

**Village of Suffern
Village Board Meeting Minutes
Monday, July 2, 2018 - 7:00 p.m.**

A Regular Village Board Meeting was held on July 2, 2018.

Present: Edward Markunas, Mayor
Gina Bertolino, Trustee
Frank Hagen, Trustee
Dan Kraushaar, Village Attorney
Virginia Menschner, Village Clerk
Amy Paffenroth, Deputy Village Clerk

Absent: Moira Hertzman, Trustee
Joseph Russo, Trustee

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.

UPCOMING MEETINGS:

A Village Board Workshop Meeting will not be held in July. The next Village Board Meeting will be held Monday, August 6, 2018 at 7:00 p.m.

FIRE DEPARTMENT:

Chief Lapori provided an update on the activities for the past month. There was a fire on Chestnut Street that was addressed by the Fire Department quickly to avoid it getting out of control. There was a gas leak in the Bon Aire complex that required the fire department to respond and evacuate residents. The fire department was present for over two hours while Orange and Rockland repaired the leak. Mayor Markunas was present at both events and thanked the fire department for an outstanding work for the community.

CULTURE AND RECREATION:

Suffern Memorial Pool will be opened Saturday, June 23 through Monday, September 3. Swimming lesson have started; Clifford Theater Begins – July 9- Auditorium; Chamber of Commerce – July 13 – Pub Crawl in Village; Zumba in the Park (and Smoothies after) – Saturday, July 14 – 10 am; Family Day at the Pool – Sunday, July 15– Festivities begin at 12; Lifeline Screening – Friday, July 20 – 8 am-5 pm; Broadway Day – Sun., July 22 - Clifford Theater to see Carousel on Broadway; Clifford Theater Presents Titanic the Musical; Friday, August 3 – 7 pm/Saturday, August 4 – 2 pm, & 7 pm/Suffern Auditorium – Village Hall.

POLICE DEPARTMENT:

RESOLUTION NO. 175 OF 2018 - A RESOLUTION ACCEPTING THE RESIGNATION OF EDGARDO ALVAREZ PART-TIME DISPATCHER, EFFECTIVE JULY 2, 2018

The Board of Trustees of the Village of Suffern accepted the resignation of Edgardo Alvarez, Part-Time Dispatcher, from the Suffern Board of Appeals effective July 2, 2018. A motion to approve

the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

RESOLUTION NO. 176 OF 2018 - RESOLUTION AUTHORIZING THE NOMINATION OF TYLER STARK AS PART-TIME DISPATCHER

The Board of Trustees nominated Tyler Stark as Part -Time Dispatcher, effective July 3, 2018 pending approval of Rockland County Personnel. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

DEPARTMENT OF PUBLIC WORKS:

RESOLUTION NO. 177 OF 2018 - RESOLUTION AUTHORIZING ACCEPTANCE OF THE LOW BID FOR THE ROADWAY IMPROVEMENTS – PHASE 9 PROJECT

The Board of Trustees consulted with the Director of Public Works with respect to the awarding of the low bid for the Roadway Improvements - Phase 9 Project. The low bid is in the amount of \$419,882.50 from Tilcon, New York, Inc. and is based on item unit costs of estimated quantities. The Village Board of the Village of Suffern accepted the low bid for the Roadway Improvements – Phase 9 Project in the amount of \$419,882.50 from Tilcon, New York, Inc. subject to the procurement and receipt of bonding money and all required documents and review of same by Village Attorney. The Mayor is authorized to sign the contract on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

RESOLUTION NO. 178 OF 2018 - RESOLUTION AUTHORIZING ACCEPTANCE OF THE LOW BID FOR THE ADA RAMP REPLACEMENT PROJECT

The Board of Trustees consulted with the Director of Public Works with respect to the awarding of the low bid for the ADA Ramp Replacement Project. The low bid is in the amount of \$37,475 from Bellavista Construction Corp. and is based on unit costs of estimated quantities. The Village Board of the Village of Suffern accepted the low bid for the ADA Ramp Replacement Project in the amount of \$37,475 from Bellavista Construction Corp. subject to the procurement and receipt of a Letter of Credit and all required documents and review of same by Village Attorney. The Mayor is authorized to sign the contract on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

RESOLUTION NO. 179 OF 2018 - A RESOLUTION AUTHORIZING THE RELEASE OF THE LETTER OF CREDIT FROM HAUSER BROS. FOR THE WWTP DIGESTER BOILER REPLACEMENT PROJECT

The Village Board of Trustees authorized the release of the Letter of Credit from Hauser Bros. for the WWTP Digester Boiler Replacement project based on the June 27, 2018 memo from Charles Sawicki to the Mayor and Village Board recommending its release and replacement with a Maintenance Bond in a form acceptable to the Village Attorney for a period of one year. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

RESOLUTION NO. 180 OF 2018 - RESOLUTION AUTHORIZING PAYMENT NO. 7 TO HAUSER BROTHERS, INC. FOR THE WWTP DIGESTER BOILER PROJECT

The Village Board of Trustees authorized Payment No. 6 in the amount of \$16,936.15 to Hauser Brothers, Inc., Orangeburg, New York for the Waste Water Treatment Digester Boiler Project. The AIA Document G702-1992 (Application and Certification for Payments) and the certified payrolls have been reviewed by Charles Sawicki and have been deemed acceptable for payment. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino and approved unanimously by the Board.

AUDIENCE PARTICIPATION:

Joseph Maraglino of 65 Wayne Avenue asked what streets are involved with the ADA Ramp Replacement Project voted on this evening. The Mayor responded that the project included the following streets: Oakdale Manor, Fairview, Hillside, Center, Highland, Riverside, James, Boulevard, and Prospect. Mr. Maraglino also asked when the ground breaking for the sidewalks for the Wayne Avenue Project take place in light of the delay due to the environmental review. Mr. Maraglino stated he is aware that additional work needs to be performed on the wall in front of 50 Wayne Avenue. The Mayor responded the Village tried to work with the State to perform the sidewalk project first but it was not able to do so. The Village is aware that paving has started on Route 202. Mayor Markunas stated the Village has the grant funding in place but the Village does not have a date to break ground but it is anticipated to be next year.

James Giannettino of 2 Memorial Drive stated that he asked in April about the installation of speed bumps on Memorial Drive and has not yet heard of anything. Mayor Markunas stated he was aware of Mr. Giannettino's request. Mr. Giannettio asked about the release of the letter of credit to Hauser Brothers and if there was any retainage. Michael Genito replied that according to Charles Sawicki, the project is complete and the release of the letter of credit is acceptable. However, there is a one-year performance bond in place to address any remaining items that need to be addressed.

Paul Girard of 2 Cross Street acknowledged Chief Clarke Osborn and Code Enforcer Randy Ortiz for the swift action they took to address the unsanitary conditions of the abandoned property next to his house that is situated such that it requires him to share a driveway. The contents of the property were removed by the Sheriff's Department and left on the lawn, driveway, and sidewalk. When Mr. Girard was unable to have the contents removed for the outside of the house by the Sheriff's Department, he contacted Chief Osborn and Randy Ortiz who took action to have the items quickly removed. Mr. Girard believe this is an example of why we should have our own police and code enforcement.

Mr. Girard also asked about charitable contributions for property taxes. He stated he raised the issue in past meetings and the budget meeting that many residents have lost deductions due to the new IRS guidelines. He urged the board not to raise taxes unnecessarily because of this. But he believes taxes were raised with what he believes to be a considerable contingency fund and surplus. He stated that Trustee Hertzman, who is not present, stated to him to appeal to the State to see what the State is doing. He believes that there are guidelines that the State established for charitable contributions which he is aware that Michael Genito will address this evening that would provide relief on property tax liability. He stated he contacted the Village to express his concern that this fund has not yet been established and he was not able to utilize this option for

the payment of his property taxes. Though he understands the guidelines were not issued by the State until May making it impossible for a program to be instituted for the payment of this year's taxes, he is urging the Board not to delay in moving this potential program forward based on how escrow payments are currently made throughout the year by banks on behalf of their clients. He would like the Village to establish necessary charities to enable this program to be established. Attorney Kraushaar provided an explanation as to how previously escrow payments were made and credited to accounts by banks on behalf of their clients and stated that he is not aware yet of any changes with how escrow payments will be made mid-year in light of the States guidelines for charitable contributions.

Mr. Girard stated street paving taking place on Route 202 was stopped before Suffern and was turned around to be completed on the other side of the road heading away from Suffern. He asked if this was done for Suffern to coordinate the sidewalk project with the schedule for road paving. The Mayor responded he believes that this was done as a way to provide additional time for the Village to address the environmental review regarding the sidewalk project. Mayor Markunas stated the County has delayed this sidewalk project due to their delay in the completing the environmental review. If the Village does not wait until the environmental review is complete to begin work on the sidewalks, it will not be able to access eligible grant funding. Mr. Girard expressed concern regarding the timing of the sidewalk project. Attorney Kraushaar stated that the Village has been following up with the County continuously regarding our concerns regarding the delay in the environmental review which is not in the Village's ability to control but has not yet to determine when the final environmental review by the County will be completed.

Mr. Girard asked why Chestnut Street was not on the list of streets to be repaired and repaved as requested by the previous speaker, Mr. Maraglino. The Mayor stated there is a process in place to identify and prioritize streets that require repairs. Blauvelt way will be repaired and paved by the Orange Avenue Builders when the project is complete. Chestnut is currently not on the list, but the list is constantly evolving and Chestnut Street will continue to be considered as the Orange Avenue Project progresses.

FINANCE DEPARTMENT:

EFC Funding Update:

Three applications for financing with the Environmental Funding Corporation (EFC) were submitted within the deadline. The Village is waiting for responses from the EFC if anything additional is required.

Bond Resolution:

The Bond Resolution scheduled to heard this evening was postponed to Tuesday, July 10, 2018 at 6:30 p.m. as a result of not having a two-thirds majority of Board of Trustees present to vote.

Charitable Contributions to Local Government Guidance:

The State budget did pass providing the authority for local governments to establish a charitable gift reserve fund. Under the law, which took effect on April 12, 2018, Local governments may establish a fund to accept voluntary unrestricted charitable contributions. Local governments and are also authorized, by local law, to establish a property tax credit for those who donate to these charitable funds. The maximum value of the property tax credit is 95 percent of the value of the

contribution. The Department of Taxation and Finance has developed forms to be used by local governments to acknowledge receipt of the donation as well as for the property tax payer to claim the credit. The State's determination on the use of a charitable gift reserve fund toward the payment of property tax differs from the current opinion of the IRS; therefore, this must be resolved before there is a final determination as to the steps local governments must take.

RESOLUTION NO. 181 OF 2018 - RESOLUTION AUTHORIZING CAPITAL PROJECT 2019-002 FOR THE 2019 ROADWAY IMPROVEMENTS

The Superintendent of Public Works presented a list of streets to be reconstructed or resurfaced in the amount of \$419,882.50, including any necessary ADA ramps in the amount of \$37,475.00 and other appurtenances, totaling \$457,357.50 (the "Project"). The Superintendent of Public Works advised the Village Board that Orange and Rockland Utilities will provide \$220,829 in funding to the Village towards the cost of the Project. The Village received a letter dated April 26, 2018 from the New York State Department of Transportation, advising the Village that there were unspent Consolidated Highway Improvement Program (CHIPS) funds in the amount of \$116,059.25; unspent PAVE NY funds in the amount of \$77,224.74 and unspent Extreme Winter Recovery (EWR) funds in the amount of \$43,332.54. The capital project number 2019-002 entitled 2019 Roadway Improvements is established in the amount of \$457,358 to be funded with a contribution from Orange and Rockland Utilities in the amount of \$220,829; CHIPS funds in the amount of \$115,973; PAVE NY funds in the amount of \$77,224 and EWR funds in the amount of \$43,332. A motion to approve the foregoing resolution was made by Trustee Gina Bertolino, seconded by Trustee Frank Hagen and approved unanimously by the Board.

RESOLUTION NO. 182 OF 2018 - RESOLUTION AUTHORIZING THE VILLAGE TREASURER TO REIMBURSE MARGARET CONKLIN FOR THE INCREASED COST OF MEDICARE RETROACTIVE TO JANUARY 1, 2018

The Village Board authorizes the Village Treasurer to reimburse Margaret Conklin \$803.40 (difference of \$133.90 per month for 6 months) for the increase in her Medicare payment retroactive to January 1, 2018. A motion to approve the foregoing resolution was made by Trustee Gina Bertolino, seconded by Trustee Frank Hagen, and passed unanimously by the Board.

ATTORNEY:

Public Hearing:

On June 4, 2018 the Board of Trustees of the Village of Suffern authorized a public hearing to be held Monday, August 6, 2018 at 7:05 p.m. to propose amending Chapter 254 Vehicles and Traffic – Article III: Parking, Standing Stopping, to modify the location of loading zones, handicapped parking locations, and 15-minute parking locations in the Central Business District (CBD). At that time, the Board declared its intention to serve as Lead Agency for SEQRA purposes, and directs that circulation of the proposed local law be made in accordance with NYS GML 539-l and m. This scope of this study has expanded to evaluate additional parking concerns in the CBD. Therefore, in order to provide additional review and preparation, the public hearing was rescheduled for September 4, 2018 at 7:05 p.m.

RESOLUTION NO. 183 OF 2018 - RESOLUTION AUTHORIZING BECKMAN APPRAISALS, INC. TO APPRAISE 2 WAYNE AVENUE, SUFFERN – TAX ID #54.26-1-8-1

The owner of 2 Wayne Avenue has expressed interest in selling his property located at 2 Wayne Avenue in the Village of Suffern, Tax ID # 54.26-1-8.1, which is approximately 2.2 acres.

The property is located adjacent to Village well heads and near the Mahwah River. The property may be well suited for protection of the water supply, as well as flood mitigation. Beckmann Appraisals, Inc. submitted a proposal to conduct a comprehensive appraisal for 2 Wayne Avenue in the total sum of \$5,000.00. The Board of Trustees hereby accepts the proposal from Beckman Appraisals, Inc., in the sum of \$5,000.00 and further authorizes the Mayor to sign the proposal on behalf of the Village. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Gina Bertolino, and passed unanimously by the Board.

RESOLUTION NO. 184 OF 2018 - RESOLUTION ADOPTING THE ROCKLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

The Disaster Mitigation Act of 2000 (DMA 2000) (P.L. 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning. The DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by repealing the previous Mitigation Planning section and emphasizes the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts. The Village of Suffern, in partnership with the County of Rockland and with the assistance of Tetra-Tech Corporation, gathered information and prepared the Rockland County Multi-Jurisdictional Hazard Mitigation Plan. The Rockland County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000. The Village of Suffern has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan. The Village of Suffern reviewed the Plan and affirms that sections pertaining to the Town will be updated no less than every five years. The Village of Suffern Board of Trustees adopted the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan and resolved to execute the actions in the Plan. A motion to approve the foregoing resolution was made by Trustee Gina Bertolino, seconded by Trustee Frank Hagen and approved unanimously by the Board.

RESOLUTION NO. 185 OF 2018 - RESOLUTION AUTHORIZING THE VILLAGE OF SUFFERN PARTICIPATION IN THE ROCKLAND COUNTY FIRE MUTUAL AID PLAN

The Mayor and Board of Trustees of the Village of Suffern encouraged the participation of the Suffern Fire Department in the Rockland County Fire Mutual Aid Plan, as now in force and as amended from time to time, and certifies to the Legislature of Rockland County through its County Fire Coordinator that no restriction exists against "outside service" by such fire company (fire department) within the meaning of Section 209 on the General Municipal Law which would affect the power of such fire company (fire department) to participate in such plan. A copy of this resolution will be filed with the County Fire Coordinator. A motion to approve the foregoing resolution was made by Trustee Gina Bertolino, seconded by Trustee Frank Hagen and approved unanimously by the Board.

OFFICE OF THE MAYOR:

RESOLUTION NO. 186 OF 2018 - A RESOLUTION ACCEPTING THE RESIGNATION OF GERALD LEVITUS FROM THE SUFFERN ZONING BOARD OF APPEALS EFFECTIVE JUNE 18, 2018

The Board of Trustees of the Village of Suffern accepted the resignation of Gerald Levitus from the Suffern Board of Appeals effective June 18, 2018, Nunc Pro Tunc. A motion to approve the foregoing resolution was made by Trustee Gina Bertolino, seconded by Trustee Frank Hagen and approved unanimously by the Board.

ADJOURNMENT:

A motion to close the meeting was made by Trustee Russo, seconded by Trustee Hagen, and approved unanimously by the Board. The meeting was adjourned at 7:50 p.m.