



**Special Meeting of Village Board of Trustee - Minutes
Tuesday, June 11, 2019 - 7:00 p.m.**

A Special Meeting of the Board of Trustees, duly noticed, was held on Tuesday, June 11, 2019.

Present: **Edward Markunas, Mayor**
 Steve Alpert, Trustee
 Frank Hagen, Trustee
 Moira Hertzman, Trustee
 Paul Girard, Trustee
 Ralph DeMarco, Village Attorney
 Kathy Van Sickle, Deputy Village Clerk

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.

RESOLUTION NO. 119 OF 2019 - RESOLUTION AMENDING THE AGREEMENT WITH DELAWARE ENGINEERING

The Board of Trustees approved amending the agreement with Delaware Engineering at an additional amount not to exceed \$20,000, for a total amount of not to exceed \$35,000, which includes modifications to the Engineer's scope of work and additions of CWSRF/EFC terms and conditions per the amendment signed June 11, 2019. A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded by Trustee Paul Girard, and passed unanimously by the Board.

RESOLUTION NO. 120 OF 2019 - ADOPTING AN AFFIRMATIVE ACTION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM.

The Village of Suffern is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor's Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy. Participation in the New York State CDBG-DR Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies. The purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity. The Board of Trustees adopted for implementation in the Village of Suffern New York State CDBG-DR Program. A motion to approve the foregoing Resolution was made by Trustee Paul Girard, seconded by Trustee Steven Alpert, and passed unanimously by the Board.

RESOLUTION NO. 121 of 2019 - ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE VILLAGE OF SUFFERN

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures. It is the policy of the Village of Suffern not to discriminate against any individual, person, or group on the basis of disability and the intent of the Village of Suffern to address any complaints that may arise pursuant to Section 504.

The Village of Suffern adopted by resolution internal grievance procedures (the “Procedure”) providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act. The Village of Suffern designated the Village Clerk as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure.

The Village of Suffern will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the Village’s official newspaper, posting of notices in the Village’s offices and facilities, placing notices in the Village’s publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Village Hall for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Village’s adopted grievance procedures.

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the “Act”) as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor’s Office of Storm Recovery (GOSR), and under which the Village of Suffern has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the Village of Suffern not to discriminate on the basis of disability. Towards that end, the Village of Suffern has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the Village Clerk's Office. The Village Clerk for the Village of Suffern has been designated to coordinate the efforts of the Village of Suffern with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504 The Village Clerk's Office is located at the Village of Suffern Village Hall, 61 Washington Avenue, Suffern, New York. The Section 504 Coordinator can be reached at (845) 357-2600.

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Village of Suffern outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Village of Suffern relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Village of Suffern Board of Trustees within 15 days of receiving the Section 504 Coordinator's decision. The Village of Suffern Board of Trustees shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure do not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Village of Suffern will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing

taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements. It is against the law for the Village of Suffern to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. A motion to approve the foregoing Resolution was made by Trustee Frank Hagen, seconded by Trustee Paul Girard, and passed unanimously by the Board.

RESOLUTION NO. 122 OF 2019 - ADOPTING THE FOLLOWING PROCEDURES AND POLICIES FOR THE VILLAGE OF SUFFERN FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION

In the aftermath of Superstorm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the "Act"), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development ("HUD") for Community Development Block Grant Disaster Recovery ("CDBG-DR") funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the "Storms"), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD.

Pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, "*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000.

Pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled "*Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000.

Pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled "*Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition).

The Village of Suffern entered into a subrecipient agreement with the Governor's Office of Storm Recovery of the New York State Housing Trust Fund Corporation. The Village of Suffern Board of Trustees, on behalf of the Village of Suffern that the Village of Suffern amended the Village of

Suffern Procurement Policy to comply with the policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation in the form attached hereto. A motion to approve the foregoing Resolution was made by Trustee Steven Alpert, seconded by Trustee Moira Hertzman.

ADJOURNMENT:

A motion to adjourn the meeting at 8:04 p.m. was made by Frank Hagen, seconded by Moira Hertzman, and passed unanimously by the Board.