



Village of Suffern
Village Board Meeting Minutes
Monday, February 3, 2020 7:00 p.m.

A regular meeting of the Village of Suffern Board of Trustees was held Monday, February 3, 2020 at 7:00 p.m.

Present: Edward Markunas, Mayor
 Steven Alpert, Trustee
 Jo Meegan-Corrigan, Trustee
 Charles Barone, Trustee
 Paul Girard, Trustee
 Amy Paffenroth, Village Clerk

CALL TO ORDER:

Mayor Markunas called the meeting to order at 7:06 p.m.

Opening Statement by Mayor Markunas:

Mayor Markunas updated the Village of Suffern residents regarding Trustee Girard, Trustee Barone, and Trustee Corrigan's December 2, 2019 action to appoint and confirm Mr. Terry Rice as Village Attorney. He stated that on December 19, 2019, a petition was filed with the Supreme Court of the State of New York County of Rockland by the Mayor of the Village of Suffern, and derivatively on behalf of the entire Village of Suffern against Trustee Girard, Trustee Barone, and Trustee Corrigan as well as Terry Rice, Esq. seeking to undo illegal actions taken.

Members of the Board and others made public statements that the judge in this action, Justice Paul I. Marx of the Supreme Court of the State of New York County of Rockland, ruled against the Mayor and Village which was inaccurate. On January 15, 2020, a Preliminary Injunction was issued by the Rockland County Supreme Court Justice Marx. The Decision and Order issued by Justice Marx found that three Trustees exceeded their authority in retaining Mr. Rice to serve as Village Attorney. Judge Marx ordered that the Board of Trustees were prohibited from enforcing the December 2, 2019 motion to appoint Mr. Rice as Village Attorney and were prohibited from taking any action in furtherance. The Trustees were also prohibited from appointing a Village Attorney since the authority to appoint the Village Attorney belonged to the Mayor with confirmation from the Board. As a provision of the Decision and Order, Mr. Rice could not hold himself out as or act as the Village Attorney. Additionally, the retainer agreement between Keane and Beane and was ordered to be continued pending the final disposition of the proceeding, and

the Village Treasurer was ordered to pay Keane and Beane for its legal services related to this matter as ordered by Justice Marx.

The Mayor stated he was disappointed that legal action had to be taken on December 19, 2019 to undo the illegal decisions taken by the Board during the December 2, 2019 Organization Meeting and Board Meeting. The Mayor stated the Trustees refused to discuss the appointment of a Village Attorney throughout December. The significant additional costs incurred by the taxpayers of the Village of Suffern to address this matter in court are driven by the actions of the Trustees usurping the Mayor's right to appoint a Village Attorney. The Mayor understands the Board has the majority; but, without discussion, notice, or information in advance of the December 2, 2019 Organization Meeting and Board Meeting, three members of the Board decided among themselves to make a motion to appoint a Village Attorney and refused to listen to the counsel of the Village's attorneys advising them not to do so. At the January 6, 2019 Board Meeting, Trustee Girard indicated that he had taken actions on his own to negotiate with Mr. Rice to serve as Village Attorney without discussing it with Mayor.

The Mayor indicated that the cost to protect the Village from the actions taken by the Board on December 2, goes beyond legal costs incurred. The actions taken by the Trustees are jeopardizing and bringing risk to Village by limiting the Village's ability to retain a Village Attorney to provide legal counsel on matters that affect the Village's daily operations. Between December 2, 2019 and Justice Marx's January 15 Order, the Village barely maintained critical operations, Daily operations (which would have been supported under the retainer for legal counsel provided by Keane and Beane), were only continued because of the dedication of Village employees and, in particular, the hard work and exemplary effort of the Assistant Attorney, the Treasurer, and Village Clerk.

The Mayor advised the public that Judge Marx's Preliminary Injunction was a step in providing the Village of Suffern relief in this matter; but, unfortunately, the matter is far from over. The Mayor stated several attempts to meet with the Trustees in December to avoid the legal action. Yet each time he tried to meet with them, they were unavailable. When they finally agreed to meet and set up their own special meeting on December 21, they later agreed amongst themselves not to show but did not advise the Mayor that they decided not to attend. As a result, the Mayor attended the meetings but could not conduct a meeting since the three Trustees refused to attend their own Special Meeting. The Mayor said he cannot force the Board to meet with him; however, Village residents can put pressure on the Trustees to work with the Mayor to resolve differences. The Mayor asked the public to reach out to the Trustees, asking them to work with him to resolve this matter because until the Board shows a willingness to compromise and to follow the law, legal action will continue, and continuing legal action means the legal bills will continue as well. The Mayor stated he will continue to take the necessary steps to ensure that the Board follow the laws of the state, as they are required to do, that the Village of Suffern will

be an open and honest government body, that the Board will act on behalf of and do what is in the best interest of Village of Suffern residents, and will not promote the agendas of any one or more Trustees.

Following the Mayor's statement, Trustee Charles Barone raised a motion to allow the Trustees to respond to the Mayor's comments. The motion was seconded by Trustee Jo Corrigan and passed unanimously by the Board. Trustee Paul Girard said the statements made by the Mayor were inaccurate, and he referred to the Decision and Order issued by Judge Marx as a preliminary judgment which was still pending a final judgment. Trustee Girard stated that prior to the Decision and Order by Judge Marx, Terry Rice had been serving at the Village Attorney. Trustee Girard believed the Order and Decision did not authorize Keane and Beane to serve as Attorneys. Trustee Girard also commented on the items listed on the Keane and Beane legal invoice and disagreed with listed charges.

The Mayor stated that the Decision and Order issued by Judge Marx was a Preliminary Injunction and that a Preliminary Injunction is enforceable while a final decision by Judge Marx is pending. The Mayor stated that the Decision and Order issued by Judge Marx prohibited the Village Board from enforcing the Board's December 2, 2019 motion to appoint Mr. Rice as Village Attorney, were prohibited from appointing a Village Attorney, that Mr. Rice could not hold himself as Village Attorney, the retainer agreement between Keane and Beane was ordered continued pending the disposition of the matter in the court, and the Village Treasurer was ordered to pay Keane and Beane for its legal services for both the matter before the court as well as in the continuance of the retainer agreement. The Mayor stated the legal matter regarding the appointment of Village Attorney was brought upon the Village by Trustee Girard acting alone and without authority. The Mayor said the Trustees need to work together only when an official meeting is convened. The Trustees disagreed and believe they have the authority to meet together or to discuss Village matters outside of an open meeting and to make decision between themselves when doing so.

UPCOMING MEETINGS:

A Workshop Meeting will be held Tuesday, February 25, 2020 at 7:00 p.m. A Regular Meeting of the Village Board of Trustees will be held Monday, March 2, 2020 at 7:00 p.m.

SUFFERN COAT DRIVE:

Mayor Markunas made the following statement regarding the Coat Drive the took place in the Village of Suffern in January: "When you work together on shared goals, it's called collaboration. Collaboration and cooperation are simply joining together in a spirit of unity to get a job done. Collaboration means brainstorming, creating opportunities, and sharing solutions. Collaboration is what the Village of Suffern represents, and I am proud to express my sincere thanks to the Suffern Community Foundation, the CSEA, the Village of Staff, and our residents for

working together on the Suffern Coat Drive “Be Kind” project. Thanks to hard work and dedication to our community, the collaborative effort of the Suffern Coat Drive ensured that those in need will have coats, jackets, blankets, socks, hats and gloves to stay warm and safe this winter. It doesn’t matter who is on the team because nobody can do everything on their own. What does matter is how the team works together. In other words, how you work together is more important than who’s makes up the team. The team that worked together on the Suffern Coat Drive did so out of love and care for those in need throughout our community. I thank all of you who participated and look forward to the collaboration of this kind in the future.” Following the Mayor’s statement Bruce Simon of the Suffern Community Foundation and Joseph Hunt representing the Village of Suffern CSEA spoke of the Village’s collaborative efforts on this and other community events.

CLIMATE SMART COMMUNITIES PROGRAM:

Members of the Suffern High School Environmental Activism Club spoke about their mission to improve the local environment through the adoption of the Climate Smart Community Program. The Mayor thanked the students for assisting him and the Village Clerk by helping to coordinate the Climate Smart Program in the Village of Suffern. Following the presentation, the following resolutions was read:

RESOLUTION NO. 18 OF 2020 - ADOPTING THE NEW YORK STATE CLIMATE SMART COMMUNITIES PLEDGE

The Village of Suffern (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels. The effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities and pose health threats to our citizens. We believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures. We believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts. We believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come. The Village of Suffern, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopted the New York State Climate Smart Communities pledge, which comprises the following ten elements: 1. Build a climate-smart community; 2. Inventory emissions, set goals, and plan for climate action; 3. Decrease energy use; 4. Shift to clean, renewable energy; 5. Use climate-smart materials management; 6. Implement climate-smart land use; 7. Enhance community resilience to climate change; 8. Support a green innovation economy; Inform and inspire the public; Engage in an evolving process of climate action. A motion

to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded Trustee Charles Barone, and passed unanimously by the Board.

RESOLUTION NO. 19 OF 2020 - APPROVING THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE VILLAGE OF SUFFERN AND CSEA DATED JANUARY 7, 2020

Negotiations have been ongoing between the Bargaining Team for the Village of Suffern (the “Village”) and the Bargaining Team for the Civil Service Employees Association, Inc., Village of Suffern Unit #8360 (the “Union”) for a successor to the Collective Bargaining Agreement between the parties which expired May 31, 2017. Those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated January 7, 2020, which was ratified by the membership of the Union. The Village Board of Trustees (“Village”) has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the Village. The Village Board of Trustees (“Village”) approved the terms of the aforementioned Memorandum of Agreement and authorized the Mayor to execute a Collective Bargaining Agreement consistent with the terms thereof effective June 1, 2017 and terminating May 31, 2022. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

PUBLIC HEARING:

At 7:57 p.m. a motion to open the Public Hearing scheduled for 7:05 p.m. to consider a local law to Amend Section 254 of the Code of the Village of Suffern, entitled Vehicle and Traffic, Article VIII Schedules, § 254-65 Schedule XV: Time Limit Parking, to reflect time limit parking in the Central Business District was made by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board.

Assistant Attorney Magrino provided the background for the proposed amendments. A member of the audience asked for clarification as to the proposed time limit parking on Blauvelt Way. A motion to close the Public Hearing was made at 8:00 p.m. by Charles Barone, seconded Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 20 OF 2020 - ADOPTING LOCAL LAW 3 OF 2020 AMENDING CHAPTER 254 OF THE CODE OF THE VILLAGE OF SUFFERN ENTITLED VEHICLE AND TRAFFIC, ARTICLE VIII SCHEDULES, TIME LIMIT PARKING

On October 7, 2019, the Village Board of Trustees expressed its intention to conduct a Public Hearing to consider amendments to the Village Code Chapter 254 Vehicle and Traffic. On that date the Village Board declared its intention to serve as Lead Agency for purposes of SEQRA and no other entity expressing a desire to serve as Lead Agency. The Public Hearing in consideration of the said amendment was continued at the regular meetings of the Village Board of Trustees held November 4, 2019, December 2, 2019, January 6, 2020, and February 3, 2020. The Village

Board declared itself to be Lead Agency for the purpose of environmental review under SEQRA and determined that the matter is a Type II action thus requiring no further environmental review. The Board of Trustees adopted Local Law No. 3 of 2020 as follows:

LOCAL LAW NO. 3 OF 2020 - A LOCAL LAW AMENDING CHAPTER 254 OF THE CODE OF THE VILLAGE OF SUFFERN ENTITLED VEHICLE AND TRAFFIC, ARTICLE VIII SCHEDULES, SECTION 254-65 SCHEDULE XV: TIME LIMIT PARKING.

BE IT ENACTED by the Board of Trustees of the Village of Suffern, as follows: Section 1. Section 254 of the Code of the Village of Suffern, entitled Vehicle and Traffic, Article VIII Schedules, § 254-65 Schedule XV: Time Limit Parking, is hereby amended to modify the location and time limit for parking in the Central Business District. As amended the said section of the Code shall read as follows (Additions are underlined, deletions are ~~strickethrough~~):
254-65 Schedule XV: Time Limit Parking:

Name of Street	Side	Time Limit	Location
<u>Blauvelt Way</u>	<u>West</u>	<u>45 Minutes, from 6:00 a.m. to 4:00 p.m. Monday through Friday; 2 hours Saturday, Sunday and Holidays</u>	<u>In front of 92 Blauvelt Way beginning 12 feet North of the driveway entrance (New 2 spaces)</u>
<u>Chestnut Street</u>	<u>Both</u>	<u>2 hours</u>	<u>Entire Length</u>
<u>Lafayette Avenue</u>	<u>Both</u>	<u>2 hours</u>	<u>Entire length</u>
<u>Lafayette Avenue</u>	<u>North</u>	<u>15 Minutes, 6:00 a.m. 4:00 p.m., 2 hours thereafter</u>	<u>In front of 24 Lafayette</u>
<u>Lafayette Avenue</u>	<u>South</u>	<u>15 minutes 6:00 a.m. to 4:00 p.m., 2 hours thereafter</u>	<u>In front of 83 and 85 Lafayette (2 spaces)</u>
<u>Orange Avenue</u>	<u>East</u>	<u>2 hours</u>	<u>Entire Length</u>
<u>Suffern Place</u>	<u>West</u>	<u>15 minutes, 6:00 a.m. to 4:00 p.m.; 2 hours thereafter</u>	<u>2 Suffern Place 30 feet north of Lafayette Avenue (2 Spaces)</u>

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

PUBLIC HEARING:

At 8:04 p.m. a motion to open the Public Hearing scheduled for 7:10 p.m. to consider a local law to amend Chapter 254 of the Code of the Village of Suffern, entitled Vehicles and Traffic, to reflect current vehicle and traffic conditions in the Central Business District and West Ward was made by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board. Village Clerk, Amy Paffenroth, provided a background for the proposed amendments to Chapter 254. Trustee Jo Meegan-Coorigan indicated she will be working with the Fire Department and Police Department to assess amendments to Chapter 254 based upon an evaluation of the needs of the

Village's First Responders to have access to properties in the event of an emergency. At 8:07 p.m. a motion to continue the Public Hearing to March 2, 2020 at 7:05 p.m. was made by Charles Barone, seconded by Jo Meegan-Corrigan, and passed unanimously by the Board.

FIRE DEPARTMENT:

RESOLUTION 21 OF 2020 - AUTHORIZING THE PURCHASE OF A SEAGRAVE CAPITOL CUSTOM STAINLESS-STEEL PUMPER

The Village desires to purchase a Seagrave Capital Custom Stainless-Steel Pumper, Model Code XC01, HGAC Contract FS12-17, from Hudson Valley Fire Equipment, LLC, 69 Fields Lane, Brewster, NY 10509. The Board of Trustees has reviewed and evaluated the purchase and determined the Village has a need for the apparatus to serve the residents of the Village of Suffern. The total cost of the Seagrave Capital Custom Stainless-Steel Pumper is \$822,392.00. The delivery of the apparatus is expected in approximately Three Hundred (300) calendar days after the manufacturer receives the approval drawings signed by the Village of Suffern. The Village Board of Trustees authorized the Village of Suffern to purchase the Seagrave Capital Custom Stainless-Steel Pumper in the amount \$822,392.00 from Hudson Valley Fire Equipment, LLC, 69 Fields Lane, Brewster, NY 10509. The Mayor was authorized to sign the approval drawings and the Contract of Sale and take all necessary steps to effectuate the intent of this resolution. The Contract of Sale shall be subject to review and approval by the Assistant Village Attorney as to form and substance. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION 22 OF 2020 - BOND RESOLUTION OF THE VILLAGE OF SUFFERN, NEW YORK, ADOPTED FEBRUARY 3, 2020, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$875,000 TO FINANCE THE ACQUISITION OF A FIRE TRUCK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$875,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

The Board of Trustees by a favorable vote of not less than two-thirds of all the members passed said resolution as follows: Section 1. The Village of Suffern, in the County of Rockland, New York (herein called the "Village"), was authorized to issue bonds in a principal amount not to exceed \$875,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the acquisition of a fire truck. Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$875,000 and said amount was appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$875,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Section 3. The following additional matters was determined and declared: (a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 27 of the Law, is twenty (20)

years. (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department. (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years. Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village was irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year. Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, was delegated to the Village Treasurer, the chief fiscal officer of the Village. Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the constitution. Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk was authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the *“Journal News,”* a newspaper having general circulation in said Village and designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form: VILLAGE OF SUFFERN, NEW YORK PLEASE TAKE NOTICE that on February 3, 2020, the Board of Trustees of the Village of Suffern, in the County of Rockland, New York, adopted the bond resolution entitled: “Bond Resolution of the Village of Suffern, New York, adopted February 3, 2020, authorizing the issuance of bonds in a principal amount not to exceed \$875,000 to

finance the acquisition of a fire truck, stating the estimated maximum cost thereof is \$875,000 and appropriating said amount for such purpose,” an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows: FIRST: AUTHORIZING the Village of Suffern, New York to issue bonds in a principal amount not to exceed \$875,000 pursuant to the Local Finance Law of the State of New York, to finance the acquisition of a fire truck; SECOND: STATING that the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$875,000 and appropriating said amount for such purpose. STATING that the plan of financing includes the issuance of bonds in a principal amount not to exceed \$875,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable; THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is twenty (20) years; (b) the proceeds of the bonds and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of the bond resolution for the purpose for which said bonds are authorized. (c) the proposed maturity of said bonds will exceed five (5) years; FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village. PLEDGING to their payment the faith and credit of the Village; FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; SIXTH: STATING the conditions under which the validity of the bonds or any notes issued in anticipation thereof may be contested. SEVENTH: DETERMINING that the bond resolution is subject to a permissive referendum. DATED: February 3, 2020. AMY PAFFENROTH. Village Clerk. Section 8. The Village Clerk was authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan. A roll call vote followed and was recorded as follows:

NAME	YES	NO	ABSENT
Alpert	X		
Barone	X		
Girard	X		
Markunas	X		
Meegan-Corrigan	X		

The Resolution was declared adopted.

RESOLUTION NO. 23 OF 2020 - ESTABLISHING CAPITAL PROJECT 2020-008 2020 FIRE TRUCK

The Village Board has adopted a resolution authorizing the Mayor to enter into an agreement on behalf of the Village with Hudson Valley Fire Equipment, LLC for the purchase of a Seagrave Model Code XC01 Capitol Custom Stainless-Steel Pumper. The Village Board has adopted a resolution authorizing the issuance of serial bonds in the amount of \$875,000 for the purchase of the aforesaid apparatus and any costs associated with the purchase. The Village of Suffern Board of Trustees established Capital Project 2020-008 entitled 2020 Fire Truck as follows:

Appropriations \$875,000

Estimated Revenues – Debt \$875,000

A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Steve Alpert, and passed unanimously by the Board.

GRANT WRITER:

RESOLUTION 24 OF 2020 - APPOINTMENTS TO THE 2020 PROGRAM YEAR CITIZEN ADVISORY COMMITTEE

The Mayor appoints the appointment the following members to the 2020 Program Year Citizens Advisory Committee:

<u>Committee Members:</u>			
<u>Name</u>	<u>Mailing Address</u>	<u>Phone</u>	<u>Other</u>
Ernie Bosco	108 Bon Air Circle West Suffern, NY 10901	845-357- 8777	Village Resident, Senior Citizen, Board Member Suffern Community Foundation, Condominium Owner, Retired Spring Valley High School Science Teacher
Frances Glick	9 Hillside Avenue Suffern, NY 10901	201-745- 2005	Village Resident, Minority, Homeowner, Suffern Chamber of Commerce Member, Downtown Business Owner
Dina Schmidt	1 Fairview Place Suffern, NY 10901	845-368- 4261	Village Resident, Homeowner, New York Rising Committee Member, BOCES Special Ed Teaching Assistant
Charles Rogers	3 Berkeley Square Suffern, NY 10901	845-368- 2335	Suffern Middle School Village Resident, Retiree Renter
Kathy Van Sickle	8 Oak Terrace Suffern, NY 10901	845-357- 1326	Village Resident, Homeowner, Suffern Recreation Committee Member, Board Member Suffern Community Foundation

<u>Committee Advisors:</u>			
<u>Name</u>	<u>Mailing Address</u>	<u>Phone</u>	<u>Other</u>
Fred Rella	15 Chestnut Street #436 Suffern, NY 10901	914-552-0146	Grant Writer
Charles Sawicki	61 Washington Avenue Suffern, NY 10901	845-368-2602	Superintendent of Public Works III

A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Steven Alpert, and passed unanimously by the Board.

CULTURE AND RECREATION:

RESOLUTION NO. 25 OF 2020 - AUTHORIZING CATHY MILLS TO EXPEND AN AMOUNT NOT TO EXCEED \$5217 TO COORDINATE A VILLAGE OF SUFFERN BROADWAY TRIP

Cathy Mills was authorized to expend an amount not to exceed \$5217 to purchase tickets and schedule bus service for a Village of Suffern Broadway trip to see Frozen at the St. James Theater, March 14, 2020. The Village of Suffern will be reimbursed for this expenditure through Village resident ticket sales to participate in this event. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Coorigan, seconded Trustee Charles Barone, and passed unanimously by the Board.

RESOLUTION NO. 26 OF 2020 - AUTHORIZING CATHY MILLS TO PURCHASE THE RIGHTS TO THE CLIFFORD THEATER SUMMER PRODUCTION

RESOLVED, Cathy Mills was authorized to purchase the rights to the Clifford Theater Summer Production in the amount of \$625.00. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION 27 OF 2020 - APPOINTING NANCY CHRISTOPHER TO THE POSITION OF RECREATION PROGRAM ASSISTANT

Mayor Markunas read the following proposed resolution: The position of Recreation Program Assistant was established in the Village of Suffern by Resolution 118 of 2019, effective June 3, 2019. The position of Recreation Program Assistant is a competitive position. Nancy Christopher is on the Rockland County competitive list for the position of Recreation Program Assistant. Mayor Markunas appointed Nancy Christopher to the position of Recreation Program Assistant, Position Control # 340339, at a pay rate of \$24.71 per hour, effective February 10, 2020. Following the reading of the resolution, Mayor Markunas asked for a motion and Board discussion. A motion was raised by Trustee Paul Girard and seconded by Mayor Markunas.

Trustee Corrigan proposed that this Resolution be reevaluated next month considering that other positions are currently under evaluation by the CSEA. Trustee Corrigan also stated that some non-union employees had not received an increase since 2014 and that she wanted to know what Ms. Christopher's increase would mean to the budget.

Mayor Markunas stated he wanted the public to be aware that he was deeply concerned about the matter before the Board this evening regarding Ms. Nancy Christopher's appointment. The issue concerning Nancy Christopher's appointment to the position of Recreation Program Assistant was discussed by the Board of Trustees during its last Executive Session. At the close of such Executive Session all Board members agreed to appoint Ms. Christopher and vote on such appointment at the next board meeting. After the Executive Session, the Mayor asked the Village Clerk to draft a resolution memorializing the intentions of the Board of Trustees to appoint Ms. Christopher. However, the Mayor stated sometime between the close of the last Executive Session and the evening's board meeting, the Board determined not to proceed with the appointment of Ms. Christopher, and that during that time, the Trustees made another decision outside a regular board meeting without the knowledge of the Mayor that impacted the Village.

Trustee Corrigan again proposed that this resolution be reevaluated next month considering that other positions are currently under evaluation by the CSEA. Charles Barone raised the issue of the legal bill in the amount of \$47,000 that was generated by the legal action taken by the Mayor on behalf of the Village against Trustees Girard, Barone, and Corrigan in response to the action they took on December 2, 2020 to appoint a Village Attorney and the impact that cost will be have on the budget. Trustee Girard stated he believed that Trustees could make phone calls to each Trustee outside of an open meeting to discuss matters as they did regarding Nancy Christopher. Mayor stated that this was not what happened since the phone call he received from Trustee Barone before the evening's meeting was not to discuss the matter, but to advise him of the decision the Board had reached not to appoint Nancy Christopher to Recreation Program Assistant

CSEA President Joseph Hunt asked Cathy Mills if Nancy Christopher was working out of title. Cathy Mills responded "yes". Joe Hunt advised the Board that based upon the information a grievance will be filed by CSEA. Mayor Markunas then asked for another vote on the resolution. Trustee Alpert voted Yes, Trustee Girard voted No and asked that they matter be tabled until a further meeting, Trustee Barone said No until next month, Trustee Corrigan said No until next month.

Note: This dialog is provided at this section of the minutes to explain the sequence in the adoption of the following resolution: Following the vote noted above on Resolution 27 of 2020, the meeting continued with the Audience Participation portion of the meeting. During Audience Participation, the first resident to speak asked the Board to explain why they had voted to not

appoint Ms. Christopher since it appeared she has been working in the title for some time. The resident indicated that the action taken at this meeting appeared to be a violation since the employee had been waiting for so long for this change to occur. She asked the Board how much filing a grievance in this matter would cost the Village. The Mayor said he was unsure of the cost to file the grievance since it depended on how long it would take to resolve the matter. The Mayor explained that Ms. Christopher was aware that this matter would not be addressed until the CSEA Memorandum of Agreement was resolved since the creation of a 35-hour pay chart which was a provision of the Agreement. The Mayor stated that the Treasurer, CSEA, Village Clerk, and Rockland County Personnel were involved in creating the 35-hour pay chart and that the Trustees were aware these steps had taken place since the Memorandum of Agreement was passed this evening, and that Ms. Christopher's position was the only current outlier to be addressed by the Board.

Joseph Hunt, CSEA President, explained that the Village and CSEA are working together to establish a career ladder for positions that currently not provided any advancement opportunities. The Mayor explained that he will be seeking approval from the Board to create and establish new positions to be listed in the CSEA contract Job Title List that will allow employees to be recognized for advancement. The Mayor explained that employees who currently take and pass tests for higher level positions in a career ladder do not have advancement opportunities and that with the assistance of CSEA he plans to address this matter. Mayor explained that some employees have recently taken tests for higher level positions, but these test scores have not been received nor does the Village know when they will be received. The Mayor explained this is an entirely different matter from the matter discussed with the Board regarding Nancy Christopher's appointment. Trustee Corrigan asked if these additional issues will take longer than a month to resolve and Joseph Hunt stated "yes". Trustee Corrigan stated that under these circumstances, she would recommend that the Board approve Ms. Christopher's appointment to the new job title.

The Mayor then re-read the Resolution 27 of 2020 appointing Ms. Christopher to Recreation Program Assistant: The position of Recreation Program Assistant was established in the Village of Suffern by Resolution 118 of 2019, effective June 3, 2019. The position of Recreation Program Assistant is a competitive position. Nancy Christopher is on the Rockland County competitive list for the position of Recreation Program Assistant. Mayor Markunas appointed Nancy Christopher to the position of Recreation Program Assistant, Position Control # 340339, at a pay rate of \$24.71 per hour, effective February 10, 2020. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded by Trustee Alpert and passed unanimously by the Board.

RECREATION UPDATE:

Cathy Mills provided the following update to the Board of upcoming events: February 6 Girl Scouts International Dinner 6:00 pm; February 7 DARE Dance 7-9:00 pm; February 20 Self Defense Class with Malandra Martial Arts Studio 6:30-8:00 pm; February 21 LEAD 7:00 pm; February 27 Movie at the Center “The Peanut Butter Falcon” 12:00 pm; Evening Yoga at the Community Center March 2, 9, 16, 30 6:30 pm; March 3 Narcan Training 6-7:30 pm; April 4 Suffern Little League Opening Day Parade and Ceremony 9:00 am.

SUMMARY OF AUDIENCE PARTICIPATION:

A resident remembered when the Village was the most fiscally stressed Village in the State of New York and thanked the Mayor for all of his efforts in turning things around and making Suffern a wonderful place to live. He also thanked the DPW, Police Department, and Fire Department for their outstanding community service. He asked the Board as to the status of the delayed green light at the corner of Lafayette and Washington Avenue. The Mayor said he has been following up with the D.O.T. regarding this matter since changes to the Hudson Link bus services impacted the traffic light project. The Mayor asked Charles Sawicki to follow up. The resident also asked about the status of the Route 202 sidewalk project. The Mayor confirmed the project would take place in 2020.

The attorney representing Avon spoke about the sale of the nail enamel property to a private owner. The attorney said he would be available to answer any questions the Board may have during the meeting and before or after the Executive Session. Avon is requesting the Village Board approve a modification to the PILOT Agreement. The perspective buyer had agreed to a covenant that states the property, even if sold, would remain subject to property taxes for next 10 years. Various residents expressed concern about the increase in truck traffic as a result of an increase in proposed warehouse operations. The Mayor believes a traffic study should be conducted by Avon. The construction of additional 60 housing units near Esther Gitlow was discussed as increasing traffic in the area. The perspective buyer seeking to purchase the Avon property spoke to the Board to answer any questions they may have had. The owner currently has a location with 17,000 square feet of warehouse space located in Monsey and 8,000 square feet in New Jersey and stated he employs about 25 employees who are making a competitive wage. He encouraged the Board to visit his locations to see how his operation is managed.

A resident asked the Board why Mr. Rice was not sitting at the podium and what their justification was for usurping the Mayor’s authority to appoint an attorney and exceeding their powers as Trustees. She asked if the Board understood the importance of the NYS Open Meetings Law and asked why the Board met with Mr. Rice to negotiate him serving as village attorney without the public being aware of the negotiations since the Board had time during the November 26, 2019 Workshop Meeting and prior to the December 2, 2019 Board Meeting to make their intentions known. She asked why the Board had refused to attend Special Meetings throughout December

to discuss the Village Attorney and asked if they did so as a way to stall until December 31 so that the Mayor would be without legal representation. She asked the Board why they would consider an attorney who represented clients that presented controversial building projects planned in the Town of Ramapo and how the Board would resolve conflicts of interests between the Village and any attorney's past and present clients. She stated that since December, the Board has betrayed the public trust, their oath of office and cost the Village \$47,000 in legal fees. She asked that the Board members involved should offer their resignations as a result. She said Village residents are looking for an open, transparent government with truthfulness and honesty and that the Trustees work for the people not selfish interests.

A resident requested Board members to begin to attend events scheduled in the Village and that the Board should begin to work together.

Bruce Simon advised the Board that another clean-up day sponsored by the Community Foundation was scheduled to take place on March 28, 2020 with collected items to include medicine, batteries, small appliances, light bulbs, etc. He advised the public that tires would not be accepted.

VFW Post 2973 Commander Timothy McInerney regretfully advised the Board that as of January 31, 2020, the post was no longer in existence. He said members were getting older and could no longer sustain the Post as a result. The Mayor advised Commander McInerney that all members of VFW Post 2973 were welcome and encouraged to be a part of the Suffern American Legion.

POLICE DEPARTMENT:

RESOLUTION NO. 28 OF 2020 - RESOLUTION ACCEPTING THE RESIGNATION OF MICHAEL MCPADDEN EFFECTIVE JANUARY 29, 2020

The Board of Trustees accepted the resignation of Michael McPadden, Police Officer Part Time, effective January 29, 2020, Nunc Pro Tunc. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 29 OF 2020 - REQUESTING AMENDMENTS TO NEW YORK STATE'S CRIMINAL JUSTICE REFORMS

While there was a need to reform New York's criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level. The dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with

police departments, local justice courts or code/parking enforcement departments. The discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody). Drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates. Arraignment must now take place within 20 days of desk appearance ticket issuance, requiring justice courts, many of which convene monthly, to meet more frequently. Cities and villages will not reap savings from the bail reform's reduction of the burden on county jails. Municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years. The Village of Suffern supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms, but which will allow for more effective and affordable implementation: Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures; Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges; Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony; Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis; Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order. This resolution as adopted will be sent by the Village of Suffern to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator David Carlucci and Assembly Member Ellen Jaffee, the New York State Conference of Mayors, and local media outlets. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan.

RESOLUTION 30 OF 2020 - RESOLUTION APPOINTING FRANCIS D'ANDREA CLERK PART TIME IN THE POLICE DEPARTMENT

The Criminal Justice Reform Bill has resulted in additional administrative duties. The Village of Suffern has an established, vacant position of Clerk Part-Time in the Police Department, Position Control # 340153. The Mayor appointed Mr. Francis D'Andrea to the vacant position of Clerk Part-Time, Position Control # 340153, at a pay rate of \$18.00 per hour, effective February 10, 2020. A motion to approve the foregoing resolution was made by Trustee Charles Barone and seconded by Trustee Jo Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION 31 OF 2020 - ESTABLISHING A PAY RATE FOR THE POSITION OF PARKING ENFORCEMENT AIDE PART TIME AND INCREASING THE PAY RATE FOR JOHN NATALE TO THE NEW STARTING SALARY

The CSEA Memorandum of Agreement was approved by the Village Board of Trustees, effective February 3, 2020. The position of Parking Enforcement Aide Part Time is not a position covered

by the CSEA Memorandum of Agreement. To provide a pay rate that is internally equitable within the Village of Suffern, and in order to attract and retain employees to the position of Parking Enforcement Aide Part Time, an adjustment in the starting pay rate is recommend. The recommended pay rate for Parking Enforcement Aide was established based upon an analysis of internal and external pay rates conducted by the Village of Suffern Treasurer, the Office of the Village Clerk, the CSEA and along with the assistance of the Rockland County Personnel Department, in the establishment of a Job Grade Chart. The starting pay rate for Parking Enforcement was increased to \$15.00 effective January 10, 2020. The pay rate for Parking Enforcement Aide John Natale, Parking Enforcement Aide Part Time, was increased to \$15.00, effective January 10, 2020, and passed unanimously by the Board.

DEPARTMENT OF PUBLIC WORKS:

DELAWARE ENGINEERING PRESENTATION:

A presentation of the proposed upgrades and modifications to the Waste-Water Treatment Facility was presented by Mary Beth Bianconi. A copy of the presentation can be found on the Village of Suffern Website at <https://suffernny.gov/wp-content/uploads/2020/02/Delaware-Presentation-Waste-Water-Treatment-Plant-Upgrades-and-Modifications.pdf>. Following the presentation, the following resolution was read:

RESOLUTION NO. 32 OF 2020 - AUTHORIZING AMENDMENT 2 TO THE PROFESSIONAL SERVICES PROPOSAL FROM DELAWARE ENGINEERING FOR THE DESIGN PHASE AND BIDDING SERVICES

The Board of Trustees consulted with Charles Sawicki, Superintendent of Public Works, with respect to Amendment 2 to the professional services proposal from Delaware Engineering for the Design Phase and Bidding Services in accordance with the Engineering Report dated July 2019 prepared by Delaware Engineering for the project to upgrade the Village of Suffern Wastewater Treatment Plant. The proposed improvements will not increase the capacity of the WWTP but will add a Headworks Building, rehabilitate the primary clarifiers, rehabilitate the trickling filters, upgrade the mechanical aeration treatment with moveable bed biological reactor, and replace equipment that has reached the end of its useful life. Delaware Engineering will perform the Professional Services for the Design Phase and Bidding Services in accordance with the New York State Environmental Facilities Corporation (EFC) Clean Water Grant provisions under the New York Water Infrastructure Improvement Act (WIIA grants). Professional Services Proposal from Delaware Engineering for the Design Phase and Bidding Services including the preliminary engineering and field investigations, survey and soil borings, project design, and bidding services is in amount not to exceed \$485,000.00. Construction Phase Services, including office engineering and construction inspection shall be added by amendment to this agreement after a Contractor has been selected and a construction schedule is known. The Board of Trustees authorized Amendment 2 to the Professional Service Proposal from Delaware Engineering for the Design Phase and Bidding Services in the amount of \$485,000.00. Mayor Markunas was authorized to sign the Professional Services Agreement on behalf of the Village of Suffern. A

motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 33 OF 2020 - AUTHORIZING PAYMENTS NO. 7 TO VALENTINE ELECTRIC FOR THE SOUTH STREET EMERGENCY GENERATOR

The Village Board of Trustees authorized Payment No. 7 in the amount of \$32,796.51 to Valentine Electric, 274 Greenbush Road, Blauvelt, New York. The AIA Document G702-1992 (Application and Certification for Payment) and the certified payroll have been reviewed by Charles Sawicki and have been deemed acceptable for payment. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded Trustee Charles Barone, and passed unanimously by the Board.

RESOLUTION NO. 34 OF 2020 - AUTHORIZING THE SOLICITATION OF BIDS FOR REFUSE AND RECYCLING COLLECTION CONTAINER SERVICE AREA

The Board of Trustees authorized Charles Sawicki to solicit bids for the refuse and recycling collection container service area with bids due March 16, 2020 at 3:00 p.m., subject to the review of all required documents by the Village Attorney. A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded Trustee Paul Girard, and passed unanimously by the Board.

RESOLUTION NO. 35 OF 2020 - A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR WATER DEPARTMENT CHEMICALS

The Board of Trustees authorizes Charles Sawicki to solicit bids for Water Department chemicals (Liquid Sodium Hypochlorite Solution, 25% Sodium Hydroxide, and Zinc Orthophosphate) for the period including June 1, 2020 thru May 31, 2021, with bids due March 17, 2020 at 3:00 p.m., subject to the review of all required documents by the Village Attorney. A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 36 OF 2020 - RESOLUTION ACCEPTING THE RESIGNATION OF ALEX HALPER EFFECTIVE JANUARY 29, 2020

The Board of Trustees accepts the resignation of Alex Halper, Laborer, effective January 29, 2020, Nunc Pro Tunc. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 37 OF 2020 - APPOINTING PAUL LORUSSO AS LABORER EFFECTIVE FEBRUARY 4, 2020

The Mayor appoints Paul Lorusso to the vacant position of Laborer in the Refuse Department, effective February 4, 2020, at a pay rate of \$17.30 per hour, Position Control Number 3400063. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded Trustee Steve Alpert, and passed unanimously by the Board.

RESOLUTION NO. 38 OF 2020 - AUTHORIZING ARAMIS MORRIS TO BE REIMBURSED FOR THE APPLICATION AND EXAMINATION FEES FOR THE WWTP 2A LICENSE

On January 25, 2020, Mr. Aramis Morris received a passing grade for the New York State Waste-Water Treatment (WWTP) 2A license exam. The Board of Trustees authorized Mr. Aramis Morris to be reimbursed for the application and examination fees for a WWTP 2A License in the amount of \$254.00. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded Trustee Steve Alpert, and passed unanimously by the Board.

TREASURER:

RESOLUTION NO. 39 OF 2020 - AMENDING 2019-2020 DEBT SERVICE FUND BUDGET FOR ISSUANCE OF 2020 REFUNDING BONDS

The Village of Suffern successfully sold refunding bonds in the amount of \$2,935,000 to refund the 2007 Various Purpose Serial Bonds and the 2012 Various Purpose Serial Bonds. The Board of Trustees amended the 2019-2020 Debt Service Fund budget as follows:

Increase Estimated Revenues:

Refunding Bonds	\$2,935,000.00
Premium on Obligations	542,412.85

Increase Appropriations:

Serial Bond Principal	3,355,000.00
Serial Bond Interest	33,565.08
Fiscal Agent Fees	88,847.77

A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Steve Alpert.

RESOLUTION TO AUTHORIZE PAYMENT TO KEANE AND BEANE FOR INVOICE NO. 54019 SERVICES PROVIDED DECEMBER 1 THROUGH DECEMBER 31, 2020

The following resolution was read before the Board of Trustees to authorize the payment of any and all legal invoices submitted by Keane & Beane for services provided to the Village between December 1, 2019 and December 31, 2019:

On December 19, 2019, a petition was filed with the Supreme Court of the State of New York County of Rockland by Edward Markunas in his capacity as Mayor of the Village of Suffern, and derivatively on behalf of the Village of Suffern, New York against Paul Girard, Charles Barone, and Jo Meegan-Corrigan in their capacities as Trustees for the Village of Suffern, New York and Terry

Rice, Esq. On January 15, 2020, the Supreme Court of the State of New York County of Rockland issued a Decision and Order, Motion Seq. No. 1, Motion Date, Index No. 1570/2019. Outlined in the discussion section of the January 15, 2020 Decision and Order, “a public officer has implied authority to employ special counsel in the prosecution or defense of an action undertaken in the public interest and involving his official duties where the municipal attorney is disqualified from acting”. In accordance with the Mayor’s authority, Keane and Beane is serving as special counsel in the action undertaken in the matter of Edward Markunas in his capacity as Mayor of the Village of Suffern, and derivatively on behalf of the Village of Suffern, New York against Paul Girard, Charles Barone, and Jo Meegan-Corrigan in their capacities as Trustees for the Village of Suffern, New York and Terry Rice, Esq. In accordance with the January 15, 2020, the Supreme Court of the State of New York County of Rockland Decision and Order, Motion Seq. No. 1, Motion Date, Index No. 1570/2019, “the Village Treasurer is authorized to pay Keane & Beane for its legal services”. The cost of legal services for special counsel services in the above noted action provided by Keane and Beane during the month of December 2019 is in the amount of \$47,560.18. The motion failed.

The Mayor made a statement regarding the Board’s decision not to authorize payment to Keane and Beane as ordered by Judge Marx. On February 4, 2019, the Board of Trustees entered into a retainer agreement with Keane & Beane, P.C. for general legal services through and including December 31, 2019. Based upon such retainer agreement, the Village is contracted and bound to pay all legal invoices from Keane & Beane for general legal services to the Village. Yet, on December 31, 2019, without authority, Trustee Paul Girard directed the Village Treasurer that he was not to pay any legal invoices from Keane & Beane after such date without prior authorization from the Board of Trustees. Keane & Beane, thereafter, issued legal invoices for legal services provided to the Village under the retainer agreement between December 1, 2019 and December 31, 2019. Yet, despite such legal services being provided to the Village during the term of the retainer agreement, the Village Treasurer has refused to pay such invoice due to the direction of Mr. Girard. As explained at the beginning of this meeting, on January 15, 2020, a decision and order were issued by Supreme Court Justice Paul Marx. Judge Marx ordered that the Village Board of Trustees were prohibited from enforcing the December 2, 2019 motion to appoint Mr. Rice as Village Attorney, were prohibited from appointing a Village Attorney and from enjoining Mr. Rice from holding himself as Village Attorney, the retainer agreement between Keane and Beane was ordered continued pending the disposition of the matter in the court, and the Village Treasurer was ordered to pay Keane and Beane for its legal services for both the matter before the court as well as in the continuance of the retainer agreement.

RESOLUTION TO AMEND 2019-2020 BUDGET FOR LEGAL SERVICES

The Mayor read the following resolution: RESOLUTION AMENDING 2019-2020 BUDGET FOR LEGAL SERVICES - The Village Board authorizes the Village Treasurer to transfer \$107,000 from the General Fund Contingent Account to the Village Attorney Contractual Expenditures account. The Village Board did not authorize the Village Treasurer to transfer \$107,000 from the General Fund Contingent Account to the Village Attorney Contractual Expenditures account.

OFFICE OF THE MAYOR:

RESOLUTION NO. 40 OF 2020 - AUTHORIZING A PUBLIC HEARING TO BE HELD MARCH 2, 2020 TO AMEND LOCAL LAW 4 OF 2018 TO CLARIFY CHAPTER 244-46(A) GRANT OF EXEMPTION

The Board of Trustees authorized a public hearing to be held Monday, March 2, 2020 at 7:10 p.m. to amend Local Law 4 of 2018 to the clarify Chapter 244-46(A) Grant of Exemptions. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded Trustee Charles Barone, and passed unanimously by the Board.

RESOLUTION NO. 41 OF 2020 - AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT WITH THE TOWN OF RAMAPO FOR USE OF THE TOWN OF RAMAPO POLICE FIRING RANGE

The Board of Trustees of authorized the Mayor to sign the License Agreement, dated December 31, 2019, for use of the Town of Ramapo Police Firing Range for calendar year 2020. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 42 OF 2020 - AUTHORIZING CHARLES BARONE TO ATTEND THE NYCOM LEGISLATIVE MEETING FOR CITY AND VILLAGE OFFICIALS FEBRUARY 10 IN ALBANY, NEW YORK

The Board of Trustees authorized Charles Barone to attend the NYCOM Winter Legislative Meeting for City and Village Officials February 10, 2020 in Albany, New York, at a cost of \$165.00 per member one-day participant. The Village of Suffern will pay for or reimburse the employee for all actual, reasonable and necessary registration, meals and travel expenses associated with attendance at this event. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded Trustee Steve Alpert, and passed unanimously by the Board.

RESOLUTION NO. 43 OF 2020 - AUTHORIZING SACRED HEART CHURCH TO HOLD THE PROCESSION OF THE CROSS ON LAFAYETTE AVENUE TO BE HELD ON GOOD FRIDAY, APRIL 10, 2020

The Village Board of Trustees authorized Sacred Heart Church to hold the Procession of the Cross on Lafayette Avenue beginning at the corner of Orange Avenue and proceeding to Sacred Heart Church, Good Friday, April 10, 2020. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

RESOLUTION NO. 44 OF 2020 - AUTHORIZING THE VILLAGE OF SUFFERN TO PARTICIPATE IN THE ROCKLAND COUNTY INTERMUNICIPAL SHARED SERVICES AND COLLABORATION AGREEMENT FOR PROCUREMENT

The Mayor and Board of Trustees promotes the routine sharing of services and equipment. By Resolution of 237 of 2019, the Legislature of Rockland County Approved the execution of the Rockland County Intermunicipal Shared Services and Collaboration Agreement for Procurement. The participation of the Village of Suffern in the Rockland County Shared Services and Collaboration Agreement for Procurement is subject to approval by the Board of Trustees. The Agreement will commence once it is fully executed by all parties and shall continue through December 31, 2024, with an automatic renewal for five (5) year terms unless it is otherwise terminated. The Board of Trustees authorized the Village of Suffern to participate in the Rockland County Intermunicipal Shared Services and Collaboration Agreement for Procurement and authorizes the Mayor to execute the same. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded Trustee Jo Meegan-Corrigan, and passed unanimously by the Board.

EXECUTIVE SESSION:

A motion to enter into Executive Session to discuss the proposed sale of real property was made at 11:05 p.m. by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board. A motion to close the Executive Session and enter back into the regular meeting was made at 11:49 p.m. by Paul Girard, seconded by Jo Meegan-Corrigan, and passed unanimously by the Board. No decisions were reached by the Board in Executive Sessions.

ADJOURNMENT:

The meeting was adjourned at 11:58 p.m.