



**VILLAGE OF SUFFERN**  
**VILLAGE BOARD MEETING MINUTES**  
**TUESDAY, SEPTEMBER 8, 2020**

A regular meeting of the Village Board of Trustees was held on Tuesday, September 8, 2020. Due to the COVID-19 Pandemic, the meeting was held by teleconference.

Present:       Edward Markunas, Mayor  
                  Steven Alpert, Trustee  
                  Charles Barone, Trustee  
                  Paul Girard, Trustee  
                  Kathy Van Sickle, Deputy Village Clerk  
                  Robert Magrino, Attorney  
                  Richard Glickel, Attorney

Absent:        Jo Meegan-Corrigan, 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 scheduled for Tuesday, September 29, 2020 at 7:00 p.m. (please note this meeting was rescheduled from Monday, September 28, 2020). The next regularly scheduled Village Board Meeting will be held on October 5, 2020 at 7:00 p.m.

**RESOLUTION NO. 155 OF 2020 - ESTABLISHING RULES OF PROCEDURE REGARDING PUBLIC PARTICIPATION AT REGULAR VILLAGE BOARD MEETINGS**

The Village Board of Trustees recognizes the value of public comment on issues coming before the Board as agenda items for action and the importance of allowing citizens to express themselves on matters of community interest. In order to permit the fair and orderly expression of such comment, the Board is not required to permit, but has provided for, and wishes to continue to provide for, public participation at the regularly scheduled monthly meetings of the Board of Trustees. The Board determined that setting a policy regarding the fair and orderly conduct of meetings while permitting such public participation, as is authorized pursuant to New York Village Law §4-412(2), is in the best interests of the Village and its residents to ensure the public may be heard in accordance with general rules of decorum. Pursuant to the authority as set forth in New York Village Law §4-412(2), the Village Board hereby establishes the following policy with respect to public participation at Regular Village Board Meetings: Citizens questions or

comments on formal Agenda items, or other items of concern related to the business of the Village Board, shall be permitted at the Regular Monthly Board meetings as follows: Persons who wish to make a comment or ask a question are requested to come forward and use the podium so everyone present can hear the comment or question. Comments and questions should be directed to the Board of Trustees; speakers are requested to state their name and address prior to making comment or asking a question; speakers are limited to 4 minutes per person for comments or questions. There is no sharing of time or deferring of time to another speaker. The Mayor as presiding official may allow a speaker to briefly go over the time limit to finish a comment or question or if the speaker's time was taken up by a Board member asking a question or commenting during the speaker's time; the speaker may not address the audience. All comments or questions shall be directed to the Board; there shall not be back and forth between the speaker and the Board during the speaker's time. Upon the completion of the public comment period, the Board may address questions or comments raised by the speakers; discussion on any matter shall be made in a civil matter. Insults towards anyone will not be tolerated. Speaking over others will not be tolerated; if a speaker or audience member's conduct is determined by the Mayor as presiding officer to be disruptive of the meeting, the disruptive person shall be advised their behavior is considered disruptive and will be asked to leave and any license or permission to be in attendance at the meeting, implied or otherwise, shall be revoked. If the disruptive person refuses to leave, upon appropriate warning, appropriate action may be taken to remove the person from the meeting. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone. Trustees Charles Barone and Paul Girard, along with Mayor Markunas voted yes. Trustee Steven Alpert voted No. The Resolution was declared adopted.

**PUBLIC HEARING:**

A Public Hearing to consider a special permit for a private cigar club at 62 Lafayette Avenue (475 Beacon Partners, LLC) was scheduled for 7:10 p.m. A motion to open the Public Hearing at 7:13 p.m. was made by Charles Barone, seconded by Steven Alpert, and passed unanimously by the Board. Attorney Magrino provided an update to the Board regarding the property owner's request for a special use permit. Attorney Magrino indicated that the owners have been continuing to discuss details concerning the use of the property with the Rockland County Department of Health and that the Public Hearing should be continued at the next regular meeting in October to provide additional time for the owners to work on remaining issues. No members of the public requested to speak during the public hearing. A motion to continue the public hearing at 7:05 p.m. on October 5, 2020, was made at 7:15 p.m. by Charles Barone, seconded by Steven Alpert, and passed unanimously by the Board, and passed unanimously by the Board.

**PUBLIC HEARING:**

A Public Hearing to authorize the Village to address property maintenance conditions at 27 Hillside Drive was scheduled for 7:15 p.m. A motion to open the Public Hearing at 7:16 p.m. was made by Charles Barone, seconded by Paul Girard, and passed unanimously by the Board. Attorney Robert Magrino advised the Board that Mr. Anzelmo, the owner of the property, left a message advising him that Mr. Anzelmo was unable to attend the Public Hearing scheduled for this evening due to health issues. An advocate on Mr. Anzelmo's behalf from Valley Hospital also spoke to Attorney Magrino. Attorney Magrino recommended that the Public Hearing be continued on September 21, 2020, since he was advised that Mr. Anzelmo would be available at that time.

A resident from Hillside Drive stated this matter has been going on for years and this is not the first time that the Village is undertaking measures to address property concerns. She stated that this is a particularly difficult situation for neighbors who must live in the neighborhood and see the conditions that exist at the property. She asked the Board what measures will be taken by government agencies to permanently resolve this issue. Attorney Magrino responded that the Rockland County Department Health has been involved in this matter. The steps the Village is able to take to address this matter are being taken by the Village.

A resident from Memorial Drive indicated that this matter has been occurring for 14 years. He stated that time is of the essence and that the Village should not delay and move forward to address this matter as soon as possible.

A motion to continue the public hearing on September 21, 2020, at 7:05 p.m. was made by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board.

**ATTORNEY ROBERT MAGRINO:**

**RESOLUTION NO. 156 OF 2020 - AUTHORIZING THE VILLAGE OF SUFFERN TO ENTER INTO THE REQUIRED SUBRECIPIENT AGREEMENT WITH THE HOUSING TRUST FUND CORPORATION AS REQUIRED IN THE IMPLEMENTATION OF THE NY STATE COMMUNITY DEVELOPMENT BLOCK GRANT—DISASTER RECOVERY (CDBG-DR) PROGRAM; AND, TO AUTHORIZE THE MAYOR OR HIS DESIGNEE TO SIGN ANY AND ALL DOCUMENTS REQUIRED IN THE IMPLEMENTATION OF THE PROGRAM**

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, subject to the Federal statutes and regulations governing Community Development Block 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 (79 Fed. Reg. 62,182), 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 has been notified of its ability to participate in the New York State CDBG-DR Program. Implementation of the CDBG-DR Program requires the execution of the Subrecipient Agreement between the Village of Suffern and the Housing Trust Fund Corporation, attached hereto and made a part hereof. The Village of Suffern authorized to enter into the required Subrecipient Agreement with the Housing Trust Fund Corporation to secure CDBG-DR funds, The Mayor or his designee was authorized to sign any and all documents required in the administration of the New York State CDBG-DR Program. 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. 157 OF 2020 - AMENDING 2020-2021 BUDGET FOR BUILDING PLAN REVIEW SERVICES**

The Village of Suffern Building Inspector advised that the Village will be receiving approximately \$132,000 in building permit fees from the New Antrim Pointe building project (the “Project”). Certain plans associated with the Project will require plan review services to be performed by outside consultants and professionals at the estimated cost of between \$15,000 and \$20,000 (the “Plan Review Costs”). The 2020-2021 General Fund adopted budget for the Building Department did not provide for the Plan Review Costs. That the Village Board authorized the Village Treasurer to amend the 2020-2021 General Fund adopted budget by increasing Estimated Revenues – Building Permit Fees and increasing Building Department Contractual Expenditures, each in the amount of \$20,000. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Paul Girard, and passed unanimously by the Board.

**ATTORNEY RICHARD GLICKEL:**

**RESOLUTION NO. 158 OF 2020 - APPROVING SETTLEMENT OF PERB CASE NO. U-34580**

On or about October 5, 2015, the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO (“CSEA” or “Union”) filed an Improper Practice Charge (“IP”) with the New York State Public Employment Relations Board (“PERB”), Case No. U-34580, alleging violations of the Taylor Law. On or about May 25, 2018, counsel for the Village and the Union had agreed to resolve and settle the parties’ differences on this “IP” charge without continued litigation through PERB or any other venue or jurisdiction as set forth in the parties’ Stipulation of Settlement. In consideration of the Union’s voluntary withdrawal of the “IP” charge Case No. U-34580, with prejudice, be it. That in accordance with the Stipulation of Settlement made on or about May 25, 2018, by and between the Village and the CSEA, which settlement was ratified and approved by the Village Board of Trustees, the Treasurer is hereby authorized and directed to pay to Mr. Scott Brown the sum of \$1,120.24, in accordance with regular payroll practices, including all regular deductions. A motion to approve the foregoing resolution was made by Trustee Charles Barone, seconded by Trustee Steven Alpert, and passed unanimously by the Board

**RECREATION DEPARTMENT:**

**RESOLUTION NO. 159 OF 2020 - ACCEPTING A DONATION FROM WALGREENS FOR USE BY THE RECREATION DEPARTMENT FOR RECREATION EVENTS AND PROGRAMS**

The Village Board accepts the donation from Walgreens including five (5) gift cards in the amount of \$100 each, and a check in the amount of \$750.00, for a total donation in the amount of \$1250.00 to be used by the Recreation Department to assist in funding recreation events and programs. The Village Treasurer is authorized to amend the 2020-2021 General Fund budget by increasing Estimated Revenues – Gifts and Donations and increasing Appropriations – Recreation Contractual in the amount of \$750.00 each. A motion to approve the foregoing resolution was made by Trustee Paul Girard, seconded by Trustee Steven Alpert, and passed unanimously by the Board.

**FIRE DEPARTMENT:**

A Motion to accept new member Emily Guerin (Over 18 Member) in the Suffern Hook & Ladder and new members Judeson Moise and Mike Byrnes (Over 18 Member) in the Volunteer Hose Company was made by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board.

**RESOLUTION NO. 160 OF 2020 - AUTHORIZING THE PURCHASE OF A BRUSH FIRE RESPONSE TRUCK FROM THE HILLCREST FIRE DEPARTMENT**

The Suffern Fire Department desires to purchase a 1961 Dodge M37 Power Wagon from the Hillcrest Fire Department for use in extinguishing brush fires. The Hillcrest Fire Department has provided the Suffern Fire Chief with a quote of \$2,000.00 for the purchase of the vehicle. The Suffern Fire Department requires \$1,000.00 to letter the vehicle with the Suffern Fire Department logo and to prepare the vehicle for use by the Suffern Fire Department for use in extinguishing brush fires. The Village Board of Trustees authorizes the purchase of the 1961 Dodge M37 Power Wagon in the amount of \$2,000.00. The Village Board of Trustees authorizes the Suffern Fire Department to expend \$1,000.00 for lettering and preparation of the vehicle. The cost to purchase and prepare for use by the Fire Department will be charged to Fire Department Miscellaneous Equipment line. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone, and passed unanimously by the Board.

**PUBLIC PARTICIPATION**

A Motion to open public comment was made by Steven Alpert, seconded by Charles Barone, and passed unanimously by the Board.

Jim Giannettino, of Memorial Drive, stated he was pleased with the time limit established for public comment. He asked if there could be clarification if public comment was limited to Suffern Residents or to Rockland County residents.

Mike Lawler, of Pearl River, stated he is running for New York State Assembly. Mr. Lawler went to Suffern High School and has been serving as Deputy Town Supervisor. He provided the Board with the platform for his campaign.

Claire Silverberg, of Essex Lane, stated that she felt public comment limited during the last regular meeting of the Board and that cutting off speakers was disrespectful. She stated that she has emailed the Mayor but has not yet heard any reply to her concerns regarding the Black Lives Matter.

Fred Saberman, of Suffern, stated he believes the Board is wrong in denying the public good dialog as a result of the protocol that was adopted for public comment.

Jonathan Friedman, of Dakota Court, acknowledged that the public comment portion of meeting has been lengthy, but believes that having no opportunity for back and forth will limit public dialog.

Bruce Simon stated he thinks that it is a legal requirement to allow any person to speak during public comment and that public comment cannot be limited to Suffern residents only.

Gertrude Szyferblatt, of Parkside Drive, was disappointed that Village residents were limited in the amount of public comment time they were provided during the last regular meeting of the Board and she rebutted Attorney comments that were made during that meeting. She stated she believes the Village should adhere to the Be Kind Policy.

John Poulos, a Village of Montebello resident, feels he is a member of the Village of Suffern community even though he isn't a resident of the Village of Suffern. He is a student of Suffern High School and participated in Boy Scouts in the Village, and he would like to continue have the opportunity to comment during public participation even though he is not a Village resident.

Madeline Melendez, of Riverside Drive, stated that it is a particularly difficult time for residents and that it is increasingly difficult for residents to afford to live in the area. She would appreciate if the Mayor would always reply to resident emails. She was speechless as to what happened at the last meeting and would appreciate, as a resident, having her voiced acknowledged.

Rory Gonzalez, of Mohawk Court, stated as a person of color, he has not experienced the type of racism in Suffern that was presented during public comment during the last regular meeting of the Board. He stated that he believes even though systemic racism in the Village of Suffern was discussed, those who raised concerns did so without evidence to support their claims. He urged the Mayor not to participate in identity politics. He stated he believes that racism exists in our nation and that this matter must be addressed, but he has always felt safe and accepted in the Suffern community.

Joseph Hunt, DPW Supervisor, spoke about past clean-up activities that have taken place at 27 Hillside. He stated that he and his staff have had to interacted with the owner of the property following clean-up activities which has made the exchange with the owner difficult for him and his staff. He believes the Board should take this into consideration when the issue of future property maintenance conditions are addressed. He stated the Scott Brown matter discussed this evening has taken a long time to resolve and that, perhaps, further compensation to Scott Brown should be considered by the Board as such. Joseph Hunt also stated that he believes the four-minute time allowance for public comment is appropriate.

A Motion to close public comment was made by Charles Barone, seconded by Paul Girard, and passed unanimously by the Board.

Following the close of public comment, Steve Alpert stated that Gertrude Szyferblatt was allowed to speak once during the last regular meeting of the Board but wasn't allowed to speak a second

time due the amount of public comment that took place. He made this statement in clarification that Ms. Szyferblatt was not limited to speak a second time as a matter of her residence. Steven Alpert also stated he has received and responded to Ms. Silverberg's emails.

Mayor Markunas stated that in response to the many emails he received regarding Black Lives Matter, he attempted to reached out to numerous individual to meet with him to further discuss racism. Mayor Markunas stated, of the invitations he extended, only one person has agreed to meet with him and that another person responded that she could not meet due to her return to college.

**POLICE DEPARTMENT:**

**RESOLUTION NO. 161 OF 2020 - ACCEPTING THE LETTER OF RETIREMENT FROM SGT. MICHAEL FENNESSEY**

The Village Board of Trustees accepts the letter of retirement from Sgt. Michael Fennessey reflecting a retirement effective date of August 27, 2020, 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. 162 OF 2020 - ACCEPTING THE LETTER OF RETIREMENT FROM SGT. DEIRDRE SMITH**

The Village Board of Trustees accepts the letter of retirement from Sgt. Deirdre reflecting a retirement effective date of August 31, 2020, nunc pro tunc. 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. 163 OF 2020 - AMENDING RESOLUTION NO. 124 OF 2020 TO REFLECT THE APPOINTMENT OF DANIELLE CURTAIN WAS MADE IN ACCORDANCE WITH THE UPDATED LIST OF CERTIFICATION OF ELIGIBLES FOR EXAM NUMBER 19137**

Resolution No. 124 of 2020 is amended to reflect that the appointment of Danielle Curtain to the position of Clerk in DPW Administration, effective July 7, 2020, was made in accordance with the updated Certificate of Eligibles provided to the Village of Suffern by the Rockland County Office of Personnel for Exam Number 19137. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone, and passed unanimously by the Board.



**RESOLUTION NO. 164 OF 2020 - AMENDING RESOLUTION 144 OF AUGUST 3, 2020 AUTHORIZING TRANSFER OF UNSPENT PROJECT FUNDS FROM CAPITAL PROJECTS FUND TO GENERAL FUND**

August 3, 2020, the Village Board of the Village of Suffern adopted Resolution No. 144 (the "Resolution") authorizing the transfer of \$37,550 from Project 2016-009 2016 Village Hall Improvements (the "Project") and to finance the replacement of a fire ladder truck bucket (the "Bucket"). Subsequent to the adoption of the Resolution, the Fire Chiefs of the Village of Suffern advised the Village Board that the Bucket could be repaired at the cost of \$7,350 rather than be replaced at the cost of \$37,550. The Village Board amends Resolution 144 of August 3, 2020 to state that the Bucket will be repaired at the cost of \$7,350 rather than replaced at the cost of \$37,550 and that the transfer from the Capital Projects Fund Project 2016-009 will be \$7,350 rather than \$37,550. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone, and passed unanimously by the Board.

**RESOLUTION NO. 165 OF 2020 - ESTABLISHING AN EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND**

Pursuant to Section 6-p of the General Municipal Law, as amended, there is hereby established an "Employee Benefit Accrued Liability Reserve Fund" (hereinafter "Reserve Fund") for the payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation and any other forms of payment for accrued but unliquidated time earned by and payable to Village of Suffern employees upon termination of service. The Village Treasurer is hereby directed to deposit \$520,000 of General Fund unassigned fund balance into the Reserve Fund as an initial deposit. The Village Treasurer is hereby authorized to maintain the balance in the Reserve Fund at a level that is equal to at least one-third of the total monetary value of all accrued but unliquidated time earned by and payable to Village of Suffern employees. No expenditure shall be made from this Reserve Fund without the approval of the Village of Suffern Board of Trustees and without such additional actions or proceedings as may be required by section 6-p of the General Municipal Law. This resolution shall become effective August 1, 2020, nunc pro tunc. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone.

**RESOLUTION NO. 166 OF 2020 - ACCEPTING THE LETTER OF RETIREMENT FROM CHRISTINE ANDERSEN**

The Village Board of Trustees accepts the letter of retirement from Christine Andersen, Justice Court Clerk, reflecting a retirement effective date of September 25, 2020. A motion to approve the foregoing resolution was made by Trustee Steve Alpert, seconded by Trustee Charles Barone, and passed unanimously by the Board.

**ADJOURNMENT:**

The meeting was adjourned at 9:11 p.m.