

**Village of Suffern
Special Meeting of the Village Board of Trustees Minutes
April 16, 2018 – 7:00 P.M.**

A Special Board Meeting was held.

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

Absent: Trustee Moira Hertzman

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.

VILLAGE CLERK:

Village Clerk, Virginia Menschner, made the following statement: *“In accordance with Village Law, Section 5-508[1], I presented the Tentative Budget for Fiscal Year Ending May 31, 2019, to the Village Board of Trustees at a Special Meeting of the Village Board held March 27, 2018 at 7:00 p.m. The tentative budget has been examined by the Office of the State Comptroller. I am presenting the report of said examination this evening, Report Number B18-6-4, issued April 12, 2018, to the Village Board of Trustees. A copy of Report Number B18-6-4, has also been filed in my office at 61 Washington Avenue, Suffern, New York, where it is available as a public record for inspection by all interested persons. Pursuant to section thirty-five of the general municipal law, the Village Board of the Village of Suffern may, in its discretion, prepare a written response to the report of examination and file any such response in my office as a public record for inspection by all interested persons not later than July 15, 2018.”*

ADOPTION OF THE BUDGET FOR FISCAL YEAR ENDING MAY 31, 2019:

Overview of the FYE May 31, 2019 Budget Process:

Budget preparation worksheets and instructions were distributed to department heads in January 2018 and returned to the Treasurer’s Office during the month of February 2018. A tentative budget was presented to the Village Clerk, distributed to the Board of Trustees and made available on the Village website on March 20, 2018. The Village Clerk presented the tentative budget to the Village Board at the Village Board workshop meeting of March 28, 2018. A public hearing on the tentative budget, a proposed local law to override the 2018-2019 real

property tax levy limit (“tax cap”), the proposed 2018-2019 water rates, and the proposed 2018-2019 sewer rents was held at the Village Board meeting of April 9, 2018. As a result of those public hearings and at that same meeting, the Village Board adopted the 2018-2019 water rates, the 2018-2019 sewer rents, and a local law to override the 2018-2019 tax cap.

The Village began on a path to return the Village to fiscal stability in April 2015 with the adoption of the 2015-2016 fiscal year budget. Continuous monitoring of expenditures and revenues is an extension of that process that allows us to adjust to significant variances from the spending plans we adopted. We are developing a multi-year capital improvement plan, so that we can acquire the necessary capital assets when needed and finance them in a manner that spreads the cost over time.

The General Fund, Water Fund, and Sewer Fund budgets include amounts for contingency. 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 simply add to fund balance at the close of the fiscal year. It is the position of the Village Board and 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.

The General Fund is the major operating fund of the Village and includes all accounts that would not otherwise be required to be kept in another fund. General Fund appropriations will increase \$439,111 (3.3%) from \$13.2 million to \$13.6 million and revenues other than property taxes will increase 70,500 (7.8%). As a result, the real property tax levy will increase \$368,611 (3.5%) from \$10.6 million to \$10.9 million. Together with a \$2.5 million (1.8%) reduction in taxable assessed valuation of real property (from \$136.4 million to \$134 million), the 2018-2019 real property tax rate will increase from \$78.06 to \$81.30 (4.15%) per \$1,000 taxable assessed valuation. The real property tax rate changes approximately one percent (1%) for every \$109,000 change in estimated revenue or appropriation and for every \$1.34 million change in taxable assessed valuation. The increase in Village taxes for the year on a single-family home with the median taxable assessed value of \$41,100 will be \$133. It should be noted that the taxable assessed value of Novartis was reduced by \$3 million. Had that reduction not taken place, our taxable assessed value would have increased approximately \$549,478 and the tax rate would have increased only 1.87%.

The Curbside Solid Waste District provides residential refuse and recycling services to residents of the Village, other than those living in condominiums and cooperative apartments (“co-ops”). Costs of operating the Curbside Solid Waste District increase \$78,197 and estimated revenues from the sale of recyclables remains the same at \$21,000. Together with a reduction in the

number of units serviced from 1,923 to 1,908, the annual service charge per unit will increase \$46 from \$488 to \$534. The Container Solid Waste district provides residential refuse and recycling services to residents living in condominiums and co-ops. The 2018-2019 Adopted Budget of \$314,130 for services to 1,723 units results in an increase in the annual rate of four dollars per unit, from \$179 to \$183.

The Water Fund accounts for the activities of the Village's drinking water treatment and distribution system. Total costs of operating the Water Fund will increase \$36,612 (1.8%) and estimated revenues other than water rents will increase \$580.

The Sewer Fund accounts for the activities of the Village's sanitary sewer treatment plant and collection system. Total costs of operating the Sewer Fund will increase \$90,061 (4.2%) and total estimated revenues other than sewer rents will increase \$300.

The Debt Service Fund is used to accumulate the resources (money) necessary to meet the required payments of principal and interest (debt service) on outstanding serial bonds. Debt service requirements for 2018-2019 will increase a nominal \$10,359 from \$1,177,409 to \$1,187,768. Debt service payments are funded by transfers in from the General, Water and Sewer funds.

The Village is in the process of establishing a formal policy and multi-year capital improvement plan for capital projects. For the most part, capital projects account for the acquisition of long-lived, expensive assets (capital assets) such as buildings, facilities, major pieces of equipment and vehicles, and infrastructure (roads, sidewalks, water and sewer systems, etc.). The capital improvement plan will provide for the planned and orderly acquisition and replacement of capital assets over time, and the financing of such assets with a planned mix of current funds, debt and grants in aid.

The \$8.9 million of capital projects listed in this document represent assets that are expected to last at least three years and that New York State Local Finance Law allows the issuance of debt to finance the cost of those assets. Debt is the proposed source of funding for all of the capital projects listed, but the source of funding is subject to change based on the availability of grants and aid. It is important to note that no person representing the Village is legally authorized to expend, or commit the Village to expend, money on any project until the necessary resolutions to establish project budgets and financing, including but not limited to bond resolutions, are adopted by the Village Board.

On June 24, 2011 the real property tax levy limit ("tax cap") was signed into law as Chapter 97 of the New York State Laws of 2011. The tax cap law establishes a limit on the annual growth of real property taxes levied by the Village to two percent or the rate of inflation, whichever is less. There are limited, narrow exclusions to the tax cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension

contribution rates. The tax levy cannot exceed the cap unless 60 percent of the total voting power of the Village Board (at least three affirmative votes) adopt a local law to override the tax cap. It is important to note that the tax cap is on the tax *levy* (the amount to be raised in real property taxes), and not the tax *rate* (the amount to be raised in real property taxes divided by the total taxable assessed value of the Village).

On April 9, 2018, the Village Board adopted a local law to override the 2018-2019 tax cap. At this meeting the Village Board voted to rescinded the local law to override the 2018-2019 tax cap due to the fact that the tax levy presented in the 2018-2019 Adopted Budget is below tax cap.

RESOLUTION NO. 104 OF 2018 - RESOLUTION TO ADOPT THE 2018-2019 BUDGETS FOR FISCAL YEAR ENDING MAY 31, 2019

Section 5-508 of Village Law provides that the 2018-2019 budget for fiscal year ending May 31, 2019 must be adopted on or before May 1, 2018. The 2018-2019 Tentative Budget ("Tentative Budget") was prepared and transmitted by the Village Treasurer to the Village Board on March 20, 2018. Public hearings on the Tentative Budget, the proposed 2018-2019 water rates and the proposed 2018-2019 sewer rates were held on April 9, 2018. On April 9, 2018 the Village Board adopted a resolution establishing the 2018-2019 water rates and a resolution adopting the 2018-2019 sewer rents. On April 9, 2018 the Village Board adopted a local law to override the 2018-2019 real property tax levy limit. Members of the Village Board have proposed amendments to the Tentative Budget for the General Fund. Said proposed amendments will result in a real property tax levy that is below the real property tax levy limit. The Village Board of the Village of Suffern adopted the following amendments to the Tentative Budget for the General Fund, and same, together with the remaining portions of the Tentative Budget, shall constitute the 2018-2019 Adopted Budget for the Village of Suffern:

Increase the following estimated revenues:

A1090 Interest and Penalties on Real Property Taxes \$5,000

A1130 Utilities Gross Receipts Taxes \$10,000

A1170 Franchise Fees \$10,000

A1721 Parking Revenues \$25,000

A2025 Pool Fees \$5,000

A2590 Other Permits \$5,000

A2610 Fines and Forfeitures \$39,000

A2680 Insurance Recoveries \$5,000

A2770 Employee Health Care Contributions \$19,000

A3005 Mortgage Tax \$45,000

A3089 County Sales Tax Distribution \$25,000

Increase/decrease the following appropriations:

Increase A1410.1 Village Clerk Personal Services \$3,361
Increase A1420.1 Village Attorney Personal Services \$3,851
Increase A3120.1 Police Personal Services \$125,394
Decrease A3410.2 Fire Equipment \$3,000
Increase A5010.1 Street Administration Personal Services \$6,542
Increase A5110.1 Street Maintenance Personal Services \$20,382
Decrease A5110.4 Street Maintenance Contractual Expenses \$51,000
Decrease A5142.4 Snow Removal Contractual Expenses \$6,000
Increase A5650.1 Parking Personal Services \$4,767
Decrease A5650.4 Parking Contractual Expenses \$27,130
Decrease A7140.1 Playground & Recreation Centers Personal Services \$12,051
Increase A7141.1 Suffern Community Center Personal Services \$2,721
Decrease A9025.8 Firefighter Service Award Program \$1,000
Increase Taxable Assessed Valuation \$209,584

Curbside Solid Waste District

Increase A8160.1 Personal Services \$3,942
Increase Revenues to be Raised by District Service Charges \$3,942
Decrease Units to be Serviced from 1,923 to 1,908

Curbside Solid Waste District

Increase Units to be Serviced from 1,722 to 1,723

The Village Board of the Village of Suffern adopted the 2018-2019 budgets for the General Fund (including the Curbside Solid Waste District and the Container Solid Waste District), the Water The Village Board of the Village of Suffern adopted the 2018-2019 budgets for the General Fund Fund, the Sewer Fund and the Debt Service as follows:

General Fund:

Appropriations	\$ 13,612,644
Less: Estimated revenues other than real property taxes	<u>(2,722,019)</u>
Real property tax levy	10,890,625
Taxable assessed valuation	<u>133,954,425</u>
Tax rate per \$1,000 taxable assessed valuation	<u><u>\$81.30</u></u>
Curbside Solid Waste District:	
Appropriations	\$ 1,038,525
Less: Estimated revenues other district service charges	<u>(21,000)</u>
Amount to be raised by district service charges	1,017,525
Units to be serviced	<u>1,908</u>
Annual service charge per unit	<u><u>\$534.00</u></u>
Container Solid Waste District:	
Amount to be raised by district service charges	\$ 314,130
Units to be serviced	<u>1,723</u>
Annual service charge per unit	<u><u>\$183.00</u></u>
Water Fund:	
Appropriations	\$ 2,057,900
Less: Estimated revenues other than water rents	<u>(20,100)</u>
Amount to be raised by metered water sales	<u><u>\$ 2,037,800</u></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	\$3.54
For the portion over 70 units	\$4.62
Per unit water rates outside Village limits:	
Minimum charge up to 10 units	\$60.00
For the portion over 10 units	\$5.31
Sewer Fund:	
Appropriations	\$ 2,250,748
Less: Estimated revenues other than sewer rents	<u>(21,700)</u>
Amount to be raised by sewer rents	<u><u>\$ 2,229,048</u></u>
Per unit sewer rates within Village:	
Minimum charge	\$25.00
Per unit of water consumed	\$10.37
Per unit sewer rates outside Village limits:	
Minimum charge	\$25.00
Per unit of water consumed	\$12.96
Debt Service Fund:	
Appropriations	<u>\$ 1,187,768</u>
Estimated Revenues	<u><u>\$ 1,187,768</u></u>

A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

RESOLUTION NO. 105 OF 2018 - RESOLUTION RESCINDING LOCAL LAW 6 OF 2018, ADOPTED ON APRIL 9, 2018, TO OVERRIDE THE 2018-2019 REAL PROPERTY TAX LIMIT

The Village Board of the Village of Suffern rescinded Local Law 6 of 2018, adopted on April 9, 2018, to override the 2018-2019 real property tax levy limit. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

RESOLUTION NO. 106 OF 2018 - A RESOLUTION AUTHORIZING THE VILLAGE CLERK TO PUBLISH THE NOTICE OF ADOPTION OF THE 2018-2019 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 2018-2019 Budget for the General Fund, Water Fund, Sewer Fund and Debt Service Fund and to levy taxes as provided in the 2018-2019 budget. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

ATTORNEY:

RESOLUTION NO. 107 OF 2018 - A RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ISSUE ADMINISTRATIVE PERMITS FOR OUTDOOR TABLES AND CHAIRS AND OUTDOOR PLANTERS AND CONTAINERS FOR THE PERMIT PERIOD OF APRIL 15, 2018 TO OCTOBER 31, 2018

Section 235-7 of the Village Code prohibits the owners and/or occupants of property located within the Village from placing any encumbrances and/or obstructions on sidewalks adjoining their properties. The Village Board has had requests from certain business owners within the Village to permit the placement of tables and chairs outside of their establishments, as well as seasonal outdoor planters. The Village Board finds that the use of the Village sidewalks by the owners of adjacent properties for the placement of tables and chairs, and/or seasonal outdoor planters, would be in the interest of the residents of the Village and visitors to the Village to enhance their dining experience and the overall appearance of the Village. The Village Board is desirous of permitting the placement of such items under certain conditions and pursuant to a permit to be issued by the Village Clerk. The Village Board is desirous of permitting the placement of such items on a trial basis, with more formal and permanent provisions to be set forth depending upon the impact of permitting the placement of such items on the Village and its residents. The Village Clerk's Office has prepared a proposed permit application for persons or business interested in applying for a permit for the placement of such items on the sidewalk under certain conditions. The Village of Suffern authorized the Village Clerk to issue Administrative permits for Outdoor Tables and Chairs, and Outdoor Planters and Containers, based upon the application for permit and the rules as set forth therein, in the form annexed hereto and incorporated by reference herein. The applicant for a permit shall not be required to provide a formal site plan application to the Planning Board but must provide a sketch plan for its proposed use of the sidewalk for Outdoor Tables and Chairs, and/or Outdoor Planters and Containers, subject to review and approval by the Village Department of Public Works and Building Department, which sketch plan upon approval by the Village Clerk and issuance of the permit, shall be followed by the applicant, otherwise being subject to revocation of any permit issued based thereon. The initial permit fee shall be \$50.00 per application, payable to the Village Clerk, and no cost for outdoor planter/container. The permit holder shall agree to

defend, indemnify and hold harmless agreement, and provide insurance coverage to the Village of Suffern in the amount of \$1,000,000.00, and provide proof that the Village of Suffern is a named but non-contributory insured under their policy of insurance, proof of same to be provided prior to the issuance of any permit. Any person or entity who otherwise places tables, chairs, planters, containers or any other object on or in the sidewalk shall be subject to the provisions of Village Code Section 235, without a permit, or after having a permit revoked, shall be subject to the enforcement and penalty provisions of Section 235. Any permits issued pursuant hereto, shall be revocable at the discretion of the Village Board, upon a finding that the permit holder has violated the terms of its permit, OR that the placement of Outdoor Tables and Chairs and/or Outdoor Planters/Containers at a particular location are a nuisance, or otherwise negatively impact upon the health, safety and welfare of the community, and that upon such revocation, the applicant and any other interested parties may be given an opportunity to be heard by the Village Board in an effort to have such permit reinstated upon such conditions as the Village Board shall deem just and appropriate under the circumstances. This Resolution shall authorize the issuance of Permits by the Village Clerk for a period of one term, from April 15, 2018 through October 31, 2018, for the purposes of the Village evaluating the merits of the issuance of said permits. All of the terms and conditions of the permit application and permit annexed hereto are incorporated by reference herein and shall be enforceable by the Village with respect to the issuance of said permits. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

RESOLUTION NO. 108 OF 2018 - A RESOLUTION SETTING A PUBLIC HEARING MONDAY, JUNE 4, 2018, AT 7:10 P.M. TO AMEND THE CODE OF THE VILLAGE OF SUFFERN ARTICLE IV, SECTION 266, ARTICLE VI TO ADD SUBSECTION "H" – WAIVER OF REQUIREMENTS FOR LIVE ENTERTAINMENT

The Board of Trustees authorized a public hearing concerning amending Section 266, Article VI of the Village Code entitled Special Permit Uses Generally of the Code of the Village of Suffern to add an additional subsection "H" to Section 266-27 entitled Formal Application, permitting the waiver of requirements for Live Entertainment under certain circumstances. A motion to approve the foregoing resolution was made by Trustee Joseph Russo and seconded by Trustee Frank Hagen and approved unanimously by the Board.

MAYOR:

RESOLUTION NO. 109 OF 2018 - A RESOLUTION ESTABLISHING DAILY PERMIT PARKING IN THE COMMUNITY CENTER PARKING LOT

Pursuant to Article V of § 254-29 of the Code of the Village of Suffern, parking permits are required to park in municipal parking areas. To increase the inventory of permit parking spaces in the Central Business District, the Village Board is desirous of using the Community Center Parking Lot for daily permit parking on as needed basis to improve the accessibility of permit parking options. The Village Board of Trustees authorized daily permit parking in the Suffern Community Center Parking Lot. A motion to approve the foregoing resolution was made by Trustee Frank Hagen and seconded by Trustee Joseph Russo and approved unanimously by the Board.

ADJOURNMENT:

A motion to close the meeting was made by Trustee Russo, seconded by Trustee Hagen, and approved unanimously by the Board. The meeting adjourned at 7:41 p.m.