

**Village of Suffern  
Special Meeting of the Village Board of Trustees  
April 9, 2018 – 7:00 P.M.**

A Special Board Meeting was held on April 9, 2018 at 7:00 p.m.

**Present:**       **Edward Markunas, Mayor**  
                  **Frank Hagen, Trustee**  
                  **Moira Hertzman, Trustee\***  
                  **Dan Kraushaar, Village Attorney**  
                  **Virginia Menschner, Village Clerk**  
                  **Amy Paffenroth, Deputy Village Clerk**  
                  **Joseph Russo, Trustee**

**\*Note:** Trustee Moira Hertzman arrived at 7:20 p.m.

**CALL TO ORDER:**

Mayor Markunas called the meeting to order at 7:00 p.m., leading the Pledge of Allegiance and a moment of silence in honor of our service men and women.

**PUBLIC HEARING TO CONSIDER THE TENTATIVE BUDGET FOR FISCAL YEAR ENDING MAY 31,**

**2019** - A Public Hearing was scheduled for 7:00 p.m. to consider the Tentative Budget for Fiscal Year Ending May 31, 2019. Moira Hertzman was late in arriving to the meeting so the Mayor requested at 7:06 p.m. that the public hearing be adjourned until 7:40 p.m. Prior to adjourning the public hearing to 7:40 p.m. the following comments were made: Paul Girard of 2 Cross Street stated that he submitted a FOIL on March 5, 2018 but did not receive the materials until last evening which was 15 days beyond the required 20-day response time to receive FOIL information. Mr. Girard stated that he had received the balance sheet that he requested, but did not receive the expense totals by department. He stated he asked for the same information last year. Mr. Genito replied that actually he received exactly what he had asked for which was different from last year's request, but the additional information Mr. Girard was requesting this evening would be provided. Since Mr. Girard did not receive the information within the 20-day period, he requested the public hearing be postponed. He stated he would like the opportunity to have additional time to review the figures Mr. Genito provided since he had worked all day and did not have the opportunity to review the information. The Mayor was concerned about the proper noticing requirements needed reschedule the meeting. Attorney Kraushaar stated that the meeting could be adjourned to a date certain at this meeting rather than rescheduling the public hearing. The Mayor requested that the public hearing be adjourned until 7:40 p.m. to provide Moira Hertzman additional time to arrive to discuss this matter further. Prior to adjourning the public hearing, the Mayor asked if there was anyone else who would like to speak. Jim Giannettino, 2 Memorial Drive, asked if any revisions had been made to the tentative budget. Mr. Genito responded that there had not been any revisions made. Mr. Giannettino stated he believed this to be unusual because in the past, at the time of the public hearing, the public could comment on

the revisions. Mr. Giannettino stated he agreed with Mr. Girard to adjourn the public to another date certain to provide the opportunity to comment on the revisions made to the budget that would be presented at the next public hearing. He further stated that he believed that there would be revisions, because at this time the budget was above the tax cap limit. Cathy Mills then asked the Board if her longevity was included in the tentative budget figures. Mr. Genito stated that it was. At 7:17 p.m. a motion to adjourn the public hearing until 7:40 p.m. was made by Frank Hagen, seconded by Joseph Russo and passed unanimously by the Board.

### **LOCAL LAW TO EXCEED THE REAL PROPERTY TAX LEVY LIMIT**

**PUBLIC HEARING** – A public hearing was scheduled for 7:15 p.m. to discuss a local law to exceed the real property tax levy limit for the Village of Suffern in excess of the limit established in General Municipal Law Section 3-C. A motion to open the public hearing at 7:19 p.m. was made Frank Hagen, seconded by Joseph Russo, and passed unanimously by the Board. Paul Girard of 2 Cross Street stated the he understood that this local law was just a provision and that it was the intent of the Board not to exceed the property tax levy limit when the final budget is adopted. However, he wanted to point out that the Village had what he believed to be a large surplus in the past two budget years in the general fund. He believed this surplus to be large enough and that a tax increase under the circumstances was unwarranted. Mr. Giannettino of 2 Memorial Drive, stated that he had to disagree with Mr. Girard. Mr. Giannettino believed exhausting any surplus and not providing for a contingency fund is the reason the Village was so fiscally stressed 5 years ago. Mr. Girard replied that he can respect this response but he believed the contingency funds was too large and that instead it should be reduced to provide tax relief. Mr. Giannettino asked Mr. Girard if he understood why there was a need for a contingency fund. Then Mr. Giannettino responded again to Mr. Girard stating there are two union contracts that need to be negotiated and the contingency fund was required for this purpose as well as others. A motion to close the public hearing at 7:25 p.m. was made by Joseph Russo and seconded by Frank Hagen.

### **LOCAL LAW NO. 6 OF 2018 – LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

Section 1. Legislative Intent - It is the intent of this local law to allow the Village of Suffern to adopt a budget for the fiscal year ending May 31, 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c. Section 2. Authority - This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body. Section 3. Tax Levy Limit Override - The Board of Trustees of the Village of Suffern, County of Rockland, is hereby authorized to adopt a budget for the fiscal year ending May 31, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c. Section 4. Severability - If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the

remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered. Section 5. Effective date - This local law shall take effect immediately upon filing with the Secretary of State. A motion to adopt Local Law 6 of 2018 was made by Frank Hagen, seconded by Joseph Russo and passed unanimously by the Board.

**ATTORNEY:**

**RESOLUTION NO. 97 OF 2018 - A RESOLUTION AUTHORIZING THE VILLAGE CLERK TO SIGN THE LETTER FROM PENFLEX, INC. AUTHORIZING LANCE WEINSTEIN TO BE AWARDED A PRE-ENTITLEMENT AGE TOTAL DISABILITY BENEFIT FROM THE SUFFERN FIRE DEPARTMENT SERVICE AWARD PROGRAM**

The Village Clerk is authorized to sign the letter to Penflex, Inc., 50 Century Hill Drive, Suite #3, Latham, New York, awarding Mr. Lance Weinstein a Pre-Entitlement Age Total and Permanent Disability Benefit from the Suffern Fire Department Service Award Program, as summarized in the letter dated March 12, 2018, from Mr. Paul Maceli, Benefits Specialist, Penflex, Inc. Moira Hertzman was absent for this portion of the meeting and was, therefore, noted as absent from the vote. A motion to approve the foregoing resolution was made by Trustee Joseph Russo and seconded by Trustee Frank Hagen and approved unanimously by the Board.

**MAYOR:**

**RESOLUTION NO. 98 OF 2018 - AUTHORIZING TEMPORARY LOADING AND UNLOADING ZONES ON CHESTNUT STREET DURING THE CONSTRUCTION OF ORANGE AVENUE APARTMENTS**

The Orange Avenue Apartments, LLC, has commenced construction activities at Orange Avenue and Blauvelt Place. Orange Avenue Apartments, LLC, construction activities require access to a loading and unloading area on Chestnut Street, Monday through Friday, between the hours of 6:30 a.m. and 3:30 p.m. The loading and unloading activities required for the progress of the Orange Avenue Apartments, LLC, has limited the ability of Tiger Chef, located at 27 Chestnut Street, to conduct loading and unloading activities. The Village of Suffern wishes to establish temporary loading and unloading zones for Orange Avenue Apartments LLC and Tiger Chef that will be available until the construction of the Orange Avenue Apartments is complete in an effort to improve the flow of traffic on Chestnut Street. The Village of Suffern established a temporary loading and unloading zone on the East side of Chestnut Street, Monday through Friday from 6:30 a.m. to 3:30 p.m. occupying four parking spaces; and a temporary loading and unloading zone on the West side of Chestnut Street, Monday through Friday from 7:00 a.m. to 5:00 p.m. occupying four parking spaces. Moira Hertzman was absent for this portion of the meeting and was, therefore, noted as absent from the vote. A motion to approve the foregoing resolution was made by Trustee Joseph Russo and seconded by Trustee Frank Hagen and approved unanimously by the Board.

**RESOLUTION NO. 99 OF 2018 - A RESOLUTION AUTHORIZING WAYS AND MEANS PRODUCTIONS, LLC TO CONDUCT FILMING ACTIVITIES IN THE CENTRAL BUSINESS DISTRICT APRIL 14, 2018 FROM 8:00 A.M. TO 11:00 P.M.**

The Board of Trustees approved the permit of Ways and Means Production to film “Fender – Grace Vanderwall” a documentary film about Grace Vanderwall, with filming activities taking place at I-Style and the Lafayette Theater on April 14, 2018 from 8:00 a.m. to 11:00 p.m. The Village Clerk is authorized to sign the Permit Application authorizing Ways and Means Productions, LLC, to conduct filming activities in Central Business District (the Board specifically grants an extension on the time limitation as noted in §76.4 - Rules and Regulations; Section F of Local Law 4 of 2017, specifically to allowing filming on Saturday, April 14, 2018 until 11:00 p.m.). The approval of this permit is subject to the submission of all required documentation and review of same by the Village of Suffern Attorney, and payment of fees all as provided for in Local Law 4 of 2017. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Moira Hertzman and approved unanimously by the Board.

**RESOLUTION NO. 100 OF 2018 - A RESOLUTION AUTHORIZING WILLIAM BARISH TO ATTEND CSEA 2018 STATEWIDE CONFERENCE ON OCCUPATIONAL SAFETY AND HEALTH IN LAKE PLACID, NY APRIL 27-29**

The Village Board adopted Resolution No. 27 of 2015 authorizing attendance at Municipal Conferences at its re-organization meeting on December 7, 2015 with prior approval by the Board of Trustees. The Village of Suffern Board of Trustees authorized William Barish to attend the CSEA 2018 Statewide Conference on Occupation Safety and Health in Lake Placid, New York, on April 27-29, 2018, at no cost to the Village of Suffern for registration. Reimbursement for tolls and gas will be provided to the attendee upon submission to the Village Clerk of a voucher with supporting documentation. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

**MOTION TO AUTHORIZE THE SUFFERN HOOK AND LADDER COMPANY TO HOLD THEIR ANNUAL JEEP SHOW ON JUNE 2, 2018 FROM 11 – 4 P.M. IN THE F LOT**

Mayor Markus asked the Board to make a motion to authorize the Suffern Hook and Ladder Company to hold their annual Jeep Show on June 2, 2018. A motion was made by Joseph Russo, seconded by Frank Hagen, and passed unanimously by the Board.

**PUBLIC HEARINGS – TENTATIVE BUDGET, PROPOSED 2018-2019 WATER RATES, AND PROPOSED 2018-2019 SEWER RENTS**

Public Hearings on the tentative budget, the proposed 2018-2019 water rates, and the proposed 2018-2019 sewer rents were held as follows:

**WATER RATES – FISCAL YEAR 2018 – 2019**

**PUBLIC HEARING** – A public hearing was scheduled for 7:05 p.m. to discuss the setting of water rates effective June 1, 2018, for the Village of Suffern. A motion to open the public hearing at 7:30 p.m. was made by Frank Hagen and seconded by Moira Hertzman. Jim

Giannettino, 2 Memorial, stated he was not questioning the rates, but asked when will the meters be read. Mr. Genito stated that meters are being read now for the May billing. Mr. Giannettino did not believe this to be accurate way to read the meters based on the changing rates. Paul Girard, 2 Cross Street, ask if there any unforeseen expenses in water fund that require the contingency fund to be utilized. Attorney Kraushaar stated he believed the contingency fund had been utilized to test water in the Ramapo river due to the concerns on contamination in Sloatsburg. Mr. Genito added the contingency sewer fund had been utilized to address upgrades to the waste water treatment plant as a result of the order on consent. A motion to close the public hearing at 7:37 p.m. was made by Frank Hagen and seconded by Joseph Russo.

**RESOLUTION NO. 101 OF 2018 - A RESOLUTION AMENDING THE VILLAGE OF SUFFERN WATER RATES FOR FISCAL YEAR 2018-2019**

Pursuant to Local Law No. 3 of 2016, adopted on April 11, 2016, which allowed for future water rates to be amended by Resolution. The new water rates for fiscal year 2018-2019 are to be amended as follows: For consumers within the Village: a) For the first 10 units or fraction thereof: \$35.00 minimum charge b) For that portion over 10 units and less than 71 units: \$3.54 per unit c) For that portion over 70 units: \$4.62 per unit. For consumers outside the Village limits: a) For the first 10 units or fraction thereof: \$60.00 b) For that portion over 10 units: \$5.31 per unit. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Moira Hertzman and approved unanimously by the Board.

**SEWER RATES – FISCAL YEAR 2018 – 2019**

**PUBLIC HEARING** – A public hear was scheduled at 7:10 p.m. to discuss the setting of sewer rates effective June 1, 2018. A motion to open the public hearing at 7:39 p.m. was made by Frank Hagen and seconded by Moira Hertzman. Paul Girard of 2 Cross Street, asked about the \$80,000 equipment charge. Mr. Genito stated a screen Filter and ultra violet system totaling \$80,000 was purchased to meet the DEC requirements. Mr. Genito clarified that the increase in the bond note principal was due to the new bond that was issued as noted in the budget document. A motion to close the public hearing at 7:40 p.m. was made by Frank Hagen and seconded by Joseph Russo.

**RESOLUTION NO. 102 OF 2018 - A RESOLUTION AMENDING THE VILLAGE OF SUFFERN SEWER RATES FOR FISCAL YEAR 2018-2019**

Pursuant to Local Law No. 4 of 2016, adopted on April 11, 2016, which allowed for future sewer rates to be amended by Resolution. The new sewer rates for fiscal year 2018-2019 are to be amended as follows: For consumers within the Village: a) The sewer rate shall be \$10.37 per 100 cubic feet of water consumed. b) The minimum sewer rate shall be \$25.00 per billing period. For consumers outside the Village limits: a) The sewer rate shall be \$12.96 per 100 cubic feet of water consumed. b) The minimum sewer rate shall be \$25.00 per billing period. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

**CONTINUATION OF THE PUBLIC HEARING - TENTATIVE BUDGET – FISCAL YEAR 2018 – 2019**

The public hearing that was scheduled to be held at 7:00 p.m. to consider the Tentative Budget for Fiscal Year Ending May 31, 2019 was to adjourn until 7:40 p.m. in motion made at the beginning of the meeting by Frank Hagen and seconded by Joseph Russo. A motion to continue the public hearing at 7:43 p.m. was made by Joseph Russo and seconded by Moira Hertzman.

Moira Hertzman stated she was available to attend the public hearing on Wednesday, April 11, at 7:00 p.m. as well as Monday, April 16. Mr. Girard stated he was available on Wednesday but not Monday. Michael Genito reminded the Board that the meeting to adopt the budget was scheduled for April 16, 2018. Considering this timing, Michael Genito stated as changes are made to the budget by the Department Heads and the Board, to make sure appropriate, accurate information is in front of the Board, we have to run the numbers through the financial management system. This information is then validated by the Assessor. When this process is completed, then we can have confidence in the material you will be voting upon. The completion date for the budget process is May 1, 2018, however, it is anticipated that the Board will have the revised budget information by Wednesday's public hearing. A motion to continue the public hearing on April 11, 2018 at 7:00 p.m., to provide more time for review and consideration, was made by Moira Hertzman, seconded by Frank Hagen, and passed unanimously by the Board.

**ADJOURNMENT:**

A motion to close the meeting was made by Moira Hertzman, seconded by Frank Hagen, and approved unanimously by the Board. The meeting adjourned at 7:49 p.m.