



VILLAGE OF SUFFERN
BOARD OF TRUSTEES MEETING MINUTES
MONDAY, MAY 1, 2023
7:00 P.M.

Present: Michael F. Curley, Mayor
Jo Meegan-Corrigan, Deputy Mayor
Steven Alpert, Trustee
Angela Denis-Hogue, Trustee
Frank Hagen, Trustee
Terry Rice, Village Attorney
Melissa B. Reimer, Village Clerk
Michael A. Genito, Village Treasurer

CALL TO ORDER

Mayor Curley called the meeting to order at 7:09 P.M. and led everyone in the Pledge of Allegiance and a moment of silence for Mr. Kenny Carr, a gentleman who served this community very well for many years in our fire department also worked for the Village of Suffern.

PO-40 Explanation:

Please see attachments I. II. III.

Mayor Curley explained that the PO-40 zone consists of six (6) pieces of property. These include the Suffern Library (210 Lafayette Avenue), the Kohl Professional Building (233 Lafayette Avenue), Tilcon Road, the Salvation Army College of Officer Training (201 Lafayette Avenue), Tagaste Monastery (220 Lafayette Avenue), and a parcel of vacant land to the east of Tagaste Monastery (see attachment III - red areas). Mayor Curley explained that certified letters were sent to those who live within 500 feet of these properties.

Mayor Curley explained that he and the Village Board want to keep the ratable (taxable) properties in the Village. (Please see attachment I) The Mayor explained that they are removing from the PO-40 zone – public utilities, private clubs, private schools, colleges, seminaries, and dormitories accessory to schools. These are things that could not bring us rateables or taxes. We need to keep taxable properties in the Village.

Mayor Curley explained that the owners of the properties currently in the PO-40 zone will not be affected by this change. The Village is trying to limit how many non-taxable properties we have now and in the future. The Mayor said that he was concerned that taxes went up 47% from 2015 to 2020. Mayor Curley and the Village Board are thinking down the road and into the future of Suffern.

UPCOMING MEETINGS

A Regular Meeting, Monday, June 5, 2023, at 7:00 P.M.

A Regular Meeting, Monday, July 3, 2023, at 7:00 P.M.

APPROVAL OF MINUTES

MOTION To Approve April 3, 2023, Board of Trustees Meeting Minutes was moved by Trustee Meegan-Corrigan, seconded by Trustee Alpert, with all in favor.

MOTION To Approve April 24, 2023, Board of Trustees Special Meeting Minutes was moved by Trustee Hagen, seconded by Trustee Meegan-Corrigan, with all in favor.

PUBLIC HEARING

MOTION To Open a Public Hearing on a Local Law Regarding Special Permit Land Uses in the PO-40 Zoning District, was moved by Trustee Meegan-Corrigan, seconded by Trustee Alpert, with all in favor.

Village Attorney Terry Rice said that there are no new uses being added or being permitted in the district. There are only uses that are being deleted; those are the uses that would likely not generate any tax revenue. Mr. Rice also stated that the Village is in the process of developing a Comprehensive Plan. The Planners will be looking at this area more as a hospital/office type of zone.

Mr. Rice explained that several years ago, a similar measure was adopted for the PLI zoning district to ensure that there were only tax generating properties and uses in that zoning district. He also explained that the notice had to go out via certified mail to all property owners within 500 feet of the PO-40 zone properties. Concerned property owners contacted the Mayor and the Mayor explained the proposed local law to each of them. The Planner was tasked to take a look at this, and she recommended doing exactly what is being proposed here.

The Mayor again stated that no homes were in the PO-40 zone. It was just that the houses were within 500 feet of the PO-40 zone. As a result, letters had to be sent regarding the change to the zoning district.

Ms. Helene Collins, 13 Riverside Drive, Suffern, commented that she was appreciative of the changes. She asked if the seminary changed hands does that help to ensure that it does not become a school. She noted that we should be cognizant of traffic on Route 59 as regards any development along Route 59. She said that she understands that it is essential to have businesses to bring in taxes, but she also wants traffic to be limited.

Mr. Jim Giannettino, 2 Memorial Drive, Suffern, asked if this will maintain the 40 thousand square foot requirement under the PO-40. Mr. Rice answered that nothing had changed. None of the bulk requirements will change. Mr. Giannettino asked if it would trigger the installation of a traffic light that was to be installed with the construction of the medical professional building next to Good Samaritan Hospital. Mr. Rice answered that he is reviewing the minutes associated with that proposed traffic light to determine what action, if any, should be taken.

Ms. Patsy Wooters, 19 Mansfield Place, Suffern, asked if the Salvation Army property is included in a PO-40 zone. The Mayor confirmed that it was. Ms. Wooters said that she applauds the Village Board for protecting the tax base. She agrees that the character of Route 59 should be a commercial corridor.

MOTION To Close Public the Hearing on a Local Law Regarding Special Permit Land Uses in the PO-40 Zoning District, was moved by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

ATTORNEY

Mr. Terry Rice explained that the PO-40 Zone Change is subject to the State Environmental Quality Review Act (“SEQRA”). This was determined to be a Type I action, which involves a bit more procedure. The Planning Consultant prepared an Environmental Assessment Form: Parts I, II, and III. All three parts were provided to the Board of Trustees. A negative declaration was prepared; which is a determination that the proposal will not have a significant impact on the environment. Mr. Rice prepared Resolution 059 of 2023 for the Board to consider adopting a negative declaration.

Mr. Rice explained that Resolution 060 of 2023 is to adopt the Local Law. The Local Law was subject to review from the Rockland County Department of Planning because it is within 500 feet of Route 59 (a State Road). The Village has made modifications based on the County Department of Planning. The notices were provided both by publication and mail to other agencies and to property owners within 500 feet of the PO-40 zone properties. A simple three-person majority is needed instead of a supermajority to adopt the proposed local law.

RESOLUTION NO. 059 OF 2023

ADOPTING A NEGATIVE DELCARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO A LOCAL LAW REGARDING SPECIAL PERMIT USES IN THE PO-40 ZONING DISTRICT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Board of Trustees is considering the adoption of a local law deleting various uses as permissible special permit uses in the PO-40 zoning district; and

WHEREAS, an Environmental Assessment Form, Parts I, II, and III have been prepared for the action.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that the Board of Trustees declares itself to be lead agency for the action, there being no other involved agencies; and

BE IT FURTHER RESOLVED that the proposed action is a Type I action pursuant to 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED that the Board of Trustees hereby adopts the annexed Negative Declaration, finding that adoption of the proposed local law amending the PO-40 zoning district regulations will not have a significant adverse impact on the environment for the reasons stated therein; and

BE IT FURTHER RESOLVED that the Village Clerk is directed to file and circulate the Notice of Determination of Non-Significance in accordance with the requirements of 6 NYCRR Part 617.

A motion to approve the foregoing resolution was made by Trustee Alpert, and seconded by Trustee Meegan-Corrigan, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 060 OF 2023

A RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2023 REGARDING SPECIAL PERMIT LAND USES IN THE PO-40 ZONING DISTRICT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Village has been contemplating adjustments to the allowable uses within its various zoning districts, with the intent of bolstering its economic and tax ratable base over the mid- to long-term time period; and

WHEREAS, the intent of the PO-40 zoning district is to permit larger scale commercial (primarily office) buildings and uses, given the PO-40 zone's location on Route 59 which is a major arterial road; and

WHEREAS, because of the limited amount of land available to be developed for commercial uses, the PO-40 zone was reviewed to determine whether the allowable uses are consistent with the Village's expressed desire to optimize commercial development within this nonresidential zoning district; and

WHEREAS, a report prepared by the Village's planning consultant, Nelson Pope Voorhis, dated March 3, 2023, revised April 10, 2023, recommended that the Village should consider amending the allowable uses permitted in the PO-40 zoning district to include only those uses which typically generate property tax revenues, and

WHEREAS, in order to accomplish that goal, the report further recommended the elimination of the following special permit uses: private membership clubs, private schools, colleges and seminaries, and dormitories accessory to schools; and

WHEREAS, the Village has previously adjusted allowable uses in the PLI zoning district for same purpose; and

WHEREAS, the report further established that there is ample land in the Village in other zoning districts for such uses; and

WHEREAS, a local law was prepared which implemented said recommendations and eliminated from the PO-40 zoning district the following special permit uses: private membership clubs, private schools, colleges and seminaries, and dormitories accessory to schools; and

WHEREAS, pursuant to § 266-67 of the Zoning Law, the proposed local law and report were referred to the Village of Suffern Planning Board on March 24, 2023; and

WHEREAS, on March 29, 2023, the Village of Suffern Planning Board recommended adoption of the local law; and

WHEREAS, pursuant to § 239-m of the General Municipal Law, the proposed local law and report were referred to the Rockland County Department of Planning on April 12, 2023; and

WHEREAS, by letter dated March 30, 2023, the Rockland County Department of Planning made various recommendations; and

WHEREAS, pursuant to § 266-67 of the Zoning Law, the proposed local law and report were referred to the Village Attorney; and

WHEREAS, by letter dated April 26, 2023, the Village Attorney found that all requisite procedures for adoption of the Zoning Law had been complied with and that there were no legal impediments to adoption of the same;

WHEREAS, a notice of the public hearing on said local to be held on April 6, 2023, was timely published in the Journal News on April 21, 2023; and

WHEREAS, a copy of the notice of hearing, local law, Environmental Assessment Form and Nelson Pope Voorhis memorandum to the Town Clerk of the Town of Ramapo, the Village Clerk of the Village of Montebello, the Village Clerk of the Village of Airmont, the Clerk of the Township of Mahwah, the County Clerk of the County of Rockland and the Palisades Interstate Park Commission on April 12, 2023; and

WHEREAS, notice of the public hearing was sent by certified mail to the owners of the affected properties and to the owners of property within 500 feet of the periphery of the affected properties; and

WHEREAS, the Village planner prepared an Environmental Assessment Form, Parts I II, and III for the proposed action; and

WHEREAS, the public hearing was rescheduled to May 1, 2023, in order to ensure adequate public notice and

WHEREAS, the comments of the public were received by the Board of Trustees at the May 1, 2023, public hearing and the hearing was closed; and

WHEREAS, the Board of Trustees adopted a Negative Declaration pursuant to SEQRA on May 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that, as related in the previously adopted Negative Declaration, the adoption of the proposed local law will not have a significant adverse effect on the environment; and

BE IT FURTHER RESOLVED that the proposal complies with the recommendations of the Rockland County Department of Planning March 30, 2023, letter; and

BE IT FURTHER RESOLVED that the Board of Trustees finds that all procedural requirements for the adoption of said local law have been satisfied; and

BE IT FURTHER RESOLVED the Board of Trustees finds that, based on the Nelson Pope Voorhis report and other documents and evidence, the proposed local law is consistent with the Village's comprehensive plan; and

BE IT FURTHER RESOLVED that it is in the overall public interest of the Village of Suffern to adopt said local law; and

BE IT FURTHER RESOLVED that Local Law No. 5, "A Local Law Amending Section 266-22 of the Zoning Local Law of the Village of Suffern Deleting Certain Special Permit Uses from the General Use Regulations for the PO-40 Zoning District" is hereby adopted.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, and seconded by Trustee Denis-Hogue, with all those in favor.

Adopted: May 1, 2023

OUTDOOR DINING

Mayor Curley explained that outdoor dining is excellent for the Village of Suffern. The Village Board is making it easier for businesses to not only have outdoor dining in the front of their establishment, but also in the side parking lots of full-service restaurants. The adoption of a resolution authorizing the Village Clerk, after consulting with the Building Department and Department of Public Works, to issue administrative permits for outdoor dining will allow for a more business-friendly process in obtaining such administrative permits.

RESOLUTION NO. 061 of 2023

AUTHORIZING THE VILLAGE CLERK TO ISSUE ADMINISTRATIVE PERMITS FOR OUTDOOR DINING ON VILLAGE SIDEWALKS AND ON PARKING AREAS LOCATED ON OR ADJACENT TO A FULL-SERVICE RESTAURANT IN THE VILLAGE OF SUFFERN

WHEREAS, § 235-7 of the Village Code prohibits the owners and/or occupants of property located within the Village from placing any encumbrances and/or obstructions on sidewalks adjoining their properties and

WHEREAS, § 266-60 of the Zoning Law requires site plan approval for, among other things, "A change in the off-street parking standards for a use as specified in § 266-22, Schedule of General Use Requirements, and

WHEREAS, the Village Board has had requests from certain full-service restaurant operators within the Village to permit the placement of tables and chairs outside of their establishments, as well as seasonal outdoor planters, and

WHEREAS, the Village Board finds that the use of the Village sidewalks by the owners/operators of existing full service restaurants and the use of existing parking areas located on the property or adjacent to that of the owner/operator of an existing full service restaurant for the placement of tables and chairs, and/or seasonal outdoor planters, would be in the interests of the residents of the Village and visitors to the Village to enhance their dining experience and the overall appearance of the Village, and

WHEREAS, the Village Board is desirous of permitting the placement of such items under certain conditions and pursuant to a permit to be issued by the Village Clerk, and

WHEREAS, the Village Clerk's Office has prepared a proposed permit application for persons or business interested in applying for a permit for the placement of such items on the sidewalk under certain conditions.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Village of Suffern hereby authorizes the Village Clerk to issue Administrative permits for Outdoor Tables and Chairs, and Outdoor Planters and Containers, on Village sidewalks adjacent to existing full service restaurants and on existing parking areas located on the property or adjacent to that of the owner/operator of an existing full service restaurant based upon the application for permit and the rules as set forth therein, in the form annexed hereto and incorporated by reference herein, and

BE IT FURTHER RESOLVED, that the applicant for a permit shall not be required to provide a formal site plan application to the Planning Board but must provide a sketch plan for its proposed use of the sidewalk or existing parking areas located on the property or adjacent to that of the owner/operator for Outdoor Tables and Chairs, and/or Outdoor Planters and Containers, subject to review and approval by the Village Department of Public Works and Building Department, which sketch plan upon approval by the Village Clerk and issuance of the permit, shall be followed by the applicant, otherwise being subject to revocation of any permit issued based thereon, and

BE IT FURTHER RESOLVED that if located on a parking lot on adjacent property, the applicant will provide a lease, license agreement or written authorization signed by the owner of such adjacent property authorizing such use for the period in question, and

BE IT FURTHER RESOLVED that the permit holder shall agree to defend, indemnify and hold harmless, and provide insurance coverage to the Village of Suffern in the amount of \$1,000,000.00, and provide proof that the Village of Suffern is a named but non-contributory insured under their policy of insurance, proof of same to be provided prior to the issuance of any permit, and

BE IT FURTHER RESOLVED, that any person or entity who otherwise places tables, chairs, planters, containers or any other object on or in the sidewalk or on existing parking areas located on the property or adjacent to that of the owner/operator shall be subject to the provisions of Village Code Section 235, without a permit, or after having a permit revoked, shall be subject to the enforcement and penalty provisions of Section 235, and any other remedy and sanction available to the Village, and

BE IT FURTHER RESOLVED, that any permits issued pursuant hereto, shall be revocable at the discretion of the Village Board, upon a finding that the permit holder has violated the terms of its permit, or that the placement or use of Outdoor Tables and Chairs and/or Outdoor Planters/Containers at a particular location are a nuisance or disturbance, or otherwise negatively impact upon the health, safety and welfare of the community, and that

upon such revocation, the applicant and any other interested parties may be given an opportunity to be heard by the Village Board in an effort to have such permit reinstated upon such conditions as the Village Board shall deem just and appropriate under the circumstances, and

BE IT FURTHER RESOLVED that this Resolution shall authorize the issuance of Permits by the Village Clerk for a period of one term, from April 15 through October 31 of each year, and

BE IT FURTHER RESOLVED that all of the terms and conditions of the permit application and permit annexed hereto are incorporated by reference herein and shall be enforceable by the Village with respect to the issuance of said permits.

A motion to approve the foregoing resolution was made by Trustee Alpert and seconded by Trustee Meegan-Corrigan, with all in favor, except that Mayor Curley abstained due to the fact that he is the owner of a full-service restaurant in the Village.

Adopted: May 1, 2023

A question was asked by Trustee Hagen: What is a full-service restaurant? Mayor Curley explained that a full-service restaurant sells and serves food; it is not a fast-food establishment. Mr. Hagen asked whether it is better to have the Village Clerk issue the permit. The Mayor answered that it was better for the restaurants. Its faster and “business friendly.” He explained that otherwise the business owner would need a site plan, probably hire an attorney, etc. The Mayor explained that during the Covid-19 pandemic, many things happened that weren’t exactly legal, but now we are trying to legitimize certain practices that are better for businesses and good for the Village.

PARKING IN THE CENTRAL BUSINESS DISTRICT

Mr. Rice explained that there is an inconsistency in the zoning law. The Mayor and the Village Board are very concerned about the sufficiency of parking in the central business district of the Village. If an applicant in the central business district cannot meet the parking requirements, presently either the Planning Board could waive that requirement or some portion of it or the applicant could go to the Village Board. The Village Board could impose a money-in-lieu of parking requirement. If there is an insufficiency of parking, perhaps in the future the Village will have the ability to create additional parking opportunities with the money collected from the money-in-lieu of parking. The purpose of this proposed local law is to put everything in front of the Village Board instead of part Planning Board and part Village Board. The Village Board will handle the insufficient parking. This will be sent to the Village Planning Board and the Rockland County Planning Board for their review and recommendation.

MOTION TO SET THE PUBLIC HEARING FOR JUNE 5, 2023, AT 7:10 P.M., REGARDING A PROPOSED LOCAL LAW AMENDING SECTION 266-38 OF THE ZONING LOCAL LAW OF THE VILLAGE OF SUFFERN WITH RESPECT TO SPECIAL PARKING REQUIREMENTS IN THE CB DISTRICT

A MOTION to set the public hearing was made by Trustee Hagen and seconded by Trustee Alpert, with all in favor.

RESOLUTION NO. 062 OF 2023

ACCEPTING CHRIS DODRILL AS NEW MEMBER IN VOLUNTEER HOSE CO. 1

RESOLVED, the Village Board of Trustees accepts Chris Dodrill, as a new member of the Volunteer Hose Co. 1.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Alpert, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 063 OF 2023

DECLARING A GLOCK HANDGUN, CHAMBERED IN 357 AMMUNITION TO NO LONGER BE NEEDED FOR ANY MUNICIPAL PURPOSE AND TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF TO RETIRING DETECTIVE SERGEANT MARSH FOR THE FAIR MARKET VALUE OF THE SAME

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Village of Suffern Police Department has transitioned from the previous utilized Glock handguns, chambered in 357 ammo, to 9mm Glocks; and

WHEREAS, Retiring Detective Sergeant Marsh is desirous of purchasing his service Glock handgun, chambered in 357 ammunition; and

WHEREAS, the Glock handguns, chambered in 357 ammunition have been replaced by 9mm Glocks and, as a result, are no longer needed for any municipal purpose; and

WHEREAS, the Board of Trustees desires to declare Retiring Detective Sergeant Marsh service Glock handgun, chambered in 357 ammunition, no longer needed for any municipal purpose and to be surplus and to sell the same to him for its fair market value; and

WHEREAS, the fair market value for said Glock handgun, chambered in 357 ammunition has been determined to be \$269.00.

NOT, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that Retiring Detective Sergeant Marsh's service Glock handgun, chambered in 357 ammunition, is hereby declared to be surplus and no longer needed for any municipal purpose; and

BE IT FURTHER RESOLVED the Village is authorized to sell said service Glock handgun to Retiring Detective Sergeant Marsh for the fair market value of \$269.00.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, and seconded by Trustee Hagen, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 064 OF 2023

ACCEPTING THE RETIREMENT OF DETECTIVE SGT. RICHARD MARSH

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE BE IT RESOLVED, the Village of Suffern Board of Trustees hereby accepts the retirement of Detective Sgt. Richard Marsh with thanks for his service to the Village.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan and seconded by Trustee Alpert, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 065 OF 2023

AUTHORIZING PAYMENT OF APPLICATION NO. 19 TO PITINGARO & DOETSCH CONSULTING ENGINEERS FOR THE BACKUP POWER FOR CRITICAL FACILITIES PROJECT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that payment of Application No. 19 to Pitingaro & Doetsch Consulting Engineers, P.C. in the amount of \$430.26 for Project 2021-006 GOSR NYCR-0256 Backup Power for Critical Facilities is hereby authorized, subject to approval by the Governor's Office of Storm Recovery.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 066 OF 2023

AUTHORIZING PAYMENT OF APPLICATION NO. 19 TO PITINGARO & DOETSCH CONSULTING ENGINEERS FOR THE HARDENING OF WATER TREATMENT PLANT PROJECT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that payment of Application No. 19 to Pitingaro & Doetsch Consulting Engineers, P.C. in the amount of \$5,008.32 for Project 2021-005 GOSR NYCR-0255 Hardening of Water Treatment Plant is hereby authorized., subject to approval by the Governor's Office of Storm Recovery.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 067 OF 2023

AUTHORIZING PAYMENT OF APPLICATION NO. 10 TO MEHL ELECTRIC COMPANY FOR THE HARDENING OF WATER TREATMENT PLANT PROJECT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that payment of Application No. 10 to Mehl Electric Company in the amount of \$39,244.50 for Project 2021-005 GOSR NYCR-0255 Hardening of Water Treatment Plant is hereby authorized, subject to approval by the Governor's Office of Storm Recovery.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 068 OF 2023

AUTHORIZING PAYMENT OF APPLICATION NO. 13 TO TAM ENTERPRISES, INC. FOR THE HARDENING OF WATER TREATMENT PLANT PROJECT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that payment of Application No. 13 to TAM Enterprises, Inc. in the amount of \$71,938.75 for Project 2021-005 GOSR NYCR-0255 Hardening of Water Treatment Plant is hereby authorized, subject to approval by the Governor's Office of Storm Recovery.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 069 OF 2023

AWARDING THE BID FOR 25% SODIUM HYDROXIDE TO BRENNTAG NORTHEAST

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Village authorized the submission of competitive bids for Sodium Hydroxide for use by the Department of Public Works; and

WHEREAS, the bids were returnable on March 15, 2023; and

WHEREAS, the prices submitted have been reviewed for their reasonableness.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that the bid for 25% Sodium Hydroxide is awarded to Brenntag Northeast, 81 W. Huller Lane, Reading, PA 19605 in the amount of \$1.7989 per gallon; and

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 070 OF 2023

AWARDING THE BID FOR LIQUID SODIUM HYPOCHLORITE SOLUTION TO WECHSLER POOL & SUPPLY CO.

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Village authorized the submission of competitive bids for Liquid Sodium Hypochlorite Solution for use by the Department of Public Works; and

WHEREAS, the bids were returnable on March 15, 2023; and

WHEREAS, the prices submitted have been reviewed for their reasonableness.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that the bid for Liquid Sodium Hypochlorite Solution is awarded to Wechsler Pool & Supply Co., 194 Cold Spring Road, Monticello, New York 12701 in the amount of \$3.79 per gallon; and

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 071 OF 2023

AWARDING THE BID FOR ZINC ORTHOPHOSPHATE TO SHANNON CHEMICAL

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

WHEREAS, the Village authorized the submission of competitive bids for zinc orthophosphate for use by the Department of Public Works, and

WHEREAS, the bids were returnable on March 15, 2023; and

WHEREAS, the prices submitted have been reviewed for their reasonableness.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that the bid for zinc orthophosphate is awarded to Shannon Chemical Corp, 602 Jeffers Circle, Exton, PA 19341 in the amount of \$15.15 per gallon.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, seconded by Trustee Denis-Hogue, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 072 OF 2023

AUTHORIZING SOLICITATION OF FORMAL BIDS FOR THE WEST MAPLE SIDEWALK AND CURB PROJECT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Suffern that the solicitation of formal bids for the West Maple Sidewalk and Curb Project

A motion to approve the foregoing resolution was made by Trustee Alpert, and seconded by Trustee Hagen, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 073 OF 2023

SETTING A PUBLIC HEARING MONDAY, JUNE 5, 2023, AT 7:02 P.M., TO PROPOSE THE ACCEPTANCE OF THE ANNUAL NYS DEC MS4 REPORT

RESOLVED, the Board of Trustees authorizes to hold a Public Hearing on June 5, 2023, at 7:02 P.M., to propose the acceptance of the annual NYS DEC MS4 Report.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, and seconded by Trustee Alpert, with all those in favor.

Adopted: May 1, 2023

RESOLUTION NO. 074 OF 2023

ADOPTION OF A LEASES/SBITA FINANCIAL POLICY

WHEREAS, the Governmental Accounting Standards Board (GASB) has published GASB Statement No. 87, *Leases* (GASB 87) and GASB Statement No. 96, *Software-Based Information Technology Arrangements* (GASB 96), each of which involves the financial accounting and reporting of intangible assets; and

WHEREAS, it is sound financial management to adopt a financial policy that establishes, among other things, the capitalization threshold(s) and discount rate(s) to be used in the financial reporting of such intangible assets; and

WHEREAS, the Village Treasurer has developed a *Financial Accounting and Reporting for Leases and SBITA Policy*, as attached to this resolution, to be included as part of the Village's Comprehensive Financial Policies document.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Suffern does hereby adopt the *Financial Accounting and Reporting for Leases and SBITA Policy* as presented herein.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan and seconded by Trustee Denis-Hogue with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 075 OF 2023

AUTHORIZING STIPEND TO VILLAGE ATTORNEY FOR LABOR NEGOTIATIONS

WHEREAS, it has been the practice of the Village Board of the Village of Suffern to engage the services and incur the costs of outside legal counsel to provide legal services in the negotiation of the Village's collective bargaining agreements; and

WHEREAS, responses to a request for proposals issued in October 2022 from qualified legal firms experienced in labor negotiations to negotiate the Village's PBA, CSEA, and Teamsters collective bargaining agreements proposed pricing for the work of legal firm partners in the range of \$295 to \$350 per hour and pricing for the work of legal associates in the range of \$235 to \$295 per hour; and

WHEREAS, the Village Attorney has significant experience in labor negotiations and has assisted the Mayor in the negotiation of the PBA Collective Bargaining Agreement that expired on May 31, 2021; and

WHEREAS, the CSEA Collective Bargaining Agreement expired on May 31, 2022, and the Teamsters Collective Bargaining Agreement will expire on May 31, 2023; and

WHEREAS, the Village Attorney has offered to assist in the negotiations of the CSEA and Teamsters collective bargaining agreements in lieu of the Village hiring outside legal counsel for said negotiations; and

WHEREAS, it is anticipated that the Village will save significant costs and time by utilizing the services of the Village Attorney to assist in the negotiations of the various collective bargaining agreements, in lieu of engaging the services of outside labor counsel; and

WHEREAS, the Village Board of the Village of Suffern has determined that a one-time stipend of \$10,000 to be paid to the Village Attorney for negotiating the PBA, CSEA, and Teamsters collective bargaining agreements, collectively (i.e., \$10,000 for all three collective bargaining agreements) is fair and appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Suffern authorizes a one-time stipend of \$10,000 to be paid to the Village Attorney through the Village payroll within thirty (30) calendar days after the fully executed copies of the PBA collective bargaining agreement beginning June 1, 2021; the CSEA collective bargaining agreement beginning June 1, 2022, and Teamsters collective bargaining agreement beginning June 1, 2023, collectively have been filed with the Village of Suffern Office of the Village Clerk; and

FURTHER BE IT RESOLVED that the Village Treasurer is authorized to make a budget transfer of \$10,000 from Village Attorney Contractual to Village Attorney Personal Services in the fiscal year that the aforesaid one-time stipend is to be paid.

A motion to approve the foregoing resolution was made by Trustee Meegan-Corrigan, and seconded by Trustee Alpert, with all in favor.

Adopted: May 1, 2023

RESOLUTION NO. 076 OF 2023

ACCEPTING THE RESIGNATION OF KRISTINE MIELE

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

NOW, THEREFORE BE IT RESOLVED, the Village of Suffern Board of Trustees hereby accepts the resignation of Kristine Miele, Clerk Part-Time, effective March 31, 2023.

A motion to approve the foregoing resolution was made by Trustee Hagen, and seconded by Trustee Meegan-Corrigan, with all in favor.

Adopted: May 1, 2023

GRANT PROGRAM

Mr. Fred Rella explained the paving and sidewalk projects that will be done this year. Mr. Rella said that the Village of Suffern will be receiving Consolidated Highway Improvement Program (“CHIPS”) money for roads. Last year we received \$144K, should be similar this year. We also should receive Pave New York Program monies. Last year the Village received \$38,500 and should receive the same this year. Lastly, we have another program called Pave Our Potholes Program (“POP”). We received \$25,700 last year. We should receive the same this year. The Village will be receiving grant notifications for all three of these programs.

Mr. Rella listed grants that were awarded to the Village that are going to be done during 2023. These include West Maple Avenue Sidewalks, Curbs, and Driveway Aprons (\$300 thousand) and Parking Lot A (\$200 thousand). We submitted a grant for Ed Fagen Drive (\$140 thousand). The Village was the first municipality to submit their application for this grant.

The Village is looking at Federal Grants. One in particular is SS4A, which stands for Safe Streets for All. Mr. Rella has also been in touch with our local representatives at the State, including Senator Bill Weber and Assemblyman Carl Brabenec.

The Mayor added that they just passed the New York State budget. Once we get more information, the Board will pass it on to the public. He mentioned the work that Orange & Rockland are doing to gas main lines on Cypress and Beach Roads. He said that O&R said that they will start working on Park Place next. The Village cannot pave until Orange & Rockland is done with their work.

Trustee Alpert asked if Orange & Rockland will patch the road or will we have to come back in to pave. The Mayor said that Orange & Rockland make payments to us as cost sharing. They will give us a payment for the portion of the road that they touched.

POLICE DEPARTMENT

Chief Loughlin presented the Police Department statistics for the month of April 2023.

RECREATION

Ms. Cathy Mills reported the following:

- a. May 7 - Suffern Street Fair 10 A.M. – 5 P.M.
- b. May 17 & 18 - Clifford Theatre Auditions
- c. May 29 - Memorial Day Ceremony, Parade, and BBQ starting at 11 A.M.
- d. Mondays in June (5, 12, 26) – Yoga in the Park – 6:30 P.M.
- e. June 10 – Fishing Derby – Foxwood Pond 9:30 A.M. Registration, 10 A.M. Fishing, 11 A.M. BBQ
- f. Pool Registration starting on June 14th
- g. June 24 – Pool Opens 11 A.M.; inviting Board to meet all the lifeguards and pool staff.
- h. Discussion:
 - a. a. 2023 Pool Staff – Ms. Mills said that she sent the list of potential staff to the Board.
 - b. 2023 Clifford Theatre – Ms. Mills asked for the Board to approve the contracts for the Director and Assistant Director for Clifford Theatre. The contracts are the same as the previous year.

MOTION TO HIRE POOL STAFF FOR THE 2023 POOL SEASON

A MOTION to hire pool staff was made by Trustee Hagen and seconded by Trustee Alpert, with all in favor.

MOTION TO APPROVE THE CLIFFORD THEATRE DIRECTOR AND ASSISTANT DIRECTOR CONTRACTS FOR 2023

A MOTION to approve the foregoing, was made by Trustee Meegan-Corrigan and seconded by Trustee Denis-Hogue, with all in favor.

PUBLIC COMMENT (limited to 4 minutes per speaker)

A MOTION to open the public comment period was made by Trustee Meegan-Corrigan and seconded by Trustee Alpert, with all in favor.

Mayor Curley commented that Patsy Wooters attended the Planning Board meeting the other night. He told the public that she is very interested in the environment. She asked if the new owners of the former Novartis property take down any trees that they plant the same number or

more. Mayor Curley said that he appreciated her heroism. Mayor Curley stated that he and the Village Board thank her for doing this.

Patsy Wooters – 19 Mansfield Place, thanked Mayor Curley for his column on Facebook. That is how, she said, she learned about the DEIS Public Hearing. She said that she also learned about water and PFAS. She was glad to read that as well. Ms. Wooters asked about the Planner reviewing the DEIS and if there was an engineer to represent the Village. She also said that she was very impressed with Brookfield.

Ms. Helene Collins, 13 Riverside Drive, Suffern, commented about the cleanliness of the Village, specifically the central business district. Ms. Collins also mentioned the sustainability of the Village by extending outdoor dining. We also need to demand that the businesses clean the areas in front of their places.

Mr. Anthony DeVanzo Crestwood Drive – asked if all rentals in the Village are registered. If so, can code enforcement and fire inspector(s) ensure that these homes are safe before they are rented, and he asked if they can be inspected annually.

A MOTION to close the public comment was made by Trustee Meegan-Corrigan and seconded by Trustee Hagen, with all in favor.

Mayor Curley commented that in reference to the DEIS, the Planner has engineers. The day before the meeting, Montebello submitted a list of items regarding the DEIS. Mayor Curley said that is what he believes the Planner was referring to when saying “something” was not reviewed. The Mayor stated that Montebello has concerns and they have every right to voice those concerns.

As far as fees are concerned, the Mayor stated that Brookfield (the new owners of the former Novartis property) has paid for all of these things. The Village has now requested fees for hiring an engineer to study noise from the site. Mayor Curley stated that they are not walking away lightly. They pay for things whenever something is requested.

Mayor Curley stated that when he took office a demolition permit was \$150 for any building. The second or third month in office, he and the Village Board changed the calculation to be based on square footage. When Brookfield put in for the demolition permit, the Village received \$57 thousand instead of \$150. The Mayor stated that he was tired of the taxpayers footing the bill for everything.

Mayor Curley agreed that we can do better cleaning up the downtown area of Suffern. He promised that he is “on it.” He said that he added garbage cans, added Mondays and Fridays for the streetsweeper, and a lot more is to be done.

Mayor Curley mentioned the rental registry. He stated that he is working on that right now. He is working with the Village Attorney and Village Board. The Village only had a rental registry for two, three and four-family rentals. The Village did not have the registry for single rentals. We are adding single-family rentals on the registry as well. Mayor Curley stated, “As times change, we change.”

The Mayor said that when the Police see something, they report it to the code enforcers. He also said that a code enforcer was added to the 2023-2024 budget. He said that he interviewed a local firefighter this week for the code enforcer position. He is waiting to hear back from Rockland County Personnel. The Village Board and he are working as a team on code enforcement.

PUBLIC WORKS

Mr. Charles Sawicki explained that the MS4 Report is regarding storm water. Mr. Sawicki explained that the DEC is considering making the permit process more stringent than it is currently. This report is geared towards the control of storm water.

TREASURER

Village Treasurer Michael Genito explained that the first resolution he was presenting involved a ministerial act where the Governmental Accounting Standards Board, which sets the accounting and financial reporting standards for state and local governments, has issued two new standards. They both take effect this year. The Village has financial policies that adopt the provisions of those standards and they become part of the Village's comprehensive financial policies document. The resolution presented to the Village Board is to adopt a policy for the accounting and financial reporting of leases and software-based information technology agreements (SBITAs). SBITAs are rental or leasing arrangements for software on a subscription basis as opposed to purchasing it.

The second resolution is to approve legal service that the Village uses to negotiate union contracts. The Village has three separate unions: PBA (represents Police Officers), CSEA (represents many Village employees), and the Teamsters (represents Dispatchers and Records Clerks in the Police Department). In the past the Village has utilized outside counsel, which is very expensive to negotiate these contracts.

In October 2022, the Village requested proposals for legal services in connection with labor negotiations. The Village received rates for partner services ranging from \$295 to \$350 per hour. Mr. Genito stated that rates for legal associates in these proposals ranged from \$235 to \$295 per hour.

Treasurer Genito explained that Mr. Terry Rice has been very good about assisting the Mayor with labor negotiations to date. He stated that the PBA contract was just settled and that was with the assistance of Mr. Rice. The Village is awaiting a memorandum of agreement from the union. The Village Attorney has offered a one-time stipend to negotiate and settle all three contracts for a sum of \$10 thousand. The Mayor and Village Board have looked at this and found it to be reasonable and fair. He stated that this is a bargain for the Village.

Mayor Curley stated that we do not have a clear contract from the last negotiation and settlement with the PBA. There was just a memorandum of agreement. There is quite a bit of work to be done, including hours of reading, and studying the prior contract. He stated that we must protect the taxpayers of this Village and ensure that everything is correct in the contract.

Trustee Hagen asked about the previous labor attorney and is he still used. The Mayor answered that he has never used this attorney since he has been in office.

Mr. Genito added that the funds for this resolution were budgeted in outside legal counsel. Those funds will be transferred to the appropriate account.

TRUSTEES

Trustee Frank Hagen said that the Mayor had mentioned that taxes went up 47% from 2015 to 2021. Mr. Hagen said that there was good reason for the tax increases. The previous mayor and board were fixing financial problems from years past. Mr. Hagen wanted that on record.

MAYOR

Mayor Curley stated that at the last meeting the Board voted for a zero percent tax increase. Mr. Hagen, he stated, voted no to the zero percent tax increase; Mr. Hagen felt we should be taxing people. Mayor Curley stated that he did not agree with that. He said that the taxpayers have been overtaxed already. As with the demolition permits, he'd rather find other ways to raise revenues versus homeowners' pay.

Mayor Curley also stated that Mr. Hagen claimed that in 2008-2009 there were zero percent tax increases. He stated that that was 100% incorrect. The Mayor looked back as far as 2001 and there was never a zero percent tax increase. He said that there was no factual basis for that statement. He did not want the public to believe something that was not true.

Mayor Curley told Mr. Hagen that he understands if he or anyone else has concerns about the budget. He stated that the budget is solid. Mayor Curley told the public that the New York State Comptroller's Office performed a review of the Village's 2023-2024 budget. He explained that the Comptroller's accountants were in the Village offices for weeks reviewing documents and the Village was told that it is a valid and good budget.

Mayor Curley thanked Treasurer Michael Genito for his hard work and getting the Village through those rough times. Trustee Hagen agreed that it was because of Michael Genito that the Village is in a stronger financial place. It is because of Treasurer Genito's opinion that we can do a zero percent tax increase and the New York State Comptroller's Office said that we can do a zero percent tax increase with no harm to the taxpayers.

Trustee Hagen said that he was worried about the Village going back into debt.

Mayor Curley answered by asking for some proof as to how or why the 2023-2024 budget is financially unsafe for the Village – he would love to hear it. He noted that Mr. Hagen had the 2023-2024 Tentative Budget since March 6, 2023, and that at no time did Mr. Hagen raise an issue or question as to the viability of the budgeted revenues or appropriations. Trustee Hagen had the budget for weeks and never made any comment to the Mayor, the Village Board, or the Treasurer - no email, phone calls, conversation, or anything else. Mayor Curley stated to Trustee Hagen that he just voted no and said, "I'm afraid of it." Mayor Curley said that he would investigate it, but he had no idea what to investigate.

Mayor Curley reiterated that it is a solid budget, and he is happy to give the people of the Village hope. We will continue to work together. We will make the downtown cleaner, and work on zoning. This Village Board works with the Department Heads, and we all work together.

ADJOURNMENT

A motion to adjourn the meeting at 8:18 P.M. was made by Trustee Alpert, seconded by Trustee Hagen, with all in favor.

Respectfully,

Melissa B. Reimer, CPA
Village Clerk