



**Village of Suffern  
Special Village Board Meeting Minutes  
Thursday, April 23, 2020 at 7:00 p.m.**

A special meeting of the Village of Suffern Board of Trustees was held via teleconference Thursday, April 23, 2020 at 7:00 p.m.

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

**CALL TO ORDER:**

Mayor Markunas called the meeting to order at 7:10 p.m.

**UPCOMING MEETINGS:**

The Workshop Meeting scheduled for Tuesday, April 28, 2020 at 7:00 p.m. is cancelled. A Regular Meeting of the Village Board of Trustees will be held on Monday, May 4, 2020 at 7:00 p.m.

**PUBLIC COMMENTS REGARDING TENTATIVE 2020-2021 BUDGET:**

Public Comments submitted by email to the Village of Suffern were read by Mayor Markunas.

**7:10 P.M. PUBLIC HEARING TO CONSIDER THE 2020-2021 SEWER AND WATER RATES:**

A public hearing to consider the 2020-2021 Sewer and Water Rates was held at 8:45 p.m. A motion to open the public hearing was made by Jo Meegan-Corrigan, seconded by Steven Alpert, and passed unanimously by the Board. Members of the public provided comment by teleconference. Treasurer Michael Genito presented the following proposed rates to the Board:

**2020-2021 Proposed Water Rates**

Per unit rates for consumers within the Village:

Minimum charge for the first 10 units or fraction thereof \$35.00

For the portion over 10 units and less than 71 units \$3.71

For the portion over 70 units \$4.84

Per unit rates for consumers outside the Village limits:

Minimum charge for the first 10 units or fraction thereof \$60.00

For the portion over 10 units \$5.57

**2020-2021 Proposed Sewer Rates**

Rates for consumers within the Village:

Minimum charge \$25.00

Per 100 cubic feet of water consumed \$12.42

Rates for consumers outside the Village limits:

Minimum charge \$25.00

Per 100 cubic feet of water consumed \$15.53

The public hearing was closed at 8:54 p.m. by a motion made by Charles Barone, seconded by Paul Girard and passed unanimously by the Board.

**7:15 P.M. PUBLIC HEARING TO CONSIDER A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

A public hearing to consider a property tax levy in excess of the limit established in General Municipal Law Section 3-c was held at 8:55 p.m. A motion to open the public hearing was made by Charles Barone seconded by Trustee Corrigan and passed unanimously by the Board. The public hearing was closed at 9:05 p.m. by a motion made by Charles Barone, seconded by Paul Girard, and passed unanimously by the Board. Following the close of the public hearing, Resolution 82 of 2020 was adopted by the Board.

**RESOLUTION NO. 82 OF 2020 - ADOPTING LOCAL LAW 05 OF 2020 – AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

A proposed local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c for the fiscal year ending May 31, 2021 was introduced at the meeting of the Village Board held on April 14, 2020 at which time a public hearing was set for April 23, 2020. The public hearing was held on April 23, 2020, at which time all person interested in speaking on this matter were given an opportunity to be heard, after which the public hearing was closed. After careful consideration of the proposed local law, comments received at the public hearing on said proposed local law, and the status of the 2020-2021 Tentative Budget, the

Village Board adopted Local Law 05 of 2020 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c as follows:

**LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

Section 1. Legislative Intent - It is the intent of this local law to allow the Village of Suffern to adopt a budget for the fiscal year ending May 31, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority - This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override - The Board of Trustees of the Village of Suffern, County of Rockland, is hereby authorized to adopt a budget for the fiscal year ending May 31, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability - If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date - This local law shall take effect immediately upon filing with the Secretary of State.

A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Jo Meegan-Corrigan and a roll call vote was recorded as follows:

NAME	YES	NO	ABSENT
Alpert		X	
Girard	X		
Barone	X		
Meegan-Corrigan	X		
Markunas	X		

**RESOLUTION NO. 83 OF 2020 - RESOLUTION AUTHORIZING VILLAGE TREASURER TO SIGN DENTAL PLAN SERVICES AGREEMENT WITH J.J. STANIS & COMPANY**

The Village of Suffern Board of Trustees authorized the Village Treasurer to sign an agreement for Dental Plan services with J.J. Stanis & Company, 377 Oak Street, Suite 406, Garden City, New

York 11530 effective June 1, 2020 through May 31, 2021 with a dental claims administration fee of \$4.16 and the Stanis Net Plus/Dentemax access fee of \$2.10. A motion to approve the foregoing resolution was made by Trustee Jo Meegan-Corrigan, seconded by Trustee Charles Barone and passed unanimously by the Board.

**RESOLUTION NO. 84 OF 2020 - AUTHORIZING TRANSFER FROM WATER FUND TO CAPITAL PROJECTS FUND FOR WATER AND SEWER RATE STUDY**

The 2019-2020 Water Fund adopted budget included appropriations in the amount of \$50,000 for a water and sewer rate study. The revenues and expenditures associated with such studies are more appropriately accounted for in the Capital Projects Fund. The Village Board authorized the Village Treasurer to transfer \$50,000 from the Water Fund to the Capital Projects Fund. The Village Treasurer is authorized to create and amend the necessary accounts in the Water Fund and the Capital Projects Fund to reflect the aforesaid transfer. 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. 85 OF 2020 - AUTHORIZING PAYMENT OF LEGAL FEES TO KEANE & BEANE, P.C. FOR LEGAL SERVICES PROVIDED TO THE VILLAGE OF SUFFERN AND THE MAYOR, IN HIS OFFICIAL CAPACITY AND ON BEHALF OF THE VILLAGE OF SUFFERN, IN *MARKUNAS V. GIRARD, ET AL.*, INDEX NO. 1570/2019**

Edward Markunas, Mayor of the Village of Suffern (the "Village"), instituted litigation in his official capacity and on behalf of the Village, against Paul Girard, Charles Barone, Jo Meegan-Corrigan and Terry Rice, Esq. in *Markunas v. Girard, et al.*, Index No. 1570/2019, challenging a motion adopted by the Village Board of Trustees ("Board of Trustees") on December 2, 2019 appointing Terry Rice, Esq. as Village Attorney (the "Motion"). In *Markunas v. Girard, et al.*, the Mayor sought to invalidate the Motion based upon the Board of Trustees' violation of N.Y. Village Law § 4-400(1)(c)(i) by usurping the Mayor's authority to appoint the Village Attorney. In connection with *Markunas v. Girard, et al.*, the Mayor signed a Retainer Agreement, dated January 1, 2020, with Keane & Beane, P.C. to prosecute the action on the Village's and on his behalf (the "Retainer Agreement"). The Mayor had authority to enter into such Retainer Agreement with Keane & Beane, P.C. pursuant to *Cahn v. Town of Huntington*, 29 N.Y. 2d 451, 454-55, 328 N.Y.S. 2d 672 (1972). Pursuant to the Retainer Agreement, and in prosecution of *Markunas v. Girard, et al.*, Keane & Beane, P.C. has submitted legal bills to the Village since January 2020 for payment in excess of Eighty-Two Thousand (\$82,000) Dollars, which are due and owing. Based upon negotiations between the Mayor and Keane & Beane, P.C., Keane & Beane, P.C. has agreed to reduce its fee and accept Seventy-Five Thousand (\$75,000) Dollars in full satisfaction of its legal bills in *Markunas v. Girard, et al.* The Supreme Court, Rockland County, issued a Final Judgment and Order, entered March 16, 2020, granting the relief requested by the

Mayor and invalidating the Motion as unlawful. The Board of Trustees acknowledges that such sum is due and owing to Keane & Beane, P.C. and desires to make payment of Seventy-Five Thousand (\$75,000) Dollars to Keane & Beane, P.C. The Village Board of Trustees authorized the payment of Seventy-Five Thousand (\$75,000) Dollars to Keane & Beane, P.C. for the representation of the Mayor in *Markunas v. Girard, et al.*, Index No. 1570/2019. The Village Treasurer is hereby directed to make payment of Seventy-Five Thousand (\$75,000) Dollars to Keane & Beane, P.C. for the representation of the Mayor in *Markunas v. Girard, et al.*, Index No. 1570/2019. 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. 86 OF 2020 - RESOLUTION ADOPTING CHANGES TO THE TENTATIVE BUDGETS FOR FISCAL YEAR ENDING MAY 31, 2021**

Section 5-508 of Village Law provides that the 2020-2021 budget for fiscal year ending May 31, 2021 must be adopted on or before May 1, 2020. The 2020-2021 Tentative Budget ("Tentative Budget") was transmitted by the Village Clerk to the Village Board on March 19, 2020. Public hearings on the Tentative Budget, the proposed 2020-2021 water rates and the proposed 2020-2021 sewer rates were held on April 6 and April 23, 2020. Members of the Village Board have proposed amendments to the Tentative Budget. The Village Board of the Village of Suffern adopted the following amendments to the Tentative Budget:

Decrease A1110.4 VILLAGE JUSTICE Contractual Expenses \$1,000  
Decrease A1990.4 CONTINGENT ACCOUNT \$50,000  
Decrease A3120.1 POLICE PERSONAL SERVICES \$90,834  
Decrease A3120.2 POLICE EQUIPMENT \$49,000  
Decrease A3410.2 FIRE DEPARTMENT EQUIPMENT \$2,000  
Decrease A3410.4 FIRE DEPARTMENT CONTRACTUAL \$5,480  
Decrease A5110.4 STREET MAINTENANCE CONTRACTUAL \$10,000  
Decrease A5142.4 SNOW REMOVAL CONTRACTUAL \$10,000  
Decrease A5182.4 STREET LIGHTING CONTRACTUAL \$16,000  
Decrease A8020.4 PLANNING CONTRACTUAL \$10,000  
Decrease A8160.4 CURBSIDE SOLID WASTE CONTRACTUAL \$10,000  
Increase A8161.4 CONTAINER SOLID WASTE CONTRACTUAL \$43,075  
Decrease A9010.8 STATE RETIREMENT EMPLOYEE BENEFITS \$900  
Decrease A9030.8 SOCIAL SECURITY EMPLOYEE BENEFITS \$6,300  
Decrease A9031.8 MTA COMMUTER TAX EMPLOYEE BENEFITS \$300  
Decrease A9045.8 LIFE INSURANCE EMPLOYEE BENEFITS \$900  
Decrease A3265 CURBSIDE SOLID WASTE FEES \$10,000  
Increase A3265 CONTAINER SOLID WASTE FEES \$43,075

Decrease A1001 REAL PROPERTY TAX LEVY \$252,714  
Decrease F8310.1 WATER FUND PERSONAL SERVICES \$330  
Increase F4810 WATER FUND STATE RETIREMENT \$500  
Decrease F8340.4 WATER FUND CONTRACTUAL \$2,500  
Decrease F3214 WATER FUND METERED WATER SALES \$2,330  
Decrease G8110.1 SEWER FUND PERSONAL SERVICES \$330  
Decrease G8130.4 SEWER FUND CONTRACTUAL \$15,000  
Decrease SEWER RENTS SEWER FUND \$15,330

A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Alpert. A roll call vote was recorded as follows:

NAME	YES	NO	ABSENT
Alpert	X		
Girard	X		
Barone	X		
Meegan-Corrigan	X		
Markunas	X		

**EXECUTIVE SESSION:**

An Executive Session was requested by Mayor Markunas. A motion to enter into Executive Session was made at 10:00 a.m. by Charles Barone, seconded by Steve Alpert, and passed unanimously by the Board. Following the close of the Executive Sessions, no further action was taken by the Board.

**ADJOURNMENT:**

The meeting was adjourned at 10:45 p.m.