

**Village Board Meeting
Monday, March 8, 2010**

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

PRESENT: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

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

ABSENT: Trustee Patricia Abato, Trustee John Meehan

SET DATES FOR APRIL MEETINGS:

The Mayor said the first order of business is to accept the meetings for next month. The workshop meeting will be Wednesday evening, March 31 at 7:00 p.m. The April Board meeting will be Monday, April 5 at 7:30 p.m., at which time we will be having a public hearing concerning the budget.

The Mayor said he would also like to start off by welcoming the students from Participation in Government from Mr. Lima's and Mr. Provenzana's class. They are very interested in government and have asked some very interesting questions already and if either of you teachers are watching, you have some great students and Suffern High School should be proud.

FIRE DEPARTMENT:

The Mayor welcomed back Chief Dan McInerney from his long trip. The Chief said he had a very good time.

A) Request for Board to Approve Preliminary Service Award Program from 2009:

Chief Dan McInerney said that this is to accept the preliminary service award report. The Mayor said he had a copy of the report and this is the statistics for the service award program in which our volunteer firefighters, if they meet certain criteria, points, by showing up for meetings and various calls, they are eligible to get credits towards the service award program which is a pension for our volunteer firefighters which they can start collecting at the age of 62. So each year based on their participation during the previous award they are either awarded full credit, partial credit or no credit. A motion accepting the report was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

B) Authorization for Hook & Ladder to Do Car Wash Fundraiser with Montebello P.T.A. on April 17:

Chief McInerney said the second item is for permission for the Hook & Ladder to hold a joint carwash fundraiser with the Montebello P.T.A. on Saturday, April 17. The Mayor asked where. Chief McInerney said at the Hook & Ladder building. A motion authorizing the request was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

GRANT WRITER:

The Mayor said this is a report from our Grant Writer, Mr. Rella. Mr. Rella has submitted his monthly report. He cannot be here tonight but the Mayor will briefly go over it to inform the public of the current status of many of our grant applications. The Mayor said we recently received \$77,500 in grant payments in February from the NYS Department of State. \$10,000 for the Fire Department's patrol vehicle, \$67,500 towards the DPW truck - total grant was \$90,000. We previously received \$22,500. And then the \$67,500 we just received represents the final payment.

In addition, some other items that were submitted to our State Senator and our State Assembly members are included here. One item which is worth noting, which we are pretty excited about, is the NYSEDA grant for a solar panel system here for Village Hall. If we receive the grant it would be used to offset approximately 20% of our electric mode in Village Hall to track how much money we are saving on the Village website. In addition, so not only would it reduce our payments, it would reduce carbon emissions and on top of that we would be getting the system for free. So if that happens we are very excited about that. Approximately \$208,000 is the cost of the system so we are hoping to hear about that grant in the next month or so.

In addition, we have other applications that are currently being processed through the end of February. We have Community Development Block Grant which is a \$200,000 grant. A grant for \$100,000 from the Dormitory Authority, \$17,500 that is currently with the Senate Finance Committee for police thermal imaging camera. Also for Recreation Department safety equipment, Suffern Community Foundation taxi program, and then other items totaling \$20,000 that are with Assemblywoman Jaffee and Assemblywoman Rabbit's office. So for a total right now we currently have about \$608,990 worth of grants that we submitted applications and hopefully we will be hearing positive news about them in the coming month or two.

CULTURE & RECREATION:

A) Report:

Mrs. Gail Curtin said that in addition to the update, she has one other item on the agenda tonight. She said they all have a copy of a covering letter and a picture and what they are looking to do, they being the Recreation Department, the Recreation staff, and some of their former employees at the pool - they are looking for

authorization to use funds from the money in lieu of recreation account for a new piece of equipment for the young people at the Suffern Memorial Pool, hopefully for this upcoming summer. She said they have done a lot of research. They looked at various pieces of equipment and what they are suggesting to the Board is called a funtime shower. She said she guesses in the mind of a little person it can almost be a mini, mini, mini, mini waterpark. The cost, including the fact that our Water Department will be doing the installation, will not exceed \$4000. She said the Board has a picture in front of them. Mr. Sawicki, Mr. Conklin and she has been working on this and it is up to the Board. The Mayor said this is something that he has been working on with Gail for a number of months. They think it would be a great addition to the pool. It is a way for children, in addition to our kiddie pool there, to be able to cool off during hot summer days. Something that you see in a lot of parks and developments that have pools. It is something that little kids love and again we are always looking to add things to our Recreation Department recreation program and this is a good thing also. As Gail had mentioned, we are looking to fund it with the money in lieu of recreation fund. This is a fund that developers who build either new units or new housing in the Village are required to contribute to this fund to sort of pay into our recreation infrastructure. So it is something that again we build up a fund and we are able to use it to add various things to our Recreation Department recreation program. So the price of it will not have to be paid directly by Suffern taxpayers. It has no implication on the budget or the taxes. It comes out of a fund which is separately allocated for the sole purpose of recreation. A motion to purchase the funtime shower at a price not to exceed \$4000 from Beekman Recreation was made by Trustee Simon, seconded by Trustee Haggerty.

AYES: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

NOES: None

ABSENT: Trustee Patricia Abato, Trustee John Meehan

Mrs. Curtin said the update for this meeting, since the last Village Board meeting, they had family movie night on Friday, February 5, DARE Dance on Friday, February 19. They are working with the proposed Suffern Memorial Pool 2010 summer staff. They are doing interviewing starting next week. They have also lined up some conference calls for those college students who won't be back in time for a personal interview. And without doing any advertising, they have already 9 new applicants for positions at our pool. So at this point in time she said they can feel that we are pretty much in very good shape.

And this past Saturday, and she thanks the Mayor for joining them at the Chamber of Commerce and Recreation Dinner Dance. She said she thinks a good time was had by all. Upcoming, Saturday, March 13 is the DARE Basketball Tournament at the Center. And later that night,

Wyldlife will be at the Center. Friday, March 19, DARE Dance at the Center; Sunday, March 21 the Rotary and Recreation Breakfast at the Center; Thursday, March 25, Senior Movie Afternoon at the Center; Saturday, March 27, at the Virginia Menschner Gazebo and at the Center, Breakfast with the Bunny and Egg Hunt. Saturday, April 10, they have a trip to New York City to see *Promises, Promises*. And if she may put a plug, if anyone in this room is interested in that, they still have tickets available at the Recreation office. And then just a reminder that AARP is continuing their tax service which is free. That is held at LPL Tuesday's through April 13 from 10 a.m. to 2 p.m. And as she has done since they started this, they are up to about 187 on the messaging system. The Mayor thanked Mrs. Curtin for all her hard work and to her staff for putting together an excellent event on Saturday night. A good time was had by all.

7:45 P.M. - PUBLIC HEARING - SPECIAL PERMIT - DAVID HIRSCH - PERMIT A CHIROPRACTIC OFFICE AS A HOME OCCUPATION:

The Mayor said that we can start with our first public hearing. This is a public hearing for a special permit - David Hirsch - permit to operate a chiropractic office as a home occupation.

Attorney Terry Rice said that this was before the Board last month. There hadn't been notice sent out to the neighbors, which of course they think is essential. It had also been reviewed by the Village of Suffern Planning Board and by letter dated December 29, 2009, they recommended approval of the application. It was also sent to the Rockland County Department of Planning and they wrote back by letter dated January 4, 2010 that it was not within their jurisdiction, meaning it wasn't within 500 feet of any of the various factors that would trigger County jurisdiction to make a review and recommendation of the application. As the Mayor mentioned, this is an application for a home office for a chiropractic office and he thinks that it is very important if the Board gets to the point of making a motion to approve it that Dr. Hirsch has represented before the Planning Board and the Board of Trustees that there will never be more than one person on the premises at a time. And this is because, and the reason that this becomes important, is because there is no parking area that is proposed to be created on the property itself. Number one, we don't want to have parking on the street as a result of this and number two, quite obviously, if you don't have a parking area and you are just using the driveway, that creates some circulation problems if you have more than two people on the premises at a time. Also, the representation was that there will be no employees. The only question Attorney Rice has before it is opened up before the Board and the public is that he sees a notice of publication that the Village Clerk published this. He asked if Dr. Hirsch did the mailing. Dr. Hirsch said it has all been done. Attorney Rice said he doesn't see an affidavit of mailing in the file. Dr. Hirsch said no, there isn't. Nobody told him that that was necessary. Attorney Rice said that is fine. If you swear on the record here tonight that you have done that and any action the Board takes will be subject to an affidavit of mailing being filed with the Village Clerk - that

is fine. Dr. Hirsch said that is fine, whatever.

The Mayor asked Dr. Hirsch if there was anything he wanted to say. Dr. Hirsch said that he looks forward to the approval. Attorney Rice said for the record - what he said about the representations that you previously made are all correct, right? Dr. Hirsch said absolutely. Attorney Rice said the hours of operation again for the public and Board. Dr. Hirsch said 9 a.m. to 6 p.m. Attorney Rice said only during the week. Dr. Hirsch said only during the week. Everything that was stated previously in past letters, it is all the same. Attorney Rice said that he just wants to get everything out here. He asked Dr. Hirsch what the average time is that he sees a patient. Dr. Hirsch said less than 15 minutes. He said he believes that we reviewed this the last time. Attorney Rice said that we have new people here and that is why he is doing this. Dr. Hirsch said okay. He said there is never a situation in which a patient is seen for more than 15 minutes. There has been adequate time allowed for ingress and egress of patients so that there wouldn't be any overlap. There would not be more than one patient per half hour. So when he has one patient per 15 minutes, that allows plenty of time for patients to enter the home and leave the home. Attorney Rice said you previously stated that there will be no employees other than yourself. Dr. Hirsch said yes. The Mayor asked if the Board had any questions. He then opened it up for any public comments. Since nobody spoke, a motion to close the public hearing was made by Trustee Simon, seconded by Mayor LaCorte. Upon vote, the motion was carried.

A motion to approve the special permit subject to all the representations that have just been made with respect to operation only being Monday through Friday from 9 to 6, no employees, patients not to be seen more than 15 minutes and no more than one patient on the premises at a time was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried. Dr. Hirsch said it has been a bit of time and he thanked the Board very much. The Mayor wished him the best of luck.

VILLAGE ATTORNEY:

A) Authorization to Hire Keane & Beane, P.C. as Labor Attorneys:

Attorney Rice said that he had two items. The first one is that they met with Lance Klein from Keane & Beane with respect to him acting as special counsel with respect to various labor matters that we have pending. We received a retainer letter from him today for a rate of \$225 per hour. Attorney Rice reviewed the terms of the agreement and he has no issue with any of substantive terms. So if the Board wants to proceed with that, they can make a motion to do so. The Mayor said he thinks the only other item that they said was not to exceed \$20,000 without further Board authorization. Attorney Rice said that is fine. You can make that part of the motion. A motion to authorize the hiring of Keane & Beane subject to the \$20,000 cap was made by Trustee Simon, seconded by Trustee Haggerty.

AYES: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

NOES: None

ABSENT: Trustee Patricia Abato, Trustee John Meehan

B) Set Public Hearing - Local Law - Regarding Vicious Dogs - April 5, 2010 - 7:45 p.m.:

Attorney Rice said the second item is regarding a vicious dog issue that we had. At the last Board meeting we had complaints with respect to pit bulls and apparently there has been a fairly long history in Squires Gate of attacks from a number of dogs. At the time, the issue came up for the first time, we had related that we do have a law that deals with some of these issues. Subsequent to the meeting, the Mayor and he had a number of discussions and they both looked at various laws that different communities had on the internet and in fact the law that we have which was adopted a number of years ago really covers the situation. A vicious dog is defined as any dog owned, harbored or trained primarily in part for the purpose of dog fighting or any dog owned, harbored or trained primarily or in part for the purpose of attacking a human being or domestic animal upon command or the third one is, and he won't read the whole thing, is essentially a pit bull. So that qualifies a pit bull as a vicious dog under the code that we have. It goes on to say that no person, and he will paraphrase, "can allow any dangerous or vicious dog to remain unconfined on property within the Village or go beyond the boundaries of the property unless the dog is secured by a muzzle and restrained with a chain having a minimum strength of 300 pounds and not exceeding three feet in length and under the direct control and supervision of the owner." He said also a posting requirement and an insurance requirement. So he thinks that we have everything on the books that we need. The only thing that we have done with an amendment to this law is to include rottweilers in the definition of vicious dogs. So in combination between the existing provisions we have and the inclusion of rottweilers, he thinks they have covered the issues that the people in the neighborhood have had. So tonight we can't adopt it because a local law requires a public hearing and the motion would be to set a public hearing for the April 5 meeting at 7:45 p.m. The Mayor said that this would be something obviously next month. He said there is an interest definitely in favor of the law. There are a number of people who have come out and expressed their support of this law and they are concerned about certain situations that are arising in particular neighborhoods in the Village and he thinks that the Board is addressing it. He said they are all very concerned specifically for the safety of our residents, the safety of other animals that have been attacked and the safety of small children especially since we are coming into Spring and Summer. There will be a lot of children out playing and we just don't want to have a tragedy in the Village. That being said, he has heard other residents express a concern in terms of singling out certain breeds. He said he has his own personal opinion about that. Again we can talk more about that at

length next month. Statistics do show that there are certain breeds that have a propensity to attack more or at least when. He said that maybe he overspoke on that. However, there are certain dogs that when they do attack have a greater propensity to cause serious injury. And that is something of concern. So all that we are doing tonight is setting the public hearing but again he thinks it would be a good opportunity to have a further discussion next month. And again we do have public comment tonight if anyone would like to speak. But again next month will be the public hearing. We do have a couple of Board members who are not here tonight so it may be wise to hold off comment and a real in-depth discussion next month when we have the public hearing. Attorney Rice said just to reiterate. The law has been on the books since 2002 so really the only thing the hearing is going to be on is whether or not we include rottweilers as well because there is no proposal to diminish it, take pit bulls out or anything like that. So if people want to tell us about how vicious or how lovely pit bulls are, that is really not the proposal. The proposal, because the law really satisfies what we are trying to do and what the people have complained about - the law covers pit bulls at this point.

A motion to set a public hearing on April 5 at 7:45 p.m. amending the vicious dog law was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

Attorney Rice said we talked at the workshop briefly about the contract for the garbage pick-up in the container district. And for people who aren't familiar with it essentially we have two separate districts in the Village. We have the one and two families who pay for garbage as one district and we have the condos and multi-family that pay for it separately. So it is kind of a pass-through in one respect. The Village DPW picks up the one and two-family homes because they have the equipment and so forth and personnel to do that and they are charged separately for that. The condominiums and multi-families are a separate district for anyone who wants to participate in that. When we bid that out, we bid that out for two years with an option for the Village to renew for an additional two-year period. It was bid out two years ago with the contract ending May 31 of this year. It was assigned during the course of the contract and the contractor has actually, from all reports that we have heard, has been doing a very good job including picking up construction and demolition material which wasn't physically part of the contract. The Board has to make a decision if they want to renew the contract sixty days before the expiration so we have a workshop meeting March 31 and we can make that a special Board meeting for the Board to make a determination at that meeting. In the interim, he knows that the Mayor wants to reach out to some of the presidents of the condominium associations to make sure that they are satisfied with that and he thinks that we also want to meet with the contractor to confirm that if it is renewed for an additional two-year period that they will continue the construction and demolition pick-up which again is not part of the contract but which they previously had agreed to do with the anticipation that they would hope that the contract would be renewed again. The Mayor

said that pretty much covers it. Everything that he has gotten is that they are doing a good job and we are going to reach out to the various presidents of the condos and co-ops but currently they are getting good service, a lot of dumpsters were replaced and in addition there is a weekly bulk pick-up which is something that was not included in the contract that they are providing. So his sense is that most people would urge us to continue the contract for two years and what he will do is that he will make sure to report back to the Board more specifically prior to the March 31 meeting. So at that time we will have ample time if for some reason there is not a desire to continue with them to rebid it.

POLICE DEPARTMENT:

A) 2010 Emergency Operation Plan:

Chief Clarke Osborn said that every year at this time we update our Emergency Operation Plan and what that is is that is a plan that basically outlines what to do in a crisis situation with all different things that can happen in the Village. And not just in the Village but pretty much in our area. And the only thing that he really had to update this year was some changes in personnel - some different phone numbers. And he spoke to the fire chief on this and pretty much all we have is just changes in the phone numbers. So every year at this time we do ask the Board to adopt a new one. This would be the 2010 plan. Copies are obviously with the Police Department, Fire Department, Public Works Department - people that will be using this in a crisis situation. A motion adopting the 2010 Emergency Operation Plan was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

The Chief said he had just a couple of informational items. He said they had their website totally redesigned and today they got a first look at it and it came out great. It is much more updated and he will be able to update it himself from the police station where the other one was a lot more involved even to get into the system. So it should be up and running within a day or two. They did a great job on it. He said on March 18 he will be sending over the invitations - he said that the Rockland County American Legion every year honors officers in each department and this year they are going to be honoring our motorcycle unit of Sgt. John Gloede and Officer Glen Wilson for their traffic enforcement efforts for the last two years. And that will be at the American Legion Fred Eller Post in Monsey. He said he will e-mail them the invitations for that.

Chief Osborn said that on our mobile field force we have officers just like we have assigned to the SWAT team in Rockland County. There is something called the mobile field force which is used for civil unrest, protests, demonstrations and we have officers assigned to that and they will be undertaking a week of training in April with all the other officers in its entirety in the County and that is totally reimbursed by the County as well. And our DARE - we have had a very active DARE season so far. We took the kids snowtubing, and as Gail said, we have a three on three basketball tournament,

DARE dances and a lot of good things going on. So he will keep them informed on that.

And Chief Osborn said there is just one last thing that he would like to bring up because he doesn't know if anybody in the public is here for this reason but this past week he spoke to the Board members and several residents today. There was a flyer circulated around the Village, particularly down in the Boulevard area, basically claiming that the Suffern Police Department refused to prosecute an individual on an animal cruelty charge. And he just wants to express and just get some facts out there because the flyer was very misleading in what it stated. This incident was investigated back in November - November 1 - when the incident was reported. And we actually had the District Attorney's office as well as the SPCA whose sole purpose is to investigate animal cruelty charges, culminating an extensive massive investigation on this. And just by looking at the video that was provided that the complainant provided it obviously looked like it was one thing which he would think all of them would think there was probably more than it was, which he did himself when he first saw it. But after a lengthy investigation a lot more evidence was discovered basically that gave them reason not to charge the individual. And that was upon three agencies - ourselves, the D.A.'s office and the SPCA which really has sole discretion over these kinds of cases. So he just wants to let people know that we spent over 100 hours of Suffern Police time working on this and it wasn't something that was just that they got the report and they let it go. Unfortunately, the complainant wasn't happy with the evidence that we had - not about our determination - but the evidence. And the only reason he was bringing it up is because he knows that we got a lot of residents that called him today and when he did explain it to them they understood totally that there was a lot more to it and he just thinks that he wants to stress that they did put a lot of effort into it and obviously he is not going to give a lot of details on it because it will probably become civil litigation between the accused party at this point, which he thinks is going to happen. So he is not going to give many details - not to get our department involved. But there is a lot more to it than what people thought. So he felt that he needed to say that so people would understand and he told the Board and he thanked them.

8:00 P.M. - PUBLIC HEARING - CONTINUATION OF PUBLIC HEARING - LIVE ENTERTAINMENT PERMIT:

Attorney Rice said this is a continuation. The applicant has sought to renew his special permit for live entertainment and to renew the hours. During the process, because this is an outdoor location as opposed to all the other locations that we have had previously that were indoor locations, the Planning Board, the Planning Consultant and the Board of Trustees all agreed that there should be some type of decibel limit on this. So our Planning Consultant has been working with the engineer for the applicant trying to come up with a decibel limit that was appropriate for this and one of the important parts of coming up with the decibel limit is to measure

the background noise. And they have been working on that. He spoke to Mr. Lange, our Planning Consultant, and he spoke to the applicant's engineer tonight as well. And they really haven't arrived at a point to do that because they need to get more readings that occur during other parts of the year so the recommendation from our Planning Consultant and Mr. Vanderbeek, he understands, is in agreement with this is that we continue this until the next Board meeting and we may need to continue it beyond that so that they can get accurate background noise readings depending on the season.

The Mayor said that he would like to, however, to make sure that we do at some point get this taken care of especially since we are getting to the season where the proprietor of the business would want to have the live music and while we want to make sure that the music is not at a level that disturbs neighbors, we also need to recognize that this establishment having live music is something which is a benefit to the Village. It brings people in and it has been very successful for that establishment. He said he doesn't think there has been any trouble from the police in terms of any incidents - just a couple of noise complaints. A motion to continue the hearing to April 5 at 8:00 p.m. was made by Trustee Simon, seconded by Mayor LaCorte. Upon vote, the motion was carried.

Mayor LaCorte said that one thing that he would just like to say kind of related to that is that as we get closer to Spring, hopefully this weather is an indication that we are in Spring, although not officially, that restaurants interested in having outdoor dining should come to the Village Clerk's office and fill out an application. Same thing also with the A-frame signs since people seem to want to have them more when obviously there is no snow on the ground. So if there are any business owners here or know of any business owners, please come to Village Hall and get those permits because we want you to be able to have all the tools you need to have a successful Spring and Summer in the Village.

AUDIENCE PARTICIPATION:

Roy Tschudy of 16 Lonergan Drive said that first of all he wanted to thank the Board for setting the public hearing for the local law regarding vicious dogs, especially with the pit bull/rottweiler. The seriousness of this problem, and he doesn't want to be redundant because he already spoke on this previously, has reached epic proportions in the neighborhood and he knows there are a few people here tonight who may comment only because they may not be available next month due to family constraints or work constraints. But just to clear up one or two questions that they may have - if the law is enacted, what is the penalty and second of all just to make sure that we are clear on this when the animal, specifically pit bull/rottweiler, is in public, that is, off their property, they must be muzzled while they are walking their dog, is that correct? Attorney Rice said they have to be muzzled and they have to have a chain of 300 pound strength which is pretty substantial. The Mayor said he believes the fine is up to \$5,000. Attorney Rice said he thinks that is what it is. It also provides for the recovery of

damages, which is the existing law. Attorney Rice said \$2500. Mr. Tschudy said if they are not muzzled. The Mayor said up to. Attorney Rice said for a violation. Mr. Tschudy said up to \$2500. Attorney Rice said that is at the discretion of the judge. Mr. Tschudy said the minimum would be? Attorney Rice said it would be determined by the judge. Mr. Tschudy thanked the Board for setting that public hearing and he appreciates that they took the time and again if some other people come up and speak it is probably only because they won't be able to make it next month.

Mr. Robert Zeller of 29 W. Maltbie Avenue said that he filed a complaint with our Code Enforcer regarding a residence shining excessive light through a backyard into his domain which is lit up in his home like a Christmas tree. Mr. Loniewski went and looked at our code. There is nothing for excessive light coming from another property into your domain. Also, he spoke with Mr. Rice. There is nothing in the state code. This individual also feeds stray cats which have been in the area three times a day. He would like to know what the recommendation is so Mr. Loniewski can resolve this problem with a neighbor since this neighbor does want to cost other neighbors complaints and money. Mr. Zeller said she is making complaints against other neighbors which have cost neighbors fines - heavy fines. So she refused to take these two lights down, which now come into his domain. And he is not against having any type of light in the yard but these lights are excessive and Mr. Loniewski has seen these during the night within his house and his two rooms are lit up like a Christmas tree. So you do not have a Village code, you do not have a state code, and she is feeding stray cats. So he would like to know what their recommendation to him is and what their recommendation is as to how Mr. Loniewski should handle this situation. The Mayor said on both matters this is the first he heard of it. Mr. Zeller said Mr. Rice heard it. The Mayor said that if there is nothing that we can do in the code then he would like to hear what he has to say in terms of informing the Board of what options there are if indeed it is something that negatively impacts your quality of life. Attorney Rice said there is certainly nothing in the Village code which relays to this. If a shopping center comes in then they have to get site plan approval and one of the things that the Planning Board would look at and our Planning Consultant would look at in great detail is the lighting to make sure that there are no adverse effects on neighboring property owners. For obvious reasons, one and two family homes are not subject to site plan review. It generally is not done throughout the state of New York and with good reason. When you have a discreet lot and you want to build a home, you comply with the building code, you comply with the set backs and so forth and you don't need to nor should you need to go to the Planning Board. So there certainly is nothing that deals with that. Nor is there anything under the state laws that he is aware of. It boils down at this point as the laws presently exist as a dispute between two neighbors where there may be a nuisance action or something or some type of civil action between the two neighbors. Now whether or not the Board wants to get involved in trying to regulate single family homes and lighting and so forth is something the Board can discuss and they certainly would have to

discuss that because it is a very technical matter with the Planning Consultant. But certainly as the code presently exists and to his knowledge the codes of most communities throughout the state of New York, there would be nothing that would regulate that.

Mr. Zeller said okay. His second question is is a person in the Village allowed to feed stray animals and bring rodents around other people's domain. Is there a code for that? Attorney Rice said to the best of his knowledge, there is no limitation on feeding cats. There may be some type of Rockland County health department infraction if the way the yard is kept brings rodents and he doesn't know if you want to go through the Code Enforcement Officer or call the Rockland County Department of Health directly but certainly rodents are a particular issue that they can address. Mr. Zeller asked if that is his recommendation that you will give to our Code Enforcer. Attorney Rice said he just said he doesn't know if you want to call them directly or if you want to talk to Mr. Loniewski yourself. Mr. Zeller said he spoke to Mr. Loniewski and he is asking him to come before you for your recommendations. Attorney Rice said that is kind of a roundabout procedure. And he is not blaming him. But that is kind of a roundabout procedure. He came to him, for example, for advice on the issue with the lights and he told him what the code presently provides. But what he can do is certainly talk to the Code Enforcement officer if you want to make a complaint about rodents and he can do one of two things. He can refer that to the Rockland County Department of Health or he can call you if he doesn't feel comfortable making the complaint himself and suggesting to you that you call the appropriate person at the Health Department. He doesn't know how he handles referrals. Mr. Zeller said then his question to him is that in other words we can trap these animals and bring them to a shelter. Attorney Rice said when you say these animals do you mean the cats? Mr. Zeller said strays. Attorney Rice said he didn't suggest that at all. Mr. Zeller said there is no ordinance for that. Attorney said no. You may be violating some other law, he doesn't know. Under the Village code the question you asked was whether or not this person. Mr. Zeller said let him rephrase it. Under the Village code you can trap these animals and bring them to a safer domain. Attorney Rice said no. The Village code does not authorize you to trap animals and what he was trying to suggest to him if he does that is that he may be violating some Rockland County provision or some state law. So no, he doesn't know that you can legally trap stray cats and he wouldn't suggest that you do that without further inquiry.

Howard Ripps said he lives in Bon Aire and he is an officer of the Sussex I condominium board. He said he is just going to make a comment with regard with the renewal of the contract. He said that the Mayor had a meeting with the condominium presidents with the former carter, Scuffy, and you are aware of the fact that at the time they indicated that some of the things that we were dissatisfied about were the fact that the contract specified that they didn't have to do certain things and while he agrees with him that he thinks that overwhelmingly everyone is pleased with the switch to Marangi. The only concern that he has is that if in fact

you are going to renew a contract that has certain specifications in it and we don't have enough dumpsters or in certain areas we don't have enough recycle cans if the contract provides that there should be x number then he thinks that before you renew the contract that there should be some method by which we can go around and make a determination as to what we need. And he understands that they have been very good about going above and beyond what the contract calls for but if we are going to have a contract at least let's not have a situation where they can come back to us at some point and say well we don't have to pursuant to the contract. He doesn't want to rely on their good will. The Mayor said that he thinks that does make sense. We just received notice that the contract was up and we knew again that at some point they would have the option to renew it and that was the reason why they wanted to do whatever was necessary to make everybody happy. As you know, when we had this meeting, it wasn't that their predecessor was doing anything wrong - it was just that the previous company that held the contract had done so much in addition to what was required in the contract that everybody in Bon Aire and Stonegate became accustomed to that and it wasn't reflected in the bid spec and then when this company picked it up obviously they complied to the document and he thinks that is what was at that meeting - was that even though it wasn't satisfactory it wasn't because they weren't doing anything that made it unsatisfactory it was just that the bid document was out of date. So he thinks that it would be useful and again he will send out an e-mail tomorrow to all the presidents to get together to have a meeting and get a representative from the company and he doesn't think it would be unreasonable to have certain items which are not in the contract possibly put in the contract so that again we are not just relying on their good will. But he would tend to think that they would be amenable to that. So he thinks that would be the best way to proceed including the weekly bulk pickup which they have been doing. The Mayor said he ran into his president earlier today and she stated that everyone seems to be happy with them and that is the word that he has gotten overwhelmingly just in the course of being throughout the Village. But he thinks that would be wise to have a meeting and maybe have some of these things on. Mr. Ripps said he agrees completely. The only thing is that we haven't addressed the issue of where we need additional dumpsters or recycle bins and before you do the contract he would like to. The Mayor said he thinks we should do that. We should have them in. Get the layout of the entire area and then each president can identify it and if it is too burdensome he is sure they will tell us that and if it isn't he is sure that they will comply and then we will make sure that that document is adopted and reflected in the contract before we move forward. The Mayor said we have some time.

Attorney Rice said that the only thing he was going to say is that when we met with them before, they were very cooperative. But the meeting that we have to have with them has to be done in March because the time for us to exercise the option is going to have to be determined at that March 31 meeting. If we want to rebid it we have very minimal bid time but the contract has a sixty day option period for us so we are going to have to do that during the month

of March. Mr. Ripps asked when you renew it does it have to be renewed on the exact same terms or can you change it. Attorney Rice said that we have the option to renew it so again they have been cooperative because when we met with them when assignment was requested they very willingly said at the beginning of the meeting said they would do the bulk pickup. They understood that was an issue. So they have been very cooperative. They can say no, hey look, I can't do anything else and this is it and we will say we will go out to bid. That is the option. So we will meet with them and presumably they will be amenable to doing all this and then we can renew the contract for another two years. And if they don't want to do it then we just go out to bid. Mr. Ripps said he was here the night when Marangi was here and you approved the assignment and he spoke with him outside and he was more than willing to provide the additional recycle bins. Attorney Rice said he has been very cooperative. He said we just haven't met with them since the contract was assigned and the issue at the time, as he mentioned, was the bulk pickup. The additional containers was not an issue that was ever mentioned. And it wasn't discussed with him. So as you said they have been very cooperative and he is sure they won't have a problem with it. The Mayor said he will make sure to send out an e-mail tomorrow and he thinks we can have some discussion over e-mail and he will contact Marangi and he thinks what we will do is to try to get something in the next week or two where they come in and in that way by March 31 when we have to decide we will know whether or not we are pretty much there. He gets the sense that they will want to continue to work with it. He said he thinks the bulk pickup of once a week was more than anybody asked for. So he thinks that the minor issues that are unresolved shouldn't be a problem. Mr. Ripps said that his feeling is, the bottom line, is that if we don't have sufficient time to work those details out then you should probably just renew the contract and we will try and do it after. The Mayor said he thinks we will be able to do it. We will get right on it.

Jack H. Rosenberg of 13 Somerset Drive said that during the twenty years that he has been living in the Village of Suffern, he has spent in excess of \$5000 on taxicabs and he listens to the drivers and the owners complaining about the conditions of their industry in this Village for many times. And he finally decided it is time that he spoke to them about some concerns. He said it is his understanding that a resident of another state with an automobile that is licensed by that state moved into the state of New York. They have thirty days in which to get a new license. He said he does know that in the past when taxicabs operated out of the Village of Suffern that the drivers - there had to be a procedure with the police department about the drivers as well as the vehicles. So he has become aware of certain conditions which currently exist in the Village of Suffern according to somebody who is knowledgeable on what the provisions are. Number one there are upward of 15 gypsy cabs operating out of the Village of Suffern which he believes is a violation of the law. And today he learned that a Spring Valley taxi that pays money to the Village of Spring Valley - they park at the train station and they pick up passengers on a regular basis and all of these conditions are in violation of our current ordinances.

He said he would respectfully urge the Board to see to it that there be an investigation as to whether or not our laws are being violated wholesale to such an extent that you would say that the law is being honored more by the breach than by the observance of the law. He also was listening to the gentleman who was talking about lights from a neighbor. Well, obviously when Caffe Dolce plays music he is subject to a noise limitation. If there is a limitation on noise, why can't there be a limitation upon excessive light - spotlights or certain types of lighting which shine on their neighbors property. Can't there be a way for an engineer to determine as you do with noise decibels. Is there a way of measuring excessive light which bothers their neighbors. He said he is sure an engineer, in which we have many, could give you advice on whether or not it is time to draft an ordinance for the benefit of the residents of the Village.

DEPARTMENT OF PUBLIC WORKS:

The Mayor said that before Charles starts, he just wanted to say to him, to Dan Haglund, the head of the Street Department, and to all the hard working men of our Village who truly did an unbelievable job during the last storm. Throughout the winter but specifically the last storm was really difficult because not only was it the most snow that we have seen in a very long term, but we were contending with a huge number of downed trees, downed power lines, and it really was a very difficult storm and everyone did a phenomenal job and on behalf of the Village Board they are all proud of the effort that they put forth and he thanked them very much.

A) Authorization to Solicit Bids for Polymer Utilized at the WWTP - April 1, 2010:

Mr. Charles Sawicki said he was requesting authorization to solicit bids for polymer which is utilized at the WWTP. The bids will be due on April 1, 2010 at 11:00 a.m. A motion authorizing the request was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

B) Requesting Emergency Funds to Replace Two (2) Variable Frequency Drive Motors on the Activated Sludge Transfer Drive System at the WWTP in the Amount of \$9,200:

Mr. Sawicki said he was requesting emergency funds to replace two (2) variable frequency drive motors on the activated sludge transfer drive system at the WWTP in the amount of \$9,200 from Motion Industries of Teterboro, NJ. A motion approving the request was made by Trustee Simon, seconded by Trustee Haggerty.

AYES: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

NOES: None

ABSENT: Trustee Patricia Abato, Trustee John Meehan

C) Requesting Emergency Funds to Replace One (1) Process Transfer Sump Pump at the WWTP in the Amount of \$5,200:

Mr. Sawicki said he was requesting emergency funds to replace one (1) process transfer sump pump at the WWTP in the amount of \$5,200 which would be supplied by Rapid Pump of Paterson, NJ. A motion authorizing the request was made by Trustee Simon, seconded by Mayor LaCorte.

AYES: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

NOES: None

ABSENT: Trustee Patricia Abato, Trustee John Meehan

D) Rebid for Secondary Digester Cover was Received Friday, March 5 and is Currently Being Reviewed:

Mr. Sawicki said that the rebid for the secondary digester cover was received Friday, March 5 and is currently being reviewed. The Mayor said he knows that we got a lot of response there, which is good. He told Mr. Sawicki good job.

E) Requesting Authorization to Display Banners Provided by HP:

Mr. Sawicki said he was requesting authorization to display nine banners that were provided by HP. He said he left sampling of the banners with the Board and the Mayor. The Mayor said we discussed this during the workshop. We aren't spending any money so he doesn't think we need to vote on this. Everybody was on board. The Mayor said they were really nice. They were part of that day that HP hosted at the Lafayette Theater back in November so they donated them.

F) Requesting Authorization to Advertise for Recruitment of Full-Time Chief Operator with a 4A License for the WWTP:

Mr. Sawicki said he was requesting authorization to advertise for recruitment of a full-time chief operator with a 4A license for the WWTP. The Mayor said we can go ahead with that. We had discussed that. That is part of our plan to really re-outfit and take care of the WWTP which unfortunately has been neglected for a number of years and has gotten to a point where it really can't function effectively and it is something that we have been spending a lot of time working on both personnel and infrastructure. And he told Charles that he has been doing an excellent job and he knows that he has done a lot and there is a lot more to be done. So we will continue to move forward with that.

VILLAGE CLERK:

A) Approval of Minutes of Organization Meeting - December 7, 2010:

Village Clerk Virginia Menschner said we have a number of minutes for approval. The first one is December 7, which is the organization meeting. A motion approving the minutes was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

The Village Clerk said that there was a correction on that. On the workshop meetings on Wednesday preceding the first Monday of each month. At the organization meeting, we said the last Wednesday of each month.

B) Approval of Minutes of Regular Board Meeting - December 7, 2009:

A motion approving the minutes of the regular Board meeting of December 7, 2009 was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

C) Approval of Minutes of Regular Board Meeting - January 4, 2010:

A motion approving the minutes of the regular Board meeting of January 4, 2010 was made by Trustee Simon, seconded by Mayor LaCorte. Upon vote, the motion was carried.

D) Approval of Minutes of Regular Board Meeting - February 1, 2010:

Village Clerk Virginia Menschner said that on the approval of the minutes of February 1, 2010, she would like to hold up on that.

E) New Rock Bar & Grill - Special Permit - Live Entertainment:

Attorney Rice said he thinks on New Rock. He said he thinks what they ought to do is to set a public hearing. The Chief has a number of incidents here and he thinks we ought to give them an opportunity to at least be heard before we do anything. The Mayor said he thinks that is legitimate. So it probably makes sense to have them come for a public hearing. Attorney Rice said to Chief Osborn that he was just saying on New Rock that he has a number of incidents. And before we do anything tonight he thinks we should set a public hearing because they certainly have a right to be heard as far as whether they are fit and able to have a live entertainment permit and what the incidents are here if they want to have something to say about one or more of them. Chief Osborn said that he thinks the one thing that the Board should know also is that it is not even a renewal. His license expired in December. So that right there alone - he doesn't know what the legalities are. Attorney Rice asked if they were still operating the live entertainment. Chief Osborn said he believes so. Attorney Rice said the Code Enforcement Officer should be giving them appearance tickets if he has live entertainment without a permit. Chief Osborn said he will check it. Attorney Rice said there is a remedy there. And if it gets serious enough we can also go for an injunction. But he thinks in the first instance that the Code Enforcement Officer should be giving them appearance tickets. The Chief said that sounds good. He said he just wants to make them aware of the amount of incidents that we are having there. We have sent two state liquor authority fellows there

within the last week. So he just wants to make them aware. He doesn't want it to turn into a situation where we have destruction and mayhem because of a bar. So we are just going to make sure they take care of that. Attorney Rice said when we have a hearing he should bring that up.

Trustee Simon said that something we had talked about, he believes, with another establishment here in town. Once the permit is expired, or in the previous case once the permit has been revoked, it becomes a new application. Attorney Rice said yes, we have a new application. And by the way the Board could take the position since it is expired that we don't have to have a public hearing on a renewal but you could certainly take the position that this is no longer a renewal since it lapsed and subsequently filed a new application and you have a whole rigamarole for a new application including referral to the Planning Board and a recommendation from them but he doesn't think that really makes sense under the circumstances. He said he thinks probably you know all of the facts because of the history here. And he thinks what you should do is to set a public hearing for the next meeting. A motion to set a public hearing on April 5 at 7:55 p.m. was made by Trustee Simon, seconded by Trustee Haggerty. Attorney Rice told the Village Clerk that they should be notified that they need to send out notices. Upon vote, the motion was carried.

F) Bryan Spitzer - Special Permit - Artist Loft:

The Village Clerk said this is down at the Comesky Block. Evidently everything is very good. Attorney Rice said it is a renewal, right? The Village Clerk said yes, it is a renewal. Attorney Rice said with a renewal we can just approve without a public hearing. A motion granting the special permit was made by Trustee Simon, seconded by Mayor LaCorte. Upon vote, the motion was carried.

G) \$94,700 Serial Bonds for Water Towers & \$40,300 Serial Bonds for Fire Department Equipment:

Village Clerk Virginia Menschner said that we have two bond resolutions that we have to authorize the Village Clerk to advertise. Attorney Rice said he hasn't seen the paperwork on this. Do either of these require four votes? Ms. Menschner said yes it does. We will have to wait. There are two of them - for the water towers and for the fire department equipment. So we will have to hold them over until the next meeting. The Village Clerk said by 2/3 of the entire membership of the Board of Trustees. Attorney Rice said 4 votes.

FINANCE DEPARTMENT:

Treasurer Tom Zordan said that he doesn't have a report this evening. All he has is that he gave everybody copies of the updated budget, which we plan on putting on line tomorrow morning. He said he knows that they came in and had questions and we are working pretty good on it. There was one other item from last month about

putting the tax bills on line. He gave everyone a copy of the brochure at the prior meeting along with a copy of what the contract was. So today he gave it to the Mayor to look at again and Attorney Rice gave it a look over. He said he thinks we have to vote on it tonight to make sure that we get the tax bills on line on June 1. Because if we wait another month it is going to be tight. And as he said, the company that is going to do the work, there is no fee involved. So it doesn't cost the Village anything for that. Attorney Rice said the only issue that he had was that they had roughly a three year term. Treasurer Zordan said right. He said he could call them up tomorrow and have them change that to an annual thing. Attorney Rice said that is fine because you just can't obligate a future Board. He said he would suggest that the term go until November 30 with an option to renew on the same terms. But we just can't obligate it for that long. Treasurer Zordan said you are saying November. If we were to approve it and they put everything up on June 1. So you are saying November of 2010 or 2011. Attorney Rice said 2010. Because we can't go beyond that because you could have a new Board sitting here who may or may not want to continue with that. Treasurer Zordan said he got him. Attorney Rice said that as he suggested, he is not saying that the Board may not want to continue, but just because of the concept that applies here you can make it subject to renewal by the Board at their option. Mr. Zordan said he will speak to them tomorrow. It shouldn't be a problem. The Mayor said that he would like a motion to approve the contract subject to the time constraints as explained by Attorney Rice. Trustee Simon said that he had one question. He asked the Treasurer to refresh his memory briefly. If and when the Village goes online and somebody chooses to avail themselves of the service there is a fee to the taxpayer. Not to the Village itself. Treasurer Zordan said that is correct. Trustee Simon said that fee was? Treasurer Zordan said that if you paid by credit card, the fee is 2.8% of whatever your tax bill is. But if you pay by a bank check on line, if your tax bill is under \$3000 it will cost you \$3.00. Up to \$6000 tax bill, it would cost you \$4.00. And in excess of that was \$6.00, he believes. And most Village tax bills fall in the under \$3000 range. So it is not a thing that people wouldn't want to avail themselves to. In addition, Airmont is the only other Village right now in Rockland County that is doing it. And actually the Town of Ramapo has their bills on line but they built their own system and for monetary reasons that is why they do it. Somehow, because they have a lot more taxpayers than us, they can make some money off it. And it is all over Long Island - towns and villages are using this format. The Mayor asked if this would apply also to the water and sewer bills. Treasurer Zordan said yes, if we feel that this is working and the people like it, then we can expand it to water and sewer. A motion approving the contract was made by Trustee Simon, seconded by Trustee Haggerty. Upon vote, the motion was carried.

MAYOR:

A) Auditors - Rosen Seymour, Shapss Martin & Co. - Proposal for 2009-2010 Audit:

Mayor LaCorte said that we discussed this at the workshop and he thinks it is useful to look to use new auditors and to change auditors once in a while. Not that anything happened in the past with our previous auditors, but if Bernie Madoff would have changed auditors every once in a while, there would be some happier investors. Anyway we have discussed a proposal here for Rosen Seymour, Shapss Martin & Company - a proposal for the 2009-2010 audit. We have gone over their experience. They have significant experience, particularly the individual who will be in charge of the audit previously years ago was the person in charge of the Village of Suffern's audit. He said a number of years back. One good thing, in addition to that experience, we will be saving this year \$5000 or \$6000 depending on the basic audit and then one other item which is included. So what he would like to entertain here is a motion to engage the firm for the 2009-2010 audit. There are two items one of which is the basic fee including Village and Justice Court which is \$34,250 and the current one was scheduled for \$39,250, and that is a \$5000 savings, and the conversion of fund level to GASB 34, which Tom said we need to do, and that is additionally \$1000 cheaper - \$4000 versus \$5000. So the total cost would be \$38,250 versus \$44,250. A motion to change auditors was made by Trustee Simon, seconded by Trustee Haggerty.

AYES: Mayor Dagan LaCorte
Trustee Andrew Haggerty, Trustee Bruce Simon

NOES: None

ABSENT: Trustee Patricia Abato, Trustee John Meehan

The Mayor said he believes also we need to send a letter to our current auditors that we will no longer be using their services.

The Mayor said the only other item he has on the agenda here is that in regards to the budget, we had some discussion in the previous meeting in the workshop something which during their campaign they felt was very important to streamline the budget process and make it more open to the public. They kind of felt that through nobody's fault that the way it was done in the past it really didn't give the public an opportunity to participate in the process other than the public hearing, which was held on the night in which they would vote on the budget. So it kind of seemed that it really didn't have any substance because people would come up and make comments and then the Village Board would vote on the budget that night anyway so it wasn't like you were taking the comments into consideration. So as a result what they wanted to do was to spell out a timeline - and working with Tom, Virginia and Terry, they put this on the Village website. So again if you signed up for e-mail notification, you would have received notification that the budget timeline is on the Village website. And what it does is that it spells out a process which budget worksheets were given out prepared by our Treasurer Tom Zordan, they were then handed to department heads to prepare their individual departmental budget, and then handed back to the Treasurer who then went over them and prepared the budget and then

the budget was presented to him and he then held individual meetings over the past couple of weeks with the department heads going over their budget and seeing, obviously, what was necessary and discussing it with them. And then they had a preliminary budget that we then, at the workshop this past Tuesday, presented to the Trustees. We then offered the Trustees the opportunity to go through the same exercise as going through the budget and discussing it with various department heads and with the Treasurer. They are still working on that process but also at this time what we would like to do tomorrow is to post the budget on line. So that way the budget will be posted on line for a period of essentially a month where residents can look at the budget, e-mail us, call his office, call Mr. Zordan and make any suggestions and have a real chance to equate themselves with the specifics of the budget before we hold a public hearing on April 5 and then again they will have the opportunity to make comments and we will not be adopting the budget that night. We will then presumably close the public hearing and then have time to look into whatever suggestions are made and then ultimately adopt the budget on April 19. So again that way there are at least a couple of weeks after public comment to try to incorporate whatever constructive ideas we have into the budget. So we believe again this is important because, especially in these economic times, every dollar makes a difference and it is important for the residents to know how the budget process is, to be a part of it, and for it to be open and transparent. So you should expect to see the budget online tomorrow, Tuesday, March 9. So again he would like to thank everybody, specifically the Treasurer and the department heads for all their hard work. They have been very conservative and frugal in their budgets understanding that while we need to provide services that we also need to be mindful of the difficult times that we are in and the crushing burden that our residents of Suffern face.

OLD BUSINESS:

Trustee Simon said that at the February meeting we discussed passing a proclamation here in the Village noting that it was the 100th anniversary of the founding of the Boy Scouts of America especially considering that Boy Scout Founder Daniel Patrick Beard spent the last part of his life here in the Village of Suffern. He said that he is not going to read the whole proclamation but one was drafted and submitted and he can tell them that the Hudson Valley Council, which is kind of our overseeing group based out of Newburgh, was very, very happy that we did this. And hopefully that is going to lead to more involvement with the Boy Scouts of America and the Village. So that is here and Virginia will have it in the office if anybody wants to see it.

NEW BUSINESS:

Trustee Simon said that he had a meeting last week with Chief Osborn and Mrs. Curtin. He said that the Village is going to put on a bicycle rodeo for younger children - kindergarten through fifth graders here in the Village of Suffern. The target date is Sunday, May 2 with a raindate of the 8th, the following Saturday, the 8th. He

said they are still trying to put the plans together. What they pretty much established the day that they are going to do it but if anybody has any input, please let him know. He is sure that Mrs. Curtin and Chief Osborn would appreciate the help. He said he had a long conversation today with somebody from Rockland Bicycle.org and they are going to be offering their assistance. It is basically a way to get kids out and to teach them about safety and to get people out on bikes and out of their cars. It is something else to do. Something new for the Village. And hopefully people come out and support it. Trustee Simon said it will be in the E lot down by the ballfield from 10:00 a.m. until 12:00 noon.

A motion to adjourn the meeting at 9:00 p.m. was made by Trustee Simon, seconded by Mayor LaCorte. Upon vote, the motion was carried.