



**Village Board Meeting Minutes**  
**Monday, December 2, 2019 7:00 p.m.**  
**(HELD IMMEDIATELY FOLLOWING THE REORGANIZATION MEETING)**

The Regular Meeting of the Village Board of Trustees was held immediately following Monday, December 2, 2019, following the Reorganization Meeting held at 7:00 p.m.

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

**CALL TO ORDER:**

Mayor Markunas called the meeting to order at 8:10 p.m.

**UPCOMING MEETINGS:**

The December Workshop Meeting scheduled for Tuesday, December 31<sup>st</sup> will be held on January 6, 2020 with the Regular Meeting of the Village Board of Trustees immediately following. A Workshop Meeting will be held Tuesday, January 28, 2020.

**PUBLIC HEARING:**

A Public Hearing was continued from November 6, 2019 which had been scheduled to begin at 7:05 p.m. A motion to open the Public Hearing at 8:11 p.m. to consider a local law to amend Section 254 of the Code of the Village of Suffern, entitled Vehicle and Traffic, to modify time limit parking areas in the Central Business District, was made by Steven Alpert, seconded by Charles Barone, and approved unanimously by the Board. Robert Magrino gave a summary of the local law and the changes that had been made. After discussion, it was determined that the Board would continue the Public Hearing for the January 6, 2020 meeting which will be scheduled for 7:05 p.m. A motion to continue the Public Hearing was made by Paul Girard, seconded by Charles Barone and passed unanimously by the Board.

**PUBLIC HEARING:**

A Public Hearing was continued from November 6, 2019 which had been to begin at 7:10 p.m. A motion to open the Public Hearing at 8:14 p.m. to consider a local law to amend Section 254 of the Code of the Village of Suffern, entitled Vehicle and Traffic, to establish passenger loading zones in the Central Business District was made by Trustee Meegan-Corrigan, seconded by Charles Barone, and approved unanimously by the Board. Robert Magrino gave a summary of the local law. After discussion, it was determined that the Board would continue the Public Hearing for the January 6, 2020 meeting which will be scheduled for 7:10 p.m. A motion to

continue the Public Hearing was made by Steven Alpert, seconded by Charles Barone and passed unanimously by the Board.

PUBLIC HEARING:

A Public Hearing was continued from November 6, 2019 which had been to begin at 7:15 p.m. A motion to open the Public Hearing at 8:18 p.m. to consider a local law to amend Section 254 of the Code of the Village of Suffern, entitled Vehicle and Traffic, to establish restrictions on the idling parked vehicles the Central Business District was made by Steven Alpert, seconded by Charles Barone, and approved unanimously by the Board. Robert Magrino gave a summary of the local law. After discussion, it was determined that the Board would continue the Public Hearing for the January 6, 2020 meeting which will be scheduled for 7:10 p.m. A motion to continue the Public Hearing was made by Trustee Meegan-Corrigan, seconded by Steven Alpert and passed unanimously by the Board.

FIRE DEPARTMENT:

Fire Chief Michael Lepori provided a brief statement to the Board thanking them for attending the special meeting to discuss the proposed new fire truck and asked that if any Board member has any further questions, to reach out to him because the Fire Department would like to move forward.

CULTURE AND RECREATION:

Cathy Mills reviewed the Culture and Recreation calendar which included: Suffern Chamber of Commerce Small Business Saturday, November 30; Midget Mounties Trophy Night, December 3; Santa Letters at the Palisades Mall; Christmas Parade and Santa at the Community Center Saturday, December 7; Pearl Harbor Ceremony, Sunday, December 8; DARE Dance, Friday, December 13; DARE Toy Drive, Thursday, December 19 to Sunday, December 22; Fire Department Santa Visits the Village Sunday, December 22.

**RESOLUTION 248 OF 2019 - ACCEPTING FUNDING FROM THE NEW YORK STATE DEPARTMENT OF HEALTH GRANT CREATING HEALTHY SCHOOLS AND COMMUNITIES COMPONENT PROVIDED TO THE ROCKLAND COUNTY DEPARTMENT OF HEALTH**

The Village of Suffern is committed to the health and wellness of its residents. The Rockland County Department of Health has received a grant from the New York State Department of Health. Through a contract with Rockland County Department of Health (RCDOH), the RCDOH will coordinate with the Village of Suffern to implement the grant component entitled "Creating Healthy Schools and Communities" designed to reach portions of the Village of Suffern that are a part of the Suffern School District. The purpose of the coordinating this grant through the Rockland County Department of Health is to fund a coordinated, multi-sector effort to increase demand for and access to healthy food and opportunities for physical activity to reduce the risk of obesity with a specific focus to include Complete Streets, food standards, and healthy food retail. The Village of Suffern will work under contract with the RCDOH and will be reimbursed in accordance with the provisions of the grant. The Village of Suffern hereby approves the participation in the Creating Healthy Schools and Communities component of the New York State Department of Health Grant through a contract with RCDOH, a contractor which received the grant from the New York State Department of Health, subject to the approval of the contract by

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

POLICE DEPARTMENT:

Chief Osborn discussed the importance of the response time of police officers and how the response of the Suffern Police Officers resulted in two lifesaving events for two Suffern residents. He discussed how the Toy Drive helps families throughout the area and that Suffern families are helped first with the remaining toys going to area families. Chief stated the Suffern Police Department will be accredited again by NYS Department of Criminal Justice Services of which only 20% of New York State Police Departments receive accreditation. Chief Osborn explained how the NYS Criminal Justice Reform Bill will severely impact manpower resources as police departments begin to achieve the new standards.

DEPARTMENT OF PUBLIC WORKS:

**RESOLUTION NO. 249 OF 2019 - AUTHORIZING PAYMENT NO. 1 TO TILCON NEW YORK – PHASE 10 ROADWAY IMPROVEMENT PROJECT**

The Village Board authorizes Payment No. 1 in the amount of \$391,896.53 to Tilcon New York, 162 Old Mill Road, West Nyack, New York for the Phase 10 Roadway Improvement Project. 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 Steven Alpert, seconded by Trustee Paul Girard and passed unanimously by the Board.

**RESOLUTION NO. 250 OF 2019 - AUTHORIZING PAYMENT NO. 1 TO TILCON NEW YORK FOR VILLAGE HALL AND POLICE PARKING LOT IMPROVEMENT PROJECT**

The Village Board authorizes Payment No. 1 in the amount of \$67,498.65 to Tilcon New York, 162 Old Mill Road, West Nyack, New York for the Village Hall and Police Department Parking Lot Improvement Project. 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 Paul Girard, seconded by Trustee Charles Barone and passed unanimously by the Board.

**RESOLUTION NO. 251 OF 2019 - A RESOLUTION AUTHORIZING PAYMENT NO. 1 TO DIAMOND CONSTRUCTION FOR THE 2019 RIGHT OF WAY IMPROVEMENTS PROJECT**

The Village Board authorizes Payment No. 1 in the amount of \$151,920.00 to Diamond Construction, Brick, New Jersey, for the 2019 Right of Way Improvement Project. 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 Charles Barone, seconded by Trustee Steven Alpert and passed unanimously by the Board.

**RESOLUTION NO. 252 OF 2019 - RESOLUTION ACCEPTING THE RESIGNATION OF MARK FORCELLO EFFECTIVE NOVEMBER 13, 2019**

RESOLVED, the Board of Trustees accepts the resignation of Mark Forcello, Laborer, effective November 13, 2019, Nunc Pro Tunc. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Paul Girard and passed unanimously by the Board.

**RESOLUTION NO. 253 OF 2019 - RESOLUTION APPOINTING BENJAMIN PRICE AS LABORER EFFECTIVE DECEMBER 9, 2019**

The Village of Suffern Board of Trustees appoints Benjamin Price to the vacant position of Laborer in the Refuse Department, effective December 9, 2019, at a pay rate of \$17.30 per hour. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Paul Girard, and passed unanimously by the Board.

**TREASURER:**

**RESOLUTION NO. 254 OF 2019 - AMENDING CAPITAL PROJECT 2020-002 TO INCLUDE FULL AMOUNT OF AUTHORIZED DEBT**

On August 5, 2019 the Village Board established capital project 2020-002 entitled 2020 Roadway Improvements Phase 10 (the "Project") in the amount of \$515,200 for the repaving of Village roadways. On September 9, 2019 the Village Board increased the Project spending authorization to include Right of Way Improvements in the amount of \$176,500, bringing the total Project authorization to \$691,700. On August 5, 2019 the Village Board adopted a bond resolution (the "Bond Resolution") authorizing the issuance of serial bonds in the amount of \$500,000 and only \$442,163 of that amount is being used to finance the Project. On November 14, 2019 the Village issued a bond anticipation note in the amount of \$1,309,925 that included \$500,000 authorized in the Bond Resolution. The Project authorization should be increased from \$691,700 to \$749,537 to include the \$57,837 of authorized debt and to make such funds available for road improvements. The Village of Suffern Board of Trustees hereby amends capital project 2020-002 entitled 2020 Roadway Improvements Phase 10 as follows:

Increase Estimated Revenue Long-Term Debt	\$ 57,837
Increase Appropriations	\$ 57,837

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

**RESOLUTION NO. 255 OF 2019 - ESTABLISHING CAPITAL PROJECT 2020-003 2020 PARKING LOT B REPAVING**

The Village of Suffern Board of Trustees hereby establishes capital project 2020-003 entitled 2020 Parking Lot B Repaving as follows:

Estimated Revenue Long-Term Debt	\$300,000
Appropriations	\$300,000

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

**RESOLUTION NO. 256 OF 2019 - ESTABLISHING THE POSITION OF VILLAGE CLAIMS AUDITOR**

The Village Board is authorized to establish the office of Village Claims Auditor pursuant to Village Law Sections 3- 301(2)(c) and 5-524(3). The Village Clerk and Deputy Village Clerk have been performing the functions of Village Claims Auditor for at least 30 years. The original resolution or resolutions establishing the office of Village Claims Auditor cannot be located. The Village Board re-confirms the establishment and does establish the office of Village Claims Auditor. The Village Board designates the functions of the Village Claims Auditor to be performed by the Village Clerk with assistance from the Deputy Village Clerk. The Deputy Village Clerk shall perform the functions of the Village Claims Auditor in the absence of the Village Clerk. The Village Board appoints Amy Paffenroth, Village Clerk, as Village Claims Auditor effective December 2, 2019. The

Village Board appoints Kathy Van Sickel, Deputy Village Clerk, as Acting Village Claims Auditor effective December 2, 2019 to perform the functions of Village Claims Auditor in the absence of Ms. Paffenroth. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

**RESOLUTION NO. 257 OF 2019 - AUTHORIZING MICHAEL GENITO TO ATTEND GFOA GOVERNMENTAL ACCOUNTING TRAINING DECEMBER 9-13 IN AUSTIN TEXAS**

The Village of Suffern Board of Trustees hereby authorizes Michael Genito to attend GFOA Government Accounting Training December 9 through December 13, 2019, in Austin, Texas, at no cost to the Village. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

**RESOLUTION NO. 258 OF 2019 - AUTHORIZING MICHAEL GENITO TO ATTEND NYGFOA DOWNSTATE SEMINAR IN WHITE PLAINS DECEMBER 18, 2019**

The Village of Suffern Board of Trustees hereby authorizes Michael Genito to attend NYGFOA Downstate Seminar in White Plain, NY on December 18, 2019 at the cost of \$98.00 for registration. The Village of Suffern will pay for or reimburse the employee for all actual, reasonable and necessary meals and travel expenses associated with his attendance at this event. A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Steven Alpert and passed unanimously by the Board.

Following Treasurer Genitor's presentation of his resolutions, he discussed that Moody's was further reevaluating the Village of Suffern bond rating and continued to view the Village's financial standing favorably. Trustee Alpert thanked Treasurer Genitor for his efforts. Trustee Girard kidded Mr. Genito that he had already been feeling conflicted over not voting for Mr. Genito's reappointment, so he thanked Treasurer Genito for making him feel worse.

**TRUSTEES:**

Trustee Alpert requested that the public receive timely information about the meetings on the website, questioned an amount of overtime earned in the overtime reports, and requested an update of the status of the 27 Hillside Avenue violations.

Trustee Girard did not have comment during this portion of the meeting but earlier in the meeting had reminded Trustee Barone to bring up the resolution appointing a Village Attorney.

Trustee Barone made a motion to enter into a contract for duties of Village Attorney with Terry Rice. Trustee Meegan-Corrigan seconded the motion. The Mayor stated this was the first time he had heard of this contract and stated he was moving away from political appointments. He spoke briefly about the recent history regarding who held the role of attorney. He spoke of Keane and Beane's role serving as labor attorney, that Attorney Terry Rice was formerly the Village Attorney but had retired, that a Village Attorney served after Attorney Rice that had resigned, and that Keane and Beane is currently serving as labor, real estate, and municipal counsel. The Mayor stated that Keane and Beane serving as municipal counsel had saved the Village taxpayers approximately \$80,000 as compared to the previous attorney's cost. The Mayor stated he believed the action the Board was asking to take was diluting the Mayor's authority which may result in the Trustees having representation different from the Mayor. He believed this

arrangement would not be in the best interests of the Village of Suffern residents since it would increase attorney costs. The Mayor said legal representation should be held at the standard that it has been and that Keane and Beane should continue to represent the Village of Suffern in a cost-effective manner as he had previously stated. The Mayor also stated he could not believe that Trustee Girard would consider taking the action he was recommending for Village Attorney since Trustee Girard had not been able to vote on any other appointments.

Trustee Alpert stated he was in favor of having a contracted attorney and that he believed the Village was saving money with this arrangement but suggested that a contract should go out for bid and that the Board should meet to discuss options. Mayor Markunas agreed the Board should meet in Executive Sessions since each member of the Board had a contract from Attorney Rice in front of them, but the Mayor had not received a copy to review. The Mayor was also not aware of any particular move the Board was making and indicated he was moving away from political appointments. He stated he was in favor of meeting with the Board, however, the Board presenting a contract at this meeting without providing a copy to the Mayor in advance for which the Mayor was expected vote on which was from an attorney that had already resigned or retired five years ago was inappropriate. Trustee Girard stated he believed the Mayor wasn't open to bidding for an Attorney based on conversations he had with the Mayor, and as a result, he did his own due diligence and came up with his option. Trustee Meegan-Corrigan stated that when the Mayor served as a Trustee, he and Trustee Morris hired separate counsel for Board members at that time.

Mayor Markunas requested the Board enter into Executive Session to discuss the appointment of Attorney. Trustee Girard responded that that subject was not an Executive Session matter and that the Village's current representation (Keane and Beane) had a conflict of interest in participating in a discussion. Attorney Demarco responded that the Mayor seeking an Executive Session to pursue legal advice was a matter that could be discussed in Executive Session. He also stated if the Board wanted to meet without legal counsel to discuss employment considerations then that also was an appropriate discussion in Executive Session. Trustee Alpert suggested that perhaps Attorney Magrino should participate in a discussion during Executive Session. Trustee Girard believed there was no need for further discussion and that a motion raised by Trustee Barone and seconded by Trustee Meegan-Corrigan and this motion should be put up for a vote. The Mayor disagreed and felt he needed legal advice as to what was happening with the Board's motion and thus needed to consult with an attorney to see if the motion raised was acceptable. Trustee Girard felt the Board should vote and if the Mayor wanted to challenge the vote he could do so. While the Mayor was discussing the matter with Attorney DeMarco, Trustee Meegan-Corrigan voted yes, Trustee Barone Voted yes, Trustee Alpert voted No, Trustee Girard voted Yes, Mayor voted No. Trustee Girard declared the motion passed.

The Village Clerk expressed confusion as to what was voted upon, as did the Mayor, and members of the audience. Mayor stated that the Village Attorney would be reviewing this matter. Trustee Girard said he was sworn in as a Trustee, he negotiated the contract, and provided a copy to the Trustees. The Mayor asked Trustee Girard who else was involved in the developing a contract with Terry Rice. Trustee Girard said it was himself and Attorney Rice. The Mayor asked who else was involved other than himself and Terry Rice, but Trustee Girard did not answer the question. When the Mayor asked again for Trustee Girard to specifically answer the question, "was Trustee

Girard and Attorney Rice alone”, Trustee Girard responded he was not alone. When the Mayor asked where the negotiation had taken place, Trustee Girard said he did not have to answer the question. The Board members who had voted yes began speaking about the matter at the same time as the Mayor and stated that the questions that the Mayor was asking as to where the negotiations took place were inappropriate. The Mayor declared speaking over one another as out of order. The Village Clerk asked the Attorney Demarco for clarification as to what was voted on since she had not received any materials before the meeting, was unaware this vote was going to take place, and the Agenda was not reflective of the matter considering Trustee Girard had knowledge that an appointment to village attorney was going to be raised, but the Village Clerk, the clerk of record for the Village, was not provided with any documentation. Attorney DeMarco stated he was also unaware so that he believed the Board should answer. Trustee Barone, Coorigan, and Girard responded it was a contract for Village of Suffern Attorney services. The Mayor stated to the Village Clerk that it appeared that a motion was passed, which he needed to confer with legal counsel and that he thought the Board voted to have Terry Rice represent the Board of Trustees. Attorney Klein indicated the Mayor’s statement was correct. Trustee Girard said that the Mayor’s statement was not correct. Attorney Klein explained that in accordance with NYCOM’s guidance, when the Mayor and the Trustees cannot agree to an Attorney, both the Mayor and the Trustees may have separate attorneys. He further explained that the Mayor has to be able to work with an attorney that he believes represents him in order to run the day-to-day operations of the Village. If the Village Board wants separate counsel, then that is what they voted on. Therefore the Village now has two attorneys and is paying for two attorneys. He further clarified NYCOM’s opinion on the matter and explained that the Mayor needs to be able to work with his or her attorney, and if the Board disagrees on the appointment, then NYCOM advises that mayor has one attorney and the board has another attorney. Attorney Klein explained that NYCOM also views it as a disciplinary violation for an attorney to serve as the attorney to a mayor if the mayor doesn’t want to be represented by that particular attorney. Attorney Magrino agreed with Attorney Klein’s statement and also raised the concern of a conflict of interest issue on the part of the attorney selected by the Board for their representation. Attorney Magrino offered to be available to the Board for an Executive Session to discuss the matter further.

Trustee Meegan-Corrigan stated she believed the Trustees should go directly to department heads and speak to department heads whenever they wanted.

MAYOR:

A motion to enter into Executive Session at 9:44 p.m. to discuss the matter of the appointment of Village of Attorney was made by Steven Alpert and seconded by Mayor Edward Markunas. The motion failed. The Mayor stated the Trustees were putting the Village at great risk by not even considering the legalities of the matter discussed and by failing to authorize an Executive Session to take place.

ADJOURNMENT:

A motion to close the meeting at 9:46 p.m. was made by Steven Alpert, seconded by Charles Barone, and was passed unanimously by the Board.