody else. The Mayor said it is \$50 a person. Trustee Meehan said that sounds very reasonable to him. The Mayor said he thinks that originally - how many kids were there about two years ago? Mrs. Mills said there were about 37 or less than that two years ago. The Mayor said and now there are - Mrs. Mills said over 50. The Mayor said he thinks that the issue is with 20 more kids or 15 more kids that brings in another \$700 or \$800 but we also want to make sure that there is more supervision so he thinks that is being worked out. Trustee Meehan said Suffern's got talent. The Mayor said that is an

issue we talked about. There are kids out of the Village also and they pay the same and it is a great program but we have to make sure it matches up.

**VILLAGE ATTORNEY:**

**A) 120 Orange Avenue:**

Attorney Terry Rice said the Mayor had negotiated a lease, or at least the main terms of a lease, on 120 Orange Avenue. You have a letter. The main terms of that - we did get a lease today, which he really hasn't had a chance to thoroughly analyze yet but if those terms are something that are acceptable to the Board then he would suggest that you authorize the Mayor to sign the lease subject to approval of the Village Attorney as far as form and substance of non-substantial issues.

Trustee Falciglia said this is a 99 year lease? Attorney Rice said it is a 99 year lease. It provides years 1 through 15 for payment of \$12,000, which starts upon signing of the lease; years 16 through 30 \$15,000 and then a dollar a year after that and that is supposed to approximate the appraised value of the property and there is an option to purchase the property during the term of the lease for the \$280,000 appraisal value without the rental payments being applied as any type of credit towards the purchase price. And as you know this is part of the Orange Avenue redevelopment.

The Mayor said we discussed this lease for the property. The Mayor said immediately upon signing the lease the Village would receive \$12,000 and then each year that they continue to lease the property there would be another \$12,000 payment. Ultimately they have the ability to close on the property for the appraised value of \$280,000. And the lease payments are not applied to that. The Village purchased the property for the purpose of getting residential redevelopment on that spot so this is towards that end. This is not an approval of the project. This is just the first preliminary step so that the potential developer has all the land it needed to propose the development and while this is going on we also - the Planning Board working with John Lange is considering new zoning. When that comes through that will then come back to the Planning Board for a public hearing and then to the Village Board. So this again is a preliminary step in pursuit of residential redevelopment on Orange Avenue which has been something that this Board, my

predecessor, and two Mayor's ago have looked to do. So he thinks for everybody this is a great day for the Village to get residential redevelopment of our downtown right near the train station and it is great to take this first step.

Trustee Falciglia said he is confused here. He said we don't own the property though. Attorney Rice said yes we do. Trustee Falciglia said we own the property? The Mayor and Attorney both said yes. Trustee Falciglia said there is a tenant in there. So the Orange Avenue Associates here are going to pay us for no use of the property that they don't own. They don't own the property. Attorney Rice said they don't own the property. We own the property. Trustee Falciglia said so they are going to enter into a lease with us - Attorney Rice said they are going to lease it with an option to purchase. Trustee Falciglia said okay. Alright. Attorney Rice said that is the proposal. Trustee Falciglia said and this is capped at a lifetime \$300,000? He said in other words - Attorney Rice said if they decide to purchase it - Trustee Falciglia said if they decide to purchase it 22 years from now we are locked into - Attorney Rice said \$280,000 which is the current appraisal price. The Mayor said but the lease payments that we receive are not applied to that payment. Trustee Falciglia said of course not. That is not even a question. Why would these payments be applied to the principal balance. That would be foolhardy. He said after the situation with the Parking Authority entering into an eleven year lease he just finds a 99 year lease ridiculous. The Mayor said no, he thinks that the plan is ultimately - a 99 year lease exists in situations where private development occurs on municipal property. If you look at Battery Park City, which is a significant large portion in lower Tribeca of Manhattan, the Port Authority owns the land and entered into long-term leases with the city in terms of building on it. So this would be a situation in which that is a potential or if down the line which he thinks is the anticipated use that if they get the approvals that they will ultimately close on the property. So it is a way for them to get an interest in the property so that they are willing to pursue it and spend money in anticipation of getting approval for the project and if they don't then they can terminate the lease, we keep the money, we own the property and everybody moves on. So he thinks it is a reasonable way to move forward considering no business person is going to buy a piece of property or a significant piece of property to build on based on a price that values it as being built on without having any right to build on it. So it is a way for them to move forward,

and also protect them if they don't get the zoning and protect us if we don't approve it because it is a lease.

Trustee Falciglia said he wants to read the lease. He wants to see the lease. The Mayor said the lease has those terms. Trustee Falciglia said he wants to see for himself. Is there an escape clause? Because according to this they will pay \$12,000 in rent in year one and \$12,000 in year 15. He said he is very reticent about entering into long term leases. The Mayor said he thinks that the plan in this situation is that ultimately they will close and purchase the property once they get approval. He said he believes that is the anticipation. A lease is a way for them to get an interest so that they are willing to move forward with the project. He said he knows that Trustee Falciglia has only been on the Board for a year and a half but again the redevelopment of Orange Avenue is something that we have been talking about since 2004. We have had a lot of bits and starts and now we have a real opportunity to do this so this will enable us to move forward, protect the Village and then also enable a developer to pursue it in a way that they can protect themselves also and we can move forward step by step. He said he thinks it is a reasonable prudent way to do it. He does not think that anyone who is reasonable in business would purchase a piece of property to develop on, spend \$300,000 or whatever the amount is, without the approval to do it. So this way they can move forward. They have a lease. If they don't get approvals, we get our \$12,000. They walk away. If they do, he believes that maybe they will lease it for another year or two during construction but ultimately he would overwhelmingly believe it is their intention to close on the property and own the property as part of the project.

Trustee Falciglia said he would opt to agree with that. He said he doesn't know what being on the Board a year and a half has to do with his analysis. (Somebody from the audience shouted out) The Mayor said can people please not shout out. This is not a public hearing. If people will please follow the rules. He said there will be audience participation after.

Trustee Meehan said, according to his e-mail, he received a copy of this 31 page lease at 10:30 but he didn't look at his e-mail until 3. He said he spent about an hour and a half looking at it. And generally he doesn't have that much of a problem with it and he would just like to have more time. And he doesn't know that time is of the essence and why we couldn't table this for a

month. And if people feel that it can't be tabled for a month he would be willing to meet later this week. But the 99 year lease thing is not something that he is aware that he heard before. He said he is not saying, he is not going to swear on a bible about that, but he doesn't really recall the terms of a 99 year lease. And when he opened the thing up it was surprising and he thinks that this is something that we can put on our website and give it a month. And then if people wanted to write to us if they thought it was a bad idea or something they could do it. It is a big move. And if he had to vote for it, if he absolutely had to, he would vote yes. The Mayor said if you want to make it a five year lease we can make it a five year lease. He has no problem with that. The terms of 99 is just a way - the way this is negotiated - Trustee Meehan said he understands that. The Mayor said if you want to make it a five year lease he thinks that is fine. If the term is 99 years that is just there because it is just a lease of those terms. The only reason we are doing a lease is a way for them to get the property under contract - Trustee Meehan said he understands that - the Mayor said so they are willing to invest in it. So if you want to do a five year lease then he has no problem with that. Trustee Meehan said okay. He wants to do those things but he wants to do it in a deliberate manner and certainly he doesn't think that one month - Attorney Rice said the reason that this has come on, and we have been working on it for a month or more - Trustee Meehan said well why are we getting this in the mail today? Attorney Rice said because he got the lease today. Trustee Meehan said he knows that he got the lease today. Trustee Meehan said he is really upset and the guy who prepared the lease is his personal attorney and he has a great deal of faith in him. And he has faith in the owners of the corporation by their performance record. Attorney Rice said the point he was trying to make was that there are a number of parcels that have to be secured in order for this to move forward. And his understanding is that there are time limits on all of these other commitments or options that are in existence. So in order for anything to move forward all of the parcels have to be tied up so that they are in the potential applicant's control so that they comfortably start closing and moving forward - well, first of all moving forward with the approvals and at the appropriate time closing on those. So from that perspective to their position a month may be important. Trustee Meehan said okay. Make it three days. He will meet Thursday night, he will meet Wednesday night.

The Mayor said if Terry says it he thinks the terms are pretty

simple and agreed on. So the issue he finds here again is - we are not committing to anything. This is just to enable the applicant to have interests in the parcel so they can come to the Village with a proposal at which point this same Village Board has the exclusive right to grant or not grant a zone change. But if we don't allow them to have an interest in the property through a lease, then they are not going to come together with an application. So this is the shortest term, lowest risk thing for them to have an interest. We can't ask them and say okay, spend all this hundreds of thousands of dollars without having interest in the property. So the reason we did a 99 year lease which is just a 99 year lease. The terms are the same. It is a \$12,000 payment upfront that is unrefundable. The only other issue that we dealt with is that we got two appraisals on the property. One came in at \$275,000 and one came in at \$280,000. And all this is doing is enabling them to have an interest so that we can move forward with the zone change at which point it will go to the Planning Board and it will go before this Village Board for a full and fair public hearing on the project. But if we don't have this in place, especially now because - look, we know that dealing with these property owners people have tried for nine years and it has been very difficult. We are now in a situation where yes, this is moving quickly but quickly in this box. This has been before this Village for nine years and he believes strongly, more than anything, that this project as built is the key to revitalizing our downtown. That corner is a mess. It is right near the train station. In preliminary conversation it is his understanding that they are going to spend a lot of money redoing that tunnel that goes to the train station which is disgusting right now. So it is a great thing for the Village. We are not voting tonight on approving this project - not even close. We are just enabling someone to then say okay, we now have an interest. We want to move forward and make a proposal to the Village Board. So we are getting paid \$12,000 for someone to come back to us in a couple of months to ask our permission for this. Trustee Meehan said he fully understands it. But he doesn't get a lease and start reading a lease at 3 o'clock and then vote. The Mayor asked Attorney Rice if there were any terms in the lease that are outside.

Trustee Abato asked Trustee Meehan other than the long-term portion of it, what other concerns do you have. Trustee Meehan said he is not a lawyer. He said he has dealt with a lot of things. But usually when he is presented with a 31 page document

that is of vital importance to the Village he reads the thing. He said he really didn't understand all of it. He said he just wants to have a day or two to understand it. That's all. And if you can't do that he will just abstain from tonight's vote.

Attorney Rice said what he was going to suggest is that normally we don't even get the lease or that type of stuff to the Board members. We usually just have the essential terms and conditions which you have. And the rest is all inconsequential legal stuff just making sure that the intent of the main terms are carried out. Trustee Falciglia said this inconsequential legal stuff got us into an eleven year lease with the Parking Authority. He said he wants to see the lease. He said that is his position. He said he doesn't think it is asking too much to see the lease. He is tired of voting on things that he gets at the last minute. The Mayor said but also he does understand that there are people working on things every day and we are engaging them and what may be last minute for you - this has been out there for a while and tabling everything every month ends up creating a situation in which we are not getting done what we have agreed to discuss. The terms we discussed about it. An e-mail was sent last week by the Mayor to the entire Board members. We had discussed it at a workshop. We agreed to get two appraisals. So the impression that we are just throwing this on people is unfair. It is unfair to the work that he is doing, that Terry is doing, that everybody else is doing. We discussed the terms. We discussed the length. There was one appraisal. We went for a second appraisal. He said he thinks that it is a legitimate concern over the terms of the lease. Those leases are standard and normally he thinks it is not unreasonable that in the past everybody has said okay these are the terms, it is an x number lease, these are the dollar amounts. We vote to approve it subject to an attorney review. That is how we have always done this before. Obviously, the thirty-one page document Terry is going to review it and if there are any other terms that aren't in there that is fine. But again he does think it is a legitimate concern over the length of the lease. He said he tried to give an explanation as to why we are doing it that way but if you are not comfortable, again, we can do an option. We can do whatever we want. The bottom line is that we just want to agree to something so they can move forward so that we can get them to make a proposal to the Village. And he does not think that it is unreasonable after nine years to ask everyone to make that lease, especially when all that lease involves is the Village getting \$12,000 that is unrefundable. We are not

committing to this project. We are not saying yes. Okay? So he is just asking everyone to keep their eye on the ball about this. It is a simple thing where they are getting an interest so they can make a proposal to us which we will all have the right to deliberate on.

Attorney Rice said he took a quick look at the lease. He hasn't had a chance to go word by word but the lease itself pretty much implements exactly what is said here. He said he might have one or two comments. But again you have a thirty one page lease but very little of it is of any consequence other than just normal legal language. Trustee Meehan said that is what it looked like to him.

The Mayor said if you want to amend it he has no problem. If you are willing to move forward we will do it for five years. If the 99 years - Trustee Meehan said he just wants the time. That is all he wants is the time. He said he thinks he gets paid a lot of money for what he does - he really does - \$10,500. Now for him he has been through all this stuff before. But he really thinks he owes it to the people to read the lease and understand it. So that is where he is. So if you want to vote tonight he will just abstain from the vote. And then if you want to say vote in two nights he will either vote yes or no.

Trustee Abato said you are saying just to give you a couple of days - Trustee Meehan said right. The Mayor said can we make the lease subject to your review and Terry's review? Trustee Falciglia said he wants to look at it too. The Mayor said anyone can review the lease and get Terry - if Terry signs off on it - he just wants to agree to the payment of \$12,000 so they have an option on the property so they can make a proposal to us. The Mayor said this has been everything we discussed. He has gone over this. He e-mailed the Board repeatedly. We did the appraisals. We put in all this work. Nothing has changed from what we discussed or conversations we've had. If it is a question of a thirty-one page lease the attorney will review it and if there are no terms that are in there then we won't sign the lease. Attorney Rice said he was going to suggest - if the main items that are in that letter are agreeable to them, he would have made it subject to his review of the lease in any event. So if anybody on the Board has any suggestions or anything that they want to include or delete from the lease - Trustee Meehan said he is just not voting yes tonight. The Mayor said okay, no problem. We are trying to work it out. No problem. Trustee

Meehan said he knows. He is trying to also.

Trustee Abato said okay. Instead of us voting no on something that we may think is a great idea - she asked Trustee Meehan what happens - you want to Friday, you said? Trustee Meehan said he is leaving for Maine on Saturday but he is pretty free any night this week or any - Trustee Abato said what would you be agreeable to? What would be enough time for you? Trustee Meehan said a couple of days. The Mayor said he will let him sign off on the lease if we can agree to that. The Mayor said he won't sign it until you agree to it. He just doesn't know if we can have another meeting in the next 48 hours. Trustee Falciglia asked if we could do it by e-mail or phone? Attorney Rice said no you can't vote by phone. The Mayor said all he is saying - he understands tonight. To have another meeting over this. If it is a concern of Terry's review which is the way we have operated all the time he has no problem making it subject to. But to have another Board meeting where the Mayor is not available and he doesn't know who would be available over just to review the lease.

Trustee Abato said how about if - she just spoke to Charles, and Jack if this would be agreeable we could vote to be able to see this through agreeing that by Friday at whatever time you would like that you or any Board member do not have any objections. If there are any objections then we would have to reconvene. Trustee Falciglia said the term is going to have to be changed. The term has to be changed. Trustee Abato said that is fine. But at that time - the Mayor said which terms? Trustee Falciglia said the 99 years. The Mayor said got it. Are you comfortable with five? Trustee Falciglia said he doesn't know. He wants to read the lease. He wants to think it over. He wants to think it over. He said he is tired. He doesn't want to be railroaded. The Mayor said he is not railroading him but he also understands that if attorneys and Board members e-mail materials to people way in advance and ask them for input. Trustee Falciglia said it depends on your definition of way in advance. The Mayor said last week. Trustee Falciglia said alright.

Trustee Abato said she is going to move that we agree to a five year term lease with the entire Board's ability to have by Friday at 5:00 p.m. any objections brought to Terry's attention and if that being so that we will have to reconvene to vote on this again. If there are no objections by 5:00 p.m. on Friday then the motion will carry through. The Mayor said Charles is saying

that he is going to object to it so.

Attorney Rice said let him just make sure that we have enough particulars in the motion - it is five years, \$12,000 per year. The tax arrangement will be the same and they have a right to purchase during that or is it just a straight yes. The Mayor said a right to purchase. Attorney Rice said and a right to purchase at \$280,000 during the five year term of the lease with no credit. The Mayor said subject to Terry's review of the lease. Trustee Abato said Terry's review of the lease and every Board member by 5 o'clock on Friday must give their objection before that time or else the motion will stand. The Mayor said but if they object just on terms of objecting then there is no lease. He said he can just say I object. Trustee Abato said no, it has to be subject to an objection to one of the terms of the lease. Attorney Rice said right. In other words - Trustee Falciglia said he is not objecting like a petitioned objection. Attorney Rice said no, you can't. Let's do this so that you have a legal resolution. You are agreeing to enter into a lease subject to the terms that we just discussed, subject to review of the lease, because the essential terms you are agreeing to, subject to review of the lease and any suggestions or alterations to the lease. That is basically what it is. It is not just an outright objection. You are agreeing with the main terms. The Mayor said okay. Trustee Abato said she will motion that. The Mayor said to Trustee Meehan that you were concerned because you wanted time to review it and all that. You are essentially okay with the terms. Trustee Meehan said he really likes the idea of going to five because one of the things he really didn't like is \$12,000 in 2013 - might in 2020 really be equivalent to \$30,000 or could be equivalent to \$12,000 - who knows what is going to happen. Trustee Meegan-Corrigan said if she could make a suggestion. Instead of doing it Friday at 5 o'clock - how about if we do it a little bit earlier - like Thursday, so if there are any questions you can get your questions answered and that way you have time to discuss it with Terry. Trustee Abato said but you have that time until 5 o'clock on Friday. Trustee Meehan said he will do it long before Friday. Trustee Abato said you have until 5 o'clock on Friday. Trustee Meegan-Corrigan said alright. As long as everyone is comfortable with that. Trustee Meehan said he will make his objections and questions or whatever he has known. The motion was seconded by Trustee Meegan-Corrigan.

The Mayor said he just wants to make sure with Terry that if anybody has - can they just object? Attorney Rice said no, no,

no. The point is you are agreeing to the essential terms of the lease so you are going to review the lease document, which at this point is just a draft agreement that implements - at least the original proposal will have to be changed to implement the revised proposal but the rest of the language, if anybody has any substantial objections that the proposed leasee doesn't agree to changing, then we have to readdress it, but since the lease is essentially implementing the primary proposal, he doesn't think there is much of an issue. The Mayor said should we just change it to five years right now? Trustee Abato said we did. She put that in the motion. The Mayor said fair enough. Okay, good. Trustee Abato said you have a second.

Trustee Falciglia asked when is the lease expiring on the sweet shop. The Mayor said sorry? Trustee Falciglia said is the lease expiring on the sweet shop? The Mayor said yes, it is only a ten month lease. Trustee Falciglia said he doesn't know why again this is lost in the translation but he didn't agree to five years either. The Mayor said no one is saying you have to agree to five years. Trustee Falciglia said but he said we are going to vote on to amend it to a five year lease. Trustee Abato said so you are voting no. Trustee Falciglia said if that is the case. He is not opposed to the lease but he is not sure he wants to do five years either. So are we having a vote?

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

NOES: Trustee Charles Falciglia

ABSENT: None

Attorney Rice said he had one more item. He said the State Legislature recently amended the General Municipal Law with respect to filing Notices of Claim for damage claims against municipalities. It used to be that it would have to be served on the Village Clerk or the Village Attorney by certified mail or personally. The statute, for whatever reason, was amended so that in other lawsuits the Secretary of State can also be served with a Notice of Claim and in pursuant to the statute we are required to designate somebody in the Village to whom the Secretary of State will forward the Notice of Claim if one is served upon them and he would suggest to the Board that the appropriate person is Virginia Menschner, the Village Clerk. A

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

The Mayor said we have a tradition that we have been following in the Village for a little over two years now. It is the Andrew C. Haggerty Service Award. It is given in memory of Andrew Haggerty, who was a former Trustee and Mayor. His wife, Isabelle, is here. The Mayor said it is his honor and this award is available to anybody whether they work in the Village, they volunteer for the Village, or they just help out in any capacity. Just someone who shows service to our community. And it is his honor to award for the Spring 2013 the Andrew C. Haggerty Outstanding Service Award to Rosemary Schellaci. The Mayor said she has served 6 years as president of the Suffern Seniors. The Mayor thanked her.

The Mayor said Trish's goddaughter just had a baby a couple of hours ago so that is why she is leaving. We wish her congratulations.

**GRANT WRITER:**

Mr. Fred Rella said the Community Development Block Grant for 2013, in which we were awarded \$85,000, and every year we have to enter into a contract with the County of Rockland for that. And the agreement is basically the same type of agreement as in prior years. But the Mayor has to sign that. So he needs authorization to sign that agreement. A motion authorizing the Mayor to sign the agreement was made by Trustee Meehan, seconded by Trustee Falciglia. Upon vote, the motion was carried.

Mr. Rella said he had conversation with Assemblywoman Ellen Jaffee last week. He said she gave us some good news but it is still sort of pending which is \$3000 has been awarded to DARE and \$2000 for the Clifford Theater. It is right now on the Governor's desk and he just has to sign it. She is trying to get an update on that and will let us know as soon as possible so that we can receive the money.

Mr. Rella said he just wanted to make them aware that he had worked with Trustee Corrigan who was in communication with the Town of Ramapo and Governor Cuomo's 500 million dollar hazard mitigation grant for the quarry project - the Town of Ramapo did put in a letter of intent for 3.5 million dollars to help with that. Trustee Falciglia asked if that was the February 29, 2012

letter? Is that the letter that they put in in 2012? Trustee Meegan-Corrigan said yes. Mr. Rella said yes, originally. Trustee Falciglia said the letter that was 6 years late. Trustee Meegan-Corrigan said there is a new 500 million dollars that has been allotted. So basically everyone in the State of New York that put in a letter of intent in for Irene and/or Sandy is able to put in for this particular one. So we have our grants out to approximately five different requests for different funding and she believes that Ramapo has them in - it is the same five from the last conversation she had from them for the quarry. And she is only asking Ramapo about the quarry. She is not asking them for any other grants that they have been working on. So they sent her the paperwork that showed that they did send it to - the latest grant that we are able to apply for. That was five different spots. Trustee Falciglia asked when will we get that money. Trustee Meehan asked when will we know about it. Mr. Rella said no, no, no. That is just a letter of intent. That you intend to actually apply for the grant. The letter of intent was due actually July 5 and then they sent out an extension notice but they sent out the extension notice on July 3. Trustee Meehan asked what is the schedule after that. In other words there is a letter of intent and then there is an invitation to apply for a grant. Mr. Rella said what will happen is the application will be put on line and then you actually submit the application and then they go under review. Trustee Meehan said you don't know the monthly schedule for that. Mr. Rella said no, no, no. Trustee Meegan-Corrigan said they didn't send any of that. It was just changed as of July 3 with the date, the milestone, for the letter of intent went from July 5 to the end of August. Trustee Falciglia said we have to compete for that money, right? Against other municipalities? Mr. Rella said it is not 500 million dollars federally. It is 500 million dollars for the State of New York, which is nice.

Mr. Rella said that is it. But we do have the public hearing on the tree.

**7:15 P.M. - PUBLIC HEARING - ESTABLISHING A FIRE ZONE IN FRONT OF 3 CROSS STREET:**

The Mayor said this is essentially self-explanatory. It is a request from the Fire Department. Since nobody spoke, a motion to close the public hearing was made by Trustee Meehan, seconded by Trustee Falciglia.

VILLAGE OF SUFFERN, NEW YORK  
LOCAL LAW NO. 7 OF 2013

A LOCAL LAW AMENDING SECTION 254-71 OF THE  
VEHICLE AND TRAFFIC CODE OF THE VILLAGE OF SUFFERN  
ESTABLISHING A FIRE ZONE ALONG 3 CROSS STREET

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

Section 1. Section 254-71 "Schedule XXI: Fire Zones" of the Code of the Village of Suffern is hereby amended to add after:

[Name of Street]	[Side]	[Location]
Antrim Avenue	Both	From Lafayette Avenue to a Point 200 Feet South thereof

the following:

[Name of Street]	[Side]	[Location]
Cross Street	South	Length of 3 Cross Street

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 7 was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

**7:20 P.M. - PUBLIC HEARING - ESTABLISHING A TREE ADVISORY BOARD AND ESTABLISHING TREE CITY USE REQUIREMENTS:**

The Mayor said as everybody knows, this is something that the Board has been working on for a long time. It is a pretty significant process in becoming Tree City USA. The first thing you have to do is establish an Arbor Day celebration. Our Recycling Committee, particularly Bruce Simon and Chuck Barone, have worked greatly on that. And we have enjoyed that for four years. In addition, we have to allocate a certain amount of money in our budget, our yearly budget, to tree maintenance and a tree program, which we have done. We have significantly increased that. We also have a program in place that he wants to make aware to the public - any individual who wants a tree planted on their property - the Village will plant a shade tree on your property at no cost. We will maintain it for a year at which point we will turn it over to you. There are free trees available and we can't give them away. So he is going to take every opportunity, including here tonight, to make people aware of that. Please spread the word. He said he thinks it is a great program that people should take advantage of. And the last part of it is obviously a Tree Advisory Board and establishing Tree City Use requirements. And the reason we are going for Tree City USA is one, it is a great thing, it is a great designation. It shows people that we take our environment and our trees seriously. It also opens up the Village to a huge amount of potential grant money which is available but only available to those municipalities that are Tree City USA's. So again that is something our grant writer had requested that we do. It has been a long process but we are getting towards the tail end of it. Since nobody spoke, a motion to close the public hearing was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

LOCAL LAW NO. 8 OF 2013

A LOCAL LAW THE CODE OF THE VILLAGE  
OF SUFFERN ESTABLISHING A NEW CHAPTER,  
CHAPTER 250, ESTABLISHING A TREE ADVISORY BOARD AND  
ESTABLISHING TREE CITY USE REQUIREMENTS

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

Section 1. The Code of the Village of Suffern is hereby amended by adding thereto a new chapter, "Chapter 250", entitled "Tree Advisory Board", to provide as follows:

250-1. Purpose.

The intention of the Board of Trustees in adopting this local law is to establish the "Suffern Tree Advisory Board," which shall be responsible for advising and educating on issues pertaining to trees and wooded plants in the Village of Suffern and to maintain the status of the Village as "Tree City USA."

250-2. Title/Board Established.

There is established for the Village of Suffern a citizen's advisory board to be known as the "Suffern Tree Advisory Board."

250-3. Membership and Compensation.

The Suffern Tree Advisory Board shall consist of five members who live or work in the Suffern area and whom the Mayor shall appoint, subject to confirmation by the Board of Trustees. The members shall serve without compensation for services performed. One member of the Tree Advisory Board shall be the Superintendent of the Department of Public Works.

250-4. Appointments/Terms of Office.

The term of the members of the Tree Advisory Board shall be up to one year. In the event a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. The first Board shall serve as follows: One member, shall be the head of the Villages' Department of Public Works, two members shall serve for two years each, and two members shall serve for three years each.

250-5. Meetings.

- A. The Board shall have at least one regular meeting three times per year. The Board shall determine meeting dates and times. Special meetings may be held as often as the Board deems necessary or as directed by the Mayor or Village Board.

B. For purposes of conducting the Board's business, exercising its powers and for all other purposes, a quorum of the Board shall consist of three or more members. Any action taken by a majority of those present, when those present constitute a quorum at any regular or special meeting of the Board, shall be deemed and taken as the action and decision of the Board.

C. The Board shall elect such officers as it deems necessary to conduct business. The Board shall adopt such rules of procedure as it deems necessary.

D. The Board shall keep written minutes of all meetings held and all business transacted. All records of the Board shall be open to public inspection, except those that may be exempt from public disclosure under village/state law.

#### 250-6. Duties of the Advisory Board.

The Tree Advisory Board shall acquire authorization from the Board of Trustees prior to undertaking any project. The duties of the Tree Advisory Board shall include, but not be limited to the following:

- A. Promote the responsible planting of trees on public and private property.
- B. Promoting public education about trees.
- C. Promoting proper tree maintenance.
- D. Advocating trees within the Village of Suffern.
- E. Providing for aesthetics within the Village of Suffern through the formulation and implementation of tree programs.
- F. Developing programs and projects while working with other community groups to enhance Village beautification.
- G. Developing innovative and joint funding for tree projects from a variety of sources.

- H. Providing the Mayor and Board of Trustees with a twice yearly report regarding Tree Advisory Board activities.

I. Develop, maintain and provide a Tree Standard Manual for proper tree planting, maintenance and care of trees and wooded plants, by development of landscaping and/or tree local laws within the Village, as well as reviewing project plans for compliance with said local laws as requested by Village staff.

250-7. Tree City USA.

By adopting this local law, the Board of Trustees agrees to maintain the status of Tree City USA Program by meeting the four standard requirements:

- I. Establish a Tree Board or Department;
- II. Establish a Tree Care Local Law;
- III. Provide a community forestry program with an annual budget of a least \$2 per capita;
- IV. Support Arbor Day by observance and a proclamation.

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

A motion to adopt Local Law No. 8, 2013 was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

**AUDIENCE PARTICIPATION:**

Jim Giannettino of 2 Memorial Drive said that he thinks that the display we just witnessed on this lease was a crime. You had two Trustees that had grave problems with what you put before them

with the amount of time you gave them to look at it. Unfortunately, Dagan, every question that was given to you tonight you advocated for a contractor or a developer. You are the Mayor of the Village of Suffern. Your obligation is to advocate for the people sitting out here. It's the contractors right, they have to have security. That is not your problem. You are the Mayor of the Village of Suffern. Let the contractor worry about his problems. Furthermore, there was no backup for this in the backup for this meeting. So it came as a surprise, not only to the Trustees, but to everybody in this room. He said they have a right to know what you are bringing up at a meeting. Who was the contractor that wants this lease signed? We don't know and you don't tell us. The Mayor said okay, if you want to know the information. Yes, the lease, the actual lease, was received this morning. It is not uncustomary for that to happen. The Village he can point to, and Terry can tell you, numerous situations in which we have made approval subject to. We did discuss this at the last workshop meeting and that is why we went ahead and got a second appraisal of the property. The potential developer, he thought, is a matter of public record and it is Shelly Goldstein. Their company, Linmark. He said he thinks that everybody knows that we have a redevelopment plan. It is called Orange Avenue Associates. Obviously they have set up an entity specifically for this purpose. They are proposing, as of now, he thinks they are anticipating - obviously the zoning is important - 110 luxury rental units including a doorman, concierge services, a rooftop garden and a rooftop gym. The Mayor said he believes it is something that everybody in the last three administrations and he thinks all Board members believe that residential redevelopment on Orange is something that would be great. They are also putting in a condo plan to potentially condo it if the market is better. That is a model that they pursued in Bon Aire in which the first phase of Bon Aire was rentals and then it was co-ops. And again all he is doing today is he is looking out for the taxpayers because he thinks that redevelopment along Orange Avenue is essential to bringing our downtown back around the train station. He said he thinks that everybody - he said he knows that the first time he heard about this project was in 2004 when you had a press conference outside there for this development. Mr. Giannettino said that is correct. Nobody is against the project. The Mayor said that all we are doing here, and he understands. There is an issue of timing. He wants the Board to be onboard and he has discussed this with them. And a 99 year lease the Board members seem to not see that or that was a concern and that is a concern

that can be addressed. But he believes he disclosed the information that is very clear. We are getting \$12,000 non-refundable money so that they can come forward to the Village Board with a proposal to build. We will then have a full and fair opportunity. Public hearings before the Planning Board, before the Village Board on the requisite zoning. So essentially what we are doing here is the best way for them to get an interest in the property so that they can come forward and make a proposal. If there were some concerns we will address those concerns. But the bottom line is this is a \$12,000 payment to the Village so that they can propose to build 100 full tax units in our downtown. This is the way it is moving. He wants this project to happen. He thinks it is a great project. And again there will be full and fair and open public hearings. This is just a first step and we are getting \$12,000 that we didn't have. So he thinks it is a good thing. Mr. Giannettino asked if he was done? He said now he will ask his questions. What was the necessity that it had to be done tonight? You didn't tell the public who this person was until just now. Mr. Giannettino said we have a right to know who it is before you vote on it. We also have a right to know that the 31 page agreement wasn't even read by the attorney yet but yet you had to vote on it tonight. If you had to table it for a month were you afraid that some other contractor was going to come in and grab it? The Mayor said no, not at all. Mr. Giannettino said okay. Then what was the rush. The Mayor said you are asking a question. The answer is this. It may be - he said you may say it is news but he does know that we had a conversation so he knows you know. So you can't stand here and say that you didn't know that Shelly Goldstein was interested in building this. Mr. Giannettino said never officially. The Mayor said okay. Are you aware? Mr. Giannettino said he heard rumors but he never heard it from the Village Board. The Mayor said okay. So the point is this. The reason why we are doing this now, and the lease - any contract that is agreed upon is the terms of the lease. This is not a surprise. The Village Board was aware of the terms of the lease. The price we received, the appraisal of the property, the terms of the lease. The one concern that one Board member expressed was over the length of time. And that is a legitimate concern. The reason why that he doesn't want to table this is because one, we want to move this forward, get payment, and enable them to make an application because they need to get all the properties lined together. We have no obligation here. He said he is looking out for the Village. But it is his job to keep this going. Because it has been nine years, four developers and we haven't done it.

We now have for the first time a very real chance. Nothing is going to happen. No approvals are going to be given without full, fair, open public disclosures, public meetings, as is always the case. And if - yes, he is trying to get this done this month because he thinks the ability to bring this proposal to the public is something that the public will embrace and be behind. And if not they will come to public meetings and have the opportunity to be heard before this Village Board. And he told Mr. Giannettino that he thinks that is the case. No one is trying to hide anything. Mr. Giannettino said if it is decided that he wants to build rentals and the public comes out against it, is this lease null and void? The Mayor said he thinks - Mr. Giannettino said don't think. What does the lease say? The Mayor said the bottom line is this. The lease on the property - if the Village Board doesn't want it then the Village Board won't grant the zone change. And the point is if he is an owner - it's logic - getting a lease because I want to build and I don't get the approval then presumably they are not going to continue the lease. And then we will be left without a property.

Attorney Rice asked if he could say something. He said he did read the lease. He didn't read the lease in extreme detail because he hasn't had the time. But he knows all the primary terms and conditions and answering the one question that you mentioned - what are they going to do with it. If it goes forward as a five year lease, although this is somewhat redundant, the lease says that they can use it for a use that is legal under the zoning law. It's kind of belt and suspenders. Mr. Giannettino said yes, but why would you go for a 99. Why wouldn't you go with three with renewals. Attorney Rice said they are not doing that anymore. Now they are at five years. The Mayor said the reason was a 99 - Mr. Giannettino said he just doesn't understand 99 years and he doesn't think a few people up there understand 99 years either. The Mayor said the reason it is a 99 year lease is sometimes when you purchase land from municipalities that is how they did. Mr. Giannettino said that is New York City. That is not Suffern. The Mayor said you are asking a question. Let him explain it. He said there are other situations when we had discussed building a parking lot. It is a typical way to do it. The Mayor said he believes ultimately that they will close and purchase the property. It was just a way to get a property interest. If that is a concern and that concerns people then we will eliminate it. It is just a 99 year lease. It is just a type of a lease. He said he does not believe that anybody believes if they get an approval that they will be

leasing this property in let's say three years from now. They will close. Again, as he said, this is just to give them the opportunity to come and make a presentation to the Board. Mr. Meehan, Mr. Falciglia expressed concerns over that length. The Mayor said he tried to explain it and said that we will change it. It is just a number that was in there. To him it is a standard thing. He looked into it. It is something they have researched. But if it makes people uncomfortable and concerned for the Village it is something that can be changed. It does not affect or impact their reason for entering the lease. The lease is simply entered into so they have a right to have some control over all the parcels for a period of time that they can come to the Village Board and make an application. Presumably the Village Board will hopefully - he said he thinks the project is great - say yes. If they do they will close on the properties and build. If they don't they can walk away from the project without owning land that they have no interest in owning if they don't get the right to build on it. And he thinks that it is as clean as - Mr. Giannettino said it is basically the same deal that they made with the town with the quarry. And we all sit here year's later and nothing happened. The Mayor said no, it is very different. This is similar to the agreement that they made with Mr. Shen on the property. It is essentially an option that enables them to make a presentation that if we say no they can walk away with spending a certain amount of money as opposed to saying in order for you to even come to the Village Board and make a proposal you need to spend 2 ½ million dollars on property that as of now you absolutely have no right to build on. And you may say that I am looking out for the taxpayers and he believes it is in the interest to make this happen. And he is trying to come up with a way that makes this happen with the least amount of risks for everyone and enables this to move forward. That is the fact. Mr. Giannettino said and if you waited 30 days you would have had the same opportunity. Shelly Goldstein would have still been there. Would have still signed the deal. And the public would have known what was going on. And the Trustees that didn't get a chance to read would get a chance to read it. You tabled something on recreation for a month because one particular Trustee had a problem with it. Well, two of them had a problem here and you didn't table it. The Mayor said yes because he thinks the concern was they got a lease today and has not been in the past that when we enter into leases that they typically do not read the entire agreement. So he understands that based on Mr. Meehan's concern that there was a condition that he didn't feel comfortable with - the Mayor

said he didn't want to add words in his mouth - but the bottom line is before the Board members feel comfortable our attorney is going to review it. He said he knows that people want to table things but he is also the Mayor of this Village and he wants to move this Village forward and he thinks it is in the best interest. And right here he thinks what he did is enable us to move forward while ensuring that the Trustees concerns are addressed. And it may have not been easy. It may not have been pretty. But we are moving forward and we are doing it. And that is his job as Mayor. That is what he thinks leadership is about and he thinks when this building opens he is not going to be Mayor of this Village of Suffern but he tells them now that he thinks this building will forever change this Village in an extremely positive way and will enable us to keep taxes under control and have the downtown that everybody has always dreamed of. Mr. Giannettino thanked the Mayor for agreeing with his vision that he had. The Mayor said he agrees with him and he thinks it is great. He said he thinks it is a great thing for all of us. The Mayor said he wants Mr. Giannettino to be there on the day we announce it. Mr. Giannettino was the first person that came up with this and I give you credit where credit is due. Mr. Giannettino said that he still thinks that you could have tabled it. This agreement would not have gone away. It would be here next month and six months from now.

Mr. Giannettino said his last thing on this is if one of these Trustees has a problem this vote is null and void? The Mayor said if they have a concern over the terms of the lease that they are not comfortable with the attorney, the attorney has said - Attorney Rice said the Board has agreed with the essentials of the agreement. If there is any language in the draft lease that they would want changed then we will get it changed. And if it is a matter of substance that can't be changed then - Mr. Giannettino said he thinks this Board should have another meeting to vote in front of the public on this issue.

Mr. Bill Schoenleber, Chairman of the Suffern Parking Authority, said that he tried to talk to you about this. He said he was raising his hand. He said since this Board didn't have the courtesy since the Parking Authority has been running that building, 120, for years. You didn't have the courtesy to even ask him any questions or tell him anything about it. It may be the first time he is hearing about this. He said we have been running that building and paying that mortgage. So what he wants

is to ask some questions here now. He asked when does this lease start? Because we already have that building leased. The Mayor said yes, and the tenant stays in force. And if you remember, Bill, when we negotiated the lease we had conversations on this because if you remember this has been something where this particular applicant has been interested in this property for well over a year and the key issue was enabling David Shen to be able to sign. Because everyone knows, everyone has been with us, that the big obstacle has been Mr. Shen's willingness to sell the property. He now decided that he wanted to sell it. He entered into an agreement. And if you remember that is why when we negotiated that original lease, when we discussed the lease at the Board meeting, the reason why we made the lease as short as we did is because we believe that there was a good shot we would very well be in this situation. Mr. Schoenleber said no, no. That's not true. He said when he discussed this lease with you you told me to just make it short because something might be coming down. The Mayor said yes, on Orange Avenue. Mr. Schoenleber said you didn't tell me anything about a 99 year lease. The Mayor said what he is saying is that we made the lease short because we knew that somebody was interested in developing it. Mr. Schoenleber said you knew - not me. The Mayor said we discussed that. Mr. Schoenleber said no we didn't discuss that. The Mayor said this Board discussed that. Mr. Schoenleber said the Board discussed it - the Mayor said how long was the lease? 10 months? Mr. Schoenleber said you didn't discuss it with him. He said he also has another question then. Since the Board is taking this building over are they going to take responsibility of paying the mortgage every year now? The Mayor said who, the Village? Mr. Schoenleber said yes. Trustee Falciglia said the mortgage is paid off. The Mayor said there is no mortgage. Mr. Schoenleber said we have been paying you \$26,000 a year for ten years. The Mayor said the building is paid off. Right now there is an agreement with the Parking Authority to make payments to the Village. If the property is ultimately sold and developed obviously the Parking Authority won't control the property any more. But the Parking Authority - the Village owns the property. So nothing changes. Right now the property is owned free and clear. There is no debt on it at all. Mr. Schoenleber said then why has the Parking Authority been paying the Village \$26,000 a year for what? The Mayor said that is the agreement that the Parking Authority made with the Village. Now that the money is paid off we are looking to sell this property. And there is a tenant in the property. So you receive the rent and we are the landlord. Mr. Schoenleber said

so we don't have to pay the \$26,000 this year. Trustee Falciglia said you are supposed to pay it. Yes. Mr. Schoenleber asked if the Board has read the agreement between the Parking Authority and the Village? The Mayor said yes. Mr. Schoenleber said then you know what happens when you sell the building, right? The Mayor said correct. Mr. Schoenleber said he just wants to make sure that you read what happens. The Mayor said the Village is well aware of all the terms and we discussed this. We have discussed this. This is not the first time that this has been up. And again he knows that you may not have known that this was happening here at this moment but again he does know that when we entered into that lease the Mayor spoke with Mr. Schoenleber and also one of the members of the Parking Authority board and when we discussed having this tenant in there he understands that we made the lease short and that conversations were held with them saying you are coming into the Village, you are opening the store, be aware that the Village owns this and our long-term plan is to have this property developed. Mr. Schoenleber asked who the other Board member was he spoke to. The Mayor said Scott Shedler. Mr. Schoenleber said okay. We will discuss it further at another time? Trustee Falciglia asked how the tenant was doing. Mr. Schoenleber said pretty good he guesses. He said they are paying the rent so that is all that counts. Mr. Schoenleber said he really doesn't appreciate this. If you were going to have this big discussion you should have sat down with at least himself and let him know. The Mayor said his understanding is that his board was aware of what was going on. If that is not the case he apologizes. The Mayor said he does know that we did speak to the tenant and the tenant has been told that obviously if this does go forward that we will make sure that they are moved to another location in the Village. And they were aware that they were - and he thinks she has actually said she knew it was a short term thing and that is kind of why I did it because I have a short term lease and if it works and I get a big following it is not the type of business that is very hard to move. Mr. Schoenleber said so you can't sign the lease until the other lease is over, correct? The Mayor said no, subject to it. That means that they have to honor the terms of that lease. Mr. Schoenleber said how can you sign a lease for two tenants. The Mayor said it is a lease on the property. Trustee Falciglia said that is their decision. If they want to pay money to the Village for no reason that is their business.

Rich Karpp of Lonergan Drive said he hoped they missed him the

last two meetings. He said again the same question. He asked if the Board could give him an update on the removal of the houses next door to him. Trustee Meegan-Corrigan said yes we can. Terry, Charles and Elaine have also worked on this so if she gets any of the dates incorrect to just let her know. She said we are looking to close on the properties in the beginning of August. We have bids that have come in. We have accepted the bids - well, we are about to discuss that. We are hoping in September to start removal of the homes. Mr. Karpp said what are they going to do with the property once it is done. Trustee Meegan-Corrigan said as we have explained it will be filled in with dirt and grass seed will be put down and the Village will maintain the grass. It is open space. There will be no building on it whatsoever. Mr. Karpp asked if people would be able to park on it. Trustee Meegan-Corrigan said park on it? Mr. Karpp said there has been talk about maybe I can park my car here. The Mayor said no. Trustee Meegan-Corrigan said when as a Board have we ever talked about parking. Mr. Karpp said he was just curious. But when this happens let everybody know what they can do and what they can't do. As you know, parking is a problem. Trustee Meegan-Corrigan said yes. Mr. Karpp said especially since we have these beautiful streets with these black things going all over the place. The Mayor said FEMA regulations - the reason they get the property is what they are saying is the whole logic behind it is look, every few years it is going to storm. And it is going to cost us all this money to pay out. We would rather if it is either destroyed more than once or 50% or if there is accumulative damage we would rather buy it out and pay now to not pay 100 times in the future. And the rule is it has to be passive. Mr. Karpp said he has a perfect idea for the Village Board. You are so concerned about recreation. Buy it out and make it the Suffern Recreation Center. He said you have plenty of room. The Mayor said we can't build on it. Trustee Meegan-Corrigan said we can't build on it. Mr. Karpp said one other question - these condos on Orange Avenue that you are talking about. Where would they put the cars? The Mayor said he understands again and the proposal would come forward to the Village and there would be on-site parking - underground parking. Mr. Karpp said you said 100 apartments, right? So you figure 2 cars per apartment. The Mayor said whatever the proposal is that will be addressed when they come forward. Mr. Karpp said where will that come out? Right on Orange Avenue? Mr. Karpp said you don't know. The Mayor said we would have to look at the proposal. This is just to enable them to make a proposal. Mr. Karpp said you need more traffic there. Trustee Meegan-

Corrigan said there will be traffic studies. The whole process.

Roy Tschudy of 16 Lonergan Drive thanked the Board for the opportunity to come up and speak with them. He said he would like to first thank Charles Sawicki and Joe Hunt and members of the DPW for the nice work that they have been doing at Hallett Park - reseeding and putting in the drainage area over there. So he appreciates that very much too. And also the members from the DPW who work so hard in the heat and everything. If it is not noted by anybody else he would just like to be the one that notes it and says he appreciates it. Mr. Tschudy said he also wanted to thank Americorp because they still to this week they have been having volunteers in the Mahwah River and they have been doing remediation of removal of debris. So on a personal note he just wants to thank them also for the volunteer work that they have been providing.

Mr. Tschudy said speaking about Hallett Park again Joe Hunt and Charles were nice enough to address the situation with the basketball courts to make it a safer environment for the kids so the balls don't go into the water by moving it so the baskets now face Lonergan. So he appreciates that. However, what he would ask from the Recreation Department, since the baskets and the backboards have been there for over 35 years, if it wouldn't be too much to have that replaced with something a little bit newer and the court area itself is so banged up if they could just somehow resurface it and paint the - the Mayor said he said he doesn't think there is no reason to get new baskets. But the resurfacing - Mr. Tschudy said by resurfacing he doesn't mean putting a brand new - if there is some way they can smooth out the court so if a kid bounces the ball it doesn't go that way. The Mayor said he thinks we should get new baskets. That is a good point. He asked Mrs. Mills to look into prices and then we could use some of the money we have in recreation to do that. And the Mayor asked Mr. Sawicki to look into sealing it - Mr. Tschudy said just so they make it smooth. That would be much appreciated from the kids.

Mr. Tschudy said he has to admit he is a little embarrassed to come up and address the situation regarding the kiddie park again because here we find ourselves in the month of July and again he presents the same question - how come, why, where is it and he always seems to get the same reply which is it's the other guy's fault. For the life of him he is not an attorney and he certainly is not in the Board's realm but he just doesn't

understand why we just don't go ahead. That you have made every overture to these people to do this - the Mayor said we have. The Mayor said this is what we deal with. He is trying to move things forward and the problem is if he is criticized for trying to move things - people, it's not their priority. We are moving it and Attorney Rice will tell you where it is. Attorney Rice said as he explained last month. They have been having some difficulty with the seller's attorney. Last Friday, as a matter of fact, he sent copies of the e-mails that came back from the title company to the Mayor and Jo Corrigan since they have been involved in this that they had received some of the information that they required with respect to the estate. The fact that it is owned by an estate makes it somewhat more complicated and they wanted one additional piece of information from the seller's attorney. So he is as frustrated as anybody else. He said he can't do somebody else's job but he is pretty confident that within the next - he said he is picking numbers out of the air - but within the next four weeks hopefully we can close. Because as soon as the title company says it is good to go then we are all set. He said he can't close without the title company saying it is good otherwise we would be getting a bad title. Mr. Tschudy said he understands that. Attorney Rice said we are trying. Trustee Meegan-Corrigan said believe her. No one wants this done more than we do. Mr. Tschudy said he understands. Trustee Meegan-Corrigan said we have been at this a long time. Mr. Tschudy said if that is the case inundate them until they say you are such a pest. Do it and get it done. Because it is bureaucracy at its best. Attorney Rice said that Jo knows that the seller's attorney has been getting frequent and more angrier e-mails from him. Trustee Meegan-Corrigan said she has been sending them as well. Attorney Rice said yes, Jo has been on top of it also. The Mayor said they are on top of it. He said we all make mistakes at times but he can tell him that Terry and Jo - it is not our side. We are pushing him as hard as we can. Mr. Tschudy said he appreciates that. He said he just feels it is his duty as a citizen. The Mayor said we will send you over to the lawyer if you want. Mr. Tschudy said that will be good. Trustee Meegan-Corrigan said actually their area recovered pretty well from Sandy. It might be a nice ride. Mr. Tschudy said he is ready to go.

Mr. Tschudy said he wanted to ask Clarke something but he stepped out so if you could pass it on to him. Chief Osborn came in at this point. Mr. Tschudy said he wants to thank Clarke and his men for all they do for the Village also. Mr. Tschudy said

he would like to address again the issue of the entrance from South Street onto Franklin Turnpike. Even though that stop sign is there people continue to disobey that sign. Maybe you need a bigger sign. Maybe they could put some kind of red light on there like people do in an area. Because it is just abused. Today he literally did his PDS move and got out of a car. He said it was so bad. He was sitting there for close to seven minutes. They just couldn't get out. Because every time - the traffic comes from Jersey into Suffern and then vice versa and then they fill up the area and it really is going to lead either to an accident or some kind of an altercation. He said he doesn't know how it can be addressed other than if they have a third platoon guy spend an hour or a second platoon guy.

Mr. Tschudy said the last thing he is going to say is on a personal note. That is going to be addressed to anybody and everybody that is here that is either on the Board or sitting out here who is going to run and seek election to public office. He said he wishes them all the best of luck, he truly does, each and every one of them. He asks as a citizen to each one that vitriol be put aside. That issues and honest answers are what people are looking for. Just because somebody has a different view point or a different way to go about solving a problem doesn't mean that that person is bad or indifferent or if somebody is good. It has nothing to do with that. Everybody is looking to seek to serve the public and to do what is right. And as an individual who would vote for dogcatcher if he could because he believes in the vote he would just ask that everybody, no matter who they are, reassess themselves, reflect and say I want to do a job that is for the public. That is his best interest. And when you promote yourself you can do so, anybody can do so, and bring your ideas and your issues to the forefront without saying anything negative about anybody else. Just promote yourself and your ideas and your issues. And he asks that because it is not just him. He thinks people get turned off of politics because of the finger-pointing, the yelling, the nastiness that comes up and it really shouldn't be. He said he is not going to preach. We are all God's children and everybody has a right to an opinion. That is all he asks as a citizen - to promote yourself, promote your ideas, be open, be honest and if you have anything negative to say, don't do it. Because each and every one of us at least once a day have a great opportunity to shut our mouths on an idea that might be of a negative issue. So sometimes it is best to just keep things close to the vest. The Mayor thanked him.

Adam DeStefano of 19 Prairie Avenue said he just had a couple of questions with the Goldstein lease with everything - not the lease exactly. Are they going to be following, if they do go along forward with the project, which is what they anticipate doing, are they going to go along with the urban renewal plan or are they going to do a separate thing on their own. The Mayor said he thinks it is going to be a normal application. Mr. DeStefano said a normal application. Okay. And you said they are looking at doing luxury apartments with the possibility of eventually upgrading to condos. The Mayor said he wouldn't say upgrading but possibly converting. Mr. DeStefano said converting into condos instead. The Mayor said correct. Mr. DeStefano said he was just asking that because if we were going to go with luxury apartments, and he has always been in favor of the condos, but if we were going to go for luxury apartments he knows, he thinks it was two years ago, that Koll was interested, Koll Development, and if there is anyone to look for a roll model in the area for luxury apartments they were actually the person to look at. What happened to them in the past? Did they just lose interest because we didn't want to go with apartments? The Mayor said no, it just didn't work out. Mr. DeStefano said it just didn't work out with that? He said he is saying if we are looking at doing luxury apartments we should maybe ask them that way we get two separate developers to look at the same project again. The Mayor said the one developer now controls almost all the parcels so we are not going through urban renewal so someone is making an application to us. Mr. DeStefano said he knows it is an application process. He was just saying maybe to see if Koll would be interested again. Because that way - the Mayor said he doesn't think they are. But if someone has control of the property - this is not an RFP situation. This is just someone owning a piece of property and coming to the Village. Mr. DeStefano said this is just a regular application. He said he wishes the Goldstein's the best of luck and he looks forward to seeing what proposal they come up with.

Jean Hennelly of 135 Wayne Avenue said she would like to ask. At the last meeting the Board made a motion to hold a public hearing tonight for the MS-4 report. And she was wondering why it wasn't on the agenda tonight? The Mayor said the what? Mrs. Hennelly said the MS Municipal Compliance Certification. She was wondering why it wasn't on the agenda this evening. It was supposed to be at 7:25 this evening. The Mayor said there was not enough notice in time. We are going to do it next month.

Mrs. Hennelly asked if this report was filed already because she thinks the public hearing - part of the application is a public portion and it specifically asks whether or not anyone asked any questions at a public hearing. The Mayor said we didn't have ample time for the public hearing so we are going to do it next month. Mrs. Hennelly said on the application it says that there was a public hearing held on June 10 which it hasn't been. She was just wondering how it could be submitted without a public hearing. So she can ask questions about it next month?

Mrs. Hennelly said the next question she has is regarding the web designer. She said she guesses to date with this month he will be receiving up to \$15,000 to date of taxpayers money and she would like to think what you think. Is he earning his money? She said she knows he did a great job on the police department website but other than that nothing has been done to the Village website, nothing has been done to the Parking Authority website, the downtown website is not even on line anymore. So she is wondering what - the Mayor said this person deals on an everyday basis with the various department heads so it is servicing all our websites and getting the stuff online and all that kind of stuff. Mrs. Hennelly said so nobody in this department can access the website. He has to put the information. The Mayor said no, that is not how it works. They work directly with the person in terms of updating the information on line, getting everything on, the forms you see, everything you see. That person deals with the Village on that on an everyday basis. Mrs. Hennelly said someone in house cannot learn how to put a PDF file on the website? The Mayor said it is a lot more than that. We have somebody who works with our people in the Village and helps and assists with that, yes. That has always been the case. If you would love to volunteer, sure. Mrs. Hennelly said she knows that he was very gung ho about this guy and she thought there would be a facebook link and a twitter link right on the website and there still is nothing to that effect and she was wondering when that would happen. The Mayor said he is not prepared to answer that question right now. Mrs. Hennelly said she knows he is doing a lot of work for you on the Patch website. The Mayor said he knows that they have been doing a lot of work in terms of everyday - you asked me a question what they do. And they deal with the everyday maintenance of our various sites in terms of stuff like that. They have worked on the police department website and other things that go on on a regular basis - on almost an everyday basis. Mrs. Hennelly said okay. She is just saying. The Mayor said that is your question.

He answered it. She asked if she could get some opinion from other people on the Board. The Mayor said he doesn't know if they have worked with the person. Mrs. Hennelly said his actual accomplishments. Is everybody happy with the website? Trustee Falciglia asked if the department heads had any complaints? Mrs. Hennelly said he hasn't done much. The Mayor said that is your opinion and you can talk to the department heads and he is sure they will tell you otherwise.

#### **POLICE DEPARTMENT:**

Chief Clarke Osborn said just a couple of items. He said he received a letter of resignation from one of our dispatchers - Andrew Yorke - who they like very much. He had applied to the NYC police department. He was told Saturday to report for Tuesday morning so we didn't have exactly a lot of time to get somebody else in. He spoke to Joanne in the Village office and she is getting them a civil service list for certified dispatchers so he will hopefully be coming back to them in the near future with a candidate for a dispatcher position. He said he is asking the Board to accept his resignation dated today. A motion to accept the resignation was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried. The Mayor said we wish him good luck. Chief Osborn said absolutely. We liked him very much. He was a great dispatcher.

Chief Osborn said he had two more quick things. We have been dealing with a lot of bank fraud issues. In town we apprehended two gentlemen out of Spring Valley and Monsey last week who went to Capital One with fraudulent documents. He got a little nervous. We apprehended him in a rental car on Ramapo Avenue as they fled. The investigation is continuing with local authorities and the U.S. Secret Service. We got them involved as well. And last but not least and he just got this information a few minutes ago otherwise he would have let them know earlier. Two years ago there was a program called Secure the Cities. It is run by the New York City police department and the Department of Homeland Security. And two years ago all county, which is the sheriff's department, and town police departments were given special SUV's equipped with radiological detectors - a nuclear device detector in the vehicle. It was just for city and town because they ran out of money. Chief Osborn said he is the immediate past president of the Town Police Chief's and as a Village Chief obviously and the president now is a Village Chief from Piermont and they have lobbied the police chiefs as well as

the sheriff and D.A., because he is on the seizure committee, and he just found out we received \$54,000 to purchase a brand new Chevy Suburban full size with every possible amenity on it - radiological equipment, nuclear device equipment, lights, radio. And they will be receiving that vehicle probably November or December. And we are going to use it as a supervisor's vehicle on patrol. So we have done very well. Trustee Falciglia asked if we could sell one of the other vehicles on Craig's list? Don't we have a vehicle to sell or trade in? Chief Osborn said we will have one of the older ones to take off the road. We have done very well with this account. We have gotten two license plate readers for about \$30,000, two full cam hi tech surveillance equipment. We have done very well with this line. So he just wanted them to know that the lobbying worked and he thought it was great news.

**DEPARTMENT OF PUBLIC WORKS:**

**A) Bid Approval:**

Mr. Charles Sawicki requested authorization to award a contract for the demolition of residential housing project located on Lonergan Drive to the low bidder, Par Environmental Corporation of Suffern, New York. The contract amount is \$189,750. Attorney Rice said the only thing is that he would put a proviso in that since we haven't closed on the four houses and although we anticipate doing that in early August at least - because of the FEMA requirements the condition of finally closing any of them is conditioned upon closing all four of them so there may be some time delays or something so he would just say that the condition of the award of the contract is that the Village take title to the property. Because he doesn't want to have a contract awarded and have a contingency there at least in theory that might not happen. So if that is okay with the Board. A motion authorizing the contract was made by Trustee Meegan-Corrigan, seconded by Trustee Falciglia.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

**B) Proposal Acceptance:**

Mr. Sawicki asked for authorization to accept a proposal to provide third party asbestos abatement monitoring professional services for the demolition of residential housing project. This proposal is from QUEST Environmental Inc. of Wappingers Falls, New York in the amount of \$11,763 and is based on the abatement contractor's estimated duration of work. Attorney Rice said and the same conditions. A motion authorizing acceptance was made by Trustee Meegan-Corrigan, seconded by Trustee Falciglia. Trustee Meehan asked if this was a bid situation. Mr. Sawicki said no, this is for professional services and is to comply with the NYS Department of Labor code rule 56.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

Mr. Sawicki asked for authorization to accept a proposal to provide consulting arborist professional services. This proposal from Ira Wickes Arborists, Spring Valley, New York is in an hourly amount of \$175 not to exceed \$5000. Ira Wickes Arborists will be consulted on tree inventory and replacement, tree selection and placement in conjunction with Tree City U.S.A. The Mayor said he and Charles discussed this. We use John Wickes who everybody knows in the community as just a phenomenal guy and arborist but it made sense to have him on on an hourly basis because a lot of work can ultimately be done by our Village in terms of planting trees but in terms of citing them as to how close they are to a right of way, you know, sometimes Charles, even though ultimately we will do a lot of work and save a lot of money it is important for him to have the ability to consult with an arborist so that we are not doing anything that will ultimately cost us in the long run. This money is in the budget because we have a substantial budget for tree maintenance and services. A motion to accept the proposal was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

Mr. Sawicki said he would like to request to add an additional item to the agenda. Mr. Sawicki requested authorization to advertise bids for the roof replacement of the Washington Avenue Hose Company. Bids will be due on July 29 at 3:00 p.m. A motion authorizing the advertising was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor asked for a motion to set a public hearing for the MS-4 Approval. A motion to set a public hearing for Monday, August 5 at 7:35 p.m. was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried.

**VILLAGE CLERK:**

**A) Approval of Minutes of Regular Board Meeting of April 1, 2013:**

Village Clerk Virginia Menschner asked for approval of the minutes of the meeting of April 1. A motion approving the minutes was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried.

**B) Approval of Minutes of Regular Board Meeting of May 6, 2013:**

A motion approving the minutes of the meeting of May 6, was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**C) B-Balls Request for 3 Tables and 6 Chairs:**

Ms. Menschner said we have a request from B-Balls for 3 tables and 6 chairs and it was approved by the Code Enforcer. A motion approving the request was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor said he would like to know. This Board, in other villages in this area, it is amazing what you have to go through to get outdoor dining - that you need additional site plan approval and everything. And he thinks everyone deserves credit because having this outdoor dining really attracts people to the

Village and the fact that we enable business owners to do it without spending a ton of money and jumping through hoops as long as it is safe and there is room he thinks it is a home run.

**D) Request for Block Party - Kim Hamilton for Annual Lexington Avenue Party - August 31, 2013:**

Ms. Menschner said we have a request from Kim Hamilton for their annual block party to be held August 31, 2013. Trustee Meehan said on Lexington Avenue, his old neighborhood. A motion approving the request was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**E) Request for Block Party - Rosemarie Simpson for Residents of 1-12 Oak Terrace - July 20, 2013:**

Ms. Menschner said we have another request for a block party and this is for the residents of 1-12 Oak Terrace and that is for July 20. A motion approving the request was made by Trustee Meegan-Corrigan, seconded by Trustee Falciglia. Upon vote, the motion was carried.

Ms. Menschner said she had one more item. She said we need a resolution that you wanted to hire the two young people from the county. The Mayor said we only hired one. The Village Clerk said we only hired one. The Mayor said yes, for the youth bureau. Ms. Menschner read the resolution and said she would change it from two to one:

RESOLUTION NO. 14, 2013

RESOLVED, that the Village of Suffern hire one (1) youth from the Rockland County Youth Bureau to work with the Village of Suffern from June 24 to August 26, 2013.

A motion adopting Resolution No. 14 was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

**FINANCE DEPARTMENT:**

Treasurer Tom Zordan said that Virginia gave the Board the proposal that he got from the phone system here. He said he was not asking for approval on this yet. He just wanted them to see it. He said he believes that Clarke got a copy of this and Ray.

And he will give out copies to the other department heads tomorrow and he just wanted the Board to know that obviously we do have to replace our phone system and as he had said last month when you approved the change in our phone service last month we would save \$267 approximately every month and that we would use that to pay for this. Well, lo and behold, if we change over to this system, this phone system, they use a different kind of operating system called a PRI and because of that, instead of saving \$267 a month we will save approximately \$800 a month so that will more than pay for the new phone system. So he would just like to ask the Board to look this over and if they have any questions to feel free to ask him and after he talks to a couple of more people if this is the one that he thinks is the best then he will come next month and ask for their approval.

**A) Adopt Board Resolution in the Amount of \$499,229 for Various Purposes:**

Mr. Zordan requested the Board to approve a bond resolution that they have before them to pay for our capital projects that were approved in the budget so he is asking them to approve this. A motion approving the bond resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte  
Trustee Charles Falciglia, Trustee Jo Meegan-Corrigan  
Trustee John Meehan

NOES: None

ABSENT: Trustee Patricia Abato

**TRUSTEES:**

**A) Yorkshire Drive:**

Trustee Meehan said we had discussed this and it was basically a proposal of his and Trustee Falciglia to move to have the double yellow line. They have received a lot of complaints and it is a matter of safety and so what they would like to do is part of Yorkshire Drive has the double yellow line and what they would like to do is have all of Yorkshire Drive have that double yellow line. And this was recommended by a consultant and he thinks it was recommended by the police department and he would

move that at this time. The Mayor said to Trustee Meehan that he understands where it is now that it only goes from Parkside down from if he is correct the concern was from the top of Cragmere down to - when you turn onto it, the top of it, if you are coming down from Cragmere, the top of Cragmere down to Lancaster. Trustee Meehan said no, he heard concerns of people walking, senior citizens walking, and senior citizens driving at night and these are the people that he has heard from so he would like it the whole. The Mayor asked if the traffic study said all of it. Chief Osborn said the traffic study said at a minimum they would suggest the whole length. Trustee Falciglia said he has driven that road for about 42 years. The problem is the lighting. It's bright in some areas and dark in others. The poles were never put in equidistance from each other. And he thinks when you come around the curve on Lancaster into Burlington it creates a site problem for even him because of the glare. The Mayor read "based on these observations the level of traffic observed during the weekly afternoon it is recommended that the Village consider installing a double yellow line for the entire length of Yorkshire Drive. At a minimum the Village should consider installing the center line from Cragmere Road to Lancaster Drive which is a 40 foot wide section of the roadway. And then it says - yes that is it. The Mayor said he would prefer to do that. Trustee Meehan made the motion, seconded by Trustee Falciglia. Upon vote, the motion was carried, with the Mayor voting no.

Trustee Meehan said the other item that Charles and he would like to bring up is that he knows that they have been concerned about the Parking Authority and they have intended to get, especially Charles who wrote a long and detailed letter requesting information and that was five months ago and we still haven't gotten all the information. And what they would like to do is have a review and have that review made by the Village Treasurer and under the law the Village Treasurer has the power to review the Parking Authority. So they would like to direct him to do that and to also as part of that to take up the questions, especially the questions that were detailed in Charles's letter and he would also say that he knows that Charles and he and as part of this he would be glad to do any foot work that might be necessary to aid and assist you in doing this project. The Mayor said he thinks it is a great idea. The only thing he would add is instead of doing it twice he thinks that the analysis should include, not just the books and everything, but the determination as to the potential

consolidation of the Parking Authority back to the Village as cost savings. Ultimately if we do that we need a home rule - Attorney Rice said a home rule request to abolish the Parking Authority. Trustee Falciglia said there are other ways to transition it faster and transition it keeping it as an authority because one of the concerns is the employees. His intent was never to knee-jerk bring them in and find out someone is entitled to a pension. There is also 2 million dollars in grant money out there and his feeling is that we can keep an authority but his complaint has always been that there has been no oversight over the Parking Authority so in effect he wants to have the Village Board have the oversight. He doesn't want to go into what surgical strike we can do but he thinks we should have a meeting on that. But in the interim Tom can certainly investigate and find out some of these answers that have not been forthcoming for five months which has sort of left a bad taste in his mouth because he tried to do this above board, gentlemanly, but he thinks he has run out of patience. He said he thinks we all have. The Mayor asked how do you want to do it. Just a resolution to look into all options? How do you want to propose it. Trustee Meehan said he thinks that would be fine. Trustee Falciglia said he thinks we should have a motion to develop a plan of transition from the Parking Authority into the Village, which was seconded by Trustee Meehan. Upon vote, the motion was carried.

A motion to adjourn the meeting at 9:28 p.m. was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.