

**Village of Suffern
Village Board Meeting Minutes
Monday, February 4, 2019 - 7:00 p.m.**

A Regular Meeting of the Village Board of Trustees was held on Monday, February 4 , 2019.

Present: **Edward Markunas, Mayor**
 Steve Alpert, Trustee
 Paul Girard, Trustee
 Frank Hagen, Trustee
 Moira Hertzman, Trustee
 Robert Magrino, Acting Village Attorney
 Amy Paffenroth, Village Clerk

CALL TO ORDER:

Mayor Markunas called the meeting to order at 7:03 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 be held Tuesday, February 26, 2019. The Regular Meeting of the Village Board Workshop will be held on Monday, March 4, 2019.

POLICE DEPARTMENT:

RESOLUTION NO. 20 OF 2019 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SUFFERN FOR PARTICIPATION IN THE ROCKLAND COUNTY INTELLIGENCE CENTER JANUARY 1, 2018 THROUGH DECEMBER 31, 2023

The County of Rockland, through the Office of the Rockland County Sheriff, has established the Rockland County Intelligence Center (“RCIC”), with the intent to provide law enforcement agencies in the county with their criminal intelligence requirements/assessments through the collection and handling of information, using proper investigative and intelligence gathering practices, in cooperation with local law police departments. The Village of Suffern for many years, has participated with the Rockland Sheriff’s Department and other local law enforcement agencies in similar such ventures, including the Rockland County Regional Investigative Resource Center (RIRC) and the Village Board, in consultation Chief of Police, has determined that it is in the best interests of the Village of Suffern to continue to participate with the County of Rockland and other local police departments in this important venture. General Municipal Law Article 5-G expressly authorizes municipal governments to perform together that which each such government individually is authorized to perform by means of an inter-municipal agreement. The Village Board approved a certain Memorandum of Understanding (“MOU”) by and between the County of Rockland and the Village of Suffern, which MOU was previously approved by Resolution 565 of 2018 of the Rockland County Legislature, pursuant to which the Village agrees to participate in the RCIC in accordance with the terms of the said MOU, for the period January 1, 2018 thru December 31, 2023, with the option to renew for five additional one year terms, and

with the further understanding that such MOU may be terminated by either party on 60 days written notice pursuant to Paragraph 11 thereof. The Mayor or his designee is authorized to sign such MOU and to take further steps as may be necessary to effectuate its terms. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Steve Alpert, and approved unanimously by the Board.

RESOLUTION NO. 21 OF 2019 - A RESOLUTION AUTHORIZING POLICE OFFICERS CARESWELL, OSBORN, CABLE, ORTIZ, AND ADAMS TO ATTEND ACTIVE SHOOTER AND OFFICER SURVIVAL TRAINING IN ORISKANY, NEW YORK

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 Police Officers Careswell (February 13-15), Osborn and Cable (March 25-26), and Ortiz and Adams (March 25-26) to attend Active Shooter and Officer Survival Training in Oriskany, New York, at no cost to the Village. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

RESOLUTION NO. 22 OF 2019 - A RESOLUTION AUTHORIZING POLICE OFFICER MARSH TO ATTEND SWAT COMMAND DECISION MAKING AND LEADERSHIP 1 TRAINING IN WHITE PLAINS, NEW YORK

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 Police Officer Marsh to attend SWAT Command Decision Making and Leadership 1 Training, in White Plains, New York, from January 28 to February 1, Nunc Pro Tunc, at a cost of \$710.00. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

BUILDING DEPARTMENT:

RESOLUTION NO. 23 OF 2019 - A RESOLUTION AUTHORIZING STEVE CONLEE, RANDY ORTIZ, AND FRANK WILSON TO ATTEND THE NYS BUILDING OFFICIALS CONFERENCE APRIL 9 – 11 IN TALLMAN, NEW YORK

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 Steve Conlee, Randy Ortiz and Frank Wilson to attend the NYS Building Officials Conference April 9 – 11, in Tallman, New York, at a cost of \$275.00 per person. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

RESOLUTION NO. 24 OF 2019 - AUTHORIZING THE VILLAGE CLERK TO ISSUE A SPECIAL PERMIT FOR LIVE ENTERTAINMENT TO RHINO COMEDY, LLC FEBRUARY 4, 2019 THROUGH THE REMAINDER OF THE ANNUAL PERMIT PERIOD OF MAY 31, 2019

In Resolution 141 of 2018 adopting Local Law 9 of 2018 amending the Code of the Village of Suffern, Section 266-27(H) Waiver of Requirements for Live Entertainment, when an application is made for a Special Permit for Live Entertainment, the Village Board may waive the requirement for review by the Planning Board and the provisions of §266-27(A)(1)(c), (f), (A) (2), C and §266-31. Upon receipt of an application for a Special Permit for Live Entertainment, the Village Clerk shall deliver a copy of same to the Building Inspector for review. The Building Inspector has reviewed the application for a Special Permit for Live Entertainment by Rhino Comedy, LLC, 96 Lafayette Avenue, Suffern New York and has determined that the provisions of §266-33(k) have been adequately addressed and that issuance of a Special Permit is appropriate. The Building Inspector has determined the applicant has provided sufficient information in order for the Village Board to make a determination to issue a Live Entertainment Permit in accordance with Section 266-27(H) Waiver of Requirement. The Board of Trustees of the Village of Suffern authorized the Village Clerk to issue a Live Entertainment Permit to Rhino Comedy for the period of February 4, 2019 through the remainder of the annual permit period of May 31, 2019. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

DEPARTMENT OF PUBLIC WORKS:

RESOLUTION NO. 25 OF 2019 - A RESOLUTION AUTHORIZING THE VILLAGE OF SUFFERN COPPER AND ZINC STUDY EVALUATION REPORT AND TO PROCEED WITH PHASE 1 ACTIVITIES

Pursuant to competitive bidding practices and the Village of Suffern procurement policy, the Board of the Village of Suffern accepted the lowest bid proposal for the Zinc and Copper Investigative Study Professional Services to Pitingaro & Doetsch Consulting Engineers, P.C., 15 Industrial Drive, Suite 2, Middletown, New York on April 2, 2018. In accordance with the Village of Suffern Pretreatment Program Implementation Requirements as outlined in SPDES Permit NY002 2748, Pitingaro & Doetsch Consulting Engineers, P.C. conducted a study to determine the causes of the high concentrations of copper and zinc in Village of Suffern wastewater sludge. Pitingaro & Doetsch Consulting Engineers, P.C. presented the Village of Suffern Copper and Zinc Study Evaluation and Recommendation Report in January 2019 including recommendations to implement a more proactive approach to identify Significant Industrial Users in accordance with the Code of the Village of Suffern, Chapter 220, Sewers, Article II-Sewer Use, Section 220-23 Wastewater Contribution and Discharge Permits. The Board of Trustees accepted the Village of Suffern Copper and Zinc Study Evaluation Report of January 2019 as prepared by Pitingaro & Doetsch Consulting Engineers, P.C. and the Board of Trustees agreed to proceed with the Phase 1 Action Steps outlined in the Village of Suffern Copper and Zinc Reduction Plan Implementation Schedule, addendum to Appendix G: Copper and Zinc Reduction Plan Implementation Schedule, Phase 1 of the 3-Phase Action Plan. The Board of Trustees authorized Charles Sawicki to prepare the Request for Proposals for Phase 1 through Phase 3 activities that will not be conducted by Village of Suffern employees, as outlined in the Village of Suffern Copper and Zinc Reduction Plan Implementation Schedule, addendum to Appendix G: Copper and Zinc Reduction Plan

Implementation Schedule. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Moira Hertzman, and approved unanimously by the Board.

RESOLUTION NO. 26 OF 2019 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE COMMUNITY RATING SYSTEM RECERTIFICATION

The Village of Suffern has previously been certified to participate in, and has been participating in, the FEMA Community Rating System, which program provides for assistance to property owners in Special Flood Hazard Areas, (SFHA) within the Village, and the FEMA Community Rating System (CRS) Annual Recertification by the Village is due February 1, 2019. The Village of Suffern has received an extension to complete the CRS Annual Recertification by February 15, 2019. The Board of Trustees of the Village of Suffern authorized the Mayor to sign the FEMA CRS Annual Recertification, Form CC-213-1 Edition 2017 due February 15, 2019, subject to approval and confirmation by Charles Sawicki that all the provisions of the Recertification are met and a review and approval of same by the Village Attorney's Office. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Steven Alpert, and approved unanimously by the Board.

RESOLUTION NO. 27 OF 2019 - AUTHORIZING ACCEPTANCE OF THE LOW BID FOR THE PROFESSIONAL SERVICES REQUEST FOR A WWTP OPERATIONAL EXCELLENCE ENGINEERING REVIEW PROPOSAL FROM DELAWARE ENGINEERING

The Board of Trustees has consulted with Charles Sawicki, Superintendent of Public Works, with respect to award the low bid for the proposal to conduct the WWTP Operational Excellence Engineering Review and the low bid is in the amount of \$7,700.00 from Delaware Engineering, 28 Madison Avenue Extension, Albany, New York. The Village of Suffern Board of Trustees accepted the low bid for the WWTP Operation Excellence Engineer Review from Delaware Engineering and Charles Sawicki is authorized to sign the Purchase Order on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

RESOLUTION NO. 28 OF 2019 - AUTHORIZING ACCEPTANCE OF THE PROFESSIONAL SERVICES REQUEST PROPOSAL FROM K.C. ENGINEERING AND LAND SURVEYING FOR CONSTRUCTION ADMINISTRATION FOR THE SOUTH STREET EMERGENCY GENERATOR REPLACEMENT PROJECT

The Board of Trustees has consulted with Charles Sawicki, Superintendent of Public Works, with respect to the proposal from K.C. Engineering and Land Surveying for Construction Administration for the South Street Emergency Generator Replacement Project and the proposal from K.C. Engineering and Land Surveying for Construction Administration for the South Street Emergency Generator Replacement Project is in the amount of \$5,900. The Village of Suffern Board of Trustees accepted the proposal from K.C. Engineering and Land Surveying for Construction Administration for the South Street Emergency Generator Replacement Project and Charles Sawicki is authorized to sign the Purchase Order on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, and seconded by Trustee Steven Alpert, and approved unanimously by the Board.

RESOLUTION NO. 29 OF 2019 - A RESOLUTION APPOINTING MICHAEL AGUSTIN AS LABORER EFFECTIVE FEBRUARY 11, 2019

The Village of Suffern Board of Trustees appointed Michael Agustin as a Laborer in the Refuse Department, effective February 11, 2019, at a pay rate of \$17.30 per hour. Michael Agustin is replacing Thomas Martin, Laborer, Position Control Number 340121. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Steven Alpert and approved unanimously by the Board.

AUDIENCE PARTICIPATION:

Tim McInerny, of 8 Pavilion Road, as the VFW Commander reported on the status of all the VFW's 2018 projects in the Village of Suffern. All projects have been completed except the walkway at Memorial Park which will be completed in the spring of 2019 and the dusk to dawn light that need to be installed. Mr. McInerny described the successful partnership with the American Legion in their effort to display two plaques at the Suffern High School for two young men, Mr. Horton and Mr. Bates, killed in Vietnam. Once again, the VFW collaborated with the American Legion in the orchestration of flying the flag on the new flag pole located at Memorial Park. Mr. McInerny praised the beautiful work that the was completed at Memorial Park. The benches are installed at Point Park however, he is still looking to rename Point Park. Last year the American Legion and the VFW completed the Airmont Cemetery project and now the Boy Scouts will compose a list of all the veterans buried at the cemetery and enter those names in a permanent book like exists at Arlington Cemetery. Mr. McInerny is extremely proud of all VFW's accomplishments. He requested that the Mayor check into the status of the dusk to dawn lighting at the monument on Memorial Drive and the status of renaming Point Park. Mr. McInerny also acknowledged the Suffern DPW for their quick response in providing safe streets for all of Village residents during inclement weather, especially on Pavilion Road. Mayor Markunas thanked Mr. McInerny for the positive partnership with the American Legion and for all his hard work and tireless dedication to the Village; adding that all his outstanding efforts will shine in the Village of Suffern for hundreds of years to come.

TREASURER:

RESOLUTION NO. 30 OF 2019 - A RESOLUTION ESTABLISHING PROJECT FOR FIREFIGHTING EQUIPMENT

The Suffern Fire Department has advised the Village Board of Trustees that there is a need to replace several self-contained breathing apparatus (SCBA) units. The Board of Trustees established capital project number 2019-005 entitled 2019 Fire Dept SCBA in the amount of \$175,000 to be funded by the issuance of debt. A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Moira Hertzman, and approved unanimously by the Board.

RESOLUTION NO. 31 OF 2019 - A BOND RESOLUTION AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE FIRE DEPARTMENT STATING THE MAXIMUM COST THEREOF IS \$175,000

BOND RESOLUTION OF THE VILLAGE OF SUFFERN, NEW YORK, ADOPTED FEBRUARY 4, 2019, AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR USE BY THE FIRE DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$175,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$175,000 TO FINANCE SAID APPROPRIATION. The Board of Trustees (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) as follows: Section 1. The Village of Suffern in the County of Rockland, New York (herein called the "Village"), is hereby authorized to acquire equipment for use by the Fire Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$175,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$175,000 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 2. Bonds of the Village in the principal amount of \$175,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation. Section 3. The following additional matters are hereby determined and declared: (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) 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 purposes 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 not 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 are hereby 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 of 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, are hereby 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, or a summary thereof, 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 shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the Journal News, a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Frank Hagen, and approved unanimously by the Board as recorded in the following roll-call vote:

NAME	YES	NO
Alpert	X	
Girard	X	
Hagen	X	
Hertzman	X	
Markunas	X	

RESOLUTION NO. 32 OF 2019 - AMENDING 2018-2019 GENERAL FUND BUDGET FOR BULLETPROOF VEST GRANT AWARD

The Chief of Police has advised that the Village has been awarded a federal grant in the amount of \$4,125 for the purchase of bulletproof vests and that the 2018-2019 General Fund adopted budget did not anticipate the award of said grant or the associated purchase of said bulletproof vests. The Village Board of the Village of Suffern amended the 2018-2019 General Fund budget as follows:

Increase Estimated Revenues Federal Grants - Police \$4,125
 Increase Appropriations – Police Uniforms \$4,125

A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded by Trustee Moira Hertzman, and approved unanimously by the Board.

RESOLUTION NO. 33 OF 2019 - AMENDING THE 2018-2019 GENERAL FUND BUDGET TO TRANSFER FUNDS FROM CONTINGENT ACCOUNT TO POLICE PERSONAL SERVICES

The cost of Police overtime will exceed the original amount appropriated in the adopted 2018-2019 General Fund Police Department Personal Services budget by an estimated amount of \$94,300 and the applicable employer’s share of FICA by \$7,200 and sufficient funds to cover the

aforesaid additional estimated amounts is available in the General Fund Contingent Account. The Village Board of the Village of Suffern amended the 2018-2019 adopted General Fund budget as follows:

Decrease Appropriations – Contingent Account \$101,500

Increase Appropriations – Police Personal Services \$94,300

Increase Appropriations – FICA \$7,200

A motion to approve the foregoing resolution was made by Trustee Frank Hagen, seconded by Trustee Moira Hertzman, and approved unanimously by the Board.

RESOLUTION NO. 34 OF 2019 - A RESOLUTION AUTHORIZING VILLAGE TREASURER TO EXECUTE COMPLUS PARKING TICKET MANAGEMENT SYSTEM

Complus is the developer and provider of the FastTrack Parking Ticket Management System, a password-protected software application for the processing of parking tickets and permit payments (the “Complus System”) and the Village of Suffern Justice Court (the “Justice Court”) currently utilizes the Complus System. Complus has presented a proposed agreement (the “Proposal”) in January 2019 to the Justice Court that will reduce the fees and charges associated with the Complus System. The Justice Court, in concert with the Village Attorney, has reviewed and found the Proposal acceptable. The powers and duties of the Board of Trustees relative to the execution of agreements with Complus for the Fastrack Parking Ticket Management System, are delegated to the Village Treasurer, the chief fiscal officer of the Village. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

RESOLUTION NO. 35 OF 2019 - RESOLUTION AUTHORIZING VILLAGE TREASURER TO SIGN XPRESS PAY AGREEMENTS

The Board of Trustees desires to offer online payment of real property taxes, water and sewer bills, and other fees and charges. Xpresspay/Systems East Inc. provide the service and support necessary to implement an online payment system. The Village Board of the Village of Suffern authorized the Village Treasurer to execute the necessary agreements with Xpresspay/Systems East Inc for online payment services. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Paul Girard, and approved unanimously by the Board.

RESOLUTION NO. 36 OF 2019 - RESOLUTION AUTHORIZING INVESTMENT POWERS FOR THE VILLAGE’S LOCAL SERVICE AWARD PROGRAM (LOSAP) TO THE VILLAGE TREASURER AND THE VILLAGE CLERK

The Board of Trustees authorized investment powers for the Village’s Local Service Award Program (LOSAP) to the Village Treasurer, the Village Clerk, and employees of the Village as desired or required and so designated by the Village Treasurer. A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded by Trustee Paul Girard, and approved unanimously by the Board.

RESOLUTION NO. 37 OF 2019 - RESOLUTION AUTHORIZING INVESTMENTS IN NYCLASS

New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations to enter into, amend, cancel, and terminate agreements for the performance

among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis. The Village of Suffern desires to invest portions of its available funds in cooperation with other municipal corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014. The Village Treasurer is authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014 in the name of and on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Moira Hertzman, and approved unanimously by the Board.

MAYOR:

RESOLUTION NO. 38 OF 2019 - AUTHORIZING SUPOR TRUCKING, LLC TO CONDUCT A TRANS-LOADING DELIVERY PROJECT IN THE VILLAGE OF SUFFERN COMMENCING ON OR AROUND FEBRUARY 16, 2019 AND CONCLUDING ON OR AROUND FEBRUARY 20, 2019

Supor Trucking, LLC, 433 Bergen Avenue, Kearney, New Jersey requested the consideration from the Village of Suffern (Village) as it relates to the trans-loading and delivery (Project) of two transformers which are vital components to the electrical infrastructure for Orange & Rockland Utility Company. The Project will commence on or around on or around February 16, 2019 and concluding on or around February 20, 2019 around Hallett Place and the transformers are a part of an upgrade to the substation that will result in improved reliability for the immediate surrounding areas. Supor Trucking, LLC has been afforded the opportunity from Orange and Rockland Utilities to facilitate the overall logistics of receiving two transformers at the Ramapo Substation located at 333 Torne Valley Rd., Ramapo, New York. Orange & Rockland has requested Supor Trucking, LLC perform the Project on or around February 16, 2019 in order to get the transformers on line as soon as possible and Supor Trucking, LLC has requested use of Village owned property on a temporary basis to facilitate the transfer, specifically in the form of temporary license to use the parking area known as Hallett Place. Supor Trucking, LLC has agreed to waive all claims against the Village, its officers, agents and employees for loss or damage caused by, arising out of, or in any way connected with the Project and has agreed to indemnify, defend, and hold the Village, its authorized agents, officers, representatives and employees harmless from and against any and all losses, damages or claims, causes of action, costs, liabilities, penalties, judgement and expenses including, without limitation, defense costs and reasonable legal fees resulting from any and all claims or damage of any nature, including any accident, loss or damage to persons or property which the Village may incur and which arise from or relate to any activity conducted by Supor Trucking, LLC or any of its officers, agents, employees, representative, contractors, or consultants. The Village of Suffern shall have the privilege to inspect the premises utilized by Supor Trucking, LLC in the course of the Project at any or all time; and the Village may terminate this permit at any time if Supor Trucking, LLC, fails to perform any covenant herein contained at the time and in the manger provided along with the understanding that the Village will not unreasonably exercising this right of termination unless Supor Trucking, LLC, fails to perform any covenant herein contained. Supor Trucking, LLC, its officers, agents and employees, in the performance of this project, shall act in an independent capacity and not as officers, employees or agents of the Village. The Project will result in project fees and mobilization resource fees for the Village of Suffern in the amount of approximately \$10,700. The Village of Suffern Board of Trustees authorized Supor Trucking LLC, to conduct the

trans-loading and delivery project around Hallett Place on or around on or around February 16, 2019 and concluding on or around February 20, 2019. The Project is subject to written confirmation by Supor Trucking, LLC, of the terms and conditions of the Project, execution of a temporary license agreement for the use of Village property, including a hold harmless and indemnification agreement, and a Certificate of Insurance naming the Village of Suffern as additional insured, and subject to a satisfactory review of all project documents and agreements by the Village Attorney's Office. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

RESOLUTION NO. 39 OF 2019 - A RESOLUTION AUTHORIZING ED MARKUNAS AND AMY PAFFENROTH TO ATTEND THE WINTER NYCOM LEGISLATIVE CONFERENCE FEBRUARY 10-12 IN ALBANY, NEW YORK

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 Edward Markunas and Amy Paffenroth to attend the Winter NYCOM Legislative Conference in Albany, New York February 10-12, at a cost of \$260.00 per person as well as the actual and necessary expenses for lodging, necessary mileage, at the IRS Standard Mileage Rate in effect at the time of travel, plus parking and tolls, for the use of their personal vehicle for official Village business the cost of meals while travelling on official Village business, not already included as part of the registration or other fees at the per diem meal rates established by the General Services Administration in effect at the time and location of travel. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Steven Alpert, and approved unanimously by the Board.

EXECUTIVE SESSION:

A motion to enter into Executive Session to discuss the employment of a particular person was made at 8:06 p.m. by Trustee Frank Hagen, seconded by Trustee Steve Alpert, and approved unanimously by the Board. A motion to close the Executive Session and reopen the Regular Meeting of the Village Board was made at 9:09 p.m. by Trustee Paul Girard, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

Statement by Mayor Markunas Regarding General Legal Counsel for the Village of Suffern

As we are finalizing how the Village should proceed regarding engaging Legal Counsel, I want to summarize the benefits and approach we are proposing. As a centerpiece to our approach, we will retain Keane & Beane as our primary Village Legal Counsel over the short to medium-term as compared to appointing an individual attorney as has been done previously. I would like to take this opportunity to review a brief rationale for this approach. This approach will provide a significant "Total Value" to the Village. Based on the complex issues facing the Village, such as the Wastewater Treatment Plant Consent Order, this approach supplies the skills and competencies that no one individual Village Attorney from the past possessed. Activities and projects will be completed in a rapid, efficient, and cost-effective manner; and, the Village will

use Keane & Beane to resolve the numerous legal issues from previous administrations that are yet remaining.

The proposed approach provides the Village with a high level of flexibility regarding how we retain legal counsel. The Village can decide to terminate the retainer with Keane and Beane at any time without penalty. It provides the Village with the opportunity to assess this type of outsource model for legal services to determine if this is a viable, cost effective approach. Keane and Beane will be able to provide, as a multi-disciplinary law firm, with the breadth of skills and competencies to handle the complex issues the Village is dealing. Local Attorneys can still be used under a contract basis to provide support for special projects where local knowledge and expertise may be required.

Based on my fiscal responsibility to the Village residents, we are striving for the most cost-effective solution for providing Legal support for the Village. Subsequently, one of the most important aspects of this approach is the total cost of an Attorney. Along with hourly rate, we need to consider actual costs and the total value the Attorney would bring to the Village. As it relates to hourly rate, the Keane & Beane hourly rate for activity associated with the retainer is \$220 per hour. In contrast, the fully burdened hourly rate of the previous Village Attorney was approximately twice the amount of Keane and Beane considering hourly pay and all associated benefits as well as the legal matters that needed to be attended to outside of former Attorney's areas of expertise. Special project work, not covered under the retainer with Keane & Beane, will charged at a reduced municipal rate of \$255 per hour. In both cases, the Village will have a lower total cost with Keane & Beane as compared to the total cost value of previous Village Attorneys including but limited to salary, FICA, Health Insurance, retirement benefits. With the complexity of Village's legal needs, having the legal expertise of Keane and Beane, based upon the firm's qualifications and experience to handle the variety and complexity of legal issues within the Village, in one retainer is a benefit to the Village. While in the past appointing an individual local Attorney with significant expertise in land use, for example, may have been the appropriate model, this approach can no longer provide all the expertise the Village needs. This type of limited approach will create costs due to a lack of the skills and competencies required. Examples of some the critical issues that need to be addressed include Wastewater Treatment Consent Order, Well Water Issues, Squires Gate Continuing Remediation and Resident Support, Strong Code Enforcement and Support. With the complexity of the issues the Village needs to address, having the legal expertise of Keane and Beane, based upon the firm's qualifications and experience to handle the variety and complexity of legal issues within the Village, in one retainer is a definitive benefit to the Village.

RESOLUTION NO. 40 OF 2019 - RETAINING KEANE AND BEANE TO PROVIDE GENERAL MUNICIPAL LEGAL COUNSEL EFFECTIVE FEBRUARY 11, 2019 PURSUANT TO THE TERMS SET FORTH IN THE KEANE AND BEANE P.C. RETAINER LETTER DATED FEBRUARY 4, 2019

The Board of Trustees desires to obtaining legal counsel for Village of Suffern general municipal matters. After interviewing several attorneys and law firms, the Board of the Village of Suffern desires to retain Keane & Beane, P.C. to provide general municipal legal counsel based upon the firm's experience in a handling a wide range of general municipal matters. The Village of Suffern

Board of Trustees agreed to retain the law firm of Keane & Beane, P.C. to provide general legal counsel effective February 11, 2019, pursuant to the terms set forth in Keane & Beane, P.C.'s retainer letter dated February 4, 2019. The Board of Trustees authorized the Mayor to execute any documents consistent therewith to effectuate the terms of the Resolution. A motion to approve the foregoing resolution was made by Trustee Moira Hertzman, seconded by Trustee Frank Hagen, and approved unanimously by the Board.

ADJOURNMENT:

A motion to close the meeting was made by Trustee Frank Hagen, seconded by Trustee Moira Hertzman, and approved unanimously by the Board. The meeting was adjourned at 9:15 p.m.