



**Village of Suffern
Village Board Meeting Minutes
Monday, May 4, 2020 7:00 p.m.**

Due to the COVID 19 Pandemic, the regular meeting of the Village of Suffern Board of Trustees was held Monday, May 4, 2020 at 7:00 p.m. by Teleconference

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 7:00 p.m.

UPCOMING MEETINGS:

A Workshop Meeting is tentatively scheduled for Tuesday, May 26, 2020 at 7:00 p.m. A Regular Meeting of the Village Board of Trustees will be held Monday, June 1, 2020 at 7:00 p.m.

STATEMENT BY MAYOR MARKUNAS ABOUT THE DANSKAMMER FRACKED GAS BUILD OUT:

The Mayor's office has been in contact with Ian Adler, Hudson Valley Outreach Director for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, nonprofit, research and public education organization founded in 1976. NYPIRG's full-time staff examines important issues, produces studies, and engages New Yorkers in public education campaigns designed to produce policies that strengthen democracy, enhance the rights of consumers and voters, and protect the environment and public health. The Mayor asked the Suffern High School Climate Smart Community Task Force under the direction of Ms. Rina Katz to research the Danskammer, LLC Fracked Gas Build Out Proposal. They have prepared a statement that they will present this evening. Before I have them speak, I would like to make a brief statement regarding why the Board of Trustees will consider a Resolution this evening Opposing the Danskammer, LLC Build Out Proposal. The COVID-19 pandemic has devastated thousands across the country with New York state being hit hardest. It's implications have already been felt by our economy, our healthcare system, and in our own personal lives. COVID-19 is a threat to all, but in particular,

those with compromised immune systems are particularly at risk. Many of New York's communities struggle to access clean water and air. In Rockland alone, the American Lung Association grades the region's air quality at a D rating. Fracked gas plants including Cricket Valley, and the newly proposed Danskammer plant, stand in the way of clean air, healthier communities, and pose a deeper threat to communities already suffering. At all stages - the procurement, transport and burning of fracked gas which releases methane, (a potent greenhouse gas also linked to several neurological and endocrine problems from pollutants), degrades air quality. Unfortunately the fossil fuel industry's continued use of fracked gas power plants threatens our health, especially in the midst of the current COVID-19 pandemic. Danskammer LLC, now wants to change their little-used Peaker Plant on the Hudson River to a full time, fracked gas facility. On its own, the Danskammer Fracked Gas Plant is unacceptable and against Governor Cuomo's climate goals. But in light of the COVID-19 epidemic, it puts those with compromised immune systems at further risk. Added fossil fuel infrastructure like Danskammer means more air pollution regionally and more New Yorkers at higher risk from the impact of illnesses like COVID-19. Unless we as a community speak up and fight back for the sake of our health, climate and overall safety,... all of us, especially those with compromised immune systems will endure additional consequences of epidemics like COVID-19.

Statement by the Suffern High School Climate Smart Community Task Force:

Suffern, New York is formally opposed to the proposed upgrades to the Danskammer fracked-gas power plant in Newburgh, NY. If this facility is used full-time it would increase local air and water pollution. It is especially important to protect air quality in NYS during this time in order to decrease serious health complications due to COVID-19. The plant also resides in a flood-prone area which could present serious dangers to public health and the environment. Climate change is currently affecting communities and escalating catastrophic storms. NYS has addressed these issues by passing climate bills. Activating the full-time Danskammer facility would be strictly against New York State's climate goals. It would also be in violation of the objectives of the Climate Leadership and Community Protection Act (CLCPA). It is important for near-by towns like Suffern to support Newburgh and the right for all NYS residents to clean air and water. As soon as we rid of the crutch that is represented by fossil fuel plants such as Danskammer, we can continue transitioning to 70% renewables by 2030. Refusing the enhancements to the Danskammer fracked-gas power plant is imperative to protecting New Yorkers and our environment.

RESOLUTION NO. 89 OF 2020 - RESOLUTION BY THE VILLAGE OF SUFFERN BOARD OF TRUSTEES OPPOSING THE DANSKAMMER, LLC BUILD OUT PROPOSAL

Climate change requires immediate action, we need to stop incrementally expanding fossil fuel energy generation and fully ramp up on renewables and we need to make tough choices in the

face of entrenched, narrow, short-term interest. These seemingly small and scattered decisions that extend fossil fuel dependency are neither small or insignificant, as they cumulatively add up to the whole system that supports and reinforces the continuation of our reliance on fossil fuels, and we need to diverge from this path. Danskammer, LLC is seeking to build a new, baseload year-round fracked natural gas and diesel-burning power plant in Newburgh, New York. According to Food and Water Watch, “The Danskammer would be a massive 550 MW fracked gas plant posing huge risks to the air and water of the local community – and worsening our climate crisis by burning dirty fossil fuels around the clock. We have the science and technology and we need to show that we have the will to transition to clean, green economy. The Danskammer, LLC build out proposal is against the stated goals of our Governor, laid out in the Climate Leadership and Community Protection Act, is wrong for our economy, our health and the environment. There is no proven need for gas to meet our energy needs. The 2018 Reliability Needs Assessment of the New York Independent System Operator (dated October 2018) found no statewide gap in power generation or transmissions capacity in the next decade, notwithstanding the impending closure of the Indian Point nuclear power plant. The Danskammer plant has already flooded once during Hurricane Sandy and is at risk of flooding again due to sea level rise. Containments including, but not limited to, aqueous ammonia and diesel on site stand to pollute the Hudson River if Danskammer’s expansion were to be approved. Redevelopment of the Danskammer plant would erode the natural and aesthetic beauty of the Hudson River Valley, which is a major driver of the region’s \$5.3 billion tourism economy and cherished by visitors from around the globe. Redevelopment of the Danskammer plant would disproportionately affect nearby Environmental Justice Areas and impact vulnerable communities, particularly low-income neighborhoods in Beacon, Newburgh, Fishkill and the City of Peekskill who will feel the brunt of air pollution due to the proximity to the plant. The Village of Suffern calls upon the Public Service Commission to reject the Danskammer application. The Village Clerk was directed to submit this statement to the Public Service Commission and to send a copy of this Resolution to New York State Governor Andrew M. Cuomo, U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Congresswoman Nita Lowey, New York State Senator David Carlucci, and New York State Assemblywoman Jaffee. A motion to approve the foregoing resolution was made by Trustee Steven Alpert, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 90 OF 2020 - ACCEPTING VILLAGE OF SUFFERN PARTICIPATION IN THE ROCKLAND COUNTY CONSORTIUM AS AN ENTITLEMENT COMMUNITY FOR FISCAL YEARS 2021, 2022, AND 2023 BY REQUALIFYING THE COOPERATIVE AGREEMENT

The United States Department of Housing and Urban Development (HUD) requires that each entitlement community requalify their Cooperative Agreement every three years. The Village of Suffern had previously entered into a three-year Rockland County Cooperative Agreement for fiscal years 2018, 2019 and 2020 which had no specified end date. The

Village Board of Trustees desires to continue the Rockland County Cooperative Agreement for the fiscal years 2021, 2022 and 2023 (July 1, 2021 through June 30, 2023). This three-year agreement will designate Suffern an entitlement community and participant within the Rockland County Consortium. This agreement will allow the village to participate, as eligible, in varying HUD programs (e.g. CDBG, Home Investment Partnership and Emergency Solution Grant Program) that are overseen by the County of Rockland. By passage of this resolution, the Village is stating its intent on continuing with the Rockland County Cooperative Agreement as an entitlement community and a member of the Rockland County Consortium. The current fiscal years 2018, 2019 and 2020 agreement will be renewed automatically for fiscal years 2021, 2022 and 2023, and there is no new agreement to be signed. Based upon HUD's rules and regulations, if there are any amendments to be made, either an updated agreement or amendment will be sent to the Village at a future date for signature. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Steven Alpert and passed unanimously by the Board.

RESOLUTION NO. 91 OF 2020 - ACCEPTING THE ROCKLAND COUNTY DEPARTMENT OF HEALTH CREATING HEALTHY SCHOOLS AND COMMUNITIES GRANT

By Resolution No. 176 of 2020, the Rockland County Legislature authorized the execution of the Agreement between the County of Rockland and the Village of Suffern appropriating grant funding for the Complete Street Program to be administered by Rockland County through the Rockland County Department Health. The adoption of a Complete Street Program Policy is required for the Village of Suffern to participate in the Rockland County Department of Health Grant entitled Creating Healthy Schools and Communities. The Creating Healthy Schools and Communities grant program will provide funding to the Village of Suffern in the amount not to exceed \$8,000 for Complete Streets program training and Complete Streets support materials and consultation. The term of this grant program shall commence on October 1, 2019 and terminate of September 30, 2020. The Board of Trustees authorized the Village of Suffern to participate in the Rockland County Department of Healthy Creating Healthy Schools and Communities Grant Program. The Mayor is authorized to sign the Agreement with the County of Rockland. 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. 92 OF 2020 - SETTING A PUBLIC HEARING JUNE 1, 2020 AT 7:10 P.M. TO PROPOSE THE ACCEPTANCE OF THE ANNUAL NYS DEC MS4 REPORT

The Board of Trustees authorized holding a Public Hearing on Monday, June 1, 2020, at 7:10 p.m. to propose the acceptance of the annual NYS DEC MS4 Report. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Meegan-Corrigan.

RESOLUTION NO. 93 OF 2020 - AUTHORIZING THE STORMWATER CONSORTIUM OF ROCKLAND COUNTY/CORNELL COOPERATIVE EXTENSION PROGRAM AGREEMENT

The Village of Suffern is a member of the Stormwater Consortium of Rockland County/Cornell Cooperative Extension Program. The annual membership fee is \$1,250.00 per year. The Board of Trustees authorized the Mayor to execute the Stormwater Consortium of Rockland County/Cornell Cooperative Extension Program Agreement in the amount of \$1,250.00. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 94 OF 2020 - AUTHORIZING PAYMENT NO. 2 TO DIAMOND CONSTRUCTION FOR THE 2019 RIGHT OF WAY IMPROVEMENTS PROJECT

The Board of Trustees authorized Payment No. 2 in the amount of \$8,440.00 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 Paul Girard, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 95 OF 2020 - AUTHORIZING PAYMENT NO. 2 TO TAM ENTERPRISES FOR THE SANITARY SEWER ABATEMENT PROJECT PHASE 2

The Board of Trustees authorized Payment No. 2 in the amount of \$9,919.30 for the Sanitary Sewer Abatement Project Phase 2 to TAM Enterprises, 114 Harley Avenue, Goshen, New York New York. 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 Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 96 OF 2020 - AUTHORIZING PAYMENT NO. 2 TO NATIONAL WATER MAIN CLEANING COMPANY FOR THE PHASE 2 SEWER ABATEMENT PROJECT

The Board of Trustees authorized Payment No. 2 in the amount of \$74,124.06 to National Water Main Cleaning Company, 1806 Kearney, New Jersey for the Phase 2 Sewer Abatement 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 Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 97 OF 2020 - AUTHORIZING THE ACCEPTANCE OF THE LOWEST BID FOR LIQUID SODIUM HYPOCHLORITE SOLUTION

The Board of Trustees accepted the lowest bid for Liquid Sodium Hypochlorite Solution at a cost of \$1.63 per gallon from Main Pools and Chemical Company, Duport, Pennsylvania. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 98 OF 2020 - AUTHORIZING THE ACCEPTANCE OF THE LOWEST BID FOR 25 PERCENT SODIUM HYDROXIDE

The Board of Trustees accepted the lowest bid for 25 Percent (25%) Sodium Hydroxide at a cost of \$0.92 per gallon from Jones Chemical, Sarasota, Florida. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 99 OF 2020 - AUTHORIZING THE ACCEPTANCE OF THE LOWEST BID FOR ZINC ORTHOPHOSPHATE

The Board of Trustees accepted the lowest bid for Zinc Orthophosphate at a cost of \$7.8256 per gallon from George S. Coyne Chemical, Croydon, Pennsylvania. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 100 OF 2020 - ACCEPTING THE LOWEST BID FOR THE VILLAGE OF SUFFERN REFUSE AND RECYCLING COLLECTION CONTAINER SERVICE FROM DONATO MARANGI, INC.

The Village of Suffern, consistent with competitive bidding requirements contained in the General Municipal Law (GML) of the State of New York, requested bid for refuse and recycling collection services for the Village of Container Service District with bids results due to the Village of Suffern on March 26, 2020 no later than 11:00 a.m. Donato Marangi, Inc., Valley College, New York submitted the only bid in the amount of amount of \$17.25 per unit. The services to be rendered by Donator Marangi, Inc. under this Agreement shall commence in accordance with the bid documents and Agreement. Donato Marangi, Inc. shall provide services as set forth in the bid document and the Agreement to be signed. The Village Board accepted the bid for the Village of Suffern Refuse and Recycling Collection Container Service from Donato Marangi, Inc. Charles Sawicki was authorized to sign the Agreement on behalf of the Village of Suffern upon review and approval of all documents by the Assistant Village Attorney. A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Barone and passed unanimously by the Board.

RESOLUTION NO. 101 OF 2020 - AUTHORIZING VILLAGE TREASURER TO SIGN LIABILITY INSURANCE CONTRACT FOR FISCAL YEAR ENDING MAY 31, 2021

The Village's Insurance Agent, the Scirocco Group, has reviewed the Village's various liability coverage for the period 06/12/2020 through 6/12/2021. It is the recommendation of the Village's Insurance Agent that the Village renew its various liability coverage for the period 06/12/2020 through 06/12/2021 with Zurich North America. The Village Board agreed to renew its various liability coverage for the period 06/12/2020 through 06/12/2021 (or until sooner terminated or replaced) with Zurich North America in the amount of \$671,158). The Board of Trustees authorized the Village Treasurer to execute any and all required documentation, approved as to form and content by the Village Attorney, to secure said insurance coverage on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Barone and passed unanimously by the Board.

RESOLUTION NO. 102 OF 2020 - AUTHORIZING VILLAGE TREASURER TO SIGN WORKERS COMPENSATION SERVICES CONTRACT FOR FISCAL YEAR ENDING MAY 31, 2021

The Village's Insurance Agent, the Scirocco Group, has reviewed the Village's Workers Compensation coverage for the period 06/1/2020 through 6/1/2021. It is the recommendation of the Village's Insurance Agent that the Village renew its Workers Compensation coverage for the period 06/1/2020 through 06/1/2021 with PERMA. The Board of Trustees of the Village of Suffern hereby agrees to renew its Workers Compensation coverage for the period 06/1/2020 through 06/1/2021 (or until sooner terminated or replaced) with PERMA in the amount not to exceed \$482,605. The Board of Trustees authorized the Village Treasurer to execute any and all required documentation, approved as to form and content by the Village Attorney, to secure said coverage on behalf of the Village of Suffern. A motion to approve the foregoing resolution was made by Trustee Barone, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 103 OF 2020 - ACCEPTING A DONATION FROM THE VINCENT CROTTY MEMORIAL FOUNDATION FOR THE USE OF THE VILLAGE OF SUFFERN SENIOR LUNCH PROGRAM

The Vincent Crotty Memorial Foundation was formed as a way to keep the memory and spirit of beloved Village of Suffern resident Vincent Crotty alive. The Foundation assists needy children and families as well as youth sports programs throughout our Village and surrounding areas. The Vincent Crotty Memorial Foundation has generously offered to assist the Village of Suffern by donating \$5,000 to fund the Village of Suffern Senior Lunch Program. The Board of Trustees accepted the donation from the Vincent Crotty Memorial Foundation in the amount of \$5000.00 to fund the cost of the Village of Suffern Senior Lunch Program. A motion to approve the

foregoing resolution was made by Trustee Steven Alpert, seconded by Trustee Meegan-Corrigan and passed unanimously by the Board.

RESOLUTION NO. 104 OF 2020 - ESTABLISHING VILLAGE OF SUFFERN PARKING PERMIT FEES EFFECTIVE JUNE 1, 2020

Pursuant to Article V of § 254-29 of the Code of the Village of Suffern, parking permits are required to park in municipal parking areas. Pursuant to § 254-30 of the Code of the Village of Suffern, fees for parking permits shall be determined by the Village Board of Trustees. The Board of Trustees established the following Parking Permit Fees Effective June 1, 2020:

Suffern Resident

Daily Parking Permit	\$ 4.00
Monthly Parking Permit (Daily Parking Only)	\$ 25.00
Monthly Overnight Parking Permit	\$ 70.00
Monthly Commercial Vehicle Overnight Parking Permit	\$100.00
Annual Parking Permit (Daily Parking Only)	\$200.00

Non-Resident

Daily Parking Permit	\$ 8.00
Monthly Parking Permit (Daily Parking Only)	\$ 62.00
Monthly Overnight Parking Permit	\$200.00
Annual Parking Permit (Daily Parking Only)	\$500.00
Temporary Overnight Parking-A Lot Only (Resident/Non-Resident)	\$ 15.00

Village of Suffern Merchant

Annual Parking Permit (Daily Parking Only)	\$ 70.00
Monthly Merchant Commercial Overnight Parking Permit	\$160.00

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Alpert and passed unanimously by the Board.

RESOLUTION NO. 105 OF 2020 - AUTHORIZE PAYMENT OF LEGAL FEES TO KEANE & BEANE, P.C. FOR LEGAL SERVICES PROVIDED TO THE VILLAGE OF SUFFERN AS VILLAGE ATTORNEY AND LABOR COUNSEL MARCH 1, 2020 THROUGH MARCH 16, 2020

By resolution, dated February 1, 2019, the Village Board of Trustees (“Board of Trustees”) of the Village of Suffern (the “Village”), approved a Retainer Agreement with Keane & Beane, P.C., dated February 1, 2019 for legal services to the Village as Village Attorney from February 1, 2019 through December 31, 2019 (the “Retainer Agreement”). Edward Markunas, Mayor of 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 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 Trustee’s violation of N.Y. Village Law § 4-400(1)(c)(i) by usurping the Mayor’s authority to appoint the Village Attorney. The Supreme Court, Rockland County, issued a Final Judgment and Order, entered March 16, 2020 (the “Order”), granting the relief requested by the Mayor and invalidating the Motion as unlawful. The Order extended the Retainer Agreement through the entry of the Order, March 16, 2020. The Order further authorized the Village Treasurer to make payments to Keane & Beane, P.C. for its legal services as Village Attorney through the entry of the Order, March 16, 2020, subject to the approval of the Board of Trustees. Pursuant to the Retainer Agreement for legal services as Village Attorney, Keane & Beane, P.C. submitted legal bills covering the period of March 1 through March 16, 2020 to the Village for payment totaling \$4,720.00, which are due and owing. The Board of Trustees authorized the payment as Village Attorney and Labor Counsel for legal services as Village Attorney and Labor Counsel between March 1, 2020 and March 16, 2020 in the amount of \$4,720.00. A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Barone and passed unanimously by the Board.

ADJOURNMENT:

The meeting was adjourned at 8:30 p.m.