

Village Board Meeting
Monday, April 11, 2016 - 7:30 P.M.

A regular Village Board meeting was held on the above date at 7:30 p.m. with the following members present:

PRESENT: Mayor Edward Markunas
Trustee Frank Hagen, Trustee Robert Morris
Trustee Moira Hertzman, Trustee Joseph Russo

ALSO PRESENT: Virginia Menschner, Village Clerk
Daniel Kraushaar, Village Attorney

ABSENT: None

7:30 P.M. - PUBLIC HEARING - 2016-2017 VILLAGE BUDGET

The Mayor said it is now 7:35 p.m. and we will open the public hearing for the 2016-2017 Village of Suffern budget. He asked if there was anyone who would like to speak.

Tom Zordan of 249 Parkside Drive said good evening to the Mayor and Board. He said he had the tentative budget that was published. He asked if there were any changes? The Mayor said we are currently working on the changes, yes. Mr. Zordan said so if he brings something up that has already been changed let him know. He said a couple of things. He said we have in revenue for CHIPS \$112,500. He said now CHIPS is a reimbursable. So where is the expense related to that item in the budget. The Mayor said the reimbursable expense for the CHIPS fund? Mr. Zordan said yep. The Mayor asked Mike Genito to elaborate on that for the CHIPS fund. Mr. Genito said as you know there is a number of CHIPS years that we haven't actually cashed in over the past few years and there are some amounts that we are going to be providing for in the street department - work that has been done under the CHIPS program. So the money is going to reimburse that. The Mayor said okay. Mr. Zordan said making sure that expenses have been incurred or are going to be in the budget. Mr. Zordan said in terms of the PILOT funds that we received - we have a PILOT for Avon, what we call a PILOT for the Salvation Army and we have a new PILOT for the Orange Avenue project. He said based on past history - you have a number in there - \$180,000. It doesn't seem to accurately reflect the arrogate of

the PILOTS. So could you just let him know what is in that number - \$180,000. The Mayor said for all the revenue that came in under the \$180,000. Mr. Zordan said yes. The Mayor said that is what you are looking for. He asked Mike. Mr. Zordan said Avon should have gone up a couple thousand. Mr. Genito said the two PILOTS that are included under the PILOTS in the budget are the Avon PILOT and the Orange Avenue Associates PILOT. The other amounts that were properly noted are not true PILOTS. That is Esther Gitlow and there is an amount in there - Salvation Army, which are not true PILOTS but are voluntary contributions. Those are coming in under another area of the budget on the revenue side from miscellaneous. Mr. Genito said no, the NCBA is something different. That is a host community benefit payment that is being made also by the new development - Orange Avenue. But its in the miscellaneous area in terms of the contributions.

The Mayor asked Mr. Genito what page he is on. Mr. Genito said first let's start with the PILOT - payment in lieu of taxes. That is on page 15. Payment in lieu of taxes is the first item that you see there and yes, that is \$155,509. Mr. Genito said wrong budget. It is \$180,000. He had the wrong budget in front of him. He said here we go. Payment in lieu of taxes - page 17. And the payment in lieu of taxes is \$180,302. The other money that we had is for the - the other fees that we received - he said to bear with him a moment while he pulls that up. Mr. Genito said it is under other public safety - 1589 - again that is on page 17. And the other public safety is the Esther Gitlow payment that we have. That is actually an agreement with the Esther Gitlow Towers - if you read the agreement it says for public safety services. So that is where that \$20,000 is going. Mr. Genito said Salvation Army is going in under other miscellaneous revenues - \$15,000 on page 19.

Mr. Zordan said then we have the DPW Administration - we have the salary for clerical part-time - \$15,000. And then we have an additional \$15,000 for clerical. Are we hiring? The Mayor said we were addressing that. That seems to be a double entry. He asked Mr. Genito if that was correct. Mr. Genito said that is actually a consideration of the Board to make a part-time position full-time. That additional amount that is in there is not a funded position at the moment but it is under the condition that the Board wanted to hire a full-time - make someone part-time a full-time position. Mr. Zordan asked what has changed in this year coming forward as opposed to the last twelve years that would necessitate making it a full-time

position. The Mayor said that was something that we were discussing and it is still under evaluation. So the changes all haven't been put into the budget. Mr. Zordan said okay.

Mr. Zordan said and then in the DPW - a little history. Over the last 15 years there has always been thirteen, basically thirteen or fourteen people, in the DPW. That is exclusive of the solid waste department. And back in June 2014 the supervisor of the DPW got transferred to the Water Department and then subsequently retired. And so in October what the Board did was they had an agreement that they wouldn't replace this person. The Mayor said what? Mr. Zordan said they wouldn't replace the person that left. So the DPW was short one gentleman. And it was agreed that between the new supervisor and the superintendent of public works and the then president of the union that those three gentlemen would pick up the slack for that person that left and the Village wouldn't have to replace him. And for doing this they gave the president of the union a 10% raise, they gave the supervisor of the DPW a 10% raise and they gave the superintendent a \$10,000 raise. This was October of 2013. It is in the Board minutes. So it was agreed between the superintendent, the Board, the union that they would go without a 13th employee. Well now this budget has 14 employees. Last year we had 12. Are we increasing the number of employees and, if so, why? The Mayor said he has the manning chart here and if you are going with the street maintenance department - and if Mr. Sawicki would like to clarify it also - the Mayor said he believes we have 12 in the street maintenance department. And you are saying 14 in the budget? Mr. Sawicki said as far as he knows the manpower is down over what it has been in the last number of years. And he knows there is a vacant spot that was not filled from last year. It was left blank. But in terms of manpower he doesn't believe that what Mr. Zordan is saying is accurate based on the fact that the manpower is lower than it has been in the most recent years. Mr. Zordan said right - it is 12 now. And he is saying it used to be either 13 or 14. And then they agreed it would be down to 13 when they did this in October 2013. Mr. Sawicki said what are you saying it is now. Mr. Zordan said in the budget it is budgeted for 14. Mr. Sawicki said he doesn't know. He said that is based on what he went through in the budget. The manpower is down from what it was. The Mayor said if you would like to look at the list - he has the manning list that you created for the budget so you can get a better idea of the people that were transferred in and out of the street department. Just to clarify it.

Mr. Sawicki said on this list - it is an active list of the street department employees - there are 12 on this list. And the solid waste has 6 employees - so again, street department 12 and the solid waste has 6. Mr. Zordan said he is agreeing that there is 12 in the current year's budget but in the budget going forward it is budgeted for 14 - there are 14 line items for salaries. That is what he is saying. Mr. Sawicki said sometimes the way that is set up - Mr. Zordan said if you put it in this budget, even though you don't hire them, we still have to raise taxes. Mr. Zordan said there is 14. Mr. Sawicki said this one here is not being filled. There is a laborer position that is not being filled. Mr. Sawicki said he doesn't know. He can only say that based on our number of employees - maybe this needs to be reviewed again. He is not actually sure. The Mayor said to Mr. Zordan he has the same note here in his book just so he is aware. He does see 14 people and we have 12 that are assigned so we will look deeper into that and into the budget. Mr. Sawicki said just to make it clear we have no plans to hire anybody. The Mayor said that is true. Mr. Zordan said if you are not going to hire anybody you should take it out of the budget. The Mayor said definitely. We will explore that. Mr. Zordan said and conversely if you had 12 employees and you went to 14 why would you raise the overtime from 60 to 95 - an increase of over 50%. If you have more manpower you don't need more overtime.

Mr. Zordan said the pension is being amortized, right? Mr. Genito said the question was if the pension for 2016-2017 is amortized. The answer to that is no. And either was the pension for 2015-2016. That is the current fiscal year we are in. In 2014-2015 the Village was short of cash to pay its retirement bill. As a result of that they had to raise the money to raise not only for the pension but for the interest that had accrued through the month of July, which is the new fiscal year. So this year's budget, 2015-2016, included the amount that was required to pay not only the pension from 2014-2015 plus the accrued interest on that pension. So that is why the 2015-2016 was significantly higher than the 2016-2017.

Mr. Zordan said we have a police officer, a very fine gentleman, and he believes he is working for the Rockland County Narcotics Task Force and he doesn't know if it is a two year - the question is if he is going to go back again next year he doesn't see the reimbursement in the budget. That is something that you should think about because that is \$70,000. The Mayor asked the

Chief to speak about vouchering for the reimbursement for the Drug Task force. The Chief said real quickly. He just wants to give an update. He said we have one of our detectives assigned as a group supervisor for the Rockland County Narcotics Task Force. The Task Force pays any overtime costs incurred and at our disposal we have, he thinks, a 12 or 14 man team that is available that handles narcotic investigations throughout the county. And being that Detective Fennessey is assigned there, obviously from our department, we utilize their resources heavily in the Village of Suffern with undercover operations to target drug dealing in the Village. So basically the overtime is reimbursed and although we pay the salary we do get a very good service from them. The Mayor said so they reimburse us the overtime fee just so everyone knows and is there any additional reimbursement? Chief Osborn said the first year - yes, they gave us the detective differential between a top grade patrolman which he believes is \$11,900 and they gave us that money in addition as well. Chief Osborn said no department anywhere in the county - we all have officers assigned - is receiving a reimbursement like we used to receive. We used to receive half the salary or full salary. No department receives it. However, now that we have an officer assigned full time there we will be entitled to any seizure funds from any narcotics, organized crime or investigation that the county has. We will get a piece of that seizure money as well. The Mayor said we get that due to the fact that we have an officer assigned there. Chief Osborn said that is correct. If we didn't have anybody there we wouldn't be part of it. The Mayor said great.

Mr. Zordan said we are doing the budget but this is about the water fund. Are we doing that now or at the next hearing. The Mayor asked him to wait until the next hearing for the water hearing. Mr. Zordan said okay.

Paul Gerard of 2 Cross Street said looking at this budget, while we are flat overall on expenditures last year we took - what did it end up being? A 16% increase? Is that what it was. The Mayor said yes - 16.8. Mr. Gerard said some of that was to cover one time expenses - notably we had a couple of contract buy-outs with some officers and he does see the number coming down here - about \$400,000 in employee benefits. However, those salaries have been absorbed amongst all the other categories in this budget. He said he would expect that unless we are taking - where we have things that are one time expenses last year we do have a huge problem with the debt that we are carrying. He said

he would expect to see us attacking some of that debt and bringing that down but the commentary in the budget says that the debt is going up a half million dollars. So that is very disappointing when we are talking about the need for having to be very tight and very frugal with some of our expenditures. He said he sees that when he looks on page 8 he sees contractual under appropriations - there is a line here that says contractual expenditures and it is going up from 2.2 million to 2.5. He asked if we could see some detail on what these things are for. Because he doesn't understand why we would go up - for example, he doesn't know if there is an attorney in here that we are going to pay \$4,000 a month to sell water rights like we talked about last year. He said he can't see it. So is any of that detail going to be made available to them. The Mayor asked Mr. Genito about the contractual expenses.

Mr. Genito said throughout the budget, on the pages that follow - the summary pages in the front - there are various lines for every department and one of the lines is called contractual expenditures. He said he will note that in the contractual expenditures in the contingent account we put a sufficient amount in that. There is \$200,000 versus \$60,000. That is \$140,000 of that money. But the rest of it you can see if you went through the individual contractual lines in the pages which ones went up and which ones went up and which ones went down and we can easily provide you more detail down to a very granular level if you would like that for any particular line. Mr. Gerard said he would be interested to know if the entire 2.5 million was covered. The Mayor said contingencies are for emergency use for what is necessary - instead of going out to bond or loaned money - something on a smaller scale. Is that correct? Mr. Genito said that is correct. It is for the unexpected and unforeseen situations that we may have in a drop of the revenue for instance or an increase in an expenditure that you didn't expect to have - a bad winter, etc.

Mr. Gerard said at the last meeting we talked about being able to go over the 2% property tax levy in order to cover some of those unforeseen expenses. Is that a vehicle to cover expenses that might be unforeseen. Mr. Genito said actually this might be a good point in time to kind of explain what the real meaning of the 2% property tax levy cap is. And to try to give an analogy that maybe makes it easy to understand because, believe him, even for a finance professional it is difficult to understand. The legislation was not about keeping the tax rate at 2% or less

in terms of an increase. It was about keeping the tax levy, the amount you have to raise, to provide the services in taxes and by raising that amount. So let him give a very good example of this. He said let's assume that you have four people renting out an apartment - sharing the rent - which is \$1200 a month total. So each person is kicking in \$300 a month rent. So imagine that the \$1200 is the tax levy. That is the amount you need in terms of money. And the people that are paying into the rent are what we call our taxable assessed value - the value of your house that has then become taxable. If one of the people were to leave the group and they didn't find a replacement and they still had to rent the apartment and it was still \$1200 the individual rent paid by the people would now go from \$300 to \$400. There would be a 33% increase in the amount that they have to pay and nothing else changed. The rent didn't change. The benefits that they got from the apartment didn't change. Nothing changed except that one person left. He said if you look at our 2016-2017 tentative budget we are actually below the very low tax cap of 0.12%. We are about \$30,000 below the tax cap yet our tax rate increase is 5.7%. So how did that happen? Very simply. For the most part, with the loss of Novartis and 5 million dollars of assessed valuation and an additional 2 ½ million dollars of assessed valuation in other tax judgments and claims against us our total assessed valuation dropped. We lost some money. We are at 7 ½ million dollars and because of that our tax rate - even though our tax levy went up very little - the tax rate had to go up 5.7% in the tentative budget. Mr. Genito said he will make one other comment about that and that is if we had left everything else the same - this tentative budget exactly as it was presented, and we had kept our assessed valuations just on par with where they were last year - we didn't lose anything - we would have had a tax rate increase of 0.2% - 2 tenths of 1% but unfortunately it didn't work out that way. So that is the best way he can explain what happens with the tax levy and so not to be misled by the tax levy cap. It is the cap on the levy - not the tax rate. And believe him that causes a lot of confusion for a lot of people. Even people that are very familiar with finances in government.

Mr. Gerard said like he said - he is pleased that the overall expenditures didn't go up but knowing that we were starting off with \$400,000 from last year's budget that we are not going to have to pay next he would expect us to be in a position to not have to absorb that entire assessed value loss that we got with Novartis. That is why he is asking about these contractual costs

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going up 14\$ - \$300,000. And as the previous gentleman brought up we had extra head count in here that doesn't make sense in the street department. So it sounds like some of those dollars will be coming out. It should be. Mr. Gerard said the contingency fund - you brought up \$120,000 or \$140,000. How much did we save this year on snow removal? The Mayor said the actual savings as compared to last year - Mr. Gerard said from the budget. The Mayor said he is not sure. Mr. Gerard said he would think that there is money there unless that is going somewhere this year that we haven't been told about or aren't aware that there is an issue.

Mr. Gerard said the listing of the police headcount. That looks like that is going up one by a part-time dispatcher. But several of the other positions - the increases are quite substantial. Are these all contractual increases? The Mayor said yes. Mr. Gerard asked and why is the overtime going up from \$180,000 to \$225,000. The Mayor said last year we had reduced the overtime from, he believes, \$240,000 to \$180,000. This year we are currently at around \$210,000 and we expect a couple - well another \$20,000 so it will put us around \$230,000. Mr. Gerard asked if we explained when the last gentleman spoke about the overtime increase in the street department. Mr. Gerard said his question was going to be the overtime is going up and the headcount is also going up but the headcount is going to come out. Is that running over as well? From \$60,000 to \$95,000? The Mayor said similar circumstances that we did last year. He asked Mr. Genito if we had the actual detail for the overtime for the street department? Mr. Genito said he doesn't have that handy at the moment. Mr. Genito said just to expand on what you are saying Mayor - you are right. The spending pattern for overtime over the prior three years - we have looked at that and we also understand that there was a heavy winter or two in there but the fact of the matter is that the overtime for the police and for the street department traditionally has been higher than what was budgeted in 2015-2016 and that is what we are addressing with this budget. Mr. Genito said one other point that he is going to note out to everyone - as part of our - and he mentioned debt that is going up dramatically and that main reason is because we are getting the deficit financing that we had lobbied for and had the special legislation approved for so that we could eliminate the deficits and refunds at least - the water, sewer, general and whatever expense of the capital projects fund. And with that it means that we have to pay debt service payments over the next ten years to make that happen.

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And part of that arrangement and agreement - part of the legislation - requires us to provide the State Comptroller with reviews. And one of those reviews is the budget. The State Comptroller's office has been in here and they finished up the field work on the review of the 2016-2017 budget. Some of the items that they look at are things like this which speaks to a spending pattern as opposed to what you simply put on a piece of paper. So we are expecting a letter from the State Comptroller soon. From what we understand they found the budget to be reasonable and once again we will wait for the official letter from them but we didn't anticipate and we don't see any problems that they have addressed with us in terms of the budget. He said he just wanted to make that note because you are absolutely correct because there are a lot of items as you look through the budget. You might see an increase here or something different that you are not used to seeing. The fact of the matter is we looked at this budget very carefully and our spending patterns over the last few years to make sure it is as realistic as possible.

Attorney Kraushaar asked Mr. Genito if it was also true that with the DEC Consent Order with regard to the wastewater treatment improvements that that too had to be bonded. Mr. Genito said it did but that affects the sewer rate. It doesn't affect the tax rate directly. Once again mainly in the general fund it is the deficit financing that is incurred in the first year of it that bumps it up.

Mr. Gerard asked if this was going to be the only public hearing on the budget or is there going to be any follow-up with some of the things that were brought up tonight. The Mayor said we are going to hear the rest of the audience and we will make a decision.

Mr. Gerard said there is a maintenance supervisor position that was doubled in cost - \$50,000 to \$103,000. Oh, he is sorry. That is the next hearing. The Mayor said should we include that in this hearing? He said we can touch on it. He believes it is an easy answer. He asked Mr. Genito to elaborate on that. Mr. Genito said that was for an employee that last year was expected to retire in a portion of the year and did not retire. We are funding him for the whole year. And should he decide to retire sometime during the year there will be extra money in that fund.

Mr. Gerard said curbside solid waste - he said we had a mechanical equipment operator II that doubled also from 35 to 73. The Mayor said he is going to have to take a look at that too. Curbside - he asked Mr. Sawicki if he was aware of that. Mr. Sawicki said that Mr. Scott Brown retired and we only had a portion of his salary in there last year. Mr. Genito asked if he could make a suggestion. He said since there are a lot of questions about the staffing perhaps his office could go through the staffing and pick out anybody that has a significant change from one year to the next and not without mentioning any names, of course, just identify why the amounts changed or the number of people staffed has changed. The Mayor said okay. We will do that.

Mr. Gerard said and on the capital side of things - he said there is some money put in for resurfacing. He asked if it was any particular project and he is kind of hoping you would say Lafayette Avenue. The Mayor said Lafayette Avenue is going to be resurfaced. The entire length. Mr. Gerard said okay. The Mayor said so is Orange.

Al D'Ambrosio of 4 Cross Street said it was good to see everybody. He said he was curious because he heard things discussed - surfacing, resurfacing and improvements to our town and to Lafayette Avenue. And he happened to take a walk down there today because of the spring day and he felt inclined. And he noticed something that had been bothering him and he couldn't put his finger on it until he took a walk down. And that was to spend or not to spend and why - dealing with our street lights. In such case, we have shorty street lights and we have full-grown street lights on Lafayette Avenue from the Post Office per se - he guesses that is Chestnut Street and going to the right - and he counted on one block an example of one, two, three, four, five, six, seven, eight, nine - ten lights and on that street he noticed all shorty lights. And most of them weren't working but he will put it down this way - one, two, three, four, five, six, seven, eight - eight were not working. Two were working. And then on the other side of the street - counting only the shorty lights - there were one, two, three, four, five, six, seven, eight, nine lights and one, two, three, four, five of them were broken and he guesses one, two, three, four were not broken so his point of saving money or spending money - he noticed all of the tall lights, or most of them, were working. They were good. And he noticed, and he can't say for sure that it is all vandalism, but he thinks it is - most of these shorty lights are

very vulnerable to breakage and the question is since they are structured like two threes - you go about three feet up and you have a basic base going down for root structure of attachment and then all the way up there is either the regular tall one which means it can just be placed on top of that or you have this modified little stub which looks very cute but is very vulnerable and is all broken constantly. So he is concerned. We may save money if we just have ones that don't break - tall ones. The lighting is very good on them, by the way, he noticed that versus the short ones that are constantly being either hurt by trucks or vandals - vandals is a nice word for say people who make mistakes or are angry at each other and make mistakes. And the end result is saving the budget - if we buy something that is already there - the tall one - get the remainder tall - this might have been an experimental thing that didn't work - the shorties. He said he thinks he likes the idea of big trees - or he should say big lights that won't topple over and will save a lot of money. That depends on the cost of these things - if they are cheap well then fine we will just repair them. But if they are expensive you might save a lot on the budget. That is his thoughts on that. The Mayor thanked him.

Michael Curley of 84 Orange Avenue said he just wanted to get what we talked about earlier - about the task force and whether it is a reimbursement or not. He said he personally wouldn't care - we would love a reimbursement or to get one or how it works but he wouldn't care if you did or didn't get one anyway. It is a very powerful organization in the county - a police organization. We are using all the different towns - the district attorney's office and all these things to watch out for crime. And with the growth of heroin in our community he thinks it is strong. He said he is sure most of you do read the paper and you will see that there has been arrests recently. You just may not realize that it is the county narcotics task force assisting with Suffern to make those arrests. And heroin has been one of the major things that they have worked on here. They work on organize crime too. But his main thing is in reference to - if there is some way with different savings that you may see here - a problem that he feels is there with the Town of Ramapo and Chris St. Lawrence and as he said when he stood here not too long ago - he is confident in telling us that he will be arrested shortly - the latest date he will give us is June 1 and he will take action on that - legal action that is - but he still feels that when he is there it was never Chris St. Lawrence singularly that was the person that did all these

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things - it was the Town Board and the forces behind them. So do not be fooled by when he gets arrested - have a couple of drinks but don't have too many because the situation still exists. And he knows Mr. Kraushaar and he says this honestly and he knows you are a good land-use attorney but he thinks we should consider having money set aside whether it is for you to do extra hours or whether it is an outside firm to be ready to go to fight because the Town of Ramapo will still try to take over things - and he's hoping, as you all are, that an outside person comes and buys it. But he still stands by his opinion that we should have an LDC ready with a joint venture just to protect the Village. He said we took a \$500,000 hit really and actually because of the police department buyouts that number coming down we will survive it. But he thinks this is something we should consider - and he will say this to Mr. Kraushaar - he knows you are a land-use attorney and you are good at it which is going to help us - but you are going to have a lot of forces against you. So he would just like us to consider having money ready to go on that and he doesn't like spending money and he is not here saying we need to spend money. And the other thing he noticed is that the Chief of Police and the Police Department took a zero - they are not taking a raise. And that bothers him because the last ten years he promised to buy me lunch and now he knows he is never getting that lunch. He said thank you.

A motion to close the public hearing was made by Trustee Hagen, seconded by Trustee Russo. Upon vote, the motion was carried.

Attorney Kraushaar said that not that he wants to speak the obvious but the Board will not be adopting this budget tonight in its present form. There will be changes. He personally thinks some of these comments were great and this is the whole purpose of having a public hearing. He said that his recommendation is going to be that prior to the adoption of the budget that some spreadsheet be done that shows the changes that will be made to this tentative budget that was reviewed by the public tonight - line by line - whatever the lines are being changed or being removed or what have you. And then ultimately what the Board would be adopting and that would have to be done prior to April 29 or on April 29 with the amendments.

7:35 P.M. - PUBLIC HEARING - WATER RATES:

The Mayor said it is now 8:23 and we are going to open up the public hearing on the water rates. A motion was made by Trustee

Hagen, seconded by Trustee Russo. Upon vote, the motion was carried. The Mayor asked if anybody had any comments on the water rates in the budget.

Tom Zordan said first of all he did a little calculation here and based on this simple math and based on the need of estimated water sales of 1,952,200 divided by the number of expected units to be sold that would mean that the water rate should be \$3.32 - not \$3.35. That was just his quick math. Mr. Zordan said if they changed the conditional salary in the superintendent's budget part of that gets allocated to the water fund and sewer fund so there will be a slight reduction there - about 25% each. He said we borrowed money to pay off the deficit so therefore they are covered. Now we have in the water fund a line item contingency and that is \$200,000. He said he doesn't know what expenses we would incur in the water fund that would lead us to need \$200,000. Originally this contingency kind of thing was set up and it was a pseudo expense and it was used to help reduce the deficit. So any way what he is suggesting is that if we were to reduce this \$200,000 contingency thing to \$117,600 we would have a zero increase in our water rate. So he is saying decrease it by \$82,400 and that would mean you wouldn't have to increase the water rate. So he will leave it at that. He thanked them.

The Mayor asked Mr. Genito that based on his calculation and the water usage the amount estimated to be sold and the calculation - is that correct. Mr. Genito said yes - within a rounding number - yes. The Mayor said okay. So we rounded up.

A motion to close the public hearing was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

LOCAL LAW NO. 3 OF 2016

A LOCAL LAW AMENDING
CHAPTER 261 OF THE CODE OF THE
VILLAGE OF SUFFERN
REGARDING WATER RATES

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

Section 1. Section 261-15 of the Code of the Village of
13-4/11/16

Suffern is hereby amended to provide as follows, effective June 1, 2016:

A. Water Rates. Water rates will be charged as follows:

I. For consumers within the Village:

a. For the first 10 units or fraction thereof: \$35.00 minimum charge;

b. For that portion over 10 units and less than 71 units: \$3.35 per unit;

c. For that portion over 70 units: \$3.83 per unit.

II. For consumers outside the Village limits:

a. For the first 10 units or fraction thereof: \$60.00

b. For that portion over 10 units: \$4.89 per unit.

Section 2. The Village Board may in the future amend the water rates provided herein by resolution.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 3, 2016 was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

7:40 P.M. - PUBLIC HEARING - SEWER RATES:

The Mayor said it is now 8:30 and we will now open the public hearing. A motion to open the public hearing was made by Trustee Morris, seconded by Trustee Hagen.

Michael Curley said he thinks the rate is going to be a 14% increase? What is the rate on that. The Mayor asked Mr. Genito if he had it in front of him. Mr. Genito said 14.1%. Mr. Curley said he thinks if you could go back and either sharpen your pencils and get an eraser or find a way to make the hits to the residents a little easier between the other things and after the big tax increase last year. It is a lot. And if we go back to last year's minutes and if you read your own words you will hear

yourself say the same thing. And he understands sometimes we have to do things to get somewhere but if we could do it a little bit slower to help the people as four or five Mayors now he stood up here and laughed, beg, cried to try to sell the water to try to offset the damage on the sewer rates which are high. If you get an increase on one and not the other it isn't as bad you might say. But if you could go and try to look at it. Because when its overall, and he understands in government you have to do things sometimes and we are getting back to where we need to be but it is a lot for people and it makes a difference on whether they can go out for a movie or something. So if you could go back and consider - he said he knows the last time it was mentioned by Mr. Morris that they are now looking at selling the water. Mr. Curley said he has been asking for four or five years now to sell that extra water. And it could be nine years now. And that was his fight against Chris St. Lawrence. And that is who he was fighting. He was a lone ranger then as sometimes he is now but he would respect if you could just go back - and he understands it might look better for the state and it may look better now but people have to survive now and it is tough out there and he knows they all know that. He thanked them.

Al D'Ambrosio of 4 Cross Street said this is just a - he guesses he would say not a mea culpa - it is a way of saying that sometimes we have to bite the bullet. It took more than two years to get into this little bit of mess that we have gotten into from the past to the present but we are working our way out. If he has to eat a little bit less or miss a movie at this time he is not going to look at a premature solution. He is going to say yes, he believes they are working on it and he understands Mr. Curley's point but he will bite the bullet and give you time to work it out the correct way as you see fit. So he won't see any movies. He thanked them.

Jim Giannettino of 2 Memorial Drive said he understands why this rate is going up. He said he doesn't know if the public understands the millions and millions of dollars that have been spent on the wastewater treatment plant and we are not done. So if we keep putting it off we will wind up in the same situation that we were in the last two or three years. He said he is not looking forward to the increase, and he doesn't think anybody is, but it is better than having in three or four more years to borrow another 5 million dollars to get out of a hole.

Paul Gerard of 2 Cross Street said his concern under the budget

under the general fund - honestly after what we just spoke about he didn't expect that we might pass one but not the other. The concerns voiced earlier - he thinks they apply to the water and they apply to the sewer. And he thinks we should, as Mike said, sharpen our pencils a little bit. We don't have a contingency fund here and probably because we are already raising the sewer rate double digits but you can't have it both ways. You can't say that we need a contingency fund over here but we can't afford to put one in over here so we won't do it. Let's not put in plus just because the rate looks palatable.

A motion to close the public hearing was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

LOCAL LAW NO. 4 OF 2016

A LOCAL LAW AMENDING
CHAPTER 220 OF THE CODE OF THE
VILLAGE OF SUFFERN
REGARDING SEWER RENTS

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

Section 1. Section 220-44 of the Code of the Village of Suffern is hereby amended to provide as follows, effective June 1, 2016:

- A. The sewer rent shall be established and may be changed by Local Law following a public hearing thereon. The sewer rate shall be \$7.93 per 100 cubic feet of water consumed for properties located in the Village of Suffern.
- B. The minimum sewer rent shall be \$25.00 per billing period. [Amended 4-2- 2012 by L.L. No. 6-2012]
- C. The Board of Trustees may allow properties located outside the corporate limits of the Village of Suffern to access and utilize the Village sewage system if it is determined that all aspects of the system possess sufficient excess capacity. If it is subsequently determined that any aspect of the system is insufficient, the Village may terminate such outside the Village access upon such notice as the Board of Trustees deems

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to be reasonable. Such outside users shall be charged at the rate of \$8.61 per 100 cubic feet of water used as reflected on the bill provided by their water supplier. Such user shall provide copies of such water bills to the Village Clerk within five days of receipt of the same in order for the Village to calculate the applicable sewer rent. If the outside user fails to do so, the Village will render an estimated sewer rent. If such outside user fails to provide such water bill upon demand, the Village may terminate service upon 30 days written notice. In any event, the minimum bill chargeable to an outside user shall be \$25.00 per billing period.

Section 2. The Village Board may in the future amend the sewer rents provided herein by Resolution.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Attorney Kraushaar said section 2 - the Village Board may in the future amend the sewer rates provided herein by Resolution.

Then section 3 this Local Law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 4, 2016 was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

7:45 P.M. - PUBLIC HEARING - LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3C:

The Mayor said it is now 8:40 and he would like to open the public hearing for the local law authorizing a property tax levy in excess of the limit established in the General Municipal Law section 3C. A motion to open the public hearing was made by Trustee Hagen, seconded by Trustee Morris. Upon vote, the motion was carried. The Mayor asked if anyone from the public would like to speak in regards to authorizing a property tax levy in excess of the limit established by General Municipal Law. Attorney Kraushaar said if he could make a recommendation before we hear from the public if we could hear from Mr. Genito as to the efficacy of why a municipality, regardless of whether they intend to go through the cap or not would undertake the consideration of the adoption of this local law.

Mr. Michael Genito said the local law to override the property tax cap is something that a municipality must do prior to adoption of the budget if in fact it overrides the property tax levy amount that is prescribed in law by the state. If they fail to do that, if they fail to adopt a local law to do that and in fact they do override the tax cap then they are in violation of the law and certain standards must be taken into effect. Among them reserving a certain amount of your tax levy and setting it aside and not being able to spend it. So why do we recommend - why did he recommend to the Board that they adopt this local law prior to adopting the budget even if the budget appears to be below the tax cap. The reason for that is that under the advice of some very highly respected professional associations in the state of New York you can adopt this local law and you can still adopt the budget below the tax cap. And there is no problem with that. And you can repeal that local law later if you want to even though it really had no affect on your budget. However, if by some chance the formula that we depended upon has either changed or was not fully understood when we developed it and we determined we were below the tax levy cap and we in fact adopted a budget that was over that cap and didn't have the local law in place we would be subject to those violations of the law and all the situations that would put us in. So this is really just a matter of belts and suspenders, if you will, and he will refer to John Wayne who once said he never trusts a man who doesn't trust his belt - but belts and suspenders is just an extra way of making sure that we have this under control and in the event that we don't adopt the budget that was within the cap then we would not be in violation of the law. Once again the tentative budget is about \$30,000 below the cap and we don't expect that the Board would adopt the budget at this point that would be above the cap - barring any unforeseen situation that we have no control of that might pop up in the next week or so before the budget is actually adopted. And just for the public's note, the budget must be adopted by law on or before April 30 of this year. The Mayor thanked him.

Since nobody spoke, a motion to close the public hearing was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor read the following local law:

VILLAGE OF SUFFERN

18-4/11/16

LOCAL LAW NO. 5 , 2016

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Suffern to adopt a budget for the fiscal year ending May 31, 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

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

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Suffern, County of Rockland, is hereby authorized to adopt a budget for the fiscal year ending May 31, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

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

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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A motion adopting the foregoing local law was made by Trustee Morris, seconded by Trustee Hagen.

AYES: Mayor Edward Markunas
Trustee Robert Morris, Trustee Frank Hagen
Trustee Moira Hertzman, Trustee Joseph Russo

NOES: None

ABSENT: None

7:50 P.M. - PUBLIC HEARING - 175 LAFAYETTE AVENUE - CHANGE ZONING OF CERTAIN PROPERTY FROM PO-40 TO MR-50:

A motion to open the public hearing was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

Paul Baum, the attorney for the applicant, who said since the commencement of this public hearing last month, they returned to the Planning Board on March 16 and he believes they sent a more-detailed recommendation to the Board. Mr. Baum said they also submitted a letter to the Board that encompassed the comments that they heard from the Board members and the public at the last meeting and tried to address all those issues. And they are here tonight to respond to any other comments. They have their engineer, their architect and their traffic consultant. So if there are any questions they can answer they will be glad to do it.

Attorney Kraushaar said before we open it to the public one of the concerns that the Board raised and that he raised at the first public hearing was that the recommendation by the Planning Board on the zone change petition for this subject property was bereft of detail so as the applicant's attorney has stated they did return to the Planning Board. Attorney Kraushaar said they received, or at least the Board members received, and he got a copy today of a letter from the Assistant Village Attorney Robert Magrino and he will read this into the record:

Dear Village Board Members:

The Planning Board reviewed the 175 Lafayette Avenue LLC zone change request. Attached is a memo from the Planning Board with its comments for the proposed zone change. Please contact

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me if you have any questions regarding the memo or would like to discuss further. Thank you.

Robert Magrino

Attorney Kraushaar said the memo is to the Mayor and the Board of Trustees from Paul Gdanski, Chairman of the Village Planning Board, with regard to this zone change:

The Planning Board has reviewed the proposed zone change application of 175 Lafayette Avenue LLC for the premises known as 176 through 178 Lafayette Avenue, tax lot 55.29-1-7. As part of the review the Planning Board has received a letter from John Lange, Director of Planning (Mr. Kraushaar said that is the Village's planner from McLaren Engineering Group dated January 19, 2016) and reviewed the Rockland County Department of Planning letter dated October 30, 2015 to the Suffern Village Board. If the application for a zone change is granted the Planning Board will conduct a full site plan review in accordance with New York State Village Law and the Village Code. At this time the Planning Board offers the following general comments to the Village Board with respect to the proposed zone change:

1. The proposed zone change from PO-40 to MR-50 would be consistent with existing zoning on neighboring properties located on the north side of Route 59 as well as an MR-50 site that exists just across Route 59 and to the west of the subject property. A zone change to MR-50 therefore appears to be reasonable at this location.

2. Site specific issues will be addressed during the site plan review. However, it should be noted that the applicant should consider modifications to the entrance/exit to address traffic and site distance concerns.

3. The proposal will require variances from the MR-50 bulk requirements. The most significant being for lot development coverage. The Village Board may wish to consider whether the MR-50 bulk requirements, especially with respect to lot development coverage, should be modified. (Attorney Kraushaar said that would be a separate act of the Board if they were to do that.) There have been recent projects in the MR-50 zone that have required variances for exceeding the permitted lot development coverage. Additional consideration should be given to the fact that the recently approved TDD district (that

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is Transit Development District) which is based on and similar to the MR-50 zone provides for 90% development coverage.

4. Given that the current proposal exceeds permitted development coverage in the MR-50 zone, additional on-site water retention measures should be considered. (Mr. Kraushaar said that would be a site plan issue for the Planning Board.) The site previously received site plan approval for an office building under existing zoning. The Board should have the applicant address whether there is a need for additional housing warranting the change from commercial to residential zoning and whether the proposed project is in accordance with the best interests of the growth and future development of the Village.

Attorney Kraushaar said that concludes the memo from the Planning Board.

Mr. Baum said if you have questions, we will answer questions. If you want to continue the public hearing and take comments from the public they would be happy to do that. The Mayor asked if he would like to do a short presentation for the public and then we will comment on that. Mr. Baum said for what was addressed at the last meeting or just the project in general. The Mayor said the project in general. Mr. Baum said sure.

Mr. Baum said so this project involves the zone change of the property just across from the Salvation Army - just west of the existing Esther Gitlow Towers. It is zoned PO-40 - professional office - and they are looking to change it to the MR-50 zone so that they can develop a 54 unit apartment building that will consist of 22 one bedroom apartments and 32 2 bedroom apartments. It will be about 6 stories high. There will 114 parking spaces provided - 66 will be under the building so that will be the first 2 floors of the building. Another 48 will be outside. This property used to be approved for an 18,000 square foot office building in 2008. That building was never built for economic reasons. So they are looking to make good use of this space. They think it is an appropriate zone - census figures and planning studies have shown that there is a need in the Village for new housing stock to accommodate empty nesters and young single professionals. It is within a good walking distance of the downtown area. So that is basically the project in a nutshell. The Mayor asked if he had data to warrant the residential portion of it and the best interest for the Village and the growth? Mr. Baum said in the narrative that they

submitted in support of the petition they had some information from the census that their planner prepared. If you would like they certainly can give more detailed information on the census and the planning rationale to show the need for this type of housing stock in the Village. So that is something they would be more than happy to address. The Mayor said how about additional on-site water retention measures. He said he knows that is a concern here in the Village. Can we address some of that? Mr. Baum said they have their engineer - Brian Brooker - and he can easily address that issue. Brian Brooker of Brooker Engineering, engineer for the applicant, said with regard to the stormwater retention obviously all projects have to meet NYS requirements for reduction in water runoff and for reduction or enhancement of water quality from projects. He said the standards are zero net increase in runoff. Obviously that can be exceeded if the wishes of the Planning Board and this Board is to provide a project that has a net reduction in runoff that can be accomplished. The Mayor said he believes that is what we would be looking - that is what he would be looking for - more than net zero. So that's possible. Mr. Brooker said yes, of course it is possible. It depends on how much more. The Mayor said can you do 25% more? Mr. Brooker said that sounds like a reasonable percent. The Mayor thanked him.

The Mayor said he would also like to address the entrance and the exit and the site distance concerns. Mr. Baum said we have looked at this many times. There was a concern when this office building was before the Village in 2008. To improve the ingress and egress the stone wall is going to need to be taken back, rebuilt and it will open up site distance and it will certainly improve that corridor as you are coming into the Village where he believes the problem is - cars stopped to make a left hand turn into Oakdale Manor and as people come around that turn they don't see it and they are forced to stop very quickly and these proposed improvements will open up the site distance. He said we have Phil Greeley here, their traffic consultant, and he can certainly give you more specifics than he can. Phillip Greeley of Mazur Consulting said as indicated on the proposed site plan the stone wall will be moved back as much as ten feet in area so as you are approaching the Village heading westbound as you come down the grade and around the turn, the site distance will be improved significantly. Not only for people leaving this property but for the traveling public along Lafayette Avenue and along Route 59. So as indicated the rear end site distance for vehicles turning onto Oakdale Manor will actually be improved

and he thinks the site distance will increase the property 100 feet once they pull that wall back and reconstruct it. The actual offset of where the wall is today varies but he believes it is as much as 10 feet from the current point setback. There was, as part of the previous proposal for the office building, there was a conceptual approval from NYS DOT for that work so the same work would be done for this proposed project. The Mayor said so there were no other significant enhancements to the project other than what we had in place from a few years ago. Mr. Greeley said yes. The other point that was proposed - there will be a left turn lane created so if you are leaving the Village heading eastbound it would be a left turn movement into the site so that eastbound traffic could go past a stopped vehicle turning into this project. Again, that was consistent with the previous application. The Mayor said now with there being a left hand turn lane heading eastbound coming out of the project, making a left, heading east - would there be an entrance lane into the eastbound lane. Does that make sense? Mr. Greeley said no. Exiting the property would not have an acceleration lane. It would just be the traditional paver - striped paver - so there will be some additional width but not a separate lane. Just for coming into the project. So if he is leaving the Village and going to this site he would have a left turn light so that through traffic could bypass. But leaving the project he would have to wait for the gaps in the traffic. There would be some additional area to accelerate but no separate acceleration. The Mayor said no traffic signal. Mr. Greeley said no. There is not enough traffic to satisfy the warrant for signalization based on DOT criteria.

Trustee Morris said he had a question. Is there any way to keep that improved site distance without moving that wall back. He said he has seen some of the things that said we could mimic a similar wall to the south similar to what the Salvation Army put up which would be lower and would provide a bigger buffer zone and possibly preserve some of the trees there. Mr. Greeley said he thinks that there are two things that are here. It is the height of the wall and also the vertical alignment, the horizontal alignment and the vertical. As you are coming downgrade you are going around the horizontal curve so even if you lower the wall it still impedes the site line so he thinks what has been drawn on the plan creates the proper setback to account for the horizontal alignment. The height of the wall could probably be lowered also so when it is set back it can be brought down but because of the horizontal alignment of the road

you need to shift it back otherwise you are not going to get that improvement. Trustee Morris said okay.

Mr. Baum said he just wanted the Board to know that a full traffic report was submitted to the Board and it was reviewed by your traffic consultant and they will be happy to explore any other alternatives should they get to the site plan phase to make the best project possible.

Al D'Ambrosio said he has maybe three questions rehashing some material. He said he appreciates that the gentlemen are here to explain their positions and possible gain to Suffern and us. He said he was concerned in the past when we were analyzing the entrance and exit going into that property area and it was not resolved at that time how you could have easy traffic coming out. He said he says that right now because you see what 59 is like. It is not easy traversing - it is not like the gentleman just said - we don't have a problem with traffic. We have a lot of problems with traffic on 59 in that area - especially when you go to work and come home. So he was concerned with something that had been mentioned by these gentlemen the last time that there was property route going through the Gitlow area that was not really utilized. It seemed to be something that could be used to go out a different way but it was never pursued. And he is curious if they could elaborate on that piece of stretch which would seem to allow an opportunity to be developed. Somebody has to spend the money on it and maybe they could think about that and two he was concerned about the sewerage capacity that overloaded with the water overload problems which we might face because we are dealing with that always because the structure being built. What are the consequences and the impact on Suffern - this new positive or question mark gain for us? He said he will leave it for them. The Mayor said okay. So you had the two questions there - one for the exiting of traffic through Esther Gitlow and then the impact on the sewerage and the water. Mr. D'Ambrosio said that is three.

The Mayor asked John Lange to speak to those points. John Lange of McLaren Engineering said generically as we are reviewing this we look to see whether there is sufficient water capacity in the system and Suffern is blessed with a full supply. You only use about one third of the water's capacity. At the detailed site review time they will go through the detailed engineering to look at the pressures to make sure that they can provide the fire protection in there. There is no reason to believe that

they can't so he thinks we are fine that way. Concerning the exit and the entrance - there is a connection that will go to the Esther Gitlow property but it will be for emergency access only. It is probably not a great idea to have that residential traffic going through the senior facility. If it had to be it could be done but it is going to be a two way emergency access that Esther Gitlow will be able to get out if something should happen on their site and we will be able to get through emergency vehicles should something happen on this site. So he thinks those two are pretty much taken into consideration. Attorney Kraushaar said he thinks he asked about sewer. Mr. Lange said the sewer plant also has access to excess capacity and people who know that site know that you are way uphill so it is a good run down to the sewerage treatment plant from there so there should be no problem. The Mayor said great, thank you.

Roy Tschudy of 16 Lonergan Drive said aside from his water concern - there is a 25% upgrade from flooding that would help add to the problem that they already have - he would still think because of the visibility of that area you created an accident-prone condition. And he doesn't know how many accidents happen right now. He is sure that the chief has that documented how many accidents happen along that way but coming out of there making a left onto that turn, even with moving a wall back - the vehicles are still going to have to go out. People coming into the Village - he will guarantee you are going to have a few accidents. If you make it that they have to make a right and go down and turn around some way but that would be a little bit more feasible. But making a left out of that position where they are at he will guarantee with 24 years of police experience you are going to have accidents there and God forbid if there is a fatality there. Make it a right and then work it out with some kind of U-turn down that way but coming out of there with vehicles coming into the Village he thinks that there is going to be trouble. He thanked them. The Mayor thanked him.

Phillip Greeley said as part of the traffic study your consultant had required them to look at the accident history. There were several rear end accidents that occurred at Oakdale Manor because of the limited site distance so we are actually going to improve the site distance, number one, in terms of traffic coming from the east heading towards the Village by having that set back will have improved visibility looking eastbound also. He would also like to point out that the previous approval for the office building, an 18,000 square foot

office building, would actually have more traffic generation throughout the day. The residential you do get your peaks in the morning and afternoon and some traffic during the day however on a daily basis the office building would generate more traffic, more turning. So he thinks that should be considered also together with the site line improvements that we are making to accommodate those things. And there is heavy traffic on Route 59. And he doesn't think he said that we were going to change the huge amount of traffic on Route 59. The amount of traffic generated by this project would be less than the office building was the point.

Phyllis Kasden said she can't believe this. She said she lived at Oakdale for over two years when they were converting to co-ops and many of the people come down the back road, down the Oakdale road, they don't go onto the road and they make a left hand turn to get to the front door of Oakdale. So that is the thing. She doesn't think enough of a study was done. That is an absolute - everything narrows there and it is a very dangerous way to have this kind of situation if this was to be considered. The only thing you could possibly do to make it better is to widen the road but that isn't a reality. So with these kind of cars and with Gitlow you have people who walk around there who have different disabilities and they go out for a walk and they are going to be in a traffic area. And they are supposed to build their own building. What is happening to the multiple building that is going up by Nicky's. So we are not lacking. Plus the project that is down here. So we are definitely not lacking in this type of accommodations for people and she thinks you are creating a horrible potential that can really affect people's lives.

Bruce Simon of 31 Utopian Avenue had just a question for the architect and the engineer, please, and he apologizes if you addressed this last month and he is just not remembering. Where are you planning to have this building fit in in lead certification, if at all.

One of the gentlemen said it is not their intention to go for lead certification however it is their intention to design the building in accordance with the current energy codes with the state of New York. So it would be a very energy efficient building. It would have high efficiency hvac equipment, insulation requirements, if you are asking a question about lead you may be aware that Ashray, that would be the states energy

compliance has new regulations out this year and this building complies with those.

Al D'Ambrosio said he doesn't want us to be redundant - them or him - but they will be but he seems to recollect at the last meeting that same answer was given dealing with only for emergency application for vehicles to go through the Gitlow area out the back. As the young lady said, a head or two back, she said she never heard of such a thing where they can't build roads going around the back, etc., etc., they do. And he believes they do also. He said he believes the main Route 59 cannot be wider. But making that road, or a road, coming out a different way and having people get on a different road which will take them to 59 another way - that makes sense. That is safe. And of course alright it has to be taken and if you want to have those accidents and he has already said what he thinks of Route 59 - he didn't say a limited time zone. He said on a daily basis. You know when it is safe to drive? Late at night. And those people who are going to work or who live in these nice buildings that is going to come up fine, they are going to be going to bed at night and then anybody can travel and make a left turn or whatever it is. But during the day, no, it is going to be dangerous. He thinks that somebody has to seriously consider spending the money to have an altered route and work it out with the people who own Gitlow Towers now that are out and allow them an alternate road and then they can make their change. Just like we go to the library. What do we do. If we want to get back another way we make a sharp right turn, we go down on 507 and something could be done without them going on 507. Just go around the back and the other way. And he will end it on that. He had the same answer the last time. Emergency only. No, that is acceding to Gitlow Towers to what they have. You have to have an additional plan for something more than just that left turn.

The Mayor asked if anyone else from the public would like to speak. The Mayor said he thinks he had a question last month about this. Was there any special consideration for first responders or our military personnel in regards to the rental? Mr. Baum said yes. The applicant has indicated that they will make available as many units as the Village needed for their first responders at a reduced 5% rent reduction for police officers, fire fighters, EMS members and veterans. The Mayor said that is very nice. Thank you. Mr. Baum said and it wouldn't be limited to a number of units. As many units as needed that is

what they would get.

Attorney Kraushaar asked if they would enter into a covenant to that effect as a condition of approval. Mr. Baum said absolutely.

The Mayor asked if there was anyone else from the public who would like to speak. Since nobody else spoke, the Mayor said it is 9:15 p.m. and he would make a motion to close the public hearing. The motion was made by Trustee Russo, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor said he would like to make a motion to declare the Village Board the lead agency under SEQRA. The motion was made by Trustee Morris, seconded by Trustee Hagen. Attorney Kraushaar said that would be just limited to the proposed zone change. The Planning Board would have to conduct a coordinated review with regard to the site plan issues and the variances. Upon vote, the motion was carried.

The Mayor said he offers a motion to adopt the negative declaration as provided - dated April 11, 2016. Attorney Kraushaar said also limited to the proposed zone change. The motion was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

Mr. Baum thanked the Mayor and Board and asked if the Board wanted them back at any particular time to discuss any further issues or to discuss the zone change. The Mayor said how about at the next Village Board meeting for Monday, May 9. Mr. Baum thanked him and said they will be here.

PUBLIC HEARING - CODE OF ETHICS LAW:

At 9:20 p.m. the Mayor said he would like to open the public hearing on the Code of Ethics Law - the continuation of the Code of Ethics. The motion was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried. Since nobody from the public spoke, a motion to close the public hearing was made by Trustee Russo, seconded by Trustee Hertzman. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

LOCAL LAW NO. 6, 2016

29-4/11/16

A LOCAL LAW REPEALING AND REPLACING CHAPTER 22
OF THE CODE OF THE VILLAGE OF SUFFERN WITH REGARD
TO THE CODE OF ETHICS FOR THE VILLAGE OF SUFFERN

Chapter 22

ETHICS, CODE OF

§ 22-1. Title	§ 22-9. Duties of Village Clerk
§ 22-2. Legislative intent.	§ 22-10. Removal from certain state provisions.
§ 22-3. Scope and applicability.	§ 22-11. Inducement of violations.
§ 22-4. Definitions.	§ 22-12. Claims against Village.
§ 22-5. Code of Ethics.	§ 22-13. Recusal from voting or other discretionary act.
§ 22-6. Financial disclosure.	Appendix I
§ 22-7. Board of Ethics; membership; duties.	Appendix II Annual Statement of Financial Disclosure Form.
§ 22-8. Penalties for offenses; enforcement.	

[HISTORY: Adopted by the Village Board of the Village of Suffern 04-11/2016 By L.L. No. 6-2016 (Ch. 22 of the Village Code).]

§ 22-1. Title.

This chapter shall be known and cited as the “Ethics in Government Law of the Village of Suffern.” **[Repealing and replacing the former Chapter 22 of the Code of Ethics of the Village of Suffern originally adopted 2-8-71]**

§ 22-2. Legislative intent.

In a democracy, government should be open, accessible, equitable and efficient. Democratic government requires that elected officials be independent, impartial and responsible to the people. Government decisions and policy must be made through the appropriate channels of government structure. Public office must not be used or be perceived for personal gain. The public must have confidence in the integrity of its government. In order to strengthen the democratic operation of the Village of Suffern

and to enhance public trust in that government, this Code requires disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, covered employees or Village employees. Elected officials, covered employees or Village employees hold office for the benefit of the public, and their conduct must be of the highest standard. It is of the utmost importance that all individuals covered by that law must be seen to be acting solely in the public interest. Therefore, it is the intent of this legislation to:

- A. Establish high standards of ethical conduct for elected officials, covered employees and Village employees.
- B. Afford elected officials, covered employees and Village employees clear guidance to such standards.
- C. Promote public confidence in the integrity of Village government.
- D. Require disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, candidates for elected office and covered employees.
- E. Facilitate consideration of potential problems before they arise, minimize unwarranted suspicion and enhance the accountability of government to the people.

§ 22-3. Scope and applicability.

- A. Nothing contained in this chapter shall be deemed to supersede the provisions of § 800, 801, 802, 803 and 809 of the General Municipal Law, but rather this chapter is deemed supplementary thereto. However, should a higher standard of disclosure of conflict of interest be required by this chapter, then the provisions of this chapter shall govern.
- B. All other legal requirements pertaining to the conduct of elected officials, covered employees and Village employees shall not be deemed to have been superseded by this chapter, including but not limited to rules of any state or county agency relating to licensing and discipline and any other applicable disciplinary codes.

§ 22-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY - Any agency, department, division, board, commission or bureau of the Village of Suffern.

BOARD – The Board of Ethics of the Village of Suffern.

BUSINESS/PROFESSIONAL DEALING AND/OR BUSINESS TRANSACTION – Having or providing any contract, service or work with the Village; buying, selling, renting, leasing or otherwise acquiring from or dispensing to the Village any goods, services or property; or obtaining any approval, grant, loan, license, permit or other privilege from the Village, excepting that by operation of law.

CANDIDATE FOR ELECTED OFFICE – A candidate for Village-wide office who receives the designation of a party and who files a designating petition for nomination at a primary election, or who receives the nomination of a party other than at a primary election (whether or not for an uncontested office), or who seeks independent nomination and who has not been designated by a party to receive a nomination but files a designating petition, or whose name appears on a primary or election ballot pursuant to § 6-148 of the Election Law. The terms “party,” “designation,” “primary election,” “nomination” and “independent nomination,” as used herein, shall have the same meaning as those contained in § 1-104 of the Election Law.

COMPENSATION – Any money, thing of value or financial benefit conferred in return for services rendered or to be rendered.

COVERED EMPLOYEES – The heads, other than elected officials, of any agency, department, division, council, board, commission or bureau of the Village and their deputies and assistants and the officers, employees and consultants on annual retainers of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions as determined by the Village Board and set forth in a written instrument annexed hereto as Appendix I,¹ which shall be filed with the Board of Ethics.

ELECTED OFFICIAL – An elected official of the Village of Suffern.

INTEREST – A direct or indirect pecuniary or material benefit accruing to an elected official, covered employee or Village employees, his or her spouse, child or dependent, whether as a result of a contract with the Village or otherwise.

LICENSING – Any agency activity respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in a profession, trade or occupation or any business or activity regulated by a regulatory agency which, in the absence of such license, permit or other form of permission, would be prohibited.

MINISTERIAL MATTER – An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

RELATIVE – Such individual’s spouse, child, step child, step parent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual’s spouse.

¹ Editor’s Note: Appendix I appears at end of this chapter.

REPRESENTATIVE CAPACITY – The presentation of the interests of a client or other person pursuant to an agreement, express or implied, for compensation for services.

SPOUSE – The husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

STEP CHILD – A child of one’s husband or wife, but not born of the marriage.

VILLAGE EMPLOYEE – Any employee other than an elected official or covered employee of the Village of Suffern, whether paid or unpaid.

UNEMANCIPATED CHILD – Any son, daughter, stepson or stepdaughter who is under the age of 22, unmarried and living in the household of the reporting individual.

§ 22-5. Code of Ethics.

- A. No elected official, covered employee or Village employee shall directly or indirectly solicit or receive compensation or agree to receive compensation for services rendered concerning matters before any Village agency, nor shall any such person accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his or her official duties.
- B. No elected official, covered employee or Village employee shall have any business or professional dealings or be interested, directly or indirectly, in any manner whatsoever, except by operation of law, in any business or professional dealings with the Village of Suffern or any agency thereof.
- C. No elected official, covered employee or Village employee shall be employed, with or without compensation, as an attorney, agent, broker, director, representative or employee for any person, firm or corporation interested, directly or indirectly, in any manner whatsoever, in business or professional dealings with the Village or any agency thereof unless full disclosure is made as to such employment to the Village Board, in writing, and such elected official, covered employee or Village employee disqualifies himself or herself from acting in his or her official capacity in matters affecting such person, firm or corporation.
- D. No elected official, covered employee or Village employee shall, directly or indirectly, solicit any gift or gifts, or accept or receive any gift or gifts with an aggregate value of \$75 or more within any twelve-month period, whether in the form of a service, loan, thing, travel, entertainment, hospitality or promise, or any other form of gratuity, from any person other than a relative or from any firm, any organization or any corporation which, to his or her

knowledge, is interested, directly or indirectly, in any manner whatsoever, in business or any case, proceeding or application or professional dealings with the Village or any agency thereof. Refreshments or meals that are provided as part of an informational presentation in a group setting or as part of a reception shall not be considered gifts, nor shall the receipt or acceptance of gifts or other things of value less than \$150 received from other elected officials, covered employees or Village employees for purposes of being social, showing appreciation or celebrating a holiday or other event be considered gifts.

- E. No former elected official, former covered employee or former Village employee shall directly or indirectly appear, render services or have any business transaction before any Village agency concerning a matter in which he or she was personally involved for two years after termination of his or her service of employment.
- F. No elected official, covered employee or Village employee who is a member of a firm which is appearing before a Village agency may communicate about the matter with an elected official, covered employee or Village employee concerned with the matter. However, printed material such as the letterhead or stationery imprinted with the name of the elected official, covered employee or Village employee is deemed not to be a communication so long as the printed material is not issued or signed by the elected official, covered employee or Village employee.
- G. No elected official, covered employee or Village employee shall disclose confidential information concerning the property, government or affairs of the Village except when permitted or required by law, nor shall he or she use such information to advance the financial or other private interests of any person, firm or corporation.
- H. Any applicant or any representative of any applicant before any agency must disclose, in writing and on the record, any previous business dealings and/or business transactions that said applicant or representative has had with any member of said agency within the previous two years.
- I. Each elected official, covered employee or Village employee shall be furnished a copy of the Code of Ethics, Chapter 22 of the Code of the Village of Suffern, by the Personnel Administrator before entering the duties of his or her office of employment.
- J. Each elected official, covered employee or Village employee shall be barred from videotaping and/or audiotaping any individual or proceeding, involving Village business, without the consent of each of the individuals who are being video- and/or audiotaped. Notwithstanding the foregoing, any individual who is acting as agent or under the direction or on behalf of law enforcement, whether local, state or federal, is permitted to video- and/or audiotape if such conduct is at the law enforcement agency's direction.

§ 22-6. Financial disclosure.

Each elected official, covered employee and candidate for elected office must file an annual financial disclosure statement containing the information and in the form set forth as Appendix II² hereto. Such statement shall be filed with the Board of Ethics on or before the 15th day of May with respect to the preceding calendar year, with the following exceptions:

- A. A person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May 15, but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement or financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of any incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.
- B. A person who is required to file an annual financial disclosure statement with the Board and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted by the Board shall file such statement within the additional period of time granted.
- C. Candidates for elected office shall file such annual financial disclosure statement within seven days after the last day allowed by law for the filing of primary election designating petitions; or the last day allowed by law for the filing of independent nominating petitions; or the date of the meeting of the party committee at which they are nominated; or within seven days of receiving the designation or nomination or independent nomination or otherwise becoming a candidate by virtue of § 6-148 of the Election Law, as shall be applicable to the form of their candidacy.
- D. Any person required to file an annual financial disclosure statement who commences employment after April 15 of any year shall file such statement within 30 days after commencing employment.
- E. A person who is required to file an annual financial disclosure statement in more than one capacity need file only one such statement but must observe the earliest filing date with respect to each of such capacities.

§ 22-7. Board of Ethics; membership; duties.

There shall be a Board of Ethics consisting of five members to be appointed by the Village Board, all of whom shall reside in the Village of Suffern and who shall serve without compensation, which shall be set by resolution of the Village Board. The members of the present Board existing on the effective date of this chapter shall continue in office until the expiration of their respective terms unless they or any one of them is in violation of any of the provisions of Subsection B hereof, in which case said member or members are deemed to have vacated their office as of the effective date of this chapter. The members of the Board shall elect a Chairman and a Secretary.

B. No member of the Board shall:

- (1) Hold any public office, elected or appointed, or be a public officer or employee. This provision is adopted so as to establish a Board of Ethics that is an unquestionably independent body, pursuant to and by the authority granted to the Village by the New York Constitution, Article IX, § 2(c) and § 1 O(1)(i) and (ii)(a)(1) of the Municipal Home Rule Law to adopt a Code provision not inconsistent with and stricter than § 808(3) of the General Municipal Law.
- (2) Hold office in any political party or be employed as a lobbyist.
- (3) Be a relative, as that term is defined in § 22-4 of this chapter, of a person holding any office or position described in Subsection B(1) or (2) above.
- (4) Be a party to any civil proceeding against the Village other than that arising out of a personal injury or property damage claim or from any lawful benefit, or have any business dealings with the Village, other than applications for building permits, certificates of occupancy, marriage licenses, or other similar ministerial matters.

C. Any vacancy occurring on the Board shall be filled within 60 days of its occurrence by the Village Board in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she succeeds.

D. Three members of the Board shall constitute a quorum, and the Board shall have power to act by a majority vote of the total number of members of the Board without vacancy.

E. The term of office for members of the Board shall be five years. Members of the Board may be removed by the Village Board for cause amounting to substantial neglect of duty, gross misconduct in office, inability to discharge

the powers or duties of the office or violation of this chapter, after a hearing on written notice and opportunity to respond.

- F. The members of the Board shall receive no compensation
- G. The Board shall be the repository for all financial disclosure statements required pursuant to the provisions of this chapter. The information set forth in the annual statement of financial disclosure filed pursuant to this chapter shall be available for public inspection except the categories of value or amount, which shall remain confidential. All other documents filed with the Board, except as otherwise provided in this chapter, shall be kept confidential and shall not be used for any purpose outside of the jurisdiction of the Board except pursuant to a lawfully issued subpoena by or on behalf of a law enforcement agency. The Board shall notify the Temporary State Commission on Local Government Ethics, if such Commission is in existence, and, if not, shall file a statement with the Village Clerk that it is the authorized repository for completed annual statements of financial disclosure and that, on account thereof, such completed statements will be filed with it and not with the Commission.
- H. The Board shall inspect all financial disclosure statements filed with the Board to ascertain whether any person subject to the reporting requirements of this chapter has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of § 811 or 812 of the General Municipal Law or of this chapter, as the case may be.
- I. The Board shall obtain from the Rockland County Board of Elections lists of all candidates for elected office. The Board shall determine from such lists those candidates who have not, after the required date for filing such statement, filed the statement required by this chapter.
- J. The Board shall meet at least annually in the month of June for purposes of organization and to review the status of all confidential memoranda required to be on file with it and to transact any other business as may properly come before it and shall report publicly to the Village Board not later than the 15th day of September annually on its current state of organization and on the currency of all reports required to be on file and for which notices of delinquency have been issued and on any other matters which may appear to be a just and proper exercise of its responsibility.
- K. The Board shall adopt, amend and rescind rules and regulations to govern procedures of the Board, which shall include but not be limited to the

procedure whereby a person who is required to file an annual financial disclosure statement with the Board may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship. Such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.

- L. The Board shall receive only sworn complaints alleging a violation of any of the provisions of this chapter. The source of the complaint shall be verified prior to the commencement of any investigation thereof.
- M. The Board shall permit any person required to file a statement of financial disclosure to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children, which item or items may be exempted by the Board upon a finding by a majority of the total number of members of the Board without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure, and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.
- N. Upon written request from any person who is subject to the jurisdiction of the Board, the Board shall render advisory opinions on the requirements of the provisions of this chapter. An opinion rendered by the Board, until and unless amended or revoked, shall be binding on the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such request and any such opinions shall be confidential.
- O. If a person required to file a financial disclosure statement with the Board has failed to file a disclosure statement or has filed a deficient statement, the Board shall notify the reporting person, in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of delinquency to the reporting person and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.

- P. If a reporting person has filed a statement which reveals a possible violation of the Code of Ethics of this chapter or the Board receives a sworn complaint alleging such a violation or if the Board determines on its own initiative to investigate a possible or alleged violation, the Board shall notify the reporting person, in writing, describe the possible or alleged violation of such Code of Ethics and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting person of its rules regarding the conduct of adjudicatory proceedings and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All the foregoing proceedings shall be confidential. If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send notice of reasonable cause to the reporting person, to the complainant, if any, and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.
- Q. The Board shall adopt rules governing the conduct of adjudicatory proceedings relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedure Act, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body pursuant to Article 78 of the Civil Practice Law and Rules.
- R. The Board shall conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.
- S. All decisions of the Board not otherwise required to be kept confidential shall be printed and made public within 30 days after their decision and shall be filed with the Village Clerk and shall be available for public inspection during regular business hours.

§ 22-8. Penalties for offenses; enforcement.

- A. Any person who shall violate any of the provisions of § 22-5 of this chapter shall be subject to a civil fine in an amount not to exceed \$10,000 for each violation. Assessment of a civil penalty hereunder shall be made by the Board.
- B. In addition, any person who shall violate any of the provisions of § 22-5 of this chapter shall be guilty of a Class A misdemeanor as that term is defined in the New York State Penal Law.
- C. An elected official, covered employee or candidate for elected office who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to § 22-6 of this chapter shall be assessed a civil penalty in an amount not to exceed \$10,000. The Board may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and, upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event that a category of value or amount reported hereunder is incorrect, unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the Board may impose disciplinary action as otherwise provided by law.
- D. In the event that a civil penalty assessed by the Board shall become final and shall not be reviewed pursuant to Article 78 of the Civil Practice Law and Rules or, if so reviewed such civil penalty shall be sustained or modified and, as so modified, sustained in part or, if after referral to the appropriate prosecutor by the Board the reporting person shall be convicted, the Board is hereby directed to review the facts and, if appropriate, to file appropriate disciplinary charges and to impose disciplinary action as provided by law.

§ 22-9. Duties of Village Clerk.

- A. The Village Clerk shall maintain as a record subject to public inspection:
 - (1) A copy of this chapter or any amendments hereto adopted, within 30 days after the adoption thereof.
 - (2) A statement that the Village of Suffern has established a Board of Ethics in accordance with this chapter and the composition of such Board, within 30 days after the establishment of such Board.
 - (3) A copy of the form of annual statement of financial disclosure and a statement of the date such annual statement form was promulgated by this chapter.

- B. The Village Clerk shall, in accord with § 22-6C herein, notify the candidates for local office of the requirement to file an annual financial disclosure statement and shall collect and forward the executed financial disclosure statements to the Board of Ethics.

§ 22-10. Removal from certain state provisions.

Notwithstanding anything to the contrary contained in this chapter, the Village of Suffern hereby elects to remove itself from the ambit of all of the provisions of § 812, other than Subdivision 3 of such section, of the General Municipal Law, in accordance with the provisions of Subdivision 3 of such section.

§ 22-11. Inducement of violations.

Any person who induces any elected official, covered employee or Village employee to take any action or refrain from taking any action, which is in violation of this chapter, shall be guilty of a Class A misdemeanor as that term is defined in the New York State Penal Law and shall be barred from doing business with the Village for a period of five years from the date of conviction.

§ 22-12. Claims against Village.

Nothing herein shall be deemed to bar the timely filing by a present or former elected official, covered employee or Village employee of any claim, demand, or suit against the Village, made individually or in a representative capacity, arising out of any personal injury or property damage or from any lawful benefit, or from receiving a municipal service or benefit that is generally available to the public.

§ 22-13. Recusal from voting or other discretionary act.

- A. Definitions. For purposes of this section, the following definitions shall apply to acts under this section:

CONTRACT — Any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including, but not limited to, an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law. "Contract" shall include, for the purposes of this section, an approval or denial of a rezoning, subdivision, variance or other discretionary

application and shall also include a determination made pursuant to § 8-0101 of the Environmental Conservation Law. "Contract" shall not include, for purposes of this section, a proposed collective bargaining agreement with the Village that may collaterally affect one or more of the persons set forth in § 22-13A(2)(a) herein when such person is classified as a nonexempt position person by said collective bargaining agreement.

INTEREST — A direct or indirect pecuniary or material benefit accruing to an elected official or covered employee as a result of a contract with the Village, which such elected official or covered employee serves. For the purposes of this section an elected official or covered employee shall be deemed to have an interest in the contract of:

- (1) A spouse, child, step child or dependent;
- (2) Business partners, or a business, association, partnership, corporation, or other entity of which the elected official or covered employee is an owner, partner, officer, director, or shareholder, as identified in the financial disclosure statement of said elected official or covered employee executed by him or her pursuant to § 22-6 herein; and
- (3) A person, business, association, partnership, corporation, or other entity who is represented in a professional capacity (such as attorney-client or real estate broker/customer) by the elected official or covered employee, as identified in the financial disclosure statement of said elected official or covered employee executed by him or her pursuant to § 22-6 herein.

- B. Prohibited actions. Whenever an elected official or covered employee is called upon to vote on, advise on, or otherwise take discretionary action before the Village in which the elected official or covered employee has an interest, the elected official or covered employee shall immediately declare the nature of the interest and shall refrain from taking any action or inaction that would affect the outcome of the matter. Such declaration shall be made a part of the public record concerning the matter.

ETHICS, CODE OF

22 Attachment 1

Appendix I

42-4/11/16

A. It is the determination of the Village Board of the Village of Suffern that the heads, other than elected officials, of any agency, department, division, council, board, commission or bureau of the Village and their deputies and assistants and the officers, employees and consultants on annual retainers of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions are as follows:

- (1) Confidential Assistant to the Mayor (if any).
- (2) Treasurer.
- (3) Deputy Treasurer.
- (4) Village Attorney.
- (5) Deputy Village Attorney(s).
- (6) Director of the Department of Public Works.
- (7) Village Clerk.
- (8) Deputy Village Clerk
- (9) Village Planner (consultant).
- (10) Building Inspector.
- (11) Deputy Building Inspector/s.
- (12) Chief of Police.
- (13) Police Lieutenants.
- (14) Village Engineer.
- (15) Coordinator of Parks and Recreation.
- (16) All members of the following Boards and Commissions:
 - (a) Board of Ethics.
 - (b) Planning Board.
 - (c) Zoning Board of Appeals.

- B. It is the determination of the Village Board of the Village of Suffern that the chairpersons of all political parties in the Village of Suffern shall be required to submit an annual financial disclosure affidavit to the Ethics Committee under the Code of Ethics.

- C. This instrument shall be filed with the Board of Ethics within 30 days of the effective date of the Ethics in Government Law of the Village of Suffern. Any Village Board resolution changing or amending this instrument must be filed with the Board of Ethics during either the month of January or February in order for said resolution to be effective for that calendar year. Where such resolution is filed with the Board of Ethics later than February, such resolution shall become effective the following calendar year.

- D. Any reporting individual who has filed a financial disclosure statement in the previous year may, in lieu of filing a new statement, submit an affidavit swearing that either there have been no changes from the previous year or, if changes have occurred in five or fewer items, then such changes shall be disclosed in the affidavit.

22 Attachment 2

Appendix II
Annual Statement of Financial Disclosure Form
Village of Suffern (for calendar year)

- (1) Name

- (2)
 - (a) Title of position

 - (b) Department, agency or other governmental entity

 - (c) Address of present office

 - (d) Office telephone number

- (3)
 - (a) Marital status _____ . If married, please give spouse's full name, including maiden name where applicable.

 - Spouses Name: _____(first)_____ (maiden)_____ (last)

 - (b) List names of all unemancipated children.

Answer each of the following questions completely, with respect to calendar year __ __ __ unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a value or amount is required to be reported herein, such value or amount shall be reported as being within one of the following categories (a reporting individual shall indicate the category by letter only):

- Category A: under \$5,000
- Category B: \$5,000 to under \$20,000
- Category C: \$20,000 to under \$60,000
- Category D: \$60,000 to under \$100,000
- Category E: \$100,000 to under \$250,000
- Category F: \$250,000 or over

Editor’s Note: According to this local law, the modifications to Sections J(a) and 14 through 19 of this disclosure statement were made to insure that all questions thereto are answered completely, pursuant to and by the authority granted to the Village by the New York Constitution, Article IX. – 2(c) and -10(l)(i) and (ii)(a)(l) of the Municipal Home Rule Law to adopt a code provision not inconsistent with -812(5) of the General Municipal Law.

For the purposes of this statement, anywhere the term “local agency” shall appear, such term shall mean a local agency as defined in -810 of the General Municipal Law.

- (4) List any office, trusteeship, directorship, partnership or position of any nature, including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual, spouse or unemancipated child with any firm, corporation, association, partnership or other organization other than the State of New York or Village of Suffern. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency or as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any state or local agency, list the names of any such agency.

Self, Spouse Or Child	Position	State or Organization	Relationship with Local Agency
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- (5) List the name, address and description of any occupation, employment, trade, business or professional engaged in by the reporting individual, spouse or unemancipated child. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any state or local agency, list the name of any such agency.

Self, Spouse Or Child	Position	Name/ Address of Organization	Description	State or Local Agency	Relationship with Local Agency
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- (6) List any interest in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child or a partnership of which any such person is a member or a corporation, 5% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency, and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract which has been performed and on which final payment has been made, except for guaranties or warranties where an ongoing dispute exists with regard to such guaranties or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding.

Self, Spouse Or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract
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- (7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee or as a political party district leader. The term "party" shall have the same meaning as "party" in the Election Law. The term "political organization" means any party or independent body as defined in the Election Law or any organization that is affiliated with or a subsidiary of a party or independent body.

- (8) (a) If the reporting individual practices law, is licensed by the Department of State as a real estate broker or agent or practices a profession licensed by the Department of Education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm, give a general description of principal subject areas of matters undertaken by such firm. Do not list the name of the individual clients, customers or patients.
- (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000, excluding investments in securities and interests in real property.
- (9) List each source of gifts, excluding campaign contributions, in excess of \$1,000 received by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative, and include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Self, Spouse Or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift
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- (10) Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's

official duties, such as speaking engagements, conferences or fact-finding events. The term "reimbursements" does not include gifts reported under Item 9.

Source

Description

- (11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the State of New York or the City of New York and deferred compensation plans established in accordance with the Internal Revenue Code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by or the estate of a relative.

Identity

Category of Value*

- (12) (a) Describe the terms of and the parties to any contract, promise or other agreement between the reporting individual and any person, firm or corporation with respect to the employment of such individual after leaving office or position, other than a leave of absence.

*The value of such interest shall be reported only if reasonably ascertainable.

- (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan or life or health insurance; buy-out agreements; severance payments; etc.)

- (13) List below the nature and amount of any income in excess of \$1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. "Nature of income" includes but is not limited to salary for government employment, income from other compensated employment, whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/Spouse	Source	Nature	Category of Amount
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- (14) List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a professional shall be listed in the aggregate, but shall not identify individual clients.

- None; or
- Detailed answer provided below:

Source	Category of Amount
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- (15) List each assignment of income or transfer of property for less than fair consideration, other than to a relative, by the reporting individual of any item in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

- None; or

- Detailed answer provided below:

	Assigned or Transferred to	Category of Value
Item Assigned		

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity, exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit, in which event such securities shall be listed unless they are not ascertainable by the reporting individual. Securities in which the reporting individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than 1% of the stock of a corporation in which the stock is publicly traded or more than 5% of the stock of a corporation in which the stock is not publicly traded. Also list securities owned by a corporation more than 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interest and such other evidences of indebtedness and certificates of interest as are usually referred to as "securities." The market value for such securities shall be reported only if reasonably ascertainable.

- None; or
- Detailed answer provided below:

Self/Spouse	Issuing Entity	Type of Security	Category of Market Value (as of the close Of the taxable year Last occurring prior to the filing of this statement)	Percentage of Corporate Stock Owned or Controlled

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent

interest in excess of \$1,000 is held by the reporting individual or the reporting individual's spouse, together with the names of all individuals or entities who share a direct or indirect interest therein if known to the reporting individual. Also list real property owned for investment purposes by a corporation, more than 50% of the stock of which is owned or controlled by the reporting individual or such individual's spouse.

- None; or
- Detailed answer provided below:

Self/Spouse/ Other Party With Interest	Location	Size	General Nature	Category of Acquisition Date	Percentage Market Value of Ownership
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(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing in excess of \$1,000, including the name of the debtor, type of obligation, date, due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 hereinabove. If any obligation to the reporting person is guaranteed by a third person, list the obligation and the name of such person. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

- None; or
- Detailed answer provided below:

Name of Debtor Or Guarantor	Type of Obligation Date Due and Nature of Collateral (if any)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(19) List below all liabilities of the reporting individual and such individual's spouse in excess of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by or guaranties made by the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure

payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of \$5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any liability has been guaranteed by any third person, list the liability and name the guarantor.

- None; or
- Detailed answer provided below:

Name of Creditor Or Guarantor	Type of Liability and of Collateral (if any)	Category of Amount
_____	_____	
_____	_____	
_____	_____	
_____	_____	

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)

Date (month/day/year)

Sworn to before me this
____ day of _____, 20____.

Notary Public

A motion to adopt the local law of the Code of Ethics was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

PUBLIC HEARING - VALET PARKING - DANINA AND MARCELLO'S - LAFAYETTE AVENUE:

The Mayor said it is now 9:21 p.m. A motion to open the public

hearing was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor asked if there was anyone here that would like to speak on Danina's or Marcello's parking on Lafayette Avenue.

Bernard Listwan, 153 Doxbury Lane, Suffern, said he didn't understand it. He said he goes to these restaurants and in town you have very little going here. You have ratables. This past segment here was a very good ratable. It may have to be something that is worked out but it is a great ratable which means taxes go down. He said he doesn't understand why the other restaurants are against these two restaurants. He said he really doesn't. They hire people to park cars - a valet service. Why don't the others do that. Unless he misunderstands what is going on with this he really has no idea but he is upset. He is really upset. So he would like to know what this is really all about. Why are they being pointed at. Why are they targeted? Why is Danina's and Marcello's being targeted? The Mayor said so you believe that Danina's and Marcello's are being targeted? The gentleman said isn't that what you just mentioned? The Mayor said they are applying for a valet parking permit to allow them to valet park their cars. The gentleman said he thought this was something else. He said maybe he misunderstood the whole situation. The Mayor said no, it is an annual permit that is renewed annually for the restaurants to provide that service for their customers to use our parking lots in the Village. Instead of placing all of the cars on the street they bring them to the lot. The gentleman asked but why do they have to do that? The Mayor said that is their option. Attorney Kraushaar said there is a local law that has been on the books for a long time - the gentleman said Danina's has a parking lot. And you have the spot on the street. Are you saying that you are denying them to park the cars on the street - that they have to go in the parking lot. The Mayor asked Chief Osborn if he would like to elaborate. The gentleman said he has no idea. When he heard about this he was upset. Chief Osborn said they come to the Village Board and his only part of this is whether it is okay for them to do this. And most of these places are fine. They cannot park them in the street. He said he doesn't think anybody is giving them a hard time. It is a local law. If somebody wants to go there and park in the street it is okay. But the valet service has to park them in the lot. And this is just giving permission. The gentleman said that is correct and he never had a problem with that. But he never heard of it.

A motion to close the public hearing was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor said what we are going to do here with the application for Marcello's and Danina's for valet parking throughout the Village is that we are going to extend the period, the timeframe, that the applicant's would like to submit their application up until June 1 and at that time it will coincide with the new budget year and at that time we will amend the local law to reflect that the permits be issued June 1 through May 31. The motion was made by Trustee Hagen, seconded by Trustee Morris. Upon vote, the motion was carried.

Attorney Kraushaar said we received a letter from bond counsel today so this is not on the agenda. It was kind of late today. It sort of relates to what Mr. Curley was speaking about with regard to why the increase in the sewer system cost. This has to do with a bond resolution that the Board is being asked to approve. And when he says asked it is mandated by DEC that we make certain improvements to our sewer system and in order to fund this we have to bond this. So he will read it verbatim.

Bond Resolution of the Village of Suffern, New York

Adopted April 11, 2016 authorizing the construction of various sewer system improvements stating the estimated maximum cost thereof is \$700,000 appropriating said amount for such purpose and authorizing the issuance of bonds in the principal amount of \$700,000 to finance said appropriation.

A motion to adopt the foregoing Bond Resolution was made by Trustee Morris, seconded by Trustee Russo.

Treasurer Genito said in very simple terms we are under a DEC Consent Order to make repairs to the sewer plant and the sewer system and the Village recently went out to bid or went out to bid over the past year for these repairs and improvements. We see that we are going to have to borrow up to \$700,000 to make the necessary repairs. What was just read to you was the bond resolution that would authorize the Village to go forth and borrow the money.

The Mayor said if Mr. Sawicki would like to elaborate on the repairs of the Phase I and II so we are clear on the borrowing

of the \$700,000 and what we are going to use the funds for.

Mr. Sawicki said as the Mayor just described it is the Phase I and Phase II of the overall project consent order from the DEC. Phase I consists of actually two separate contracts - one would be the replacement of the sanitary sewer on James Street, about 910 linear feet. The other project is gas in place liner which would actually strengthen or be able to use - you would not have to replace the sanitary sewer. You would extend the life of the storage system by utilizing this liner and that project is approximately 4100 linear feet in various locations throughout the Village. The Mayor said and just to be clear one of the projects was postponed from last year and brought forward to this year. Mr. Sawicki said actually both of them were. The Mayor said both of them were and one was funded - the price was held from last year to this year and then we just rebid the second portion of the project. Mr. Sawicki said that is correct.

AYES: Mayor Edward Markunas
Trustee Robert Morris, Trustee Frank Hagen
Trustee Moira Hertzman, Trustee Joseph Russo

NOES: None

ABSENT: None

FIRE DEPARTMENT:

Assistant Chief Michael Lepori said John couldn't be here tonight. As an update, they had their department elections last week and all the officers are staying the same for another year. The Mayor said congratulations. Mr. Lepori said thank you very much. He said they just need the three items voted on.

A) Resolution to Approve LOSAP (Service Award Program):

The Mayor said he has a Resolution here.

VILLAGE OF SUFFERN

RESOLUTION NO. 22, 2016

A RESOLUTION APPROVING THE SUFFERN FIRE DEPARTMENT
SERVICE AWARD PROGRAM PRELIMINARY REPORT FOR 2015

55-4/11/16

WHEREAS, Daniel McInerney, the Suffern Fire Department's LOSAP Administrator, prepared a preliminary report detailing the service award points earned by the members of the Suffern Fire Department for the year 2015; and

WHEREAS, the Board of Trustees of the Village of Suffern have reviewed Mr. McInerney's February 26, 2016 memo along with the attached list of service member award hours.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Suffern does hereby approve the 2015 Suffern Fire Department 2015 Service Award Program preliminary report presented to it by Mr. McInerney.

A motion to approve the foregoing Resolution was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

B) Accept New Members to Hose Company:

Mayor Markunas said that would be Michael Dorsey and Robert Rojas. A motion to accept was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

C) Approve April 17, 2016 Car Wash:

The Mayor said the next item is seeking approval of a car wash on April 17. Chief Lepori said yes. The car wash will be held at the Hook and Ladder. It is for the Rockland County Fire Explorer program which is 14 and 15 year olds. They try to get them involved in the fire department and this is their fund raiser.

A motion was made by Trustee Hagen, seconded by Trustee Russo. Upon vote, the motion was carried.

CULTURE AND RECREATION:

Mrs. Cathy Mills said it has been very busy around Recreation in the Village lately. It was a thrill to have the film group at the Community Center the other day. Suffern was looking great and it was a good couple of days. She said a couple of things they have coming up. The upcoming nutrition workshop is the first Tuesday of every month in the community room at 10:30 a.m.

Suffern Little League parade and opening day has been moved. It was intended to be last Saturday, the 9th, but it will be this coming Saturday, April 16th, at 9:30 a.m., weather permitting. Clifford Theater auditions began yesterday here in the auditorium and they will continue Tuesday, which is tomorrow April 12 and Wednesday, April 13. She said she has it at 6 o'clock but it is actually 6:30 p.m. tomorrow and Wednesday. They have upcoming arts and crafts on Wednesday, April 13 and April 27 at 11 o'clock in the community room. This is open to everyone. They have a knitting session right now so if anyone is interested in coming out to knit it is upstairs in the community room. All are welcome.

Mrs. Mills said they have LEAD on Friday, April 15. That is at 8 p.m. to 11 p.m. at the community center. The Suffern Street Fair is coming up on Sunday, April 17 and that is 10 to 5 on Lafayette Avenue. On Sunday, April 17, JCC will be showing a film festival here at the Lafayette Theater. They will be having a reception first in the community center and that will be over at the community center. Upcoming primary elections - Leo Lydon and the community center will be used as locations for that. That is upcoming on Tuesday, April 19. So there will be polling at both those locations so there will not be any activities at Leo Lydon or the community center on those days. She said they are looking forward to the pool already so they have interviews for lifeguards coming up on April 19 and April 21. If anyone is interested in life guarding please contact Recreation. And they look forward to people coming back and new lifeguards for the season. They are also in need of two maintenance positions for the pool for the summer and that is the morning hours before the pool opens to clean the pool and get it ready. So they are getting ready for that right now. The next Recreation board meeting is this Thursday, April 14 at 7 p.m. in the community room. The nutrition workshop in the evening - this is something that they worked with Trustee Hertzman - Nancy Christopher upstairs in Recreation will be doing a nutrition workshop in the evenings for all to attend and that first one will be April 27 at 7 p.m. in the community room. So they look forward to starting that series for the public. Movie day over at the community center will be on April 28 at 12:30 at the community center and upcoming at the very end of this month they have Arbor Day and Keep Rockland Beautiful and they have chosen the dates here for Suffern to be Saturday, April 30 between 9 and 12. Arbor Day planting of the tree - they are still working out the actual planting of the tree but they are going to be doing

Keep Rockland Beautiful for sure on April 30. So if anybody is interested if they can sign up on KeepRocklandBeautiful.org. And then they organize locations. So that is always a great day for the Village. A lot of groups come out - Boy Scouts, Girl Scouts. A lot of residents come out to clean up so they look forward to hosting that event this year.

Trustee Hertzman asked with the clean up portion - has there been defined locations set yet? Mrs. Mills said we typically use the same locations as we previously used unless another location or another area has been identified. But what they have used in the past is Memorial Drive in the pool area over there, Yorkshire Drive in the DARE Hockey Rink around there. The ballfields and that always depends if there are any games going on because there is too much confusion with the cars. They have done the Village itself and they have done down by the tracks off of Orange Avenue. So there is a lot of locations and if anyone has any ideas where you would like us to do a cleanup they are more than - it is between Charles and herself and Joe and everybody. They pick the locations so that they can make the best effort the day of the cleanup. So if you know of a location that you like they are more than open to do that.

Mrs. Mills said there are a few things she needs to discuss tonight. As was discussed at the workshop, the Clifford Theater contract they need to put in an additional \$255 and that was for an omission of the dollar fee for the performance date. So they have a new contract and Dan has looked at it and she believes there is a resolution. The Mayor said yes, we have it. Mrs. Mills said and then the pool registration permit - every year to apply to the Rockland County Department of Health they need to fill out a pool permit and the fee for that is \$490 and they need that signed and then they will be able to do a check so they can get the pool permit fee in process. The Mayor said great. He said on that note we have a Resolution offered here.

VILLAGE OF SUFFERN

RESOLUTION NO. 23, 2016

A RESOLUTION AMENDING RESOLUTION NO. 13, 2016
CERTAIN RECREATION CONTRACTS FOR THE YEAR 2016
AND THE EXPENDITURES THEREFORE

58-4/11/16

WHEREAS, Resolution No. 13, 2016 was adopted at the March 7, 2016 Village Board meeting; and

WHEREAS, the cost for each performance of Jekyll & Hyde by Clifford Theater was omitted from the original Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Suffern, that the cost of each performance of Jekyll & Hyde be as follows:

Jekyll & Hyde July 29, 2016	1 Performance @ \$85
July 30, 2016	2 Performances @ \$85 each

For a total of an additional expense of \$255 and to be appropriated from the Recreation budget line of the 2015/2016 budget.

The foregoing Resolution was moved by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

A motion to authorize the expenditure of the pool registration fee that is due by May 2, 2016 and also to authorize Cathy Mills, Recreation Coordinator, to sign on behalf of the Village of Suffern was made by Trustee Russo, seconded by Trustee Hagen. Upon vote, the motion was carried.

The Mayor said he would also at this time take the opportunity to thank the Recreation Department - Elaine and Cathy and all involved with the filming on Friday that went very well. Also with the DPW crew that was available and the police department - it made it a real huge success. He thanked them for their dedicated work on the movie.

GRANT WRITER:

Mr. Fred Rella said he worked with the office of Assemblywoman Ellen Jaffee earlier this month and put in for a total of \$125,000 in items. Those were for a number of items for varying departments here in the Village. For the police department they put in for a patrol vehicle - a Ford Interceptor SUV. The Mayor asked if we got it. Mr. Rella said hopefully. It is not in the budget. Also for the DARE program and they also put in for the very first time for the Suffern Museum and the Railroad Museum, which is down Lafayette Avenue. The Railroad Museum apparently

just had a gravel walkway that you have to walk across. If anyone is handicapped they would have a very hard time - or the elderly - so they are looking to put in a concrete walkway and a brand new entranceway there. So hopefully they will get some funds there. For the Suffern Fire Department he put in for an all-terrain vehicle which is basically called a quad vehicle which would be used in areas like when it gets flooded down in Squires Gate or in wooded areas or very muddy areas. For the DPW and the Rec Department a combination - a number of tables and waste baskets throughout the Village. This would include everything like where the DARE Hockey Rink is to the athletic fields down off Chestnut Street to main street to replace the current trash receptacles that are there. Also for four computers for the Recreation Department. They are in dire need of a new computer system which will be utilized for the pool area up to their office upstairs. And finally for the Clifford Theater - this is something that is near and dear to their hearts and once again they put in for \$5000 for that program. And they should know something probably within the next couple of months. The Mayor said okay. He thanked Mr. Rella.

Mr. Rella said another item is that he brought over some paperwork to the Mayor a couple of weeks ago about a Department of Defense Program called the 1033 program in which we can get excess equipment and supplies which they no longer want. Our only obligation is that we sign a Memorandum of Understanding and that we actually go and pick up the equipment. And this ranges in everything from humvees to tents, office furniture, computers, storage containers, non-tactical vehicles, trailers, water tankers, atv's and golf carts, large generators, gear, winter clothing and equipment, weapons and aircraft. The Mayor asked what is the deadline on that. Is there a deadline? Mr. Rella said there is no deadline. It is an open program but it does have the Memorandum of Understanding and then the overall program guidelines and he will send it to the whole Board to look at.

Mr. Rella said just one final thing. Someone mentioned about the downtown lighting earlier and those low lights that we received we got back in 2008 and that had to do with an Obama program that we were able to capture. He was able to do that with the Office of Community Development and there was a need downtown. Particularly it was going to be a phased concept where they were going to put the low level lighting throughout the whole downtown district because they felt it wasn't illuminated enough

in the nighttime. So opposed to putting in extra large lamps they thought they would put in these low level ones in phase I. But the thing is they get broken all the time and they decided not to do more. The Mayor said he thinks we had a rash of vandalism on them also and we got tied up also in court and then we had to purchase the parts and he believes that they are going to be repaired.

POLICE DEPARTMENT:

Chief Clarke Osborn said they participated in the 1033 program and they actually got an old DARE truck that is used by the DPW and that is where we got that from. And they actually got a box truck for tactical years ago so it is a very good program. Also night vision programs. And he is glad and he thanks Mr. Rella for working on that. Chief Osborn said they had to go down at that time to New Jersey to one of the military bases and he doesn't know where it is now.

The Chief said they have one thing to vote on - the appointment of a Parking Enforcement officer he believes it is called under Civil Service and it will be a part-time job. It will be a parking aide for the parking authority. Right now they have one parking authority officer working in the morning and this would be for the afternoon hours, part-time, 20 hours a week and the salary would be \$10.58 per hour and he is asking the Board to appoint John Natale as this aide who will start as soon as we get clearance from Personnel - which should be any day. And he will start with Mike the first couple of weeks in the morning to show him how to do the job and then he will be on his own after that.

The Mayor asked for a motion to appoint John Natale as a Parking Enforcement officer pending clearance from the Rockland County Department of Personnel with a starting salary of \$10.58 per hour in a part-time capacity. The motion was made by Trustee Russo, seconded by Trustee Morris. Upon vote, the motion was carried.

Chief Osborn said he is asking that next month, if they wouldn't mind, next month on May 10 National Police Week starts. He said he believes our Board meeting is May 9 and he hopes the Board wouldn't mind, and he spoke to the Mayor today about it, if we could possibly bring officers in. He believes we have at least 7 officers that received awards from the Rockland County PBA in

December for this past year for some lifesaving and some other things we had. They had a very busy year with serious calls. So he would like to see, if the Board wouldn't mind, if he brings them in and he will get plaques of appreciation for each officer and we can present it to them that night. The Mayor said absolutely we can do that. That will be on Monday, May 9. The Chief thanked the Mayor and Board.

BUILDING DEPARTMENT:

The Mayor said for the Building Department we are going to set a public hearing for a change to Section 266-15(g) of the Village Code regarding Use of Yards. He said they are going to set a public hearing for May 9, 2016 at 7:35 p.m. The motion was made by Trustee Russo, seconded by Trustee Hagen. Upon vote, the motion was carried.

DEPARTMENT OF PUBLIC WORKS:

Mr. Charles Sawicki said he would like to request the Board to set a public hearing for the Annual NYS DEC MS4 report on May 9. A motion to set a public hearing for the Annual NYS DEC MS4 report on Monday, May 9 at 7:45 p.m. was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

Mr. Sawicki said he would like to provide the Board with an update. He said today, as many of you know, that Orange Avenue Sidewalk and Curb Grant Project was started today and the anticipated completion schedule is April 29. And the extent of the work is from Washington Avenue down to Oliver Street.

Mr. Sawicki said he understands that the Village Attorney has resolutions on the other items - the training, the court work, the water bid.

The Mayor read the following resolution:

RESOLUTION NO. 24, 2016

A RESOLUTION AUTHORIZING WILLIAM BARISH
TO ATTEND CSEA TRAINING ON
OCCUPATIONAL SAFETY AND HEALTH

62-4/11/16

WHEREAS, the Village Board adopted Resolution No. 27, 2015 authorizing attendance at Municipal Conferences at its re-organization meeting on December 7, 2015 with prior approval by the Board of Trustees, and;

WHEREAS, Mr. William Barish wishes to attend the CSEA Training on Occupational Safety and Health course April 15, 2016 in Lake Placid, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Suffern hereby authorizes William Barish to attend the CSEA Training on Occupational Safety and Health course in Lake Placid, NY, at his sole cost and expense. Notwithstanding same, Mr. Barish will be entitled to his full Village salary while in attendance at the conference.

A motion approving the foregoing resolution was made by Trustee Russo, seconded by Trustee Hagen. Upon vote, the motion was carried.

RESOLUTION NO. 25, 2016

A RESOLUTION AUTHORIZING CHARLES SAWICKI TO ATTEND
AND BE REIMBURSED FOR ATTENDING THE
NEW YORK STATE FLOODPLAIN AND STORMWATER
MANAGERS TRAINING

WHEREAS, the Village Board adopted Resolution No. 27, 2015 authorizing attendance at Municipal Conferences at its re-organization meeting on December 7, 2015 with prior approval by the Board of Trustees, and;

WHEREAS, Charles Sawicki wishes to attend the New York State Floodplain and Stormwater Managers Training in Saratoga Springs, New York on May 16 through May 18, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Suffern hereby authorizes Charles Sawicki to attend the New York State Floodplain and Stormwater Managers Training in Saratoga Springs, New York on May 16 through May 18 at a cost of \$290 plus two nights lodging and meals (\$120 per night for hotel, Government Per Diem). This training will

satisfy the remaining Continuing Education credits required for a Certified Floodplain Manager.

A motion approving the foregoing resolution was made by Trustee Morris, seconded by Trustee Hertzman. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

RESOLUTION NO. 26, 2016

RESOLVED, authorization to reject all bids submitted for Water Department chemicals, Bid Alternate No. 1 Liquid Sodium Hypochlorite Solution and authorization to re-bid Liquid Sodium Hypochloride Solution with a bid due date of April 25, 2016 at 3:00 p.m.

A motion approving the foregoing resolution was made by Trustee Morris, seconded by Trustee Russo. Attorney Kraushaar said not only to reject the bids but also to authorize going out for rebid. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

RESOLUTION NO. 27, 2016

RESOLVED, authorization to accept the lowest bid from George S. Coyne Co. for zinc orthophosphate utilized by the Water Department at a cost of \$9.40 per gallon and to authorize the Mayor to execute the required contract with an expiration date of May 31, 2017.

A motion approving the foregoing resolution was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

VILLAGE OF SUFFERN

RESOLUTION NO. 28, 2016

RESOLVED, to accept \$5,650 for a Walk Through Metal Detector from the 2015-2016 Justice Court Assistance Program and

authorization to purchase a PD6500i Walk Through Detector manufactured by Security Detection supplied by Promark International, Copiague, NY.

The quote is from the NYS Bid List, Contract No. 38232/22872/PC66807 at a cost of \$4,548.44. Authorization is also requested for an electrical contractor with an estimated cost of under \$1,100. The above items will be charged to account A.1110.4400.0118.

A motion approving the foregoing resolution was made by Trustee Morris, seconded by Trustee Russo. Attorney Kraushaar said he just wants to make clear that the electrical work will have to comply with the Village's procurement policy. Upon vote, the motion was carried.

AUDIENCE PARTICIPATION:

Patsy Wooters of 19 Mansfield Place said she was standing before the Board in her capacity as the co-chair of the Conservation Committee of the Water Task Force. She said she has been asked to go around to various villages in the area and suggest to you that you become partners with the EPA water sense program. She said she believes that Harriet Cornell who is the chair of the Water Task Force has already written to the Village and Ms. Wooters said she had some materials to offer the Board - background information. The Mayor thanked her.

Ms. Wooters said the EPA has been running the water sense program since 2006. What they do is that they review appliances and recommend any that achieve a 20% reduction in water use. She said she is talking about toilets, faucets, shower heads, urinals, irrigation systems. And they are looking for savings in water which leads to savings in energy which leads to savings in money. She said that she knows as a Suffern resident that she is fully aware that we have our own water system and actually we get first dibs on the water in the Ramapo River so we are laughing. We have plenty of water for the foreseeable future and nothing to worry about. However, we in Suffern also pay taxes to the Town and the County and the County is a customer and the Town is a customer of Suez. And Suez has proposed a desalination plant. It was fought. People pushed back. And as a result of that push-back the Water Task Force was formed. And it is supposed to be a collaboration between Suez and County residents. Suez has backed out because they didn't like the

report that came out about them. But there still is collaboration going on. The idea being in order for Rockland County to continue to have sufficient water for development for fire prevention and so forth that there needs to be - that water needs to be used efficiently and so that is basically what this is for. The process would require a resolution and she gave a copy of the County's resolution to the Village Attorney as a model, if he cares to use it, and then there is an application process that the Village would do online. It is free and it is basically a PR - it is basically public relations to push the idea of water conservation. But this is going to be an uphill battle for them because as you look out the window we see that we live in a green world and lots of times we have too much water and it seems counter-intuitive that we actually need to be careful about the water that we use. But in terms of wear and tear on plants and the energy cost and the cost of water rates - these are all things that if we use water-sense appliances we will be saving ourselves bucks - both as the Village and as taxpayers. So she encourages the Village to discuss it, talk it over, and she hopes that we become a water-sense partner. And if you do, please let her know. The Mayor said great, thank you. She said she did want to say that the Village of Pomona let her speak first. The Mayor said sorry about that. Ms. Wooters thanked him for giving her the chance to speak.

Al D'Ambrosio of 4 Cross Street said it is that time of the evening when most of the people have gone home to give the compliments to the respective parties involved that have made our town a little better. One, all the people on the dais have done an excellent job here enlightening us and trying to help us. Our police department has done an excellent job. He has noticed very few cars on his block - almost none - and that is very encouraging. And the people who are cleaning the pipes and are doing the pipes and changing are doing excellent also. He said he agrees with the young lady and he hopes that some of her suggestions just now that they don't become mandatory but they are something for us to think about. He said he wouldn't want Big Brother to tell us we must, must, must and this and that about water although it is enlightening and then we may benefit from more presentations of this sort from the young lady. But again he wants to reaffirm because you had a gentleman from the police department a little earlier who was discussing the accomplishments and the things and etc. and he said of course we had that PILOT program or something dealing with the low lights and he was suggesting that they were going to replace them - the

broken street lamps - the short ones. His point earlier in saying something where he doesn't want to be too redundant was that since there were approximately 19 of them that were on the street and he guesses 8 and then 5 - something like that - he might be off by one - were not working - he was suggesting that it be thought about if the costs were expensive on the repairs of these again, and again, and again on the short ones that they might revert back to the tall ones because you have half of them at least that are tall and they are not broken in any way. They are functional. It might be much more sensible to put the part that is missing right back on top again - he said we might have it in storage for all he knows - and we won't have any more need for repair and therefore a tremendous savings. So that should be looked into rather than just repairing something that might be a continuously repetitive thing of always repairing because of either trucks or cars or people who are manhandling this type of lighting and destroying it and costing us very good money. And he just wanted to reaffirm that thought that it shouldn't be lost in the affirmation while we repair it. He would say maybe. Let's talk about it. Not now.

Roy Tschudy of 16 Lonergan Drive said he would first like to say thank you to the Mayor and the Board, he would like to say thank you to Joe Hunt and the DPW workers who are doing such a nice job down at Donna Hallet Park sprucing up the area. They planted some nice bushes and they are fixing up the basketball court. This way the kids will have somewhere to play other than in the street. So it will be a little bit safer for the kids to play. They will have somewhere to play. They have been chomping at the bit. They ask him everyday when he is walking his pups around the block - when is it going in. So hopefully the backboards for that will be going in soon and they can resurface the court but they are all excited about that. The Mayor said we are making headway down there. Mr. Tschudy said yep, he appreciates that very much. Mr. Tschudy said he would also like to ask if either the Village or the homeowners on Interstate Street clean up the debris that they have been dumping in back of their homes - in the back of Donna Hallet Park. It is not only unsightly - it is not eco-friendly. If you go back there and look they have cut trees down and they have just dumped them. They haven't moved them out. They have taken their old driveways and broken it up and thrown it in the back. There are old decks that they have broken up throwing it down there. Those slopes going into the Mahwah River is approximately a 40 degree angle and a 40 degree angle with that is going to lead all that debris to eventually

find its way down into the Mahwah River blocking it up. Again it is unsightly. It shouldn't be. And whether the Village cleans it or the homeowners who are responsible for it - they should be removing that. It doesn't belong there and if everybody else has to abide by that those folks should also.

Mr. Tschudy said regarding the bakery park, as he calls it, on Temple Lane he hopes there is some kind of update on bakery park. If you go down there now and look at the woodchips or the cedar chips as they have it, he doesn't think you would even find hamsters that would want to play in there. It is a mess. And you have little toddlers playing in there. He said he would like to see that updated and maybe an item or two added to bakery park so they would have something more to play with except for just a few swings. It is lacking in equipment. The County has just proceeded and gone through a bidding process and they are looking to purchase the river barriers - the portable river barriers. So once they are purchased they are going to be stored at the fire training center which any municipality in the County is going to be available for use of. So he would ask that the Village has somebody designated that in the case of flooding or pre-flooding that we have somebody who can get there so that our Village can have it to protect the homes or businesses in this area. Because since the County owns it any municipality is open to receiving it so hopefully we can get there first.

The Mayor said once that purchase is made that is what our plan is - to get somebody out there to get them trained. As you know we were denied the funding for the river barriers in the past - Mr. Tschudy said he is well-aware of that. The Mayor said right but we will have someone trained and ready to respond when we do. When the County does make the purchase. Mr. Tschudy said like he said - the bidding just went out. So that should be happening shortly. He said he would also ask that the Village have somebody perform an exploratory search as to where the barriers would be implemented. What good would it be if you just get the barriers and then say where do we put it now. There are numerous areas and you would have to do a successful search as to where we would implement it so it doesn't flood out any other homes or businesses. It has to be in an area that would be safe for all concerned and you certainly don't want to be in the position of saving some homes and flooding out somebody else. It would serve no purpose and of course then the Village could probably be on the end of receiving a suit. So he asks that we be ahead of the curve on that.

Mr. Tschudy said something totally unrelated to this. Again, he is a member of the Vietnam Veterans and due to HIPA laws it prevents them from reaching out to find veterans who are in need of hand cycles or any other kind of physical equipment that would help them in their recreation or rehabilitation. So they have been successful in doing it but again through HIPA laws they have to circumvent that by going through back doors, so to speak. So he would ask again if the Village - anybody in the public that knows of any veteran that would like some help that they would be glad - more than happy - it is their moral obligation - that they would gladly buy these hand cycles for them or any other thing such as a kayak if they would want to go out on the lakes and enjoy the lakes. Anything that basically the VA does not provide for these individuals, these men and women - they would be more than happy to look at them and see what they can do to help them and purchase it for them and help make their lives a little bit better. So if anybody on the Board or anybody here or anybody who sees this on tape knows of anybody please contact the Mayor and the Mayor will contact him and we will get this through. If they can help one other person - one other veteran in need then it is worth it. He thanked the Board. The Mayor thanked him and said that Roy is a huge advocate for veterans here and the County through the VVA - the Vietnam Veterans Association and he does an outstanding job in supporting our veterans who come home disabled so really keep it in mind if you know anyone or would like to contribute or donate any funds to the VVA - the Vietnam Veterans of America, Chapter 333, Rockland County.

Michael Curley of 84 Orange Avenue said at the last meeting it was said by the attorney that you were going to tweak the ethics law. He was wondering if we voted on the tweaked version or the first version. The Mayor said that would be the first version. Mr. Curley said so it was not tweaked. The Mayor said no. Mr. Curley said then he would be remiss if he did not say he feels this Board has gone backward in the world of open government and transparency. Both individually and as a Board totally.

He said his next issue is back when he talked about the sewer rates and he talked about maybe someone missing a movie - it was a lot more than someone missing a movie. He said he thinks people could see more into it. It is about Village residents who have already sacrificed a lot one time last year and now again this year extremely. Some people may not need that movie but

young married couples might need it. The biggest reason for divorce is money. It might just be that movie - but it is a lot. And it might be for the senior citizen - it might be their medicine. It might be that co-pay for that medicine. So they choose not to get that medicine. So it wasn't just about a movie - missing a movie. It was about a family unit. It was about people together. It was much, much more than that. He is talking about the cumulative effect of everything - all the taxes together. And he chose that one because that one was percentage wise - even though it might not be the most amount of money and he recognizes that. But that is what he was thinking about. He was thinking about that family. He was thinking about that young married couple that he said, hey, let's try to keep them here. Let's not get them divorced. And he is not just saying that. He is not saying that you are causing that divorce. It is everything together. It is a cumulative affect. So you don't have to say oh, I pulled it off in one year. It doesn't have to be. Because people are hurting now. Many people in that age group - 40, 50 - they are losing their jobs to different people in a different way. So maybe you will have enough up there. But maybe you don't. There are a lot of people who don't. So that is what he was thinking. If there was a way that you can take your pencil and do it and make it a little longer term. He said he looked at a lot of budgets for a lot of years. He stood up here for a lot of years and he can tell them that we are going to be in much better shape next year and the year after. He is just saying if you can pull back a little bit - the reigns a little bit - and let them go - and he will say it openly - let them go to that movie. He thanked them.

Paul Gerard of 2 Cross Street asked if there is any update on Novartis property or should we count on you guys to call a hearing when there is appropriate information for that. The Mayor said the Novartis property, unfortunately, has been very confidential between the buyers and the broker - between the seller and the broker and the potential buyer. But as of today he has no definitive information other than what everybody else is hearing - all these different rumors. So at that point he was told no. He said he was told that they entered into a contract and that's about it. Mr. Gerard said so what say does the Village have on how that property could be used. The Mayor said it could be used in accordance with the zoning that is currently in place. Mr. Gerard said okay. And who are the buyers and who is the broker? The Mayor said the seller is Novartis and the broker is Cushman Wakefield. We don't know who the buyer is, if

there is a buyer for sure. Mr. Gerard said outside of them asking for some variance on the zoning - the Mayor said they have not approached the Village at all with any variances, with any relief, with nothing. Mr. Gerard said that is really the only thing they would come and approach us for otherwise if there is a transaction made - the Mayor said it is a private transaction they could make the purchase and keep it confidential. Mr. Gerard said okay.

Mr. Gerard asked Trustee Morris if there was any progress in finding a college or university to look at the City of Suffern study. Trustee Morris said yes, West Point has agreed to take on the project. They looked at problems like this for their cadets and he is waiting for an e-mail back from them. But we have a tentative date to meet with them on April 15. Mr. Gerard said so this week. Trustee Morris said yes. Mr. Gerard said okay, thank you.

Mr. Gerard asked how much did we get for the movie shoot last week? The Mayor said approximately \$6,990 and additional \$1,000 that we didn't receive yet and that will be going hopefully towards recreation. Mr. Gerard said as far as taxes in general - last year a 16% increase. This year the Town of Ramapo another 16% increase. This year the sewer fund 14% increase. We need to be doing a better job here. The people in this room have the ability to influence what is going on in the Town of Ramapo by getting us out from under them. There is a lot of folks that sleep on this Board and he thinks you know who you are and we need to be working a little harder. These double-digit increases are outrageous and they are avoidable. And finally - who is responsible for putting the Board meetings on You Tube because the last two are not up yet. These meetings have been marathon. And he wasn't able to stay for the whole thing for the last one and he wanted to get updated but the last one he sees on there is the January meeting. February and March - are they getting on there? The Mayor said we have been having a problem with the equipment and uploading it. There is an issue with it and we are working through it. He asked are they on the Village website themselves? Mr. Gerard said the videos are on the Village website? The Mayor said he believes so - yes. Mr. Gerard said okay.

Al D'Ambrosio of 4 Cross Street said the truth here - you gentlemen - ladies - representatives of us. You have only been here under a year - something to that effect - and he thinks it

takes a helluva lot more than a year to resolve problems that have been inherited by you all for the past couple of years. That is the real problem. You can't cure something that quick. With whether it is Ramapo - we are the Village of Suffern - and he wishes them good fortune in resolving our problems and he will just say he believes, all of you, are doing pretty good for short notice. So keep up the good work. The Mayor thanked him.

VILLAGE CLERK:

Village Clerk Virginia Menschner had nothing to report.

FINANCE DEPARTMENT:

A) Resolution - Amend 2015-2016 Budget - Receipt of \$7,725:

Treasurer Michael Genito said the first thing that they have is an amount of money - a receipt of \$7,725 from the NYS Office of Court Administration. Of that amount, \$5,650 is paying for the magnetometer that you addressed a little bit earlier in the agenda. And the remaining \$2,075 is for computers and furniture in the Court system. He said we have already received that money. The Mayor said we have that. Mr. Genito said yes, we have the money.

VILLAGE OF SUFFERN

RESOLUTION NO. 29, 2016

RESOLVED, to amend the 2015-2016 budget reflecting the receipt of \$7,725 from the NYS Office of Court Administration for a 2016 Justice Court Assistance Program Grant and to increase the Estimated Revenues Account A.0000.3899.0003 Justice Court Grant of \$7,725 and to increase the Appropriations Account A.1110.4400.0116 Justice Court Grant Expenditures of \$7,725.

A motion approving the foregoing Resolution was made by Trustee Hagen, seconded by Trustee Russo. Upon vote, the motion was carried.

B) Resolution to Close Completed Capital Projects:

Mr. Genito said the next item that he has is a Resolution to close completed capital projects. In the course of the audit for

the past couple of years we have a number of outstanding old projects - some with positive dollar balances and some with negative balances. They are not reflective of cash that is available but they are accounting balances that is left within these projects and what he is recommending is that on many of these very old projects that go back to the year 2000 that we offset the positives with the negatives and close out as many of them as we can.

VILLAGE OF SUFFERN

RESOLUTION NO. 30, 2016

A RESOLUTION TO CLOSE COMPLETED CAPITAL PROJECTS

WHEREAS, various capital projects in the Capital Projects Fund have been completed; and

WHEREAS, several of the aforesaid capital projects have a remaining surplus fund balance and several of the aforesaid capital projects have a remaining deficit fund balance; and

WHEREAS, other than a de minimis amount originally raised from the issuance of debt, the aforesaid capital projects were funded by transfers in from the General Fund, Water Fund and Sewer Fund; and

WHEREAS, it is the intent of the Village Board of the Village of Suffern to eliminate the total deficit fund balances in the aforesaid capital projects with the use of the total surplus fund balances in the aforesaid capital projects; and

WHEREAS, it is sound financial management practice to close completed capital projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Suffern does hereby close the following capital projects using funds from those capital projects having a surplus fund balance to finance those capital projects having a deficit fund balance; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the 2015-2016 adopted budgets for the General Fund, Water Fund, Sewer Fund and Capital Projects Fund are hereby amended to reflect the

associated increases in transfers out to other Village funds and transfers in from other Village funds.

A motion approving the foregoing Resolution was made by Trustee Hagen, seconded by Trustee Russo. Upon vote, the motion was carried.

Mr. Genito said one last thing for the general public - income taxes do not have to be filed on April 15th this year. There is an extension to April 18. That is the Monday following the weekend. He said the reason is that in Washington, D.C. they have what is known as Emancipation Day where 3100 African American slaves were emancipated in 1862 by letter of signature of President Lincoln and on that date forward - actually from 1985 forward - they have a holiday in our nation's capital and all the federal agencies are closed for that. So we are extended.

VILLAGE ATTORNEY:

A) Set Public Hearing Concerning Fees for Professional Services, Services and Application Paid to Village:

Attorney Dan Kraushaar said he is going to be recommending a couple of local laws be adopted or at least considered by the Village Board and to set public hearings for those local laws. The first one would be to create a local law to get reimbursed from applicants, such as the one we heard tonight who is applying for a large development, for professional services which the Village either incurs directly through a planner or indirectly through him or Rob Magrino or Charles Sawicki. So for the attorney, the planner and the engineer. And that money would be billed per hour. It would be a reasonable rate but with regard to him, Mr. Magrino and Mr. Sawicki it would go to offset their salaries and, in his opinion, be paid for by the beneficiary of building projects from the Village as opposed to the way it is done right now which is through taxes. And everyone is paying for that. So he would like to have the Board consider setting a public hearing on a local law to create a fee schedule for professional services related to applications before the Village Board, the Planning Board and the Zoning Board for May 9, 2016 at 7:50 p.m. A motion was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

B) Local Law Regarding Filming:

Attorney Kraushaar said he would like to suggest that the Village Board also set a public hearing for a local law on filming in the Village of Suffern. He said he will make this quick. He said we got a phone call a week and a half ago - we want to film in your Village - what do we need to do. Attorney Kraushaar went searching our zoning and code and found nothing and working with Cathy and Chief Osborn and Charles Sawicki they came up with a maximum amount of time that each department would have - using time and a half and we got reimbursed for that - he said he wasn't around for it and he doesn't believe that all that time was used - and we also got reimbursed for the use of the community center and in essence the use of the parking lot where they park their trucks and as the Mayor said they stated that they were voluntarily going to be contributing a thousand dollars to some program related to the arts. That said, we have nothing in a local law that talks about the process - application fees, etc. but he can tell you that the feedback that he got from the Mayor really speaking to the people involved in the filming - they really thought we ran an amazing ship here - and that they want to come back and that they know other companies that want to come back so he is going to recommend a local law and he is also going to be working with the State of New York - they do have a department that deals with filming. He will try to get some ideas and concepts and it would be a nice attraction. The feedback that we got in terms of the architecture and the spirit in the Village - you should all be very proud. So he would like to have the Board consider a motion to set a public hearing for May 9 at 7:55 p.m. to consider a local law with regard to filming in the Village of Suffern. The motion was made by Trustee Hagen, seconded by Trustee Russo. Upon vote, the motion was carried.

TRUSTEES:

Attorney Kraushaar asked for a motion to include the garbage fees in the taxes - the Village tax bill. The Mayor asked if we had a motion to include the garbage fees in the Village taxes. The motion was made by Trustee Morris, seconded by Trustee Hagen. The Mayor asked Treasurer Genito if he had any feedback with the inclusion of the garbage fees into the Village taxes? Mr. Genito said the history was that prior to them being separated they were part of Village taxes that all Village residents and businesses paid towards the pick up of curbside

garbage. The condominiums and apartments that specifically have what is known as the container district were still paying the Village taxes but were also paying for their own separate container pickup from the condo association and so forth. So in terms of the feedback for it it is a matter of keeping them separate still in terms that they would be special assessments as opposed to garbage fees - unit fees. One of the issues is whether or not it can really be considered a tax being that it is not an ad valorem or assessed valuation basis. It is on a per unit basis. So it is a service based on a per unit basis of a home. The curbside garbage for instance is based on the basis that you either have a single, two or three family home. And so you are charged one, two or three times the single rate. It is not based on ad valorem. So it would then become a question if someone were to be audited whether or not we call it a tax on the bill whether the IRS, for instance, would look at it and agree that was a tax. According to the IRS regulations it is not a tax even if you call it a tax. So that is the one major feedback that we have had on it. Again it is not on an ad valorem basis. It would be no problem for us to incorporate it in the budget very similar to the way we do it now and it would just show up on the person's bill with the word taxes versus charge. But it doesn't change the concept - Attorney Kraushaar asked if the Town of Ramapo included it in their tax. Mr. Genito said he is not sure how the Town of Ramapo does it. Attorney Kraushaar said he knows that Clarkstown has it on their tax bill. Mr. Genito said it used to be when it was part of the Village tax it was incorporated as just another department within the Village and the dollar amount was levied as part of that tax that was needed. So exactly - it was at that time an ad valorem tax. But after the Village separated it out as a service fee. It was no longer a tax because it is not on an ad valorem basis. It is on a unit of service basis. Trustee Morris said but that doesn't change the status. It holds the same status now. It is not a tax, it is not a deduction now. So its status with the IRS hasn't changed by doing this. The only thing it does do is eliminate the double billing. It should reduce the amount that we are going to relevel. It reduces the printing costs, labor costs and processing and postage. Mr. Genito said certainly yes. Just including it on a single bill - a one time charge in the beginning of the year with the taxes can certainly eliminate that second billing and then the only issue you have there is somebody paying that bill once a year instead of six months now, six months later. Trustee Morris said the only thing is the way it is structured now - there is back and forth for this. It is

going to be good for some people and not good for other people. But the bottom line is probably that 90-95% of the people in the Village have a mortgage and that it will now be amortized in the mortgage over the course of the year rather than getting the bill a week after Christmas. It just seems to him a more efficient and cost reduction way. Mr. Genito said it certainly would be a more efficient way of operating because by having a one time billing at the beginning of the year and your having one collection essentially for that period of time - now we are doing double the amount of work for the billing of that the second time of the year plus the collection for the second part of the year that you are doing it. If the Board wants you may want to have some public input on it just to see what the feeling is of the public in terms of if there is an issue with people making a payment once a year making it in two payments. A lot of people do have their taxes paid through escrow and part of that is when the bill goes through even the refuse charge is paid through the escrow. So it should not make a difference to many people as you are saying. Trustee Morris said and that should reduce the amount of relievis on the tax bills which does result in cash shortages because we wait eight or ten months for that money to be paid back by the county. So by doing this we are going to - if again 95% of the people have mortgages the mortgage holder is going to pay it on time so it should dramatically change the amount of relievis. Mr. Genito said basically you get for the curbside solid waste and the container your tax bill at the beginning of the year does have a charge on it for that first billing and then there is a second separate billing for the other six months that goes out later on in the year and of course we have to print as many bills essentially, almost as many bills, that go out to curbside and container district people. So you are right. It would save a significant amount of time and effort and money in mailing and otherwise in order to do one billing at the time. It is not a bad idea. The Mayor said right. But there is no difference in collection from the first bill to the second bill. It is all billed out the same way for the collection. Mr. Genito said that is correct. It is something to consider. The motion was made by Trustee Morris, seconded by Trustee Hagen.

AYES: Mayor Edward Markunas
Trustee Robert Morris, Trustee Frank Hagen
Trustee Moira Hertzman, Trustee Joseph Russo

NOES: None

ABSENT: None

MAYOR:

The Mayor said he is just going to keep this real short. He said we did start the downtown revitalization which is moving ahead. He said we started the curbs and sidewalks program. They are revamping Point Park at this time and we have a couple of different avenues that we are exploring to enhance the Village. Paving is underway or will be underway shortly. Restriping and new crosswalks and we will continue to provide updates.

A motion to adjourn the meeting at 10:56 p.m. was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.