



## **VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA**

<b>MEETING DATE:</b> MAY 12, 2020
<b>AGENDA ITEM SECTION:</b> PUBLIC HEARING
<b>AGENDA ITEM NO. :</b> 4
<b>AGENDA ITEM:</b> PUBLIC HEARING FOR THE PURPOSES OF ESTABLISHING THE SEWER RENT RATE AT \$1.359199677/CCF OF WATER CONSUMPTION AND TO CONSIDER RULES AND PROCEDURES FOR THE OPERATION OF THE SEWER RENT PROGRAM AS SET FORTH IN CHAPTER 256
<b>ITEM BACKUP DOCUMENTATION:</b> <ul style="list-style-type: none"><li>1. RESOLUTION ESTABLISHING A SEWER RENT RATE FOR FY 2020-2021 AND PROMULGATING RULES AND PROCEDURES FOR THE SEWER RENT PROGRAM</li></ul>

## **RESOLUTION**

### **ESTABLISHING A SEWER RENT RATE FOR FY 2020-2021 AND PROMULGATING RULES AND PROCEDURES FOR THE SEWER RENT PROGRAM**

WHEREAS, Article 14-F of the New York General Municipal Law authorizes municipalities to establish a system of user fees, or sewer rents; and

WHEREAS, in the exercise of such statutory authority, the Board has adopted a local law establishing a program for the collection of sewer rents using water consumption as a basis for calculating same; and

WHEREAS, the Village Administrator has provided the proposed sewer rent rate to become effective as of the start of the fiscal year 2020-2021 to the Board of Trustees, that being \$1.359199677/CCF of water consumption; and

WHEREAS, as required by law, the Board has conducted a duly noticed public hearing on April 28, 2020 wherein all interested parties were given an opportunity to be heard on the matter; and

WHEREAS, in accordance with the authority granted in Chapter 256 to promulgate rules and procedures for the Sewer Rent Program, the Village Board desires to establish basic operational practices for the program and to allow for a procedure for water users to request an adjustment of their bill for good cause shown;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby establishes the sewer rent rate to become effective as of the first day of the fiscal year 2020-2021 at \$1.359199677/CCF of water consumption, which rate shall remain in effect until revised in accordance with law; and

BE IT FURTHER RESOLVED, the Board of Trustees hereby establishes the following rules and procedures for the Sewer Rent Program pursuant to the authority granted in Chapter 256 "Sewer Rent".

#### **1. Basis of Sewer Rent.**

System users, identified in Chapter 256 as the record owner of real property using the Village sewer system, shall pay rent in an amount based on the actual water consumption on a per unit basis as determined by the water source using a water meter or other measuring device, or an estimated amount if the water source is unable to obtain a reading. The consumption of water is measured in units of hundreds known as centum cubic feet ("CCF") with one CCF equal to 748 gallons.

#### **2. Procedure for Review and Adjustment.**

- (a) A sewer user may request review and adjustment of sewer rent for any given six month period based on proof that certain measured water consumption during the period did not directly impact the sewer system. The sewer user may make an application to the Village Administrator or her/his designee for an adjustment. Such application shall be in writing,

accompanied by evidence to support the degree and amount of total water consumption that represents uses at the property that do not result in discharges into the sanitary sewer system. The system user may be granted an adjustment on such application, but in no event shall such adjustment exceed ten (10) percent of the total water consumption. Acceptable forms of proof shall be in the following forms:

- (i) An engineering report from a qualified professional engineer licensed in the State of New York;
  - (ii) Data from a sub-meter, the operation of which has been inspected by the Village of Dobbs Ferry;
  - (iii) Affidavits or equivalent containing statements sworn to under penalty of perjury; or
  - (iv) Other documentary evidence.
- (b) The system user has the burden of proof by substantial evidence. The quantum and quality of proof is necessarily dependent on the amount of the adjustment sought.
- (c) If, based upon the review of evidence presented, an adjustment is warranted, the Village Administrator shall submit a recommendation to the Village Board of Trustees in the form of a proposed resolution upon which the Board shall take action. Thereafter, the system user shall receive the adjustment in the form of a credit on the next bill following the Board's action. If a system user is aggrieved by a determination by the Village Administrator, said user may appeal to the Board of Trustees within 15 days of same. The Board of Trustees shall conduct a review of the appeal at a public meeting and make a determination by resolution.
- (d) Any applications for an adjustment that are currently pending shall be heard and determined under this subsection.

### 3. Billing and Collection.

- (a) System users shall be billed for sewer rent at the rate established by the Village which shall be collected by the entity to which billing authority has been delegated by contract, on a schedule and at such frequency as established by the Village and as set forth in the contract with such billing authority. Sewer rent bills shall be sent to system users at the same address to which real estate bills would be sent. The failure of a system user to receive a bill shall not excuse non-payment thereof, nor shall it act as a waiver of any penalty imposed herein prescribed. Access to a customer service call center will be provided by the entity to which billing authority has been delegated. Should a system user fail to receive a bill on or before the fifth day following the end of each billing period, assistance may be obtained from the customer service call center.
- (b) All bills shall become due and payable without penalty within the first month of the billing period. A late fee of five percent of the total will be charged for any bill that remains unpaid after 30 days from the date of billing. An additional penalty of one percent shall be added for each succeeding month or any portion of a month in which the sewer rent continues to remain unpaid.

- (c) Unpaid sewer rents, penalties and interest shall constitute a lien upon the real property on the date payable as provided by General Municipal Law Section 452. This lien shall have priority and be senior to every other lien with the exception of the lien of an existing tax, assessment or other lawful charge imposed by the state or a political subdivision or district thereof.
  - (d) The Board shall annually cause a statement to be prepared setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person or entity in whose name such real property is assessed. Such statement shall be presented to the Board of Trustees on or before a date to be specified by it. The Board shall levy or cause to be levied the amounts contained in such statement against the real property liable at the same time and in the same manner as village taxes and such amounts shall be set forth in separate column in the annual tax rolls. The amounts so levied shall be so collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of taxes.
  - (e) A system user that intends to convey property shall notify the Village or entity to which billing authority has been delegated sufficiently in advance of the closing title to schedule a final reading and provide new ownership information.
  - (f) System users will have access to a customer portal for the purpose of making online payments
4. Budgeting. Annual expenses associated with operation of the sanitary sewer system and meeting the goals of the Sewer Rent Program as established by Chapter 256 shall be determined as part of the Village's budget process. Examples of such expenses include, but are not limited to:
- (a) Personnel services, including salaries and benefits
  - (b) Contractual services, including engineering, legal and auditing
  - (c) Infrastructure installation, repairs, replacement and maintenance
  - (d) Materials and supplies
  - (e) Utilities
  - (f) Equipment
  - (g) Testing and sampling
  - (h) Insurance
  - (i) Indebtedness
  - (j) Reserve Fund and Contingency