

**Special Village Board Meeting
Tuesday, September 23, 2014 - 7:00 P.M.**

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

PRESENT: Mayor Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee Frank Hagen
Trustee Matthew Byrne, Trustee John Meehan

ALSO PRESENT: Virginia Menschner, Village Clerk
Rob Magrino, Deputy Village Attorney

ABSENT: None

CONTINUATION OF PUBLIC HEARING - AMENDING THE ZONING LAW AND MAP OF PROPERTIES ALONG THE EAST SIDE OF ORANGE AVENUE AND THE NORTH SIDE OF CHESTNUT STREET:

The Mayor welcomed everybody. She said we are here tonight to continue the hearing on the Orange Avenue zone change. If anyone would like to come up to speak with regards to the zone change only, please come up to the microphone and state your name and address for the record.

Jeff Oppenheim, the Mayor in the Village of Montebello, said he wanted to address the Board regarding this project and a little bit of general terms from the perspective in speaking as the Mayor of Montebello, which is obviously the next door village. He said they obviously depend and rely upon our downtown and people in his village utilize the restaurants and the services provided which is really a wonderful benefit of living in Montebello and everyone enjoys very much the wonderful nature of Suffern. He said he thinks you have an opportunity here that is really pretty extraordinary and obviously people in our village care a great deal about making sure that Suffern is a successful place. He said we share a lot of common interest and we even share overlapping property - for example, the Novartis property, where we have a very common interest in seeing things develop and move along in a way that is good for the people who live in our communities and good for business. He said he thinks we are facing a very good opportunity here to have a developer come in and put a substantial investment in Suffern that can lead the way towards a lot of great opportunities and growth in the Village. Not to get enmeshed in the particulars, which is obviously your decision in terms of zoning, but he does understand that there is a secondary benefit to having positive development in a neighborhood than the alternative which is having a deterioration of the conditions in the Village, which he thinks faces a lot of challenges. And let's face it. Suffern has a lot of challenges financially and in terms of which way the

neighborhood is going. He said that he thinks the people in Montebello would be benefitted by seeing Suffern move in a good direction and he would like to see a program like this which, he thinks, has the potential to kickstart a lot of other development in the neighborhood in Suffern and in Montebello that would move towards a great deal of more revenue coming in. And he knows in the short term there was a lot of discussion and he has certainly been called a lot about the issues pertaining to the PILOT project. However he thinks one of the things which the Board really should consider, and consider now, is the fact that a lot of money being brought in, and a lot of development, and a lot of new people coming in is going to be great for the businesses in Suffern. New businesses will come in. New restaurants and services that will accommodate those people. This is going to be an enormous opportunity for Suffern to develop in the right way. We want to have it look in a few years from now like Ridgewood. Like some of the really great villages that people in Montebello like to go to visit to spend their money. We want to spend it here, in Suffern. And he thinks that will ultimately enrich the tax revenues that flow to you but also flow to the school district which indirectly benefits the people who live in his village. So again, speaking as the Mayor of the Village of Montebello, he thinks it is a great thing when people want to come in and invest in our neighborhoods and put in good developments. He said he has encouraged it a great deal in his village. And he said he looks forward to working with this Board and with Mayor Abato in making sure that the same thing happens on the Novartis property. That is going to be good for everybody who lives in the area. So he hopes we will look long-term here, long range, and think about the big picture because he thinks we have a great, great opportunity here and he would hate to see that opportunity lost. In years back people look back at this and say oh, gee, we could have done something differently here. Great opportunity. And we didn't seize the moment. He said anyway he wanted to share that with us on behalf of the people in his village. He said they certainly understand and appreciate the difficult choices that we face and they are behind us 100% and anything they can do to help and support us they are here to do.

The Mayor thanked him and asked if anyone else would like to speak with regard to the zone change.

Ed Markunas of 2 Willow Drive thanked the Board for giving him the opportunity to speak. He said in regards to the proposed zone change for the area in and around 120 Orange Avenue he has some serious concerns regarding this change - regarding the zone change in particular which in turn directly applies to the PILOT and to the sale of 120 Orange Avenue. He said these issues are directly related to the zone change. Everything leading up to this zone change seems to have been an issue with the Village people and the residents. He said he would like to know a few questions of when the Village initiated the sale of 120 Orange Avenue to Orange

Avenue Associates was that previous to the PILOT agreement? The Mayor said yes. Mr. Markunas asked who initiated the sale - was it the Village or was it Orange Avenue. The Mayor said there has been no sale. Mr. Markunas asked who initiated the contract. The Mayor said there is no sale as of this date. Mr. Markunas asked if there was a contract in place. The Mayor said there is an unsigned contract. Mr. Markunas said unsigned. The Mayor said a signed contract, she is sorry. Mr. Markunas said a signed contract by the Village? The Mayor said yes. Mr. Markunas asked and who was representing Orange Avenue Associates. The Mayor said Josh Goldstein. Mr. Markunas said for the PILOT? The Mayor said Josh Goldstein. Mr. Markunas said and for the zoning. The Mayor said Josh Goldstein. The Mayor said he is the president of the company. Mr. Markunas asked if he could ask why 120 Orange Avenue was included in the budget of 2014 and 2015 - in the Village budget - the sale. The Mayor said yes, it was, because the building is up for sale. Mr. Markunas asked if we sold it. The Mayor said we had a contract to sell it, correct. Mr. Markunas said so it is still included in the budget. The Mayor said yes. Mr. Markunas said as revenue. The Mayor said correct. Mr. Markunas said if we don't sell it what will we do. The Mayor said we will sell the property. That is just the plan. Mr. Markunas said to who. The Mayor said when we have a person we will let you know. Mr. Markunas said to Josh Goldstein? No? The Mayor said he still has the opportunity to buy it whether regardless of whether the PILOT goes through or regardless if the project goes through. Mr. Markunas said if nobody purchases it what do we do with the budget. The Mayor said we will cross that road when we come to it. Mr. Markunas said cross the road when you come to it. The Mayor said this is about the zone change. This is not about the budget. This is not about what is included in the budget. What is not included in the budget. We are talking about a zone change. We are talking about the benefits and the comments and concerns of the zone change itself - what it will do for the area, what it will do for traffic, what it will do for all of the elements that pertain to the zone change. So if you have comments regarding that she would be happy to hear them.

Mr. Markunas said okay, he does have comments with everything leading up to the zone change, to him, implies that that is the standard you are setting to initiate a zone change. The Mayor said no, that is not the standard. There is no standard being set. What we are looking at is the facts of how this will impact Suffern as a zone change only. Any other questions or comments you have outside of that you can come to the Mayor's office at any time and she will be happy to discuss them with him. Mr. Markunas asked if the Village Board feels that way - every member of the Board. Do they feel the same way you feel? The Mayor said about? Mr. Markunas said about the zoning and what it pertains to. The Mayor said but what we are changing tonight is the zone change. Mr. Markunas said right now what he is discussing. The Mayor said we are talking about the zone change. Mr. Markunas said do they feel the same way - about his questions. The Mayor said it is not about how we feel.

It is about what we have advertised this hearing to be about a zone change. The Mayor asked him if there was anything else he would like to say pertaining to the zone change? Mr. Markunas said all the comments that he made pertaining to the zone change he feels are pertinent to everything - to the zone - to the zoning change itself. The Mayor said who is representing Orange Avenue for a specific property. Mr. Markunas asked if they were seeking a zone change. The Mayor said she is sorry. Mr. Markunas asked if they were seeking the zone change. The Mayor said yes. Mr. Markunas said they are. So they are pertinent to the information of the zone change. The Mayor said no, what we are talking about tonight is about how the zone change impacts the downtown area and all of the elements that pertain to a zone change. Not about the financing of it. Not about the PILOT. Not about all of the properties - Mr. Markunas said if this financing and process was not conducted properly it doesn't lead to a zone change. That is his point. He said he believes - the Mayor said Ed the financing - excuse her - Mr. Markunas said if we will let him finish speaking - the Mayor said no. She will allow him to speak on the zone change. That is why we are here. She has told every other person in this room and in the rooms before at every public hearing. She is not treating him any differently as she has treated everyone in this room. We are speaking about the zone change. Mr. Markunas said okay. He believes that the entire process leading up to the zone change is inappropriate. What he is calling for is some type of investigation to figure out what is going on here. Nobody seems to have a clue. We are here how many times now. This is unreasonable and you can see the audience here. Mr. Markunas said the last comment he has with the zone change is he doesn't have the trust in the Board to do it. He said if you don't have the trust in the Board to conduct a budget, to put together a budget - the New York State Comptroller said that you are misleading - the Mayor said again we are talking about a zone change. Mr. Markunas said are you misleading us in the zone change. The Mayor said listen. We are not hear campaigning. We are here to talk about a zone change.

Jim Giannettino of 2 Memorial Drive said he has very simple questions - you know that. Are you going to vote on the zone change tonight? The Mayor said she thinks we will know that as soon as we are done with public comment. Mr. Giannettino said okay. Somebody from the audience said he didn't hear that. What was that. The Mayor said we will know that as soon as we are done with public comment. We have to hear from everyone first. Mr. Giannettino said the second question. If you are not going to vote tonight how many times are we going to drag people out here for a maybe vote. He said he doesn't know if he has correct information or not but he understands that the applicant hasn't come to an agreement with the school board. The Mayor said that is correct. Mr. Giannettino said so why are we here.

The Mayor asked if there was anyone else who would like to speak.

The Mayor said to Mr. Giannettino that she will answer his question as soon as we are done with public comment. Mr. Giannettino said he thinks he knows the answer.

Rich Karpp of 88 Lonergan Drive said as per the zone change would there be any change to the two lane Chestnut Avenue as per the zone change. Would it remain two lanes where the left lane branches off under the trestle and the right lane goes up to two lanes and one turns left and one turns right. Is that going to stay the same. The Mayor said you are talking about the one way out, right? Mr. Karpp said the one way out. The Mayor said yes. Mr. Karpp said on the right hand side Chestnut Street comes from one lane to two lanes - one is left and one is right. The Mayor said correct. That will remain the same. Mr. Karpp said okay. He asked why this can't be done without the zone change. This is about the zone change. Why do you have to have a zone change to do this - the Mayor said because the use is not permitted there. Mr. Karpp said so in other words they could not build this building unless they got a zone change. The Mayor said correct. Mr. Karpp said he thought it was zoned for residential. The Mayor said it is zoned commercial. Mr. Karpp said oh it is. The Mayor said yes. Mr. Karpp said okay, thank you.

The Mayor asked if there was anyone else who would like to speak. Trustee Meehan said he moves that the public hearing be closed, seconded by Trustee Meegan-Corrigan. Trustee Meehan said he feels we have given the community a lot of opportunities to speak on the zone change and he thinks it is time to close that. To close the hearing. The Mayor said she has a motion and a second.

AYES: Mayor Patricia Abato
Trustee Frank Hagen, who said yes, if that is what we
all want, Trustee Jo Meegan-Corrigan
Trustee John Meehan

ABSTAIN: Trustee Matthew Byrne

ABSENT: None

The Mayor said that she would like to give the Board some information and the public. The school district has informed her that they are continuing to negotiate with the Orange Avenue Associates regarding a PILOT. She said she believes they are having their last of meetings that will be this week. That will be either - they will come to an agreement or they will not come to an agreement. They have assured her that this will be the last week that they will be negotiating and it will be a yes, we have an agreement or no, we will not have an agreement. That being said she would like to hear from the Board what their pleasure is with regards to voting on the zone change.

Trustee Meehan said he had received a copy of a letter from the petitioner's attorney and that letter, and he is going to hope that

you are going to represent the petitioner - the Mayor said Jeffrey Goldstein is representing - Trustee Meehan said Josh is not here. He said the president is not here but one of the officers of the corporation is here. Trustee Meehan said he really wants to fish or cut bait here. And the letter that we received, and you can address this, Jeff, from your attorney seemed to him that negotiations were over and that the parties were not able to reach an agreement. Trustee Meehan said he also had a conversation yesterday with the Mayor who had met with Dr. Adams, the Superintendent of Schools, and he outlined the proposal to her and she outlined to him the proposals and counter-proposals. And he thinks there were anywhere from 4 proposals, 4 counter-proposals. Anyway, from what the Mayor told him yesterday the parties were not within shouting distance of each other. So he is very reluctant. We said that if they didn't agree to an agreement with the school board that we were going to vote against this zone change. And that is basically - he wants to end it. He said now he would be glad to listen to Jeff to tell him why he thinks that why you have been negotiating this since February or March that suddenly you are this far apart and you are going to come together. Trustee Meehan said it seems very doubtful to him. But if you want to make the case he is willing to drag these people out one more time, as Jim said. When you drag him out, you drag me out and I have to put on a suit and tie.

The Mayor said that she just wants to let Trustee Meehan know that she did let both parties know that that negotiation will go on between now and October 6 but that the Board would be prepared to actually not extend past October 6 to vote on the zone change. So October 6 would be our Board meeting. It would go no later than that. The Board would be prepared to vote at the Board meeting on October 6 or before if the situation warranted. We could vote before. Trustee Meehan said to let him ask his colleague. Trustee Hagen said to the Mayor - the Mayor said she just wanted to make sure that Trustee Meehan is done - she asked Trustee Meehan if he was done. Trustee Meehan said he just wanted to ask Frank how soon he - he said he knows that he is going to be going out of town and when will he be coming back. Trustee Hagen said October 1 or the 30th of September. The Mayor said so you will be back for the Board meeting on the 6th. That's correct? Trustee Hagen said he will be here for that. Trustee Meehan said he would be back on the 1st and maybe we could - the Mayor said if it was warranted we certainly could do it before but she has notified both parties that it is not her wish to continue farther past October 6. Trustee Meehan said we are voting on the 6th. The Mayor said yes, we would like to vote on the 6th. That we are not going to drag this out any longer.

Trustee Hagen asked if he could ask a question. He said we don't need an expert lawyer on zone changes do we? Trustee Meehan said we have one.

Jeffrey Goldstein said what the Mayor is saying is true and what

Trustee Meehan is true. They have received back from the school board an offer which is quite a distance away from where they thought they were at. Honestly, it has gotten - the numbers have gotten larger, not smaller, from the school district. He said the school district, in his opinion, does not understand what the PILOT means and what the PILOT does to this project. Come to think of it the numbers that they gave them back which they shared with the Board are more taxes that they would pay under a normal circumstance without a PILOT. So they are a distance away but he will advise the Board that they are still talking to them. They believe in this project. They have always believed in this project and we would like to at least to wait the week that they can have. Let them get through the Jewish holidays and meet with the school board and see if they can get a conclusion and if they cannot get a conclusion on the 6th they will tell the Board where they stand, what their prerogatives are at that point of time and let you vote. He said he does hope that we will allow them to continue their portion of the presentation on that date which will not be long so that they can make their case to them.

The Mayor asked what is the Board's pleasure. Mr. Magrino said we can hold this over. We can adjourn. The Mayor said everybody is okay? We can adjourn.

Trustee Meegan-Corrigan said she thinks it is important - she guesses that she does have something to say after all. She said she thinks that it is very, very important that everyone gets the opportunity meaning Orange Avenue Associates and the school board to make things and try and make things work. This project is so important for the Village of Suffern. And understanding the challenges that the school board is having and understanding the challenges that Orange Avenue Associates is having she thinks that we do need to give this extra week so that therefore we can try and work this out. Because if it doesn't work out we don't have a project and then she doesn't know where we go from there because we have been doing this for ten years. We have had five other people come in with plans that did not work out either. So we are kind of getting to the 11th and 12th year and we really need to start looking and deciding where we want to be in the future and how we want to handle that in the future. So she definitely agrees with doing October 6th to vote.

The Mayor said okay. We will adjourn this meeting to October 6th for a vote. A motion to adjourn it was made by Trustee Meegan-Corrigan, seconded by Trustee Meehan. Upon vote, the motion was carried. The time was 7:24 p.m.

At 7:25 p.m. the Mayor said we are here to appoint Laura Flaherty to a full-time position of Office Services Aide person. The salary is to be \$16.09. The Mayor said she needs a motion to confirm. Trustee Byrne said just to clarify. She is supposed to be somewhat of a, he doesn't want to call her a floater, that is not the right

term he supposes - he said she is going to be made accessible to other departments, he assumes, and he asked who was going to control that aspect of it. The Mayor said Virginia. They will be calling Virginia and saying I need Laura for a task. Trustee Byrne said he hopes there will be some flexibility. The Mayor said everybody understands - Trustee Byrne said everyone has their hand out already, he is sure, looking for her. The Mayor said and everyone understands that she is only one person. And everybody has their hand out. The Mayor said she thinks it makes financial sense for us because all the department's could use a little bit of extra help and instead of hiring a person for each person Laura will be able to help out where she can and the Mayor thinks it makes a lot of sense at this point right now. The Village Clerk said she is very capable. The Mayor said she is very capable and she has gotten nothing from accolades from Virginia on her. She is a very diligent worker. She is very organized. Very easy to work with. So the Mayor thinks she is a great fit to work with each different department in the Village. A motion to confirm was made by Trustee Byrne, seconded by Trustee Meehan.

AYES: Mayor Patricia Abato
Trustee Frank Hagen, Trustee Jo Meegan-Corrigan
Trustee Matthew Byrne, Trustee John Meehan

NOES: None

ABSENT: None

The Mayor said Laura will start tomorrow.

Trustee Byrne asked if he could just make one - he said it is not on - it is not a big deal. He said he got a stack of paper here today. He asked if we could try to implement a scanning process where we don't duplicate 18 pieces of paper and give so much mail. If we send it by e-mail we are going to be saving a lot of paper. It just seems like it would be easier. The Mayor said we tried that once before and there were some Board members that don't use e-mail. The Mayor said she has no objection to that. She likes it. Trustee Meegan-Corrigan said she likes it. Trustee Byrne said it is 2014. We all have to use e-mail. The Mayor asked Trustee Hagen if he was okay with that. Trustee Byrne said he just thinks it saves paper. Trustee Hagen said he will come in and get a hard copy anyway. The Mayor said if four of us do we are still saving trees. Trustee Byrne said he would request his by e-mail. The Mayor said her as well. Trustee Meegan-Corrigan said hers as well. Trustee Hagen said he will come pick his up. Trustee Meegan-Corrigan asked if the new tech company started. The Mayor said yes, we just got an e-mail today and they have made their recommendations. Trustee Meegan-Corrigan said is one of them to figure out why she can't get e-mails. The Mayor said yes, it is one of the issues.

A motion to adjourn the meeting at 7:29 p.m. was made by Trustee Byrne, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.