

Special Village Board Meeting
Wednesday, April 27, 2016 - 8:00 P.M.

A special Village Board meeting was held on the above date at 8:00 p.m. with the following members present:

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

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

ABSENT: Trustee Frank Hagen

A) State Comptroller Report of Examination of 2016-2017 Tentative Budget:

The Mayor said the first item on the agenda is the State Comptroller's report of examination of the 2016-2017 tentative budget. The Mayor asked Mr. Genito if he would like to speak on the report of examination.

Treasurer Michael Genito said as you know the State Comptroller's office examined the 2016-2017 tentative budget and they filed a report of examination - a tentative report of examination - and after they filed that report with us it gets presented to the Village Board, which is being done tonight. That report of examination essentially found that two main things - the expenditures and revenues or appropriations and estimated revenues in the 2016-2017 tentative budget were reasonable and also that the Village was within the property tax cap. So that is what we are here for tonight - to present that report to the Board. The next step will be that the Village Clerk will publish a notice in the paper within the next ten days indicating that the report is on file in her office and once that is done his office will send to the State Comptroller a certified resolution showing it was indeed delivered to the Board tonight and that we filed the proper public notice.

The Mayor said and this is all new based on the long-term deficit financing plan. Mr. Genito said yes, in part. The other part is any time the State Comptroller performs a review we are

supposed to, if they tell us, publish a notice. Mr. Genito said in the interest of transparency we will post that report on the Village website as well - the report of examination. And we also will file that elsewhere. The Mayor asked the Village Clerk if we are aware of that - the posting. The Village Clerk said yes.

2) Approval of 2016-2017 Budget:

The Mayor said next is the approval of the 2016-2017 budget as presented. He asked Mr. Genito if he wanted to run by a couple of items in this. Mr. Genito said we don't have to read all of the details and resolution that identifies all the changes in the budget which the Village Clerk, Virginia, has a copy of that which can be entered into the minutes. But essentially they started off with the budget - the tentative budget - and there were several changes made pursuant to the request of the Board. And all of these changes that were made were reasonable. And these changes as well as the adopted budget will be sent to the State Comptroller's office once it has been adopted. Essentially here were the changes that we had. In short, in the general fund we increased contractual for the Village Board by \$25,000 for some legal fees. They decreased police personal services \$12,000 and that is related to the part-time police officer that will not be funded in the current budget. Decrease police equipment by \$46,300 - that is essentially for a vehicle. Decrease the police contractual \$200. Decrease street maintenance personal services by \$99,500 and what that was in the original budget they included and funded a position that was not funded in 2015-16 but happened to be on the list. In essence it was, he wouldn't say an error, but it was a position that was thought to have been funded. They increased street lighting contractual by \$10,000 and that is actually for repairs. That is not actually for the electricity but for repair and maintenance and building materials which the director told them were not necessary. Playground and recreation center contractual - a decrease by \$4500. That is the net difference between \$5000 for the community foundation offset by \$500 increase in the "Artytime." That is to be made permanent. It was a temporary or pilot program last time. They increased Suffern Community Center contractual by \$3000. Again, that related to the repairs and maintenance that were necessary last year. Increase the revenue from miscellaneous donations \$10,000. That is essentially the Salvation Army. As you know we had originally budgeted \$10,000 and under a new agreement that the Mayor had negotiated with the Salvation Army it is going to be \$20,000 a year going forward.

And they are going to increase revenue in refuse charges \$15,000. That is for the administrative fees in the container district contract. The container solid waste district - we received some very good bids and he knows that was rebid recently and the bids came in March and they were just reviewed and he thinks it was approved last night and that is with Superior Waste and Carting. The Mayor said no, that was not awarded yet. Mr. Genito said we did not do it yet? The Mayor said no. Mr. Genito said assuming that is awarded our cost for the container district will decrease by \$14,000.

The water fund has some minor adjustments that were related to bonds - so minor - like \$29 and \$18 in another account and \$47 in another account. And the same thing with the sewer fund - they had some minor amounts of \$21, \$12 and \$33 in decreases. Essentially these do not change the rate because they are so small. And finally the debt service fund - because of the deficit financing - we had to change the allocation between the general, water and sewer fund - but again it didn't make any difference in the overall budget outside of a very minor amount.

And with that we have, in short, the general fund of the highlighted areas - we have a real property tax revenue of 10.4 million dollars and a taxable assist value which hasn't changed since the tentative budget was presented of \$138,853,534. That leaves us with a tax rate going forward into 2016/2017 of \$74.84. That is a 3.9% increase over the 2015 budget. The curbside solid waste is actually going to be reduced to \$460 per unit per year. The container solid waste, as we mentioned earlier, is going to be reduced to \$174 per unit per year. The water fund is going to have a rate, as we have already adopted, so he doesn't have to go over that along with the sewer fund. And again the debt service fund applies to all of our principal and interest funds - long term bonds - that we have to pay in 2016-2017 and that total is \$1,174,967.

And that is the amended tentative budget if you adopt it tonight.

Attorney Kraushaar said in the proposed resolution adopting the budget - "Now, therefore, be it resolved, that the Village Board of the Village of Suffern does hereby adopt the following amendments to the 2016-2017 Tentative Budget." That is one version. There is another version that says "Now, therefore, be it resolved that the Village Board of the Village of Suffern

does hereby adopt the following amendments to the 2016-2017 tentative budget which shall further constitute the adopted Village budget for 2016-2017." Attorney Kraushaar said he is going to propose something a little different. He said tell him if it makes sense in your mind. "Now, therefore, be it resolved that the Village Board of the Village of Suffern does hereby adopt the following amendments to the 2016 tentative budget and the same, together with the remaining portion of the tentative budget, shall constitute the 2016-2017 budget for the Village of Suffern." Mr. Genito said that is fine. The whole point of the resolution is to declare two things - one there are changes to the tentative budget that you are all agreeing to and second that once those changes are all accepted they can finally be adopted with the changes. Attorney Kraushaar said in other words the changes and what remains together become the adopted budget. Mr. Genito said yes. Attorney Kraushaar said he would recommend - Mr. Genito said just to clarify one minor thing here. When you are adopting the budget you are really adopting the estimated revenue, the appropriations and whatever the rate and charges are for each individual fund - that is the general fund, the water fund, the sewer fund, and the debt service fund. The other adoptions that are included in the budget including the schedule of salaries, the schedule of short-term debt, the schedule of long-term debt. Those are additional schedules for information. You are not really adopting those individual items although those are what supports the information in the budget that you have adopted. And we have added, as you have noted, a few of the adoptions - we put in the constitutional debt limit, we put in the constitutional tax limit and we also put in the tax levy cap calculation which by the way we are well within the tax cap. The State Comptroller already confirmed in their letter that they filed with us that our tentative budget tax levy was within the cap. So obviously this tax levy is less than the original one. He said we adopted a resolution to override the tax cap, which was a good idea because we didn't know what was going to happen. And now that we have already gotten confirmation from the State Comptroller's office and any time going forward if you want to rescind that resolution you can.

VILLAGE OF SUFFERN, NEW YORK
RESOLUTION TO ADOPT THE 2016-2017 BUDGETS FOR FISCAL YEAR ENDING
MAY 31, 2017

RESOLUTION NO. 32-2016

4-4/27/16

ADOPTED APRIL 27, 2016

Whereas, Section 5-508 of Village Law provides that the 2016-2017 budget for fiscal year ending May 31, 2017 must be adopted on or before May 1, 2016, and

Whereas, the 2016-2017 Tentative Budget was prepared and presented by the Village Treasurer to the Village Board on March 18, 2016, and

Whereas, a public hearing on the 2016-2017 Tentative Budget was held on April 11, 2016, and

Whereas, on April 11, 2016 a public hearing was held on the 2016-2017 proposed water rates and proposed sewer rents, and

Whereas, on April 11, 2016 the Village Board adopted a local law establishing the 2016-2017 water rates and a local law adopting the 2016-2017 sewer rents, and

Whereas, on April 11, 2016 the Village Board adopted a local law to override the 2016-2017 real property tax levy limit, and

Whereas, members of the Village Board have proposed amendments to the 2016-2017 Tentative Budget,

Now, therefore be it resolved, that the Village Board of the Village of Suffern does hereby adopt the following amendments to the 2016-2017 Tentative Budget, and same, together with the remaining portions of the 2016-2017 Tentative Budget, shall constitute the 2016-2017 Adopted Budget for the Village of Suffern:

General Fund

Increase A1010.4 Village Board Contractual \$25,000
Decrease A3120.1 Police Personal Services \$12,662
Decrease A3120.2 Police Equipment \$46,300
Decrease A3120.4 Police Contractual \$200
Decrease A5110.1 Street Maintenance Personal Services \$99,572
Decrease A5182.4 Street Lighting Contractual \$10,000
Decrease A7140.4 Playground & Recreation Centers Contractual \$4,500
Decrease A7141.4 Suffern Community Center Contractual \$3,000
Increase A2705.99 Revenues - Miscellaneous Donations \$10,000

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Increase A2130 Revenues - Refuse Charges \$15,000

Container Solid Waste District

Decrease A.8161.4 Container Services \$ 14,470

Decrease Revenues to be Raised by District Service Charges \$
14,470

Water Fund

Increase F9901.6 Serial Bond Principal \$29

Increase F9901.7 Serial Bond Interest \$18

Increase F3214 Estimated Metered Water Sales \$47

Sewer Fund

Decrease G9901.6 Serial Bond Principal \$21

Decrease G9901.7 Serial Bond Interest \$12

Decrease Estimated Sewer Rents Revenue \$33

Debt Service Fund

Decrease 4907.001 Serial Bond Interest \$1

Increase 3503.101 Transfer in from Water Fund \$47

Decrease 3503.102 Transfer in from General Fund \$15

Decrease 3503.103 Transfer in from Sewer Fund \$33

Be it further resolved that the Village Board of the Village of Suffern does hereby adopt the 2016-2017 budgets for the General Fund (including the Curbside Solid Waste District and the Container Solid Waste District), the Water Fund, the Sewer Fund and the Debt Service as follows:

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General Fund:	
Appropriations	\$ 12,944,837
Less: Estimated revenues other than real property taxes	<u>(2,553,635)</u>
Real property tax levy	10,391,202
Taxable assessed valuation	<u>138,853,534</u>
Tax rate per \$1,000 taxable assessed valuation	<u><u>\$74.84</u></u>

Curbside Solid Waste District:	
Appropriations	\$ 905,214
Less: Estimated revenues other district service charges	<u>(21,000)</u>
Amount to be raised by district service charges	884,214
Units to be serviced	<u>1,922</u>
Annual service charge per unit	<u><u>\$460.00</u></u>

Container Solid Waste District	
Amount to be raised by district service charges	\$ 299,130
Units to be serviced	<u>1,722</u>
Annual service charge per unit	<u><u>\$174.00</u></u>

Water Fund:	
Appropriations	\$ 1,971,767
Less: Estimated revenues other than water rents	<u>(19,520)</u>
Amount to be raised by metered water sales	1,952,247
Estimated units of water sold	<u>588,000</u>
Rate per unit up to 70 units	<u><u>\$3.35</u></u>
Rate per unit over 70 units	<u><u>\$3.83</u></u>
Rate per unit for customers outside the Village	<u><u>\$4.89</u></u>

Sewer Fund:	
Appropriations	\$ 1,920,983
Less: Estimated revenues other than sewer rents	<u>(25,989)</u>
Amount to be raised by sewer rents	1,894,994
Estimated average sewer units	<u>239,000</u>
Rate per sewer unit	<u><u>\$7.93</u></u>

Debt Service Fund:	
Appropriations	<u>\$ 1,174,957</u>
Estimated Revenues	<u><u>\$ 1,174,957</u></u>

The foregoing resolution was moved by Trustee Morris, seconded by Trustee Hertzman.

Attorney Kraushaar said just to be clear with the changes in personnel that were proposed and agreed to in the resolution and to be clear that in adopting you are adopting the amendments that were originally proposed in the tentative budget together with the balance of what is in the tentative budget that you are adopting along with the budget for the general fund, solid waste, water fund, sewer fund, debt service and curbside that is annexed to the resolution. Mr. Genito said that is accurate.

The Mayor asked if anybody else had any questions with regards to the budget and the resolution.

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

NOES: None

ABSENT: Trustee Frank Hagen

The Mayor said the budget is adopted and actually the budget increase for this budget year is 3.9% increase overall. The Mayor thanked Mr. Genito.

Attorney Kraushaar said just so everyone is clear. Virginia now has to post it on the Village website. Virginia will have to post the notice of adoption. The Village Clerk said yes. Mr. Genito said he will put it on the website and send it to the State Comptroller.

3) Set Public Hearing to Increase Rates for Parking Department:

The Mayor said he would like to set a public hearing to increase the parking rates for the parking department in all Village lots - resident and non-resident. A motion to set a public hearing on May 9, 2016 at 8:00 p.m. was made by Trustee Morris, seconded by Trustee Russo. Upon vote, the motion was carried.

Attorney Kraushaar said we have one other thing we have to deal with.

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Attorney Kraushaar said we are presently doing sidewalk improvements using Bellavista from Orange Avenue - specifically from Washington up. The State of New York is coming in on or about May 2 to pave and they will be paving from Washington to Lafayette on Orange Avenue. We have been told that that project will have a dilatory effect on the curbs that presently exist on Washington to Lafayette to the extent that it would create a public hazard. In light of that he contacted NYCOM and spoke with Wade Beltrano and explained to him that we already went out to bid for a portion of the road and that another portion of the road didn't include that other area and he inquired as to whether or not in light of the fact that there would be no time, based on what we were being told, to go out and get another bid under 103 of the GML if this is something that can be declared a public emergency. There is a provision within 103 called 103(4) which allows in instances - and he is not going to get into the whole thing - where unforeseen occurrence or condition affecting public property occur which require immediate action which do not await competitive bidding contracts for public works for purchasing supplies and equipment. Attorney Kraushaar said he additionally did research today and came across something in the State Comptroller's opinion and what they would refer to as legal vernacular and more and he thinks a good argument could be made that this could even constitute - there was one in particular that involved a sewer line project and at the last minute it had to be extended almost the same length as the original bid went out for. And the State Comptroller ruled that you could make an argument both ways. They are on the work, they are doing the work, they are charging the same unit price. He said there is an extra precaution where the Mayor can declare a public emergency consistent with GML 103(4) to read as follows:

DECLARATION OF PUBLIC EMERGENCY
CONSISTENT WITH GML 103(4)

WHEREAS, the Village of Suffern publicly advertised for bids for sidewalk replacement on Orange Avenue, from Washington to Oliver, and properly awarded said bid to Bellavista consistent with GML 103; and

WHEREAS, the New York State D.O.T. will be repaving from Washington to Lafayette on Orange Avenue starting May 2, and the area where they will be paving from Oliver to Lafayette on

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Orange Avenue will result in a hazardous condition by virtue of deteriorated curbs and sidewalks and ramps; and

WHEREAS, the area of Oliver to Lafayette was not included in the original bid awarded to Bellavista, and it was only recently learned that the NYS D.O.T. would be starting work on or about May 2, 2016, not allowing sufficient time to go out to bid for this additional area.

NOW, THEREFORE, I, Mayor Edward Markunas, consistent with the emergency provisions of GML Section 103(4) declare a public emergency arising out of unforeseen circumstances affecting public property and that immediate action which cannot await competitive bidding, and that such work for the curbs, sidewalks and ramps be hereby let under this emergency declaration.

Attorney Kraushaar said this is not something that has to be voted on. The Mayor would need to sign it. Bellavista has proposed the same unit pricing to cover from Oliver to Lafayette.

Attorney Kraushaar said we have two separate actions - to award the additional contract work and a resolution for the funding.

Treasurer Genito said it would be a total of \$115,000 - 88,295 plus additional cost items of 9500 plus the drawing for 1000, plus 5500 for the additional change order plus a contingency of \$10,705.

Attorney Kraushaar said do we have a motion to approve the continuation of installation of concrete curbs and sidewalks from Oliver to Lafayette along with a total sum of \$88,295 plus \$9500 for gravel and asphalt driveway restoration, \$1000 for preparation of CAD drawing and \$5500 for a change order on the initial bid documents which were approved by the Village Board for curbs and sidewalks from Washington to Oliver and a contingency of \$10,705 for a total sum of \$115,000 subject to and contingent upon Bellavista complying with all the terms and conditions of the original bid with regard to retainage money, insurance, and other requirements of the original bid.

VILLAGE OF SUFFERN, NEW YORK
RESOLUTION NO. 33, 2016

RESOLUTION AUTHORIZING AN INCREASE IN THE BUDGET FOR

10-4/27/16

CAPITAL PROJECT 2016-008 CDBG SIDEWALKS AND CURBS
ADOPTED APRIL 27, 2016

WHEREAS, on September 9, 2015 the Village Board of the Village of Suffern adopted a resolution to establish project 2016-008 CDBG Sidewalks and Curbs in the amount of \$118,260, and

WHEREAS, the Village Board has determined that it would be in the best interests of the Village to expand the work originally contemplated for this project to coincide with the reconstruction of roads by the State of New York, and

WHEREAS, there is insufficient time to request competitive bids for the additional work to be completed, and

WHEREAS, the contract awarded to the successful bidder for the original scope of work to be performed is based on pricing per linear foot and square foot, and

WHEREAS, the Village is in receipt of an estimate from the current contract holder for the additional work to be performed,

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Suffern amends the budget for capital project 2016-008 CDBG Sidewalks and Curbs by increasing estimated revenues from New York State CHIPS aid in the amount of \$115,000 and increasing project appropriations in the amount of \$115,000.

The motion was made by Trustee Russo, seconded by Trustee Morris. Upon vote, the motion was carried.

Attorney Kraushaar said the second one deals with the budget. Treasurer Genito said this project was set up as a capital project called curbs and sidewalks - Orange Avenue - and the original budget was for \$118,260 - \$100,000 of that funding is coming from the CDBG and the other \$18,260 is coming from our CHIPS fund. This additional funding would come totally from the CHIPS fund that we haven't applied for yet and that is \$115,000 that includes the additional costs we talked about earlier. So essentially what we are requesting is to amend the capital project for the Orange Avenue Curbs and Sidewalks by increasing estimated revenues \$115,000 and increasing appropriations \$115,000. The Mayor said okay. That is what we would have to do. He asked for a motion to amend the capital project for Curbs and Sidewalks in the total amount of \$115,000 for the continuation

of the Curbs and Sidewalks project from Oliver to Lafayette. The motion was made by Trustee Russo, seconded by Trustee Morris. Attorney Kraushaar asked which budget year. Treasurer Genito said capital projects is a multi-year project budget so even though you may adopt the project budget in one year you can amend it until the project is closed. Attorney Kraushaar asked if we had a line item. Treasurer Genito said they will set up the account code. Upon vote, the motion was carried.

The Mayor said the Village was approached and he was asked by the National Alliance on Mental Illness to proclaim the month of May, 2016 as Mental Health Awareness Month in Suffern.

WHEREAS, in 1949, the month of May has been designated as Mental Illness Awareness Day throughout the nation; and

WHEREAS, Mental Health is essential to the well-being and vitality of all families, businesses and communities; and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 4 Americans and 1 out of 5 children affected by mental illness; and

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness; and

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen shares the responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, the National Alliance on Mental Illness of Rockland County (NAMI Rockland) is a grassroots community mental

health agency affiliated with NAMI-NYS and NAMI National and dedicated to improving the lives of individuals living with mental illness and their families through education, support and advocacy; and

WHEREAS, NAMI Rockland is participating in a statewide ribbon campaign to raise awareness of mental illness, reduce stigma, promote understanding and encourage treatment during Mental Health Awareness Month in May 2016.

NOW, THEREFORE, I, Edward Markunas, do proclaim the month of May 2016 as Mental Health Awareness Month in Suffern.

As the Mayor of Suffern, I also call upon all Rockland County citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

The Mayor said he now declares May, 2016 as Mental Health Awareness Month in the Village of Suffern.

A motion to adjourn the meeting at 8:42 p.m. was made by Trustee Russo, seconded by Trustee Morris. Upon vote, the motion was carried.