

**Village of Suffern
Village Board of Trustees Public Hearing to Propose Amending
Water Rates, Sewer Rates, Property Tax Levy, and Solid Waste Fee
and Village Board of Trustees Workshop Meeting
Wednesday April 26, 2017
7:00 p.m.**

Present: Edward Markunas, Mayor
Frank Hagen, Trustee
Moiria Hertzman, Trustee
Dan Kraushaar, Village Attorney
Virginia Menschner, Village Clerk
Amy Paffenroth, Deputy Village Clerk
Joseph Russo, Trustee

Absent: Henry Sussman, Trustee

CALL TO ORDER:

Mayor Markunas called the meeting to order at 7:00 p.m., leading the Pledge of Allegiance and a Moment of Silence in honor of our service men and women.

ASSISTANT ATTORNEY UPDATE

Orange Avenue Project – SWMA:

Robert Magrino provided an update on the Orange Avenue Project Storm Water Management Declaration for the annual inspection of storm maintenance facilities. The owner has received approval to develop the property in accordance with a site plan approval granted by the Village of Suffern Planning Board on March 29, 2016, and the owner is required pursuant to said site plan approval to provide for a Declaration of Covenant for the Annual Inspection of Storm Water Maintenance Facilities at the property. The owner has provided this Covenant to the Village, which has been reviewed and approved by the Department of Public Works and the Village Attorney's Office, and the owner has also provided the sum of \$5,000.00 to be held in escrow by the Village to ensure performance by the owner pursuant to the declaration. A Resolution regarding this matter will be presented to the Board of Trustees at the May 1, 2017 Board Meeting.

Orange Avenue Project – Parking Agreement:

Robert Magrino provided an update on the Parking Agreement for the Orange Avenue Project. The owner received approval to develop the property in accordance with a site plan approval granted by the Village of Suffern Planning Board on March 29, 2016, and the owner is required to provide thirteen (13) off-site parking spaces in accordance with said approval. The owner has requested that the Village permit the owner to obtain thirteen (13) overnight parking permits to allow residents of the proposed development to park in designated Suffern municipal parking lots and in order to meet the requirement of site plan approval that the owner provide such

additional spaces for the residents of the development. The Village requires that the owner enter into a Covenant declaring the terms of conditions of the Village granting annual overnight parking permits to the owner under certain terms and conditions as required by the Village. A Resolution regarding this matter will be presented to the Board of Trustee at the May 1, 2017, Board Meeting.

Orange Avenue Performance Bond/Letter of Credit:

Orange Avenue Apartments, LLC, has received approval to develop the property in accordance with a site plan approval granted by the Village of Suffern Planning Board on March 29, 2016, and the owner is required to site plan approval and Village Code §228-16 to provide for a performance bond and surety to cover the cost of completing all public improvements. pursuant to said Planning Board approval. The Department of Public Works has recommended and the Planning Board has determined based upon that recommendation that the Performance Bond shall be in the sum of \$118,000.00 and the owner is finalizing the Performance Bond and Irrevocable Letter of Credit to be issued by Sterling Bank. A Resolution regarding this matter will be presented to the Board of Trustee at the May 1, 2017, Board Meeting.

PUBLIC HEARINGS:

The Village Board entered into Public Hearings to propose amending the water rates, sewer rates, tax levy, and solid waste fees for fiscal year 2017-2018 at 7:15 p.m. The items to be discussed were set for Public Hearing at the last Board Meeting held April 3, 2017 and were duly noticed. The Village adopted Local Law No. 3 of 2016 on April 11, 2016, allowing for future water rates to be amended by Resolution. Even though normally resolutions do not require a Public Hearing for approval, the Village of Suffern noticed for a Public Hearing to give those that would be affected an opportunity to consider what the rates are going to be for the upcoming year.

MOTION TO OPEN THE PUBLIC HEARING – WATER RATES

The Mayor requested a motion to open the Public Hearing. A motion to open the Public Hearing was moved by Trustee Hagen, seconded by Trustee Russo, and passed unanimously by the Board.

Summary of Water Rate Changes

A highlight of the changes was provided by Michael Genito as follows: The basic minimum charge of \$35 for within the Village and \$60.00 outside the Village limits remains unchanged. The current rate of \$3.35 per unit over 10 units and less than 71 units will change to \$3.47 per unit. For the portion over 71 units, the former rate was \$3.83 will be changed to 5.21 per unit.

Summary of Public Discussion

A resident requested a clarification on the contingency funds and the impact that it may have on tax rates. Michael Genito explained the history of the prior deficit of the contingency fund balance and the positive fund balance in the current year. The 2017-2018 adopted budgets for the General Fund and Water Fund include the same amount of \$200,000 each in the 2016-2017 adopted budgets in a Contingent Account. The 2017-2018 budget for the Sewer Fund also contains a Contingent Account of \$100,000 that was not included in the 2016-2017 adopted budget for the Sewer Fund. Because budgeting is not an exact science, the Village is authorized

to include an amount in its budget for unforeseen circumstances. This amount is referred to as the contingency, or contingent account. Should the amount in the contingent account not be needed, the unused amount would add to fund balance at the close of the fiscal year. As of May 31, 2016, the audited unassigned fund balance in the General Fund was less than 11% of that fiscal year's expenditures; the fund balance in the Water Fund was only 7.4% of expenditures, and the fund balance in the Sewer Fund was a negative (deficit) of \$54,714. It is the position of the Village Treasurer that these contingencies are appropriate and necessary to provide for both the unanticipated and as a means of rebuilding the fund balances to reasonable levels. To further clarify the subject of the Contingency Account, Mr. Genito agreed to provide additional explanation in the 2017-2018 budget document.

MOTION TO CLOSE THE PUBLIC HEARING – WATER RATES

The Mayor requested a motion to close the Public Hearing at 7:30 p.m. A motion to closed the Public Hearing was moved by Trustee Hagen, seconded by Trustee Russo, and passed unanimously by the Board.

RESOLUTION AMENDING THE VILLAGE OF SUFFERN WATER RATES FOR FISCAL YEAR 2017-2018

The Village Board adopted water rates effective June 1, 2017, pursuant to Local Law No. 3 of 2016, adopted on April 11, 2016, which allow for future water rates to be amended by Resolution; the new water rates for fiscal year 2017-2018 are to be amended as follows: 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: \$3.47 per unit, c) For that portion over 70 units: \$4.53 per unit. For consumers outside the Village limits: a) For the first 10 units or fraction thereof: \$60.00, b) For that portion over 10 units: \$5.21 per unit.

A motion to accept the foregoing resolution was moved by Trustee Hertzman and seconded by Trustee Hagen. A roll call of the votes of the Board of Trustee follows:

NAME	YES	NO	NOT VOTING	ABSENT
Hagen	X			
Hertzman	X			
Markunas	X			
Russo	X			
Sussman				X

Mayor Markunas declared the motion carried and directed the Clerk to file the same.

MOTION TO OPEN THE PUBLIC HEARING – SEWER RATES

The Mayor requested a motion to open the Public Hearing at 7:35 p.m. A motion to open the Public Hearing was made by Trustee Hagen, seconded by Trustee Russo, and passed unanimously by the Board.

Summary of Sewer Rate changes

Michael Genito provided a summary of the sewer rate changes as follows: The minimum sewer rent in the Village and outside the Village remains at \$25.00. The rate for in the Village was \$7.93/100 cubic feet in 2016 and will change to \$9.95/100 cubic feet in 2017. The rate for outside of the Village was \$8.61/100 cubic feet in 2017 and will change to \$12.44/100 cubic feet in 2017.

Summary of Public Discussion

A resident requested clarification from Michael Genito regarding contingency expenditures for the Water and Sewer Departments. Mr. Genito further iterated that he would add additional wording regarding the Contingency Account in the Budget document.

A resident requested clarification regarding long-term dept. Mr. Genito explained the reason the debt service is higher in 2017-2018 is due to the 2016 serial bonds; the deficit bonds that were added. Mr. Genito referred to Page 28 of the budget document for Fiscal Year ending May 31, 2018 tentative budget, and reviewed the figures for Actual 2016, Adopted 2016, and Tentative 2017. He also referenced the historical data for the 2015 debt service.

MOTION TO CLOSE THE PUBLIC HEARING – SEWER RATES

The Mayor requested a motion to close the Public Hearing at 7:40 p.m. A motion to close the Public Hearing was made by Trustee Hagen, seconded by Trustee Russo, and passed unanimously by the Board.

RESOLUTION AMENDING THE VILLAGE OF SUFFERN SEWER RATES FOR FISCAL YEAR 2017-2018

The Village Board of the Village of Suffern adopted the foregoing sewer rates effective June 1, 2017, pursuant to Local Law No. 4 of 2016, adopted on April 11, 2016, which allowed for future sewer rates to be amended by Resolution. The new sewer rates for fiscal year 2017-2018 are to be amended as follows: For consumers within the Village: a) The sewer rate shall be \$9.95 per 100 cubic feet of water consumed, b) The minimum sewer rate shall be \$25.00 per billing period. For consumers outside the Village limits: a) The sewer rate shall be \$12.44 per 100 cubic feet of water consumed, b) The minimum sewer rate shall be \$25.00 per billing period.

A motion to accept the foregoing resolution was made by Trustee Hertzman, and seconded by Trustee Hagen. A roll call of the votes of the Board of Trustee follows:

NAME	YES	NO	NOT VOTING	ABSENT
Hagen	X			
Hertzman	X			
Markunas	X			
Russo	X			
Sussman				X

Mayor Markunas declared the motion carried and directed the Clerk to file the same.

MOTION TO OPEN THE PUBLIC HEARING – TAX LEVY

The Mayor requested a motion to open the Public Hearing at 7:43 p.m. A motion to open the Public Hearing was made by Trustee Hagen, seconded by Trustee Russo, and passed unanimously by the Board.

Tax Levy Summary

Michael Genito explained that with some exceptions, the New York State's Property Tax Cap limits the amount local governments can increase property taxes to the lower of two percent of the prior year or the rate of inflation. Local governments must report to Office of the New York State Comptroller whether they plan to stay within the Tax Cap and adopt a Law to override the limit. In the tentative budget, the Village would have exceeded the Tax Cap Limit. However, the proposed budget to be adopted will not exceed the Tax Cap Limit based on the proposals that have been presented by the Mayor and the Board. It has been recommended, however, by the NYS Conference of Mayors and others that the Village actually adopt a local law overriding the Tax Cap Limit. When the Village adopts the budget, and the budget is below the Tax Cap Limit, the Village will complete the Tax Cap Limit Form and send it to the NYS Comptroller. If the Comptroller confirms that the Village is under the Tax Cap Limit, the Village can rescind within 30 days the law we adopt to override the law.

Summary Public Discussion – Tax Cap Limit

A resident requested explanation as to why the local law to amend the Tax Cap Limit should be passed if the proposed budget document indicates that it is not required. Michael Genito explained that if the taxes to be levied are greater than the levy limit, then there will be no option after the fact to raise the levy for tax cap compliance purposes. The Village would have to raise the levy and put the excess money in a reserve fund and not be able to use it for that budget year.

MOTION TO CLOSE THE PUBLIC HEARING – TAX LEVY

The Mayor requested a motion to close the Public Hearing at 7:47 p.m. A motion to close the Public Hearing was made by Trustee Hertzman, seconded by Trustee Hagen, and passed unanimously by the Board.

RESOLUTION AUTHORIZING THE ADOPTION OF A LOCAL LAW FOR A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c

The Village Board authorized the adoption of a local law for a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

A motion to accept the foregoing resolution was made by Trustee Hagen and seconded by Trustee Hertzman. A roll call of the votes of the Board of Trustee follows:

NAME	YES	NO	NOT VOTING	ABSENT
Hagen	X			
Hertzman	X			
Markunas	X			
Russo	X			
Sussman				X

Mayor Markunas declared the motion carried and directed the Clerk to file the same.

MOTION TO OPEN THE PUBLIC HEARING – SOLID WASTE FEES

The Mayor requested a motion to open the Public Hearing at 7:48 p.m. A motion to Open the Public Hearing was made by Trustee Hagen, seconded by Trustee Hertzman, and passed unanimously by the Board.

Solid Waste Fee Summary

Michael Genito provided a summary of the Solid Waste Fee Changes. In 2016-2017 the fee for curbside fee was \$460.00 annually and the container fee for condominiums was \$174. In 2017-2018, the curbside fee will be \$488.00 and the container fee for condominiums will be \$179.00.

Summary Public Discussion – Solid Waste Fees

A resident asked why recyclables revenue was not showing in the budget for 2016. Mr. Genito explained that there is an issue with the carting company that he is working to resolve. Upon resolution of this matter, the line item for Solid Waste Revenue will be updated.

MOTION TO CLOSE THE PUBLIC HEARING – SOLID WASTE FEES

The Mayor requested a motion to close the Public Hearing at 7:50 p.m. A motion to close the Public Hearing was made by Trustee Hagen, seconded by Trustee Hertzman, and passed unanimously by the Board.

RESOLUTION AMENDING THE VILLAGE OF SUFFERN SOLID WASTE FEES FOR FISCAL YEAR 2017-2018

The Village of Suffern adopted the following solid waste fees for fiscal year 2017-2018: For Curbside Solid Waste, the fee is \$488 per unit per year. For Container Solid Waste (condos), the fee is \$179 per unit per year. The Village Board adopted the foregoing solid waste fees effective June 1, 2017.

A motion to accept the foregoing resolution was made by Trustee Hagen and seconded by Trustee Hertzman. A roll call of the votes of the Board of Trustee follows:

NAME	YES	NO	NOT VOTING	ABSENT
Hagen	X			
Hertzman	X			
Markunas	X			
Russo	X			
Sussman				X

Mayor Markunas declared the motion carried and directed the Clerk to file the same.

SUMMARY OF BUDGET CHANGES TO THE TENTATIVE BUDGET ENDING FISCAL YEAR 2018

Michael Genito provided a summary of the changes that were made to the tentative budget. Last month a Public Hearing was held to discuss the Budget Ending Fiscal Year 2018. The budget was presented and the Board has since looked at the budget and spoke to Department Heads to determine what adjustments may be made. In addition, late information came in earlier this month which was good information. The Village has a budget that proposes significant budget reductions. In summary, the budget presented to the public at the Public Hearing showed a tax rate per \$1000 of assessed property value of \$80.02 which was an increase of \$5.18 or 6.9%, which would have been above the Tax Cap Limit. The revised budget shows a tax rate per \$1000 of assessed property value of \$78.06 which is an increase of \$3.22 or 4.3% which is below the Tax Cap Limit. The Village achieved these changes as follows: the rate for Liability and Worker's Compensation Insurances were significantly below the previous year by approximately \$75,000. The Police Department agreed to a \$50,000 reduction in overtime requested since at least three physical police officers will be in service that were not there last year. Though the salaries for these police officers were in the budget, two officers were on long-term leave and have since retired. Another officer who was assigned to the Rockland County Drug Task Force and is now back in service. The Village Board settled the Contract with the Dispatchers and that amount was approximately \$14,000 added to the budget, so the net impact between the savings on overtime and the additional amount due to the change in Contract with the Dispatchers yielded a reduction in the budget of \$36,000. In the street maintenance department, overtime was reduced by \$35,000 due to the fact we will have a vacant labor position filled which is in the amount of \$34,000. One vacant labor position valued at \$34,000 will be eliminated at total savings in the street maintenance department of \$69,000. The Parking Department had a consultant fee budgeted at cost \$12,000 which will be eliminated due to the work being performed in-house. The Parking Department was merged into the Village a few years ago with the transition being nearly complete. In addition, there will be a Parking Attendant position that will not be filled at a savings of \$10,500 for a total budget savings of \$22,500. Finally, the fines and forfeiture revenue, based upon historical data, was increased in the budget in the amount of \$29,000.

The State Comptroller has reviewed the tentative budget and determined that the revenue and expenses are reasonable. The recommendation, as previously discussed this evening, was to adopt a Resolution authorizing an increase to the Tax Cap Limit. Based upon the foregoing highlighted changes to the proposed budget, and if this budget is adopted by the Board of Trustees, the Village will rescind the Resolution pending the Comptroller confirming the budget.

RESOLUTION ADOPTING THE 2017-2018 BUDGETS FOR FISCAL YEAR ENDING MAY 31, 2018

The Village Board of the Village of Suffern adopted the following amendments to the 2017-2018 Tentative Budget, and same, together with the remaining portions of the 2017-2018 Tentative Budget, shall constitute the 2017-2018 Adopted Budget for the Village of Suffern:

General Fund

Decrease A1325.1 Village Treasurer Personal Services \$8,262
Decrease A1910.4 Unallocated Insurance \$75,070
Decrease A1410.1 Village Clerk Personal Services \$4,000
Decrease A3120.1 Police Personal Services \$35,780
Decrease A3410.2 Fire Equipment \$1,000
Decrease A3410.4 Fire Contractual \$2,000
Decrease A5110.1 Street Maintenance Personal Services \$69,000
Decrease A5650.1 Parking Personal Services \$10,572
Decrease A5650.4 Parking Contractual \$12,000
Increase A7140.1 Playground & Recreation Centers Personal Services \$612
Decrease A7140.4 Playground & Recreation Centers Contractual \$3,250
Decrease A7141.4 Suffern Community Center Contractual \$1,200
Increase A9010.1 Employees Retirement \$25,090
Decrease A9015.1 Police Retirement \$21,327
Decrease A9040.1 Workers Compensation \$5,237
Increase A2025 Revenues – Pool Fees \$6,500
Increase A2610 Revenues – Fines & Forfeited Bail \$20,000

Container Solid Waste District

Increase A.4810 Employees Retirement \$1,446
Decrease A.4840 Workers Compensation \$5,931

Water Fund

Decrease F8310.1 Personal Services \$6,131
Decrease F8310.4 Contractual \$9,765
Decrease F8310.4810 Employees Retirement \$1,239
Increase F8310.4840 Workers Compensation \$3,361
Increase F8320.4810 Employees Retirement \$1,934
Decrease F8320.4840 Workers Compensation \$7,535

Sewer Fund

Decrease G8110.1 Personal Services \$6,131

Decrease G8110.4 Contractual \$9,165
 Decrease G8110.4810 Employees Retirement \$1,239
 Increase G8110.4840 Workers Compensation \$4,061
 Increase G8130.4810 Employees Retirement \$1,443
 Decrease G8130.4840 Workers Compensation \$235

It was further resolved that the Village Board of the Village of Suffern adopted the 2017-2018 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:

General Fund:	
Appropriations	\$ 13,173,533
Less: Estimated revenues other than real property taxes	<u>(2,525,362)</u>
Real property tax levy	10,648,171
Taxable assessed valuation	<u>136,404,947</u>
Tax rate per \$1,000 taxable assessed valuation	<u>\$78.06</u>

Curbside Solid Waste District:	
Appropriations	\$ 960,328
Less: Estimated revenues other district service charges	<u>(21,000)</u>
Amount to be raised by district service charges	939,328
Units to be serviced	<u>1,923</u>
Annual service charge per unit	<u>\$488.00</u>

Container Solid Waste District:	
Amount to be raised by district service charges	\$ 307,571
Units to be serviced	<u>1,723</u>
Annual service charge per unit	<u>\$179.00</u>

Water Fund:	
Appropriations	\$ 2,021,288
Less: Estimated revenues other than water rents	<u>(19,520)</u>
Amount to be raised by metered water sales	<u>\$ 2,001,768</u>
Per unit water rates within Village:	
Minimum charge up to 10 units	\$35.00
For the portion over 10 but less than 71 units	\$3.47
For the portion over 70 units	\$4.53
Per unit water rates outside Village limits:	
Minimum charge up to 10 units	\$60.00
For the portion over 10 units	\$5.21

Sewer Fund:	
Appropriations	\$ 2,160,687
Less: Estimated revenues other than sewer rents	<u>(21,400)</u>
Amount to be raised by sewer rents	<u>\$ 2,139,287</u>
Per unit sewer rates within Village:	
Minimum charge	\$25.00
Per unit of water consumed	\$9.95
Per unit sewer rates outside Village limits:	
Minimum charge	\$25.00
Per unit of water consumed	\$12.44

Debt Service Fund:	
Appropriations	\$ 1,177,409
Estimated Revenues	<u>\$ 1,177,409</u>

A motion to adopt the 2017-2018 Budget for the General Fund, Water Fund, Sewer Fund, and Debt Service Fund was made by Trustee Hertzman and seconded by Trustee Hagen. A roll call of the votes of the Board of Trustee follows:

NAME	YES	NO	NOT VOTING	ABSENT
Hagen	X			
Hertzman	X			
Markunas	X			
Russo	X			
Sussman				X

Mayor Markunas declared the motion carried and directed the Clerk to file the same.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO PUBLISH THE NOTICE OF ADOPTION OF THE 2017-2018 BUDGET FOR THE GENERAL FUND, WATER FUND, SEWER FUND, AND DEBT SERVICE FUND

The Village Board authorized the Village Clerk to publish the Notice of Adoption of the 2017-2018 Budget for the General Fund, Water Fund, Sewer Fund and Debt Service Fund and to levy taxes as provided in the 2017-2018 budget. A motion to accept the foregoing resolution was made by Trustee Hagen, seconded by Trustee Hertzman, and approved unanimously by the Board.

ADJOURNMENT:

The Mayor requested a motion to close meeting and to enter into the Workshop Meeting was made at 8:08 p.m. A motion to closed the meeting was made by Trustee Hagen, seconded by Trustee Hertzman, and approved unanimously by the Board.