

**Village Board Meeting
Monday, September 10, 2007**

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

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

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

ABSENT: None

The Mayor said that he would like to point out that in addition to our 9-11 services that we had this past Sunday at 2:00 p.m., tomorrow morning at 8:45 we are going to do a service right outside of Village Hall and he has asked all employees that can be at that service to be out there with us and anyone here who would like to join us, please feel free to do so.

Set Dates for October Meetings:

The Mayor said the workshop will be held on Thursday, October 4, 2007 at 7:00 p.m. and the regular Village Board meeting will be held on Tuesday, October 9, 2007 at 7:30 p.m. The Mayor said this is on a Tuesday because Monday is a holiday.

FIRE DEPARTMENT:

The Mayor said we have no one from the Fire Department here at this time and he spoke to the Chief this afternoon and he told him it really wasn't essential that he be here because he had another commitment along with the other two chief's. But we do have a report from the Fire Department. It is a very short report. They are requesting permission to bring three trucks to the Rockland County Firemen's Parade in Piermont on Saturday, September. 8. The Mayor said that we gave them permission at the workshop meeting.

PUBLIC HEARING - CONTINUATION GOOD SAMARITAN HOSPITAL:

The Mayor said that at this time he would like to open the floor up to a public hearing on a continuation of the temporary c.o. for Good Samaritan Hospital. Attorney Rice said that actually it is a continuation of the public hearing on the request to revise the special permit. He said that as you recall the hospital, and the representative can discuss it with you again, was interested in changing the site plan upon which the special permit was conditioned. We couldn't vote on it at the last meeting because we didn't have the County GML review which Virginia now has. Attorney Rice said that by letter dated August 28, the Rockland County

Department of Planning approved recommending the following modifications: the New York State Department of Transportation shall review and approve the amended special permit conditions. And they have additional comments that are not a condition of their letter. They said there are several typographical or grammatical errors in the proposed special permit that should be corrected. He said the Board had a couple of other conditions that they wanted any potential revised resolution to contain with respect to the sidewalks and the hospital campus zone which we have wanted the hospital to propose for a considerable period of time.

The Mayor asked if a representative from Good Sam would like to address the Board. Mr. Anthony Montalbano, an attorney with offices at 67 North Main Street in New City, said he was here with Mr. Joseph Cassidy who is the vice president of operations for the hospital. He said that as the Board may recall, he had requested two things - an extension of their certificate of occupancy, which the Board was kind enough to grant for an additional 90 day period, and an amendment to their special permit to allow a modification of their site plan to allow for ingress and egress in a modified fashion from Route 59. That modification of the site plan was reviewed and he believes the Board has a resolution from the Planning Board granting the amendment to their site plan subject to this Board's amendment of their special permit. At the last Board meeting, a question arose and he believes it was raised by Mr. LaCorte with respect to the sidewalks. The original special permit required the hospital to install sidewalks along the entire frontage of its property from the library up to the end of its property where it abuts the Town of Ramapo. That special permit allowed the hospital two years from the date of its certificate of occupancy to install the sidewalks. The hospital would still like to have that two year period. As you know, because of the modification of their site plan to modify ingress and egress to Route 59, the Hospital still has a substantial portion of the property, the medical office building, that is, which has not been leased. There is a barricade at the front of the entrance to the medical office building through no fault of this Board. But the barricade exists. So they would prefer and they would like to have the two years from the date of the issuance of a final certificate of occupancy to install the sidewalks. As a practical matter, he believes the hospital is going to install the sidewalks from the entrance to the hospital in an easterly direction to the end of its property. It would like the additional period of time to install the sidewalks down to Hillside. He said he knows this is a discretionary item with respect to this Board and he knows that there is some concern that the sidewalks be installed but they would still like to have that two year period. The Mayor asked what period of time they were looking for. Trustee Abato said he wants two years from the time that we actually issue the c.o. Trustee Abato said she has a question for him. She asked how much of that building is being occupied at this time. Mr. Cassidy said that right now there are five occupants there and he is guessing it is about 10,000 square feet. Trustee Abato asked how much he anticipated, and she said that we are obviously going to continue

for a few more months with the temporary c.o., how many do you anticipate to be in by, say, November. Mr. Cassidy said by November 1? Mr. Cassidy's reply could not be heard. Trustee Abato said okay, so what you are saying is that no more than what is there now is going to be there until you get your final c.o. Mr. Montalbano said he wouldn't say that. He said that they would have to complete the road network, the modified site plan on Route 59, to get a certificate of occupancy for the shell of the building. Trustee Abato said then you will be continuously moving people in with the temporary c.o. She asked if that was correct. She said she was assuming. She said then it is going to be business as usual as it would have been if you had a complete. Mr. Montalbano said he would ask this. That you just consider that once they get the driveway open on Route 59, certainly the building will become more attractive and more accessible to tenants. Trustee Abato said she didn't think it is the attractiveness that we are looking at. She thinks it is more of a safety issue because the more you utilize this building the more traffic, pedestrian traffic and more vehicle traffic, it is going to attract. So her worry would be is that if you are going to keep putting people into this building it is going to continuously start attracting more pedestrian, more traffic, therefore, you need to have sidewalks. So to say to us that it is going to be another six months, whatever the time, and she is only using six months as a number, before we even get a final c.o. on this, you are still going to be using the building. People are still going to be coming in and out of it and then we have to wait another two years and the building could be fully occupied before that. So her feeling is that we, and maybe we can meet in the middle or something, but two years is a long time from the date that you actually get your c.o. She said if you had the building empty or if you didn't anticipate having. Mr. Montalbano asked Mr. Cassidy to come up to the podium. Mr. Cassidy said that they would be willing to split the difference with us and go a year and a half. One of the things that they need to do is that given the amount of construction that has to be done, there is also going to be a significant amount of expense associated with this. And that is part of why they would like to expand it out a bit as well. He said he understands the Board case. Trustee Abato said that if you think about it, you will probably have a temporary c.o. for almost a year by the time that you get your final c.o. Trustee LaCorte said over a year. It has been a year and a half already. Mr. Cassidy said then a year from final c.o. Trustee LaCorte said yes, one year from final c.o. Trustee LaCorte said that we understand, at least he understands, that there is obviously an expense associated with that. It is not like we are springing this on you now. Mr. Montalbano said sure you are, you are. Trustee LaCorte said no, when you got your special permit you agreed to have a sidewalk installed within two years of being granted a certificate of occupancy.

Mr. Montalbano said he would like to answer that because he appeared before this Board and he doesn't believe that Trustee LaCorte was a member of this Board at that time. It was very clear that when the sidewalks, that when the hospital was asked to

install sidewalks, it was two years from the date of an issuance of a certificate of occupancy. Not a temporary certificate of occupancy. Two years from the issuance of a certificate of occupancy. What the hospital is saying is that you would like us to accommodate you and install the sidewalk sooner than that. And he thinks that Mr. Cassidy is saying that he is willing to do that but they would like the Board to also understand that they have a building that is only occupied by only 10,000 square feet of the building is occupied. They had always anticipated installing the sidewalks within two years after they got a final certificate of occupancy for the shell of the building and now you are asking them to accelerate that. And he understands the safety concerns. Trustee LaCorte said that we have also, in terms of that and he has read the special permit and it doesn't say a permanent certificate of occupancy but this Board has obliged you and given you numerous temporary certificates of occupancy enabling you to use the building. And that is something which we weren't required to do but we have done that to enable you to have people in there. What we did ask at the last meeting was that you have plans provided to us by the November meeting with an anticipated start date for construction of that project. So we right now are in the midst of, tonight, accepting bids hopefully for a road construction project. And this didn't happen in two months. We have been talking about this for over a year. Mr. Montalbano said no they haven't. Trustee LaCorte said no, no, no. Our as a Village has been talking about our project for over a year. So it obviously takes time. So we don't want to be in a situation where you get your certificate of occupancy and then you first start talking about the plans. What we would like to see are plans with an anticipated start date and then we can see where you are a couple of months from now. So he thinks the Board is willing to say. You say a year and a half and what he was going to propose was. Trustee Abato said about a year. She asked Mr. Montalbano if they said they would agree to a year. Mr. Montalbano said that a year after final certificate of occupancy is something that the hospital can live with. Are they happy with it, no. But they can live with it. Trustee Abato said a year completed. Sidewalks in within one year. Trustee LaCorte said completed within a year. Trustee Abato said that is what she wanted to clarify . That is what she thought they had agreed to. Trustee LaCorte asked if they were moving along on the plans for the hospital zone. Mr. Montalbano said yes, they are. He said as we know, they have a land planning consultant, Zaccardi and Schiff and the hospital has also spoken with other members of Bon Secours with respect to the hospital zone. He said they had promised this Board that we would have from them and he believes by probably mid-October that Mr. Geneslaw, our planning consultant, will have their proposed draft of a hospital zone and he said they assured the Board that we would have at least their proposal before us, perhaps with Mr. Geneslaw's comments, by our November meeting. And they will stand by what they promised.

The Mayor said that he thinks that one year from the certificate of occupancy is acceptable. He asked if everybody agreed with that, which they did. The Mayor said that this is a public hearing and he

asked if anybody else would like to say anything regarding this issue.

Tom Zordan, 249 Parkside Drive, said he just had a question in regards to how long we will continue with the temporary certificate of occupancy. He said the Board has been nice enough to allow you to move tenants in and he understands that they have to get more tenants in but if they grant you this privilege that you only have to wait a whole year to get your final certificate of occupancy, you can carry this on for six months, a year, two years, three years until you feel you have enough tenants. Now, should the Village carry you on for that period of time. That is his question.

Mr. Montalbano asked if he could answer that. He said the hospital intends to complete the road improvements necessary to provide access to Route 59. Once that is completed, they will apply for a certificate of occupancy for the shell of the medical office building. It is not the hospital's intention to delay the issuance of a certificate of occupancy for the shell of the building. He said they must complete the road improvements before they can get a temporary certificate of occupancy. Trustee LaCorte said a permanent one. Mr. Montalbano said a permanent one. Trustee LaCorte asked when they anticipated, if we were to grant the amendment to the special permit, when do they anticipate that they will have those improvements done. Mr. Montalbano said that he would say this and why they are anxious to really have this amendment to the special permit adopted this evening is that as you know the asphalt plants close sometime in mid-December. So a lot of the site preparation work and the road work has to be done. He said that in his conversations with their engineer who is not here this evening, unfortunately, it was his understanding that they would have the road work completed, he thought, he suggested to him that about July 1 because they have to do the road work and finish the road work and if winter interrupts that road work it is going to take a little bit of time so they anticipate that that will be done by July 1. Trustee Abato said a whole other year? The Mayor asked that if we grant that that the driveway won't be done until next July? Is that what you said? Trustee Abato said an entire year? Mr. Cassidy said it depends a great deal upon when the asphalt is available based on when the plant is opened and closed. The Board should understand that he has a very significant incentive to get this done quickly. Because he holds a burn-off lease on that building for 50,000 square feet. It is very important for him to get that completed and get his permanent c.o. because he needs to get out of that. Trustee Abato said that you are talking about it is almost going to be 2 ½, almost 3 years that you are going to be working off a temporary c.o. for that building. Mr. Montalbano asked if he could speak to the issue. He said a lot of this is history. He said when they initially obtained site plan approval, what their traffic consultant had proposed to the Department of Transportation was something called an hour-glass intersection where the entrance and exit of the medical office building would be. DOT gave conceptual approval to that plan. When the application for the permit was made to DOT, DOT decided that what they wanted

to do was have the roadway widened from the library up to the traffic light at the end of our property and make that, he believes, three or four lanes. Mr. Cassidy said three intersecting on three. Mr. Montalbano said that as a result of that, the anticipated expense to the hospital to make that improvement versus what was originally proposed was somewhere in the neighborhood of about one million dollars. He said they then through the intercession of other local elected officials asked DOT to reconsider their position. DOT reconsidered their position and in November said to the hospital, November of this past year, that you can change the intersection as you propose, that you can modify it and you can save yourself for now \$800,000. He said they then applied to have their site plan modified. He said they have been before the Planning Board and this Board since January of this year until September, which has been approximately a nine month process. He said that is the facts. That is what happened. He said did things occur? Yes. The Village Board meets once a month. The Planning Board meets once a month. The Planning Board on one occasion didn't have a quorum. The Planning Board on another occasion wanted additional information. He said that they cooperated and the Planning Board cooperated with them. But these things do take time. And he must tell us that the hospital wanted this resolved sooner rather than later. As Mr. Cassidy mentioned, the hospital has something called a burn-off lease. A burn-off lease means that you are responsible for the rent for a certain amount of space within that building until a certain level of occupancy is achieved. So this has been no mean expense to the hospital to have the barricade out on Route 59. He said he hopes this answers in part the question. Mr. Cassidy said they will make every effort to get it done as quickly as possible. Trustee Abato said that she thinks the Board has been more than generous in extending your c.o.'s and worked with you. She just thinks that in all fairness another year to have this not completed and to not have our sidewalks in, from the date that you started this building to the date that you are going to have sidewalks in, we are talking about almost four years. That is absolutely absurd. She said she doesn't think that is fair and she doesn't think it is even fair to people who have to drive by the building. Mr. Cassidy said he can understand the concern but at the same time he can tell us that he has only been in his position for two years and all the macinations that they have had to go through for this building for all kinds of things are bordering on absurd. He said that all he can tell us is that he will make every effort to get it done as quickly as possible. It is in his best interest and he will find, and he understands that the Board has had some issues with the hospital in the past, that when he tells us something, they will do it. And they will do it as quickly as they can get it done.

Attorney Rice said that he just wanted to add one other thing. He said that we mentioned it at a prior meeting but just so the Board is aware of it. When the Planning Board granted a revised site plan and recommended that the Board grant the revised special permit, they made it subject to and conditioned upon the re-evaluation of the traffic on October 31, 2008 or if Montebello Village Center is

approved and constructed, whichever is sooner. So basically what they are saying, and this is somewhat a separate issue, but basically what they are saying that the Planning Board wants to revisit the traffic issue approximately a year from now to see how this particular set up is going and if it works, that is fine. But if it doesn't work then they have the ability and we have the ability if we make this a condition of our approval to say sorry folks, you have to change the traffic flow back to the way it was originally approved. Mr. Montalbano said they agreed to that and they stand by that statement. They don't have a problem with that.

The Mayor asked if we had any other questions from anyone in attendance on this issue or comments. A motion to close the public hearing was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

Attorney Rice said that if you want to approve it, first it would be a motion to approve the revised special permit in accordance with, and he asked Mr. Montalbano if he had the right date and plan, in accordance with a plan dated March 23, 2005, last revised - no that is not right - December 12, 2005. Attorney Rice asked if he had a more recent plan than that. Mr. Montalbano asked Attorney Rice if that was the last revision date he had. Mr. Montalbano said he believes there was a revision date that was approved by the Planning Board. Attorney Rice said it is not in the resolution.

Trustee LaCorte said he would like to make one other comment. He said the reason that we are doing the year, it also depends on them, it also depends on when you apply and you get your certificate of occupancy. You are going to run into the same problem with your timing and that is why we want to have plans in place so you are not starting at step 1 and you run into the winter. Mr. Montalbano said we have plans in place. You have the plans. They have all the plans in place. They are literally ready to go on this. They do want to finish this. Trustee Abato said she knows, but they don't want him to come back and say "oh, we said a year, but, now it's the winter so it's not going to be until spring." Mr. Montalbano said the practical affect of this is that you have been issuing to them temporary certificates of occupancy on a rolling 90 day basis. You have every right on each 90 day renewal to ask and question them closely on the status as to where they are on the road improvements and where they are on applying for a certificate of occupancy. So you do have the ability to make them report and respond to them. Trustee Abato asked Attorney Rice that instead of one year from the date of the certificate of occupancy in case there is any delay they are giving us a day of July 1. Can we instead say it has no later than July 1. Attorney Rice said that frankly choosing a particular date is better. Trustee Abato asked if that was agreeable. Trustee LaCorte said that July 1, 2009 - Trustee Abato said no later than - for one year from the certificate of occupancy or whichever is earlier. Mr. Montalbano said that is fine with them. Attorney Rice said that is one of the conditions. The other condition is that you have that the hospital provide to the Village before November 1 a proposed

hospital campus district zone change plan. In addition it is subject to and conditioned upon the re-evaluation of traffic on or before October 31, 2008 or if Montbello Village Center is approved, whichever is sooner, at which time both the Planning Board and Board of Trustees will have the opportunity to review the traffic configuration and flow with the hospital and reserves the right to reconfigure it and to direct that it be utilized in accordance with the original approval if they deem that appropriate. The motion was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

BUILDING DEPARTMENT:

Code Enforcement Officer John Loniewski said that he had a couple of items tonight. He said that first is his normal report. He said that we had 93 violations issued in August. It was a busy month beyond just the violations. They were still busy with violations and as usual, under this administration, they highlighted occupancy limitations - illegal uses. He said they kept that up. He said that also this month, as most everyone knows in the Village, they had to take some extreme action on one sight. As that sight is still in litigation, he would rather not discuss it at this meeting and he would like to put that off until October. He said there were some tough decisions and good things happened for this Village that came out of that. And they can say that. But he doesn't want to let pass two people who stood on their heads to help him through the three week ordeal so that the Village could do the right thing when they had to. And they were Randy Ortiz, his partner, who just dropped his own business and walked into his office the morning after this started and said "I'm yours. Where do we go. Never mind hours. Never mind budget. What do I have to do to help you." And Anthony Cafiso, who practically lived up there through the entire event and still calls him every single day for an update. And he is ready for the next step whenever we get results from the judge.

Mr. Loniewski said that lastly tonight, you have it under buildings on the agenda so he will address it. He said we have an application for reinstallment of special permit for live entertainment at Dona Maria's restaurant by Martine Romero. Mr. Loniewski said that before this incident, he was violation free and since the night of the incident, which caused the cancellation of the special permit for live entertainment, he has been violation free. That would be his concern on the permit - whether there were violations or not. The Mayor said we discussed this at the workshop last week and this time the Village Board has agreed to reinstall his privileges to have recreation in his facility again with the stipulation that if there is any further incidents like there was, that it would be revoked.

Trustee Abato asked the Mayor if that would also be stipulated as to the same agreement that he had initially for the type of music, is that correct? The Mayor said yes, for the same type of music. Attorney Rice said this would be subject to the same terms and conditions as the original special permit and it is for a term to

the balance of the year as the original permit was so they will be required to apply for a new permit for the next calendar year. Attorney Rice said that when he says for the same terms and conditions one of those specifically is that, as occurred here, if there are any problems that the Village Board reserves the right to revoke the permit.

Trustee Abato asked if we could just hear from the applicant one more time what the music will be. The Mayor asked if he could just explain the security that he has now. Mr. Romero said that he will have a good guy who is a policeman and he will help him on weekends. If he does something, he wants to have good security if we give him this. Trustee Abato asked what it is that he will be having - what type of music. Mr. Romero said he wants to try to bring some bands, not only Spanish but mariachi or something. He can bring some of his customers that he has. If they play organ or different type of instrument that they can bring it and play it over there. Mr. Romero said light entertainment. Trustee Abato asked if he said like karaoke. She said that she thinks the original application was for a guitarist. She said that he had a guitarist coming in to go to the tables to sing. She said that was her understanding of the initial application and that is why she wants to clear it up now so we don't have any trouble. Mr. Romero said that is what he wants. Whatever you give him. He said even his customers ask him why he doesn't bring more bands or something. Mr. Romero said that he will say that he has been seeing Café Dolce and he doesn't know what kind of permit they have. He said he would like to do something like that. They bring the bands and the people have a good time after they have dinner and have a few drinks. Trustee Abato said he wants to have different kinds of events. He wants to bring in a band, he wants to have a karaoke night and he wants to do different kind of things but that is not what his application was. Attorney Rice said that what he thinks we ought to deal with presently is the reinstatement of the permit as originally proposed. That was for guitar music. If they want to make an application for something different then he thinks it has to go through the process of any other special permit. It has to be referred to the Planning Board for its review and recommendation and then a public hearing held by the Board of Trustees. He said he doesn't think that in the guise of receiving the revoked permit back the applicant has the ability to say that oh, and by the way, can I please change the music. Attorney Rice said we have a process that has to be gone through in order to do that. Mr. Loniewski said he explained that to him. He said the original was just the guitar. Mr. Romero said he wants to have what they give to him and he doesn't know how - he wants to do the process that we want him to. Trustee Abato said you just apply like you did for the initial permit. Apply the same way. But you can't have anything but a guitarist unless you apply and it goes to the Planning Board and they approve it and then it comes to the Village Board again. Mr. Romero said he will do that. A motion to reinstate the special permit for live entertainment, subject to the same terms and conditions as the initial permit and it is reinstated only to the end of the calendar year and emphasizing, although it is part of

one of the conditions of the original special permit, that the Village Board reserves the right to revoke the special permit upon notice if there are any disturbances created as a result of this was made by Trustee Meehan, seconded by Trustee Haggerty. Upon vote, the motion was carried.

CULTURE AND RECREATION:

Gail Curtin said that she gave the Clerk an amended version of the Recreation update. She said there were a few changes since the workshop. She said that the Recreation update for September 10 meeting, since your last Village Board meeting, is that the pool update includes that the swim team had two meets this year - lost one, won one. The senior water exercise program was well attended. She said that we participated for the ride for Jennifer or bike for Jennifer McKiever and submitted \$788, which was basically earned by four of our lifeguard staff members. So the \$788 was presented to Chief Osborn. Labor Day weekend, right up until 5:00 when we closed the gate, was crowded. The Fire Department had their annual water drill last Wednesday night. She said that her preliminary report to the Board, since the pool did close only one week ago, is that it was a safe season and we only had one closing day all season. She said that concerts were well-attended this year and the music was very, very nice. She said that we had 17 campers, which was less than last year, and the 9-11 Remembrance, which the Mayor mentioned earlier in the meeting, was held yesterday and at least from our perspective it was very well received by the community.

Mrs. Curtin said that moving on to upcoming, again, a 9-11 Remembrance tomorrow morning at 8:45 here at Village Hall. She said the Senior Citizen picnic will be held the following day, Wednesday, September 12 at Mahwah Elks Lodge starting at 11:30 a.m. Suffern Midget Mounties and Bonfire will be held this Friday evening September 14. Suffern Day, as they all know, but as a reminder, is Saturday, September 29 with a raindate of September 30. She said that they did have a meeting today, the staff, one of the chairpeople and the Mayor, who also sat in with them also, and probably the most important item that came out of that subcommittee meeting that she would like to share with them is that it was decided that a flyer will be mailed to all Village residents. The same mailing that we use when the Board does their newsletter will be used so that every household in the Village of Suffern will again be reminded of Suffern Day. Halloween window painting - we have a Recreation meeting this Thursday night and the president of the Chamber of Commerce will be a guest with us and it is looking like we will once again be doing window painting on Saturday, October 20, and then we will have the traditional Village parade on Sunday, October 28. Mrs. Curtin said that after the meeting tonight, tickets will go on sale tomorrow for our next trip to New York City. That will be *Hairspray* on Saturday, November 17. She said she would like to set the date for the Pearl Harbor Commemoration for Sunday, December 9. And she believes the following dates were mentioned to the Board but so that they can put them on the calendar the Holiday Lighting is Thursday, December

6, with an inclement weather date of Thursday, December 13. She said the last item that she has is that a group of teenagers requested the Mayor's permission to have a last concert at the gazebo before many of them went back to college. That permission was given by the Village Attorney and Mayor and seven bands played at the gazebo on August 22. It was very much appreciated by over 100 young people and their families. So they thank the Board for that. And finally, the Recreation Department has been asked and they will be preparing employee identification badges at the Board's request. Department Heads have been asked to communicate with the Recreation Department as to what date and time would be best for their staff and as soon as they get that information, they will be starting that. Trustee Abato asked if Mrs. Curtin had a time on the Bonfire. Mrs. Curtin said yes. Her letter from Midget Mounties indicates that they will gather here at Village Hall at 6:30 and start the march here at 7:00 p.m.

VILLAGE ATTORNEY:

Attorney Terry Rice said that we spoke at the workshop meeting about the Village Board's desire to amend the Service Award program for the volunteer firemen. He said that he understands that the outcome of the discussion for its proposal to change the retirement age from 65 to 62. He said he has resolutions for 62 or 60 but he believes that 62 is the one that the Board wanted to go with. Attorney Rice said he would quickly read it and this would be subject to a mandatory referendum.

RESOLUTION NO. 17, 2007

WHEREAS, voters of the Village of Suffern approved a referendum to establish a Service Award program for active members of the Suffern Fire Department effective January 1, 1998 in accordance with Article 11A of the NYS General Municipal Law; and

WHEREAS, Article 11A authorizes the Village Board of Trustees of the Village of Suffern to seek voter approval of amendments to the Service Award program; and

WHEREAS, many of these amendments are intended to enable the Village to improve the Service Award program benefits for active volunteer firefighters; and

WHEREAS, such improvement in Service Award program benefits is consistent with the intent of the program to help the Suffern Fire Department recruit and retain active volunteer firefighters.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Suffern is authorized by Article 11A of the NYS General Municipal Law directs that there shall be a public referendum of eligible voters of the Village of Suffern and an election to be held on November 13, 2007 to determine whether the Suffern Fire Department defined benefits Service Award program shall be amended effective January 1, 2008 to lower the entitlement

age from 65 to 62.

The current annual cost of funding of the Suffern Fire Department Service Award program is about \$100,000 including the cost of administration. Should the voters approve this amendment the annual cost of the amendment will be about \$135,000 at \$1,350 per current covered principal including the cost of administration of about \$4,500. All other provisions of the Suffern Fire Department Service Award program which required voter approval shall not be changed and the program shall continue to be administered by the Village of Suffern in accordance with Article 11A of the NYS General Municipal Law as such law is amended from time to time. Attached to the resolution is a proposition that would be submitted to the Rockland County Department of Elections for inclusion on the ballot in November. Shall the Village Board of Trustees of the Village of Suffern amend the defined benefit Service Award program established and administered by the Village of Suffern for active volunteer firefighter members of the Suffern Fire Department to lower the entitlement age under the program from age 65 to age 62 effective January 1, 2008 stating that the current annual cost of the Suffern Fire Department Service Award program is about \$100,000 including the cost of administration, stating that the annual cost of the amended program shall be about \$135,000, \$1,350 per current covered principal including the cost of administration of about \$4,500.

Attorney Rice said these numbers are based on the current projections which are actually somewhat optimistic and that the numbers may actually be revised and if that is the case the Board can adopt a revised resolution if it is done in sufficient time to get it to the Board of Elections. A motion to adopt the resolution by the Suffern Village Board of Trustees in the matter of amending the Service Award program for active volunteer firefighters in the Suffern Fire Department was made by Trustee LaCorte, seconded by Trustee Haggerty.

AYES: Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

ABSTAIN: Mayor John Keegan, who said he would abstain from this vote only because he is a member of the Fire Department and he is in that program.

ABSENT: None

Attorney Rice said we also have two other resolutions because the Board has been talking about changing the people that actually invest the money. So before he describes these - he is not going to read the entirety of them - he thinks that Trustee LaCorte wanted to explain it to the Board.

Trustee LaCorte said that he has pretty much been working with the Suffern Fire Department and we have had several meetings and every Board member has attended at least one meeting with the Suffern Fire Department and the first part that we just voted on was a

reduction of the age where members can start collecting benefits from 65 to 62. He said that another part of the discussion was in terms of the investment - the investments of the present program and obviously the future of the program as well and he said they met with our current investment professionals and he also spoke with some other people and working with the committee they all decided that we would like to return to the person who actually had managed the funds prior to leaving UBS Paine Weber, where the money has stayed. They felt that this advisor offered better opportunities and just overall it would be better for the investment performance of the portfolio there and as such we are recommending that the Mayor be authorized to transfer the plan program from UBS Paine Weber to RBC Dain Rauscher and then the other part is to have Comerica, who does the actual payment of the checks to the members who are currently collecting. He said just so everyone knows, in terms of the combined fees for both, it does provide what they believe in their opinion a better professional investment advice and in addition it will save the plan money which will add to the performance of the portfolio. Attorney Rice said there are two resolutions and again he won't read the whole thing but as Trustee LaCorte described it is essentially to utilize RBC Dain Rauscher as the investment entity.

RESOLUTION NO. 18, 2007

RESOLVED, that the Mayor, Deputy Mayor, Treasurer, _____, or any one of such officers, be and they are hereby fully authorized and empowered to purchase, invest in, acquire, sell, assign, transfer, or otherwise dispose of any and all types and kinds of securities including but not limited to stocks, bonds, debentures, notes, rights, options, warrants, certificates of every kind and nature whatsoever; and to enter into agreements, contracts and arrangements with respect to such security transactions whether or with securities related individuals or agents; to execute, sign or endorse on behalf of and in the same agreements and to affix the corporate seal on same.

A motion approving Resolution No. 18, 2007 was made by Trustee Abato, seconded by Trustee Haggerty.

AYES: Trustee Andrew Haggerty, Trustee Dagan LaCorte
Trustee John Meehan, Trustee Patricia Abato

ABSTAIN: Mayor John Keegan

ABSENT: None

Attorney Rice said the next resolution is to utilize Comerica Bank as the agent.

RESOLUTION NO. 19, 2007

RESOLVED, that:

- (1) Comerica Bank ("Bank") is hereby designated as Trustee/Custodian/Agent/Managing Agent/Investment Assistance.

(Circle One)

(2) Bank is hereby authorized, from time to time,

to receive cash deposited with it by anyone on behalf of, or for the credit of this corporation ("Depositor") and, from time to time, in accordance with instructions, to invest, disburse or otherwise dispose of or treat any of such cash, the increase thereof, or any other property received in exchange or substitution therefor;

- (3) Instructions of the Depositor under which such cash is at all times to be held or disposed of by Bank shall be signed by the persons holding the offices or positions indicated below, or their successors from time to time as follows:

By any two of the following:

(Signature) (Name and Office or Position)

(Signature) (Name and Office or Position)

(Signature) (Name and Office or Position)

- (4) Any person above named or his successor from time to time to his office or position is hereby authorized on behalf of Depositor to enter into contracts with Bank for the establishment and operation of one or more accounts with Bank and from time to time to provide Bank with specimen signatures of persons authorized to give instructions with respect to such accounts. For Wire Transfer Clients: Each individual named above, or on a separate authorized signers list, shall be considered "Authorized Initiators" and "Authorized Confirmers" of Payment Orders and other Wire Transfer Requests as defined in the applicable Wire Transfer Authorization and Security Procedures document. If the Security Procedure for Non-

Repetitive Payment Orders with Call Back option is selected, a separate Authorized Initiator/Confirmer Verification Form will need to be completed by each individual above and returned to Comerica under separate cover.

- (5) Until written notice to the contrary is duly serviced upon it, Bank may consider this resolution and the authority hereby granted to each of the above named persons and their successors in such offices or positions as continuing in force and effect;
- (6) Whenever Bank shall be provided with a certificate signed by the _____ of Depositor to the effect that a person above named, or his successor, no longer holds the office or position named, that another person has been duly elected or appointed to such office or position, and that by virtue thereof such other person has authority to issue instructions in accordance with this resolution, then said certificate shall, as against Depositor, be conclusive evidence of the facts therein stated and thereafter Bank may comply with all instructions signed by such other person in the same manner as though such other person had been expressly named herein.

A motion approving the resolution was made by Trustee LaCorte, seconded by Trustee Meehan. Upon vote, the motion was carried.

Attorney Rice said he had two other brief items. He said we spoke at the workshop meeting about eliminating no parking on a portion of Essex Lane. He said we need to set a public hearing for that for the October 9 meeting at 7:40 p.m. A motion to set the public hearing on October 9 at 7:40 p.m. was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

Attorney Rice said the other item was that we discussed changing the language in the local law regulating the closing of parks because the way that parks are presently defined it only related to Village owned parks and we now have a town owned park. So he would suggest we set a public hearing for 7:45 p.m. A motion to set the public hearing regulating the closing of parks for October 9 at 7:45 p.m. was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

POLICE DEPARTMENT:

Chief Clarke Osborn said that he had one item to vote on tonight to accept and several informational items. He said the first issue would be that he is asking the Board to accept Resolution No. 14, 2007 which is the matching funds from the Rockland County Youth

Bureau. He said the County Youth Bureau is going to give us \$2,273 but obviously we have to vote to receive that money. So he is asking the Board to accept that resolution.

RESOLUTION NO. 14, 2007

RESOLVED, that the Village of Suffern approve the submission of funding from the Rockland County Youth Bureau and intends to follow through with the matching funds for such programs. Funds are for Juvenile Aid Bureau - Youth Officer (\$2273.00).

A motion approving Resolution No. 14, 2007 was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

Chief Osborn said he had some informational items. He said that it was two weeks ago that we set up a DWI road check with the Rockland County Sheriff's Department on the NY/NJ state line. He said we came out with six DWI and drug arrests. We had a cocaine arrest in there as well. He said it went very well. It went from 11:00 p.m. until 3:00 a.m. It worked out great. He said we are going to be setting up a commercial vehicle enforcement check within the next few weeks. He said that obviously he doesn't want to say the date. But they are going to be setting that up in the near future. They are going to have their commercial officers from Suffern, from Rockland County and from New York State coming in to enforce the commercial vehicle laws here in the Village. He said their DARE hockey season opened on Saturday. We have ten teams from the Village. Ten Suffern teams. He said we have twenty coaches including Officer Giannettino who is here tonight and he wants to introduce him. He is our DARE officer at Montebello this year. He is taking over DARE duties. Officer Giannettino, Officer Yustein and Officer Greco are all serving as volunteer coaches in the DARE hockey league. It is going very well. We have a third and fourth grade division and a fifth and sixth grade division this time of year. Then we move into the junior high and high school division in the Spring. The Suffern High School hockey team will be sponsoring a clinic next week for two days on the 19th and 20th from 5:30 to 6:30 at the rink, which is going to be a benefit to our players. He said he wanted to thank all of the Board who participated and let them do their bike ride for Jennifer. They raised over \$22,500 for the McKiever family on Yorkshire Drive in Suffern. And Mike McKiever, the father, is extremely appreciative. Jennifer is doing great, as you know, it was the second heart transplant. The Chief said he has been in very good communication with the family and with the neighbors on Yorkshire Drive and he met with them last week again and they are very appreciative for our efforts. And he said he appreciates this. He said that he did want to bring one thing up that Terry just spoke about. He said we are having some concerns up in Stonegate on Doxbury Lane, the residents who are calling us up and inquiring about policing the Town of Ramapo property on Doxbury and Parkside Drive. And he wants to thank the Board for addressing that issue. The problem is that we cannot enforce the Village code laws on town property. And they have

called the town and the town has referred them back to us and he appreciates the Board making the effort in helping our residents out.

The Mayor thanked the Chief and said it was a great job in the efforts of him and his department with the Jennifer McKiever program. He said he thinks that was really great because it showed through the Chief's effort the community came out and really did a great outpouring and showed that we are a community and that they really dug down in their pockets this time and came through for that family.

DEPARTMENT OF PUBLIC WORKS:

A) Authorization to Re-advertise for Bid for Suffern Community Center - New Emergency Generator - Return Date Monday, October 2, 2007 - 2:00 p.m.:

Carl Rossi said he had a few items on the agenda for Board vote. The first item is for authorization to re-advertise for bid for the Suffern Community Center new emergency generator with a return date Monday, October 2, 2007 at 2:00 p.m. A motion authorizing the re-advertising was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

B) Authorization for Mayor to Sign Agreement with Cornell Cooperative Education Requirement of EPA Phase 2 Stormwater Regulations:

Mr. Rossi said this next item is for authorization for the Mayor to sign the agreement with Cornell Cooperative Extension. He said this is an education requirement of EPA Phase 2 Stormwater regulations. He said we do this every year. A motion authorizing the Mayor to sign the agreement was made by Trustee Meehan, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

C) Authorization to Appoint Steve Ruther Assistant Operator IIB - Water Treatment - Renaming of Previous Position of Assistant Operator IIA:

Mr. Rossi said this next item is for authorization to appoint Steve Ruther as Assistant Operator IIB Water Treatment. This is a renaming of a previous position of Assistant Operator IIA. A motion authorizing the renaming was made by Trustee LaCorte, seconded by Trustee Abato. Upon vote, the motion was carried.

The Mayor asked if there was an increase cost for this. Mr. Rossi said no, it is just the renaming of the title. Trustee Abato asked what the reason is behind this - the renaming of it. Mr. Rossi said because Rockland County Department of Personnel required it.

D) Recommendation to Promote Frank Abato to Assistant Operator 3A - Wastewater Trainee at \$59,164.56:

Mr. Rossi said this item is a recommendation to promote Frank Abato to Assistant Operator 3A Wastewater Trainee at \$59,164.56. A motion approving the promotion was made by Trustee Meehan, seconded by Trustee Haggerty.

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

NOES: None

ABSTAIN: Trustee Patricia Abato

E) Recommendation to Transfer Craig Flanagan from Mechanic I in the Street & Refuse Department to Maintenance Mechanic I in the Wastewater Treatment Plant:

Mr. Rossi said this is for a recommendation to transfer Craig Flanagan from Mechanic I in the Street and Refuse Department to Maintenance Mechanic I in the Wastewater Treatment Plant. He said we received Department of Personnel approval last week. Trustee Abato asked for the salary on this. Mr. Rossi said it is going to be the same salary. Trustee Haggerty asked if this is a recommendation to transfer him from Mechanic I in the Street and Refuse Department to Mechanic I in the Wastewater Treatment. Mr. Rossi said yes. Trustee Haggerty said he thought he might have said II. A motion approving the transfer was made by Trustee LaCorte, seconded by Trustee Haggerty.

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

NOES: None

ABSENT: None

F) Authorization for Carl Rossi to Attend Public Works Training School on October 22-25, 2007 in Lake Placid, NY - \$215 for Classes, \$230 for Hotel:

Mr. Rossi said this is for authorization for himself to attend Public Works training school on October 22-25, 2007 in Lake Placid, NY. He said it is \$215 for classes and \$230 per night for the hotel. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

G) Authorization to Award Bid for Road Improvement:

Mr. Rossi said the final item is to award bid for the road improvement project to W.J.L. Equities in the amount of \$2,120,743.50. He said they were the low bidder. Three people bid on the project. The highest was \$3,202,020.20. The next highest bidder was \$2,486,922. He said the Board has a letter from Riddick Associates explaining to them that they do feel that W.J.L. Equities possess the knowledge and experience necessary for the project and that they do believe that the Village received a competitive proposal for the work contemplated. A motion to award the bid to W.J.L. Equities Corporation for \$2,120,743.50 was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

PUBLIC PARTICIPATION:

The Mayor said that at this time we will open the floor up for public participation. He said that anyone who wishes to speak should come up to the microphone and state their name and their address for the record.

Ennis Mehta of 35 Park Avenue said that as part of its mission regarding community outreach, he said he just wanted to inform everybody that the Suffern Presbyterian Church is planning a community outreach program to replace its regular Sunday service on October 14 of this year and is in the process of identifying those in need in our community. So, today, he and Arnold Helfgott met with the Director of Social Services at Esther Gitlow Towers to see if they can identify those individuals there that could be in need to do stuff around their apartment. Maybe hanging some pictures up, doing some vacuuming and things like that. If there are others in our community that, for instance, have homes that could be in need of maybe raking or doing some leaves and you are aware of these things, they would be glad to know of that to help out on October 14. He said another thing that is going to be done is an interesting twist on a yard sale. It is going to be a reverse yard giveaway. This will also occur on October 14 where it will be a giveaway of items that can be useful for those that are in need in

the community like with winter coming maybe with some new clothes and new things for children in need. But the important thing is being able to identify legitimate people in need in our community. So if there is any way in which they can receive some help in actually identifying legitimate folks in need in the Village that would be helpful.

Bruce Simon of 31 Utopian Avenue said that he hoped that everyone had a great summer and he was wondering and a bunch of his neighbors that he has been talking to about the story in the *Journal News* last week from Jim Walsh about the Wales Corley lawsuit against the Village and the other related parties. He said he was wondering if we could talk about that for a bit. Because it seemed to come out of the blue. Attorney Rice said he is not going to talk about it in any depth for a number of reasons but essentially with respect to the claims against the Village, the property owner is alleging that the zoning of the property a couple of years ago whereby the property was rezoned from R 7.5 to R 10 constitutes spot zoning. So what will happen is that we will answer the complaint, there will be discovery, and at some point in the future the Court will make a determination whether or not in fact it is spot zoning or whether or not in fact it was proper zoning of the property. The difference is, as you probably recall, when the zoning district was rezoned it increased the minimum lot size so it decreased the potential number of units on the property. He said he doesn't remember exactly off hand but by six or seven. Mr. Simon thanked him.

Since nobody else spoke, the public participation was closed.

VILLAGE CLERK:

A) Approval of Minutes of Village Board Meeting of December 14, 2006, January 8, 2007, March 5, 2007, June 11, 2007:

Village Clerk Virginia Menschner said this first item is for the approval of the minutes for December 14, 2006. Trustee Meehan asked if we could approve all these at one time. Attorney Rice said if the Board doesn't have any problems with any of them, he doesn't have a problem with that. Trustee Abato asked if everybody was at all of them. A motion approving the minutes of December 14, 2006, January 8, 2007, March 5, 2007 and June 11, 2007 was made by Trustee LaCorte, seconded by Trustee Haggerty. Upon vote, the motion was carried.

B) Resolution No. 15, 2007 - Rockland County Youth Bureau Recreation Matching Funds (\$2,651):

The Village Clerk said we have a resolution here that the Village of Suffern approves the submission of funding from the Rockland County Youth Bureau and intends to follow through with matching funds for such programs. Funds are for juvenile aid youth officer. That was the one that was supposed to be read by our Chief. That is for the police officer. She said we have one here for the

Recreation, which is the same, although theirs is \$2,651. She asked for a motion to approve both. Trustee Abato said we approved one already.

RESOLUTION NO. 15, 2007

RESOLVED, that the Village of Suffern approves the submission of funding from the Rockland County Youth Bureau and intends to follow through with the matching funds for such programs. It is understood that the funds in question are for the recreation purpose with the Village of Suffern (\$2651.00).

A motion approving the resolution was made by Trustee LaCorte, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

C) Resolution No. 16, 2007 - Authorize Mayor to Sign Grant for NYS Unified Court System - Justice Court Grant

The Village Clerk said she has another resolution and this is for a grant for the Court Clerk and it is to be submitted with the grant that Mr. Rella has already submitted to the State.

RESOLUTION NO. 16, 2007

I, Virginia Menschner, Village Clerk of the Village of Suffern, Rockland County, New York do hereby certify that the following resolution was adopted at a regular meeting of the Village Board, held on Monday, September 10, 2007, the following action was taken subject to the Village Board approval:

MOTION:

It is moved to AUTHORIZE Mayor John B. Keegan to prepare, sign and submit a grant application entitled "NYS Unified Court System Justice Court Assistance Program" (JCAP) and to be the official representative acting in connection with the application providing any additional information, if required and execution of the contract.

A motion approving Resolution No. 16, 2007 was made by Trustee Haggerty, seconded by Trustee Abato. Upon vote, the motion was carried.

D) Request Permission for Court Clerk to Attend Seminar in Tarrytown October 1 and 2, 2007 (Cost \$25 Registration Plus Mileage, Tolls and Lunch):

The Village Clerk said that Christine Andersen is asking for permission to go October 1 and 2 to Westchester for a seminar and the cost is \$25 plus her mileage. A motion approving the request was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

E) Return of Bids for Surplus Vehicles - Award Liberty Motors Inc.

The Village Clerk said as the Board knows, we advertised our surplus trucks and we did have a minimum on them. And we received one bid from one person where every bid was under \$1000 so she just put it aside. She said we have one bid from Liberty Motors for the 1999 Ford Crown Victoria \$1,701. The minimum bid was for \$1000. And for the 1999 Ford Crown Victoria, with a minimum bid of \$1000, and he bid \$1,701.99. And the 1998 Ford Crown Victoria, with a minimum bid of \$1000, he bid \$1,525.99. And the 1997 Ford. Our minimum bid was \$2,500 and he bid \$2,626.99. A motion to accept the bids by Liberty Motors was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.

F) Establish a Part Time Building Inspector:

The Village Clerk said this is to establish a position for a part-time building inspector. She said it has already been submitted to the County and they approved it. We now need approval from the Board to approve the position. A motion approving the position was made by Trustee Abato, seconded by Trustee Haggerty. Upon vote, the motion was carried. The Mayor said he just wanted to say that we are only establishing the position. We are not hiring at this time. We are not planning in the near future to fill this position. We would like to have the position on the books in the event that we do decide to hire our own part-time building inspector. At this time, we use Ramapo's.

G) Award Police Department Generator to Gentech Ltd. For \$27,500:

The Village Clerk this last item is to award the generator for the police department to Gentech Ltd. in the amount of \$27,500. A motion awarding the bid was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

FINANCE DEPARTMENT:

Treasurer Tom Zordan said that he was requesting permission to attend a GFOA Cash Management Workshop in Greenburgh, New York tomorrow. He said the cost is \$75 plus mileage and tolls. A motion authorizing the request was made by Trustee Abato, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

Mr. Zordan said that at this time he was requesting a budget amendment to increase the general fund debt service account by \$405,750. This is to pay off the BAN to purchase the Fire Pumper truck. The proceeds being used are from the recent long-term borrowings. A motion authorizing the request was made by Trustee Meehan, seconded by Trustee Abato.

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

NOES: None

ABSENT: None

Mr. Zordan said that the auditors have completed their preliminary audit work and they are scheduled to come back the week of October 15 to perform the remainder of the audit work. The bond sale was completed and the funds, \$3,450,000 were received on August 16 and the effective rate that we are paying is 4.06%, which is a very good rate. He said he has invested the monies already and we are getting between 4% and 5.33%. And the funds will be available as needed.

MAYOR:

A) Mr. Landscape Inc. (Powerwash Sidewalks):

The Mayor said we have a proposal from Mr. Landscape to clean all the sidewalks in town of the gum and any other refuse that is there on a one time basis at which time after this we expect all businesses and landlords to keep the sidewalks clean from gum or debris. He said that we in fact have a new law that was recently put on the books stating that they should do so. So we have a proposal for \$4800. This would include the entire main drag which would be Lafayette Avenue from the movie theater down to Orange

Avenue, both sides of the street, and Suffern Place. Trustee Meehan said not Chestnut Street? Trustee Abato said that Mr. Meehan wants to know if Chestnut Street is included. The Mayor said it is. Trustee Meehan said he thinks we need a budget amendment. Trustee LaCorte asked if we knew when he would be able to start this. Trustee Abato asked if we thought it would be better to do this in the Spring. The Mayor said he thinks we should get it done. This way we can enforce that law. Trustee Haggerty asked if the Chamber of Commerce understood that they will be ticketed if they do not maintain their sidewalks. The Mayor said they have all been given a copy of the law. Trustee Abato said it is the building owner, not the business. Trustee Haggerty said he doesn't care who it is. It shouldn't be the Village. Mr. Rossi said that he knows that he and the Code Enforcer have been going from business to business on Main Street, Lafayette Avenue, letting them know that it is their responsibility to keep their sidewalks clean of all debris, gum included, and they have been given a warning letting them know that we will be vigilant on that. The Mayor said that he believes the law reads the establishment and landlord. Trustee Abato asked Attorney Rice if it does. Attorney Rice said that he doesn't have it in front of him but the way he usually writes the law is that anybody involved in it would be subject to receiving a ticket. In other words the tenant who operates the store, the owner of the building or the person in charge. The Mayor said that just for informational purposes and he thinks Mr. Rossi went with John Loniewski and handed out flyers in both English and Spanish to the building owners. Mr. Rossi said they have given them to everyone down town. That way everyone is aware of it. The Mayor said he knows that they all got a copy of the law. So we first need a motion to amend the budget. Trustee Abato said we first have to approve the \$4800 first and then we can amend the budget. A motion to approve the \$4800 was made by Trustee Abato, seconded by Trustee Meehan.

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

NOES: None

ABSENT: None

Trustee Haggerty said he had one quick thing for Carl. He said he understands that we were able to borrow a garbage truck from Sanitation Equipment Corp for several days. Mr. Rossi said it was just for one day. They let us test out the new body. Trustee Haggerty said he thought it was for several days that he heard. Mr. Rossi said no, it was just for one day. Trustee Haggerty asked if we had one of ours break down and we continued to use theirs. Mr. Rossi said no, we didn't continue to use theirs. They just let us use it as a demonstration because they have a new body on the garbage trucks so they just wanted us to see the new bodies on the garbage trucks. Leach is the manufacturer of the garbage truck body. Trustee Haggerty said okay, he just thought if it was just

for loaning us when we needed it. Mr. Rossi said no, it was just for one day so that we could basically test the new compactor body that they have. Trustee Haggerty said that none of our trucks were out of commission. Mr. Rossi said that one garbage truck was out of commission for a couple of days and we have it back.

A motion to amend the budget subject to the approval of the Treasurer and the Treasurer to make the adjustment to the budget at his discretion was made by Trustee Meehan, seconded by Trustee LaCorte.

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

NOES: None

ABSENT: None

B) Resolution No. 20, 2007 - POW'R Against Tobacco:

The Mayor said he was walking downtown about a week ago and he happened to notice in the window of a store that there was a Steps to a Healthy New York poster - a nice big poster - and on it it said be tobacco free. And if you notice to the right, there is a Kool Filter advertisement in the same window. The Mayor said there is a program out and it is called POW'R and it is Putnam, Orange, Westchester and Rockland against tobacco. And basically what it is is another step in keeping tobacco ads away from our children. He said we adopted Young Lungs at Play a while back and now we have signs at every area of the Village - ballparks and what not - stating that there should be no smoking in that area. He said we want to go a step further and adopt a resolution basically stating the following:

RESOLUTION NO. 20, 2007

A COMMITMENT (NON-BINDING RESOLUTION) FOR PUBLIC HEALTH

WHEREAS, tobacco use kills over 25,000 New Yorkers every year, and is the leading preventable cause of death in our communities; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, each year tobacco companies spend \$15.4 billion to market cigarettes in the United States, including \$516 million in New York; and

WHEREAS, over 24,900 youths under age 18 in New York State become new daily smokers each year; and

WHEREAS, 3 out of 4 teenagers shop in convenience stores at least once per week; and

WHEREAS, tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure; and

WHEREAS, research shows that youth are more than twice as likely as adults to recall tobacco advertising; and

WHEREAS, outdoor and exterior-facing tobacco ads at retail stores are often seen by students walking to and from school; and

WHEREAS, retail stores are an integral and valuable part of our community.

NOW, THEREFORE, BE IT RESOLVED that the Suffern Village Board hereby partners with POW'R Against Tobacco in requesting that retailers reduce overall tobacco advertising in their place of business and eliminate tobacco advertising from areas likely to be seen by children, including exterior poles, walls, windows facing "out," interior wall space below five feet, near candy displays, and on counter tops; and

BE IT FURTHER RESOLVED that the Suffern Village Board encourages law enforcement agencies throughout to take appropriate measures to ensure all local, state and federal laws regarding all signage are observed.

A motion adopting Resolution No. 20, 2007 was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

The Mayor said there will be a meeting on September 20, 2007 at 10:30 a.m. at a place to be determined. This is a chloride meeting. He said as discussed earlier, we have some chloride in our wells and this meeting will be between the Department of Health, New York State Thruway and other entities to sit down and knock our heads together to figure out what we are going to do to keep the salt on the roads in the winter from going into our rivers and waterways. And basically the problem is that over the years since the Thruway was built from Harriman down to Suffern, there is a lot of salt being put on the highways and the runoff was going into the rivers which ultimately ends up in some of our wells. Now the only answer to that is that you can't filter it out, you can't put chemicals in. The only answer to cleaning that up is either to stop the salt from going into the rivers and the water supply or to blend that water with other fresh water to keep down the chloride content. He said it is not at a point right now where it is a health hazard. It is about 200 parts per million. At about 250 you may start noticing a taste in the water, however, the salt content is very minute at that point and from his understanding in talking to our engineers it is not a health hazard at that point. But just as global warming is a concern at this point, we are concerned with what is happening

with the salt in the water and he will be attending that meeting on September 20 and hopefully we will get some others with us to attend that meeting.

The Mayor said that he had a suggestion from some youngsters who were at our cleanup last year - the Great Rockland County Cleanup. And they did a great job, by the way, and their suggestion was why wait a year to do it. They would like to do it a couple of times a year. And he thinks that is a great suggestion. And he thinks that there is no reason why right here in Suffern we can't do that at least twice a year. He said he knows they came out with an awful lot of garbage and cigarette butts last year and it was a really good effort. So he is encouraging them to try to do this more than once a year.

The Mayor said we now have a boat dock in Lake Antrim. And as he said it is a boat dock. That is what it is to be used for. It is not to fish off. It is not to dive off and swim, which he wouldn't want to chance that since the water is two feet deep. But we do have regulations over there at the dock in both English and Spanish. We had some problems when we first put it in. Signs were being knocked down. People were using the dock for other things than it should have been used for. But it was purchased on a grant and it is a convenience for Suffern residents if you do own a boat. No gas powered boats. Anything electric motor or smaller you can launch it from that dock. Go out on the lake and go fishing or whatever.

The Mayor said that he just wants to remind everyone that Suffern Day is coming up September 29 and he thinks it is going to be a great year for Suffern Day for all the residents. This year we are going to have our traditional Suffern Day which ends at 3:00 p.m. and then at 6:00 p.m. we will have live music and then around 7:30 or dark we are going to have fireworks - both a ground display at the ballfield and an aerial display to follow. He said it should be a great day. We are all looking forward to that.

The Mayor asked if there was any old business. Trustee Haggerty said that he has a sheet here dealing with the recreation vehicle. The Mayor said that was taken off. Trustee Haggerty said yes, but it was on the old one. He asked why it was taken off. Was it all straightened out? Why was it taken off. The Mayor said that it was taken off because a different vehicle is being looked at by Gail. Trustee Haggerty said it is still in the works. The Mayor said yes.

A motion to adjourn the meeting at 9:10 p.m. was made by Trustee Abato, seconded by Trustee LaCorte. Upon vote, the motion was carried.