

**Village Board Meeting
September 7, 2011**

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

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

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

ABSENT: Mayor Dagan LaCorte

Deputy Mayor Simon said the Mayor wasn't feeling well so he will not be here tonight. He welcomed everybody to the meeting.

SET DATES FOR OCTOBER MEETINGS:

Deputy Mayor Simon said the October workshop will be held on Wednesday, September 28, 2011 at 7:00 p.m. and the Board meeting will be held the following Monday, October 3 at 7:30 p.m.

FIRE DEPARTMENT:

Chief Dan McInerney said that over the past ten days the Fire Department has answered over 80 calls which included pump outs, to actual fires to the smell of gas. They are still in the process of evaluating equipment that was damaged or lost during the calls. Chief McInerney said he had two items on the agenda. He requested permission for the members to take a truck to Haverstraw's truck dedication on Saturday, September 17. A motion approving the request was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried. Chief McInerney also requested permission for the Volunteer Hose Company to host a wing night on October 8. A motion approving the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

GRANT WRITER:

Mr. Fred Rella said that next week they have to put in a grant for the Justice Court for several items, including a new door which he spoke about last week - payment door, some air conditioning units and a few other miscellaneous items but in order to put in the grant there has to be a resolution that has to be signed by the Mayor and then the current justice and that resolution is before the Board tonight to be voted on so that the appropriate signatures can be applied to the grant and then also it can be submitted.

RESOLUTION NO. 8, 2011

BE IT RESOLVED, that Dagan LaCorte, Mayor of the Village of Suffern, and the Honorable Richard Ackerson, Village of Suffern Justice, are hereby authorized to approve and sign the 2011 Justice Court Assistance Program (JCAP) Grant Application. Furthermore, Mr.

Fred Rella, Village of Suffern Grant Writer and/or Ms. Christine Andersen, Village of Suffern Justice Court Clerk, are authorized to prepare and submit said application.

A motion authorizing Resolution No. 8 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

Mr. Rella said the Community Development Block Grant, which is the program with the facades - every year a committee called the Citizen Advisory Committee has to come forward with ideas and then present them to the grant writer and the Village Board to move forward. And that is where the façade program bubbled up from. And there is a list in front of them for members for next year for the Citizen Advisory Committee to move forward with the Community Development Block Grant for next year. And that has to be submitted to Joe Abate, who is the head of the Office of Community Development in Rockland County by September 20. He said if there were any questions about that list - and just to give them an idea of who is on it - Bob Apple, John Paul Molfeta, Dorothy McClintock, Heather Ford, Charlie Rogers and then there are two committee advisors - himself and Charles Sawicki, who is head of the DPW.

Carrine Kaufer said that she prepared a memo which they have in front of them. She gave copies to Virginia to give to everybody. Just doing a brief status overview of the program and outlining them moving forward with the bid documents and specifications. At the end of July they finalized the design details for all five properties. Michael Shilale Architects submitted the complete design package to ship to the State Historic Preservation office and they actually got back to us pretty quickly - within three weeks we had an approval for them with no changes and modifications being required, which was great news. So she met with Michael last week and they went over details for the bid documents with him and he is in the process of finalizing those. And what they are going to do is because they need to be within that \$50,000 range under the program and any additional cost will be the responsibility of the property owner, they are breaking out the bid to have some additional items which are not necessarily required but would be nice to have and that way if they are too expensive or the property owner chooses that they can't afford to pay for them we can take them off without compromise or having to change the scope of work. So they are going to do that. The memo outlines what items they are - signage, lighting, some of the extras. And he should have everything ready within the next two weeks so if the Board can give her an authorization tonight, once everything is approved and okayed between her and him and the Mayor they will go ahead and do the public notice for the bid and have the bids back by October 31 which then at the November Board meeting they can award a contract and move forward with construction. Hopefully, they will be able to get the smaller contracts going and finished before the horrible winter starts and then finish the bigger projects in the spring. That is kind of where they are going to be at. Depending on what the winter is like. If they can work later through the winter then we will get more done. It will depend on weather conditions and the degree of work that has to be done on

each project.

Deputy Mayor Simon asked Attorney Rice if there was anything he wanted to say about this bidding process. Attorney Rice said it is going to be the standard bidding process - the lowest responsible bidder. Obviously there are other provisions that are required because it is a community development funding project such as prevailing wages and so forth. That is fine. He will review the bid documents and make sure that they have everything that he wants for our protection and we want it out for at least thirty days so if the architect gets it to us in the next week to ten days then we can probably comply with that date. The Village Clerk asked if they had a date. Attorney Rice said October 31. Deputy Mayor Simon said return for October 31? Carrine said yes, return for October 31 and that way in November we can award a contract to the lowest bidding contractor. She said she did get a list of potential contractors that we can notify of the upcoming bid. Contractors that worked on the Haverstraw project and the Spring Valley project so they are familiar with the grant and they are familiar with façade program works. We want to make sure that we have a contractor that is capable of working under the grant guidelines and meeting the work requirements. And it will be open to anybody but that way we can kind of ensure that we have at least a few that are aware of it. Deputy Mayor Simon asked her if she was confident in the process. Carrine said yes and she thinks that we can move along. Michael is ready to go. The bids were close to being ready. He just wants to finalize details and get the specs together. Attorney Rice asked Carrine to ask Michael to give him a buzz because there are a couple of things in the bid documents the way he likes to do it that Michael may not be aware of. Carrine said no problem. She will do that. A motion authorizing the request to go out to bid was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

7:15 P.M. - PUBLIC HEARING - NOISE ORDINANCE:

Attorney Terry Rice said that, very briefly, we have a chapter in the Village code that defines the various provisions in the Village code that the code enforcement officers are authorized to enforce and to issue appearance tickets. This is adding the chapter on noise to the powers that they have - the ability to issue appearance tickets and to enforce.

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

VILLAGE OF SUFFERN, NEW YORK
LOCAL LAW NO. 14 OF 2011

A LOCAL LAW AMENDING CHAPTER 105
OF THE CODE OF THE VILLAGE OF SUFFERN
AUTHORIZING THE CODE ENFORCEMENT OFFICER
TO ENFORCE THE PROVISIONS OF CHAPTER 175 "NOISE"

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

Section 1. Section 105-2 of the Code of the Village of Suffern is hereby amended by adding thereto a new subsection "O" to provide as follows:

O. Chapter 175, Noise

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

A motion to adopt Local Law No. 14, 2011 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

CULTURE AND RECREATION:

Mrs. Gail Curtin said that she would like first to offer public congratulations to Christopher Abato, the director of this year's Clifford Theater workshop and to Jillian, our assistant director, along with our musical director, Kim, and the introduction this year of our own little orchestra, consisting of Roger Guccione on trumpet and Samantha Sullinger on drums. The thirty plus pre-teens and teenagers were once again provided the gift of theater by the Village's continued support of this program. "Anything Goes" was the best yet.

Mrs. Curtin said tomorrow is the Village sponsored senior citizen picnic, Mahwah Elks Lodge, 11:30 to 3:00 p.m. Sunday, September 11, as you know through e-mails that were sent to them last evening, due to the damage at the Donna Hallett park, we are bringing our 9/11 remembrance ceremony to Village hall, outside at the beam. Everything else remains the same. Again, September 11, Sunday evening, candlelight ceremony, 7 o'clock.

On Saturday, September 24, they are scheduled to have Suffern Day and fireworks. Sunday, September 25, the girl scouts will have a garage sale here at Village hall outside on the green. And Tuesday, October 18, the Lions Club Blood Drive will be held at the community center.

Mrs. Curtin said as she sees, she skipped over old business. She said that on Monday, August 8, they had a children's concert. Thursday, August 25, a senior movie afternoon. Due to damage, the pool closed for the season one week early. Speaking of the pool, she thanks those who responded to the memorandum that she prepared for the Mayor's signature on August 17 asking them for permission to hire a few more lifeguards to get us through the proposed season. She got three responses, and that was enough, by the way thank you for those responses. But she understands that they need to hire those people officially tonight. Only two of the three actually worked. So she is asking tonight for their official hiring of

Benjamin Davis and Kayla Simpson, each at the hourly rate of \$8.50. A motion approving the hiring was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

Mrs. Curtin said the Suffern Midget Mountie bonfire and parade has been canceled due to flooded fields. No rescheduled date yet. And the Suffern Fire Department pool drill has also been canceled due to the damage at the pool.

Deputy Mayor Simon thanked her and said excellent job, as always.

7:25 P.M. - PUBLIC HEARING - REDUCING THE SPEED LIMIT ON MAPLEWOOD BOULEVARD - 25 M.P.H.

7:25 P.M. - PUBLIC HEARING - REDUCING THE SPEED LIMIT ON OAKDALE MANOR - 25 M.P.H.:

Deputy Mayor Simon said we will now have the public hearing on reducing the speed limit on Maplewood Boulevard to 25 m.p.h. and also the speed limit reduction on Oakdale Manor, both to 25 m.p.h.

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

VILLAGE OF SUFFERN, NEW YORK
LOCAL LAW NO. 15 OF 2011

A LOCAL LAW AMENDING SECTION 254-52 OF THE
CODE OF THE VILLAGE OF SUFFERN,
"SPEED LIMITS," ESTABLISHING A MAXIMUM SPEED LIMIT OF
25 MILES PER HOUR FOR MAPLEWOOD BOULEVARD AND OAKDALE MANOR

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

Section 1. Section 254-52, "Schedule II: Speed Limits," of the Code of the Village of Suffern, is hereby amended by adding after

[Name of Street]	[Speed Limit (mph)]	[Location]
Maplewood Boulevard	15	20 feet east of Beechwood Road

the following:

Maplewood Boulevard	25	Entire length (except where 15 mph applicable)
Oakdale Manor	25	Entire length

Section 2. This Local Law shall become effective

immediately upon filing with the Secretary of State.

A motion to approve Local Law No. 15 was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

POLICE DEPARTMENT:

Chief Clarke Osborn said that he just had one thing for the agenda. He said the Village Board is aware, and he spoke to them about it, a court officer position. Currently the way it is set up, a police officer handles our court duties. Obviously, due to the manpower situation and also a financial situation, it costs a lot more for a police officer to be in court than it would for a part-time court constable. He said he has spoken to the Board members and to Attorney Rice about it and what he is going to ask for tonight is for the Board to establish a court constable. Not a Village constable, but a court constable whose primary duties, and only duties, will be to handle the court such as goes on for criminal, vehicle and traffic. What we have to do tonight is establish a PO 27, which is a form that has to be turned into the Department of Personnel. The position is already set, the parameters for it. We would have to establish it and obviously at a future date hire somebody. So that is all he is asking the Village Board to do tonight. He thinks it is long overdue. He said he thinks that we are, if not, the only one, the only department, that still provides officers to the court. So it is time and he appreciates the cooperation on this. A motion to establish the position was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

7:30 P.M. - DONNA MARIA MEXICAN BISTRO - LIVE ENTERTAINMENT PERMIT RENEWAL:

John Belock said he was representing Donna Maria and they are applying for a renewal of the live entertainment permit until the first Village Board meeting in January. Deputy Mayor Simon said that as this is a public hearing, he feels that it would only be honest and fair to open it up to everybody on the floor, as we have done with everybody else.

Attorney Rice said that before we do that, as with all the live entertainment permits, he wants the parameters clear. He said we have an application here but there is no verbiage as far as exactly what is being requested. He asked if maybe they could tell us exactly the days, hours, type of music. Mr. Belock said yes, it is going to be Hispanic music, it is going to be for Friday's and Saturday's until 1:00 a.m., and on two weeks written notice that a private party any other day of the week except for Sunday until 11:00 p.m. as they have in the current permit. Deputy Mayor Simon said you are just asking to extend the current permit. Mr. Belock said to extend it to January because he believes the Planning Board is now going to do all the live entertainment permits in January for the year. Deputy Mayor Simon said as the permit currently stands. Mr. Belock said yes, and of course, the Mayor has the authority to cancel the permit if it is violated. Attorney Rice said we have the

other parameter too, no more than 90 decibels at the property line. Attorney Rice asked when he said Hispanic music, does that mean electric guitars? Mr. Belock said we are talking more like DJ's, maybe a mariachi band, that kind of thing. Deputy Mayor Simon asked if in the language that currently exists is there a limit to the number of musicians. Mr. Belock said he believes they had four as a limit. Deputy Mayor Simon said he believes it is as well but he just wanted to make sure. Mr. Belock said he believes it is four.

Jim Giannettino of 2 Memorial Drive said he is going to ask the same questions that he asks just about for every other permit. Is the owner of the business present? Mr. Belock said he had an emergency with his daughter. Mr. Giannettino said okay. So he can deny that he knows anything about this and say the information was never relayed to him again. The new manager that he hires next week will tell you that he never knew what the regulations were. And we are back where we started. Attorney Rice said that he would like to say one thing to address that. He said that what we do is that on everyone of these, he dictates a letter for Virginia's signature that goes to the applicant that tells them exactly what the parameters of the permit are so that they will be aware of it. Mr. Giannettino said that he will say he never got the letter. Attorney Rice said that is their problem. If it is mailed legally. Mr. Giannettino said that we have heard this from this establishment at least three times already. I didn't know. My manager didn't know. My employees didn't know. And they have had incidents - not so bad incidents. They have had people running in and out drunk. Mr. Giannettino said if he owned the business and this was so important to me to keep my business running, I would ask that you would postpone this so that I could appear next month and be sure that I know what is expected of me. And he would still like to hear from the Chief, Clarke Osborn. Attorney Rice said yes, he is going to be up. Deputy Mayor Simon said he was about to ask the Chief.

Chief Osborn said that obviously it is no mystery to the Board or anybody that has been here for the past several years that we have definitely had incidents there. As John knows. He has spoken to him and he knows. The owner is aware of it. He has spoken to the management there himself. Personally, in town, lately in the last several months we really haven't had much - any incidents to be honest with them at this point. However, he does agree with the fact that he thinks it is in all the music permits that the Village Board and the Mayor has the right to rescind it. Is he correct? Attorney Rice said yes, what the Village Board puts in every permit is that they have the right to revoke it upon an opportunity to be heard and the Mayor in the interim can suspend the permit until there is a hearing held.

Trustee Abato asked if she could make a suggestion. She said that she knows that we send them a letter with parameters. Is there any way that we can have it that they have to sign a copy of that and their permit is not valid until it is returned to the Village Clerk's office and we keep it on file. Attorney Rice said sure, as long as you make it a condition of the approval. Trustee Abato said she thinks that is something that we should add to it. This way

there is no question. Attorney Rice said fine. Deputy Mayor Simon said to Mr. Belock that he doesn't suppose that the owner would have a problem with that. Mr. Belock said that would be fine. Trustee Abato said she thinks, not just with his, but we should do it with all of our live entertainment permits. Attorney Rice said of course to be consistent whenever we do a permit. Trustee Abato said yes. This way they can't say they didn't know. She agrees - mail, whatever, things can happen. This way we know that they have gotten it and they know that their permit is not valid until they sign it and return it to the clerk's office. Trustee Abato asked if that sounded reasonable.

Chief Osborn said just so they know. What they did the last time when there was an incident where prior to it being revoked he had the owner come in, the past owner, into his office. It was the owner and the manager. And he spoke to them personally with another supervisor present and explained if these incidents continue he is going to recommend that it is revoked. So when it was revoked, they knew it was coming because he had already explained that. And he knows John and he is sure he will talk to the owner again and hopefully there will be no incidents.

Deputy Mayor Simon said that for full disclosure, while the Chief has just made his recommendation, he also had a conversation with our code enforcer, Randy Ortiz, this afternoon who also said, as the Chief said, there are no current issues or no outstanding problems so as far as he was concerned this was a clean bill of health.

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

A motion to extend the live entertainment permit for Donna Maria Mexican Bistro for DJ's and mariachi band with a maximum of four musicians Friday and Saturday until 1:00 a.m., private parties upon two weeks notice and only until 11:00 p.m., and that is only once a week, and not on Sunday's and the Village Board reserves the right to revoke the permit upon an opportunity to be heard as a result of violation of the terms of the special permit or any disturbances caused as a result of the operation of the premises and the Mayor is authorized to suspend the permit pending a hearing on the revocation. The noise shall not exceed 90 decibels at the property line. The permit is valid only until December 31, 2011. The permit is not effective until a copy of the letter advising the applicant of terms of the permit is signed and acknowledged by the applicant and owner and returned to the Village Clerk was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Deputy Mayor Bruce Simon
Trustee Patricia Abato said that she had to be honest. She was actually prepared to vote against this but given that the Chief has given a favorable report on the fact that it seems as though they are working with the Chief in trying to work out these problems and there have been no incidents and Mr. Ortiz also agrees with that, and

this is just until January 1, she thinks this is a good time for us to give them a chance to keep on the right track and keep going the way they are going and she hopes that that is going to be the case and she is not going to have put her foot in her mouth. She really does hope that they mean what they say and that they are cleaning it up and that it goes well for them. That is truly what we want. We don't want to impede their business in any way but we really want to keep our Village safe and not to have any problems there. Mr. Belock said that fortunately the owner is slowly turning this into more of a family type establishment. Trustee Abato said that is good to hear and she hopes that is the direction that it is taking and being that it is just until January she will vote yes, for now.
Trustee John Meehan

NOES: Trustee Jo Meegan-Corrigan

ABSENT: Mayor Dagan LaCorte

Mr. Belock asked the Village Clerk when the letter will be ready. The Village Clerk said by Friday. She said they should all know that they have to put another application in November for the following year. So that it is on the agenda for December.

AUDIENCE PARTICIPATION:

Jim Giannettino of 2 Memorial Drive said his first question is that he found out that there is a meeting tomorrow at 6:30 at the community center for anybody that was affected by the flood. Will they be able to have audience participation at that meeting? Trustee Meegan-Corrigan said for questions? What kind of audience participation. Mr. Giannettino said if they want to get up and ask questions and make statements. Deputy Mayor Simon said he believes so. Trustee Abato said it is not going to be a meeting like this. It is going to be more to help the residents with any information or paperwork that they have or any help or assistance that they may need in phone numbers or getting any assistance. She said she thinks it is more of a neighborly kind of a meeting rather than - Mr. Giannettino said then he guesses he wouldn't be able to make a statement. Trustee Abato said that she doesn't think that is what they are there for. Mr. Giannettino said okay. He will make it tonight, that's all. Trustee Meegan-Corrigan said there will be time for people to ask questions if they have a concern - absolutely. Trustee Abato said right. Trustee Meegan-Corrigan said we need to know what people need. Absolutely. That is why we are having the meeting. Mr. Giannettino said then okay he will just do it. He would liked to have had the Mayor hear the questions but he guesses he can read them when the minutes are typed.

Mr. Giannettino said he does have a question for Fred Rella. You are putting in for a grant for the justice court. Do you think it would be advisable to put in for a metal detector? Mr. Rella said we already have wands that you can wand somebody who comes in at a

certain point of time. Then there is the other type of metal detector which is a walk through one. In order to apply for those, you have to have a dedicated officer to the court in order to do that. So therefore we cannot apply for it. Also they are very high maintenance costs annually - around \$1000 annually just to tweak them as far as sensitivity and the like. So right now at this point of time we just use the wand when necessary.

Mr. Giannettino said he had one more. He said that Mr. Rella spoke of the community development committee. He asked if he could tell him what category the people that have been on this committee fit into because there is a strict category that you are supposed to appoint people for. Mr. Rella said that first of all, to be a member of the committee, you have to be a resident of the Village. Then there are other categories such as being, they don't say senior citizen, they say being elderly, whether or not you are a business owner, whether or not you are a member of a civic group. To give an example, everyone of the people on the list own property except for one, which is a renter, which is allowed. We have the vice-president of the Chamber of Commerce, John Paul Molfeta, we have the secretary of the Chamber of Commerce, Heather Ford, and we have Dot McClintock who has been a lifelong resident of the Village and has served on everything from, as you know, Zoning Board and the like and he feels it appropriately represents the community. Mr. Giannettino said the only reason he asks is that in years past, we have had people that just own the property and didn't reside in the Village but he sees that has been straightened out.

Mr. Giannettino said he is going to read something because it is better if he reads it. He won't get caught up in the emotion and the trials and tribulations of the past week. First of all, he would like to thank all the firefighters for all the time they gave to help our neighbors in Squires Gate and they worked tirelessly. He would also like to thank all the other volunteers, friends and neighbors, who gave of their time to help. Also, the police officers, DPW and Village employees. It seems that this emergency in Squires Gate was handled well in large part because of all those mentioned above and, of course, Chief Clarke Osborn, Chief Dan McInerney, Joel Kanasaky, and Mike Stark, who coordinated the operations at the scene. The only problem he has, and he is sure some of his neighbors have, is that absolutely no resources were sent to the Lake Antrim section, which also flooded. While not as many homes were directly affected, homes were flooded on Memorial Drive and Utopian Avenue. Where were our representatives to ensure that they got the help that they so desperately needed. Like Squires Gate, many of them lost everything in their basements and family rooms and now have to remove mold and all their possessions and also strip their walls, take down their rugs and ceilings and even anything that would grow mold. And then they have to hire someone to come in and clean it, just as the people in Squires Gate do. No different. Just less people. There were no resources sent to pump out until he did speak to Chief Clarke Osborn a few days later. But he told the Chief that he doubted that they could pump it out because he had removed most of it himself. But he did send a crew of firemen over and unfortunately he was right. They could not do

it. While we all agree that Squires Gate needed help, so did the residents in the lake section. They were trapped. Either by water, falling trees, or down power lines. On Saturday, September 3, at about 8:00 a.m., they saw their first piece of DPW equipment - a street sweeper. It went up and down the neighborhood a couple of times and left. Large tree limbs and branches and bags and bags of debris which they, the residents, cleaned from their yards and driveways, remained until Tuesday morning, September 6. But the trees and limbs still remain as of today. And he personally has about a twelve foot log that washed down from somewhere in Montebello sitting across his retaining wall and driveway which, if he was strong enough he would have moved, but he is not going to move it so he hopes that someone comes and gets it. While he commends the volunteers and employees, the Mayor and Trustees did not look out for them in the lake section. He didn't see anyone except for Bruce and that was on Sunday, August 28, in his van on Wayne Avenue at 7:00 p.m. When he could not drive through the water on Wayne Avenue, he turned around and he assumes he went home. Once Mr. Giannettino was able, he went to Squires Gate and tried to help his friends and neighbors. He said he saw Jo Corrigan there, at least a few times. He saw Dagan there once, but he is sure he was there more. And he was told that Bruce and Jack Meehan were there, although he didn't see them. He just doesn't understand how his neighborhood was totally left out of this emergency operation. As for the notices that were supposed to be delivered to the lake section before the hurricane hit, he never received one and others also did not receive the notice. It is obvious to him, and he is sure to others, that this Village Board considered their neighborhood too small to matter. You didn't listen to us about 166 Wayne and you have ignored us on this emergency.

Mel Berkowitz of 52 Milford Lane said that with all the good things that were done by the Village, and there were a lot of good things done, there is always something that perhaps wasn't done and it is best we perhaps talk about it or at least bring it up so that it doesn't happen again and again. Two of the things that he has noticed - the area on the way to Irelands and he didn't know the owner of Irelands was going to be here tonight. They had a Lions Club meeting last night as an example and they had a number of members that couldn't get through that underpass. It has been underwater so many times since he has lived here. And also when we have the opportunity to look at that and see where the water is going. And there are people that couldn't pass through on the last two storms and storms last year and the year before and the year before that. That would hurt our business and Irelands and he doesn't want to see anyone hurt so he thinks it is something to look at.

The next question is for Mr. Rella. He said he recognizes the fact that you pick your people or someone helps pick your people, whatever the case may be. But he is going to make an interesting comment and observation right now. And he hopes he will understand where it is coming from. And he is glad the committee members on his committee do not get paid. For instance, we have a Planning Board member who has missed almost 50% of the meetings since he has been

on the Planning Board. And of course he goes away some where wherever he does and there is no point in mentioning his name. He is on record. So he hopes when he has a meeting he as one of the members can be present and attend your meetings. So look at the membership list again and see where it is coming from. He hopes he can attend. With that said the next comment is for Mr. Simon, if you don't mind. He said he knows he started a dog committee many, many months ago and he recalls there was one meeting in the middle of the day - one o'clock in the afternoon. However, once again, we still have similar problems. We still have dogs wandering around without leashes. We still have dogs doing things where they shouldn't be doing. With that said, he thinks we should look at the parks and find out why we don't have plastic bags in the various areas where they should be. Leo Lydon - obviously there hasn't been plastic bags there in seven or eight months. And his comment from somebody in the Village was that some of the employees say we don't have the money for it. Last month he remembers talking about the fact that we were able to get \$64,000 to buy a piece of property but he thinks we should have money for the bags as well as buying someone's property that he is not using properly. That is another issue - separate issue. So with that said he hopes we take all of these things into consideration and start to look ahead to solve these problems.

Deputy Mayor Simon asked Mr. Sawicki and Mrs. Curtin to address the two main points that he brought up. Mrs. Curtin asked what was she addressing. Deputy Mayor Simon said his comment about the bags. Mrs. Curtin said she knows nothing about the bags. It doesn't come under her. She has no idea. That would be the Department of Public Works. Deputy Mayor Simon said okay. It was a park question. That is why he was asking.

Deputy Mayor Simon asked Mr. Sawicki if he would address the flooding underneath the Thruway. Mr. Sawicki said that he and Clarke have, for months now, made contact with the Thruway Authority and NYS DOT and what it is is that on the overpass there are scuffers that collect the rainwater and they are not effective. They are broken. They are aware of it. They have started some work on it. It is a very slow process. The DOT, along with the fact that the Thruway Authority is working on those scuffers, the DOT has committed to making some modifications to the drainage system at the roadway level. He asked Chief Osborn if he had an update on that. Chief Osborn said that we have been going back and forth with them and he spoke to the DOT again late last week and explained to them that this is unacceptable. They were supposed to put new drainage underneath and make a larger pipe. They were supposed to do it the week of, he believes, August 1 and they didn't do it. He said he doesn't know what the problem is. He said he has a supervisor who said that they have committed and it is going to be done. And Charles is right. At the last storm, he took pictures of the water coming off the Thruway and got them to the State Thruway Authority. It is definitely slower than we would like, Mel, and we have been all over it. It is cutting off our access to certain parts of the Village as well. So that is where we are.

Deputy Mayor Simon asked Mr. Withers if he would like to address

this. Pat Withers of 32 Orange Avenue and the owner of Irelands 32 with a private residence at 11 Foxwood Avenue said he is here not in his official capacity as a town council person but he is glad that Mr. Berkowitz brought it up. It seems like even every little rainstorm there, his business and Fran Rock are the only ones actually being affected by this. And this little rainstorm here now, they have the cones out and were being diverted around. During the last storm, this hurricane and the storms prior to that the DPW is coming and has ordered the Chief of Police to protect people's public safety so they have to close that area. The only one getting through there is him. None of his customers are getting in there and it is really starting to affect his small business. He has been in business here for 22 years and they are starting their 23rd year in October and he needs the Village officials maybe to step up and put the pressure on State officials to kind of get this rectified. It seems like it is getting worse and worse. And the flooding is actually backing into his business where when he was assisting at Squires Gate he had eight feet of water in his own private business. So he really needs a hand. Maybe they can put the pressure on the State officials to get that back up and get it working. Because not only now but he is coming into his busy season and not only that is what is going to happen is that they are going to block that road off for a period of time to work on that. And that is going to affect his lunch and his dinner crowds and in this economy he can't really take a chance on affecting any more. So if they can maybe pass the message on or through the engineer to the DOT to maybe put a little pressure on them. He would appreciate it because during that whole storm he was the only one affected really under that. Even with no lights there were still things they could do to operate the business and he wasn't able to. So if we can maybe address that. He appreciates Mr. Berkowitz addressing that. And he does appreciate that. And he is here as the owner of Irelands 32 to address it and he appreciates it. And on one note he heard a resident make a comment. He said he saw Bruce there every day. And he saw all the other elected officials there. He saw Mr. Meehan there. And he appreciates all the assistance. They did work hand in hand. And it was a good cooperative effort and it was a pleasure working with all of them and hopefully we don't have to do it in the near future.

Scott Brown of 19 Oak Terrace and also the Village of Suffern CSEA unit president said just to clarify some facts of Mr. Giannettino. On Thursday, September 1, there was a massive amount of trash picked up at the lake section. During the storm there were trees and branches removed from the street that they could get to. Saturday morning it took about three and a half hours to sweep the street. The reason they waited until Saturday morning was because they had to wait for the water to go down and the debris off the street. As far as the rest of the big bulk pick up on Tuesday morning it was actually done on Saturday afternoon. He said he personally did it. He was with three other DPW workers up there, two pieces of equipment a loader and a garbage truck and they packed a twenty-five yard packer with the debris that was at the lake on Saturday afternoon. So the residents of the lake section were never out of their minds. They were never not thought about and as soon as they could get there they picked it up.

Jean Pryor of 7 Spicer Road said that she is in Squires Gate. First of all, she did see Bruce there. She said she wants to publicly commend all of the DPW workers, firemen and policemen who worked tirelessly to assist all of them in Squires Gate. Everyone of her neighbors that she has talked to have the same commendation for these people and she hopes it will be entered in the minutes. Deputy Mayor Simon said now it is official. Yes it has. Ms. Pryor said she also hopes that the Village, through the meeting tomorrow, and in the future, will work with them to ameliorate the problem that they have, that the lake district has, due to the river. We have been working on this for over forty years. Every time - she has been flooded four times. This is the worst. And every time the Corps of Engineers comes up with a plan it gets shot down for one reason or another. Either because Mahwah won't go along with it or they change administrations or the people won't go along with it. She said she thinks the problem has to be resolved once and for all. They cannot go through this. The houses - her house is worth nothing at the moment. Maybe it will be. And she wasn't the worst hit either. So she hopes they will commend the people and she also wishes to commend the Salvation Army who came in and helped all of them. She said she doesn't know about the lake district but they certainly were there to help their people. And she thanks them very much.

Deputy Mayor Simon thanked her for coming up. And he also wants to say, and he didn't plan on this being the Bruce appreciation society tonight, but a lot of people spent a lot of time down there. And he is not going to single anybody out. He will just say a lot of people. And to a person, and he thinks he can speak for everybody here on the Board, we know that this can't go on. We know that this problem has to be solved. The issue is going to be what the right answer is and when he and Mrs. Pryor were talking about this Saturday it would be easy to wave a magic wand. There isn't one. There is no one size fits all answer for everyone in that neighborhood. But we are all committed to finding a workable solution to it. That is his word to her.

Jeff Droutman of Orange Avenue said that like everyone else he wanted to thank everybody. They did a terrific job - the fire department, the police department, DPW and he thinks they had some help from the Army and all that. Everyone did an amazing job. He said they tried to help people as well. Help people with generators and pumps and whatever you can do to help people. We all chip in as a community. He said he keeps getting harassed for such nonsense at his lot. They put an extra car there. They go to court. They park their car outside their driveway a little bit for two minutes to go to the bathroom and they get an appearance ticket. He said he parked his truck outside his lot and there were plenty of trucks outside there. He said he received a ticket from the code enforcer for parking his truck there. There were like five other trucks there. And we keep getting a ticket. The harassment has to stop. They are out there trying to help people. It is a state of emergency and you are going to get a ticket for parking on the side of the street where he thinks you are allowed to begin with. He said the code enforcement should be helping people instead of giving people tickets at a time of emergency. Enough is enough. Deputy Mayor Simon

said he will say that not being familiar with his particular situation, he is going to ask that nobody use the word harassment because that is a fairly serious charge. Not knowing the cause, not knowing why the tickets were issued. He will try to find out and he will get back to him.

Ellen Killelea said she appreciates his words to that lady. She said she is sorry that she didn't catch her name. Deputy Mayor Simon said Mrs. Pryor. Mrs. Killelea said yes, she really appreciates those words. And she encourages him and the rest of the Village Board to reconsider their vote of January 3, 2011 to change the zoning at 166 Wayne Avenue from R-15 to MR-15. This zone change was disapproved by the Rockland Planning Board and the Village of Montebello. In the last weeks, we have seen what happens when building - it's the result of negligent planning on the part of Suffern's Board of Trustees. The residents of Squires Gate today are left to deal with the devastation of living in an area of Suffern that should never have been developed as it was. In the late 60's the Rockland Planning Board did not approve of the building of this development and the super-majority of the Village Board voted to go ahead with the plan anyway. Countless times, as Mrs. Pryor mentioned, the area has flooded and Irene has brought the worst. Regrettably, the waters of the Mahwah River were joined by the runoff from the Ryan Mansion property racing down Montebello Road, overflowing the banks of the river and the lake and taking this huge volume of water to Squires Gate whose banks were already overflowing. 166 Wayne Avenue is a slice of land that was 500 feet from Lake Antrim on August 28. After heavy rainfall with only two structures presently on the property its front yard has a lake of its own. It is not a level piece of property but is rather an incline making less than the three acres available for building. It is proposed that the three acre site of 166 Wayne Avenue becomes home to 24 townhomes. What is the footprint of the development of this size and how much area for percolation will be eliminated when it is completed. The developer has said that the units will each be about 2000 square feet. That means each unit will carve more than 600 square feet from the property. 24 units translate to about an acre that will no longer perk, not including walkways and driveways. Imagine the lake in front of this property if one acre of percolation out of the three that are there now can no longer absorb water. Where will the increased runoff go. It will run into the catch basins, then overflow into homes and apartment basements and then flood that 500 feet of Route 202 to increase the water of Lake Antrim which will then continue its path to Squires Gate. How will that influence the underwriters of the flood insurance of their neighbors downstream if the Village zoning knowingly contributes to flooding. On August 27 and 28 her neighborhood was unreachable by emergency services. They were stranded had there been a fire or medical emergency. The town homes at 166 Wayne will be part of her neighborhood. She asked if the Board was prepared to jeopardize the lives of 24 additional families. On May 2 the Village Board voted to hire an attorney, at taxpayer expense, to investigate action against the Village of Mahwah which is planning on building a commercial center. In the Mayor's letter to the Mahwah council, he sites the increased impervious surfaces as well as the need for Route 202 as an

emergency route as two reasons why Mahwah should reevaluate this proposal for this site. Hmm. The very words the residents of Suffern said to you about 166 Wayne Avenue on January 3. With the increase of impervious surfaces at 166 Wayne Avenue as well as the documented flooding on Route 202, she is sure if the Village Board questions the Village of Mahwah, they will surely understand the residents of Suffern questioning the actions of our own Village Board with regard to 166 Wayne. She said she hopes they will reexamine the zoning on this property.

Jean Hennelly of 135 Wayne Avenue said that she has to say that each and every word of what Mrs. Killelea said is superb and accurate and she knows of at least 20 other people in her neighborhood who would say the same thing. This has to be reevaluated and it will be on your head. Right now in the paper they are talking about folks 40 years ago who were in your seats who made a bad decision and they will be talking about you guys too if you don't change your mind.

DEPARTMENT OF PUBLIC WORKS:

A) REQUESTING AUTHORIZATION TO RESCHEDULE THE PUBLIC HEARING TO MODIFY RIGHT OF WAY DISTURBANCE PERMITS:

Mr. Charles Sawicki asked for authorization to reschedule the public hearing to modify the right of way disturbance permits for the October Board meeting at 7:40 p.m. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

B) REQUESTING AUTHORIZATION TO HIRE TWO LABORERS FOR THE DPW STREET DEPARTMENT:

Mr. Sawicki said the DPW currently has two vacant labor positions. He asked for authorization to hire two laborers for the DPW Street Department - Mr. Brandon D. Cronk of the Village of Suffern and Mr. Jason G. Mulder of the Village of Sloatsburg. This would become effective Monday, September 12, 2011. Deputy Mayor Simon asked what the rate of pay for the gentlemen is. Mr. Sawicki said the rate of pay would be \$15.11 per hour based on the union agreement. The Village Clerk asked when he wanted them to start. Mr. Sawicki said Monday, September 12. Trustee Meehan said that at the beginning of the summer we hired some temporary workers. Were these the two guys? Mr. Sawicki said yes, these are the temporary workers that we hired in the beginning of the summer and they actually worked out very, very well. Trustee Meehan said good. Mr. Sawicki said we would like to be able to hire them permanently. A motion authorizing the hiring was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: Mayor Dagan LaCorte

C) REQUESTING AUTHORIZATION TO ASSIGN MR. JOHN M. CONKLIN TO THE POSITION OF ASSISTANT OPERATOR:

Mr. Sawicki asked for authorization to assign Mr. John M. Conklin to the position of assistant operator grade 2B at the water treatment plant. This promotion to grade 17 would be effective tomorrow, Thursday, September 8, 2011. Trustee Abato asked what the new rate of pay would be. Mr. Sawicki said the new rate of pay would \$32.37 per hour. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: Mayor Dagan LaCorte

D) REQUESTING AUTHORIZATION TO PURCHASE A NASAL RANGER FIELD OLFACTOMETER:

Mr. Sawicki asked for authorization to purchase a nasal ranger field olfactometer at the cost of \$2,191. The wastewater treatment plant capital project will fund the device. This is a relatively new technology. Fortunately, our new 4A operator is trained and certified in this nasal ranger device and actually it is something that is presently being used by the county and, based on Mr. Tuscano's experience with it, it is quite effective. Trustee Abato said she thinks we have to find a nickname for it or something. A motion authorizing the purchase was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: Mayor Dagan LaCorte

E) REQUESTING AUTHORIZATION TO PURCHASE A NEW CASE 621E XF FRONT END LOADER:

Mr. Sawicki asked for authorization to purchase a new Case 621E XF front end loader replacing the existing 1993 loader. The cost with trade in is \$108,256. Capital projects funds 2012.003 and 2012.004 will be utilized for funding. Deputy Mayor Simon asked Mr. Sawicki, for the purpose of the motion, who are we purchasing this from. Mr. Sawicki said it is based on the NYS bid list and he unfortunately does not have the company name. But it is off the NYS bid list. A motion authorizing the purchase was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Deputy Mayor Bruce Simon

Trustee Patricia Abato, Trustee Jo Meegan-Corrigan
Trustee John Meehan

NOES: None

ABSENT: Mayor Dagan LaCorte

VILLAGE CLERK:

A) APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF JULY 11, 2011:

Village Clerk Virginia Menschner said she had one item and it is the approval of the minutes of the regular Board meeting of July 11, 2011. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

FINANCE DEPARTMENT:

A) RESOLUTION NO. 9, 2011:

Treasurer Tom Zordan said he was asking for approval of Resolution No. 9, 2011 to install the trustee of the plan, the 457 plan, because we had approved to change it from Nationwide to Hartford so now we need a trustee to administer it for us and he is asking for the approval. Attorney Rice said it is a very simple matter.

RESOLUTION NO. 9, 2011

RESOLVED, WHEREAS, the Village of Suffern did establish a Deferred Compensation Plan for the employees, and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan for a five-year contract period as stipulated in Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend that Reliance Trust Company act as trustee.

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson of the Village of Suffern hereby is directed to execute all necessary documents to contract with Reliance Trust Company for trustee services for the Village of Suffern Deferred Compensation Plan for the period October 1, 2011, or as soon thereafter as possible through October 1, 2016.

A motion approving Resolution No. 9, 2011 was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: Mayor Dagan LaCorte

TRUSTEES:

Trustee John Meehan said that when he was at Squires Gate, and he knows that Jo Corrigan was there a lot more than he was - he was there a day and he thinks she was there four days - she was a fixture and Elaine became everybody's mother there. But one of the reasons, and the people in Squires Gate, complimented a number of them and he thinks that one of the reasons is that two or three years ago they drew up an emergency preparedness plan so when that crisis occurred it was like open to page one and they were ready. And he thinks that was the difference and it made a lot of difference plus the wonderful work that was done by all involved.

Gail Curtin said that she doesn't normally speak as a resident of 17 Prairie Avenue but in working with the Village Board the day of the hurricane back and forth from the community center to her home she happened to have had some family members who were displaced from their home and from them to you they commend the Board. They happened to have been outside when the tree fell on the house on Prairie Avenue and Boulevard and our DPW staff, who had been working, she doesn't know how many hours, but within a half hour they were back helping with that tree. So from her family in New Jersey, thank you.

MAYOR:

Deputy Mayor Simon said under the Mayor's section, the community development has been discussed. The assistant operator was taken off. That leaves the assistant building inspector position. He said we talked about this in the past. We are going to be moving forward with this. The main thing is that the assistant building inspector position will be at a rate of \$15 per hour and it will be a part-time position. A motion to establish the position was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

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

NOES: None

ABSENT: Mayor Dagan LaCorte

Deputy Mayor Simon said that before we adjourn, he would just like to say one thing. Everybody all over the Village has been very kind to the members of this Board. And what he is going to say is that they don't deserve more than about this much praise. Because as Mr. Meehan said, we had a plan. And the biggest part of that plan was to let the people who do this for a living execute that plan. He said they established that there was a plan and then they got out of the way. Because that is what they do. We are not firemen, we are not police officers, we are not anything of the kind. The Board's job is just to make sure that when something happens the people who

need to do it are ready to do it. So he would like to thank, on behalf of the Board, the fire department and all of its members, the police department and all of its members, the Department of Public Works and again all of its members, and this is in no particular order, by the way, the Salvation Army, the National Guard, Supervisor St. Lawrence for his contributions, Council member Pat Withers, Phil Tisi, the members of this Village Board, all the other fire departments from the county and throughout the state who came in, no questions asked, and did the heavy work that needed to be done and Mrs. Curtin and her department. They are the hero's here. They deserve all the praise. They are just making it happen for them.

A motion to adjourn the meeting at 8:19 p.m. was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.