

JANUARY 13, 2011 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening January 13, 2011 at 7:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Councilman Harold R. Bolton
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.

ABSENT: Supervisor Mary Beth Murphy

Also present were Richard W. Nicholson, Deputy Supervisor, Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Deputy Supervisor explained that the Supervisor was not able to attend that evenings meeting and she will be back for the next scheduled meeting. He explained that as the Deputy he had no voting power on any issues. He said that he would simply open the floor to the agenda items. The Deputy Supervisor said as the Deputy Supervisor he served at the pleasure of the Supervisor, it was a volunteer uncompensated position.

PUBLIC COMMENT:

Ms. Anita Krusko, 32 Ross Drive, handed out a document to the Board and said that she was there about the Shenorock issue. She said that they had met with the Supervisor and the people who were putting forth the petition to see if they could find some common ground. She said that she had already gone over some of the initial things that were discussed although there was a 3rd proposal that they had and the people who were for the petition did not want to hear about it. Ms. Krusko said that she wanted to tell the Board about the 3rd proposal that they did not have the opportunity to explain to the members who were supporting the petition. She said that they wanted to make clear to the Town Board and the public that what they were listing was not the petition. She said that they did not want the community to be confused about that, it was an alternative approach. Ms. Krusko said that if they did decide to sign the next petition they were signing to build a \$1.3 million beach. She said that even the proposal that she was going to present did not reflect the views of all the people who they represent. She said that she also believed that this 3rd proposal also more closely reflected the original, what was called a survey or petition that was sent around in 2006. Ms. Krusko said that she was going to go over just the main points and the whole proposal could be found at www.shenorock.info or an e-mail could be sent to shenresident@aol.com or a name and telephone number could be left at 914-361-9376.

Councilman Bolton said that the process as he understood it was that they had something put together and then they proposed it to the Town Board and then they vote on it. He said that they were still talking about several views of what they thought should be done with the lake. Ms. Krusko said that the Supervisor called them in to meet with the people who were proposing the petition to see if they could find some common ground. Councilman Bolton said that he understood what had been done but as for now there had not been any common ground found. He said that they had not determined what to present to the Board, to have Ms. Krusko go over different aspects of a proposal that was not put together was a waste of all of their time.

Mr. Joseph Luciano, 10 Walker Drive, asked if the Board wanted a proposal from them. Councilman Bolton said that was what happened in the past. The Homeowners Association came in with a proposal and a process that was sanctioned by the State. He said that the Board did not look for it, they came to the Board. He said that they did not have anything jelled up, they were talking about several options and that was not productive.

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Councilman Morrissey said that they should clarify where they were with the petition process. He said that the petition failed, they were going to set a period of time to have people come in and vote on the petition. He asked the Town Attorney what the status of the petition was; was it still the \$1.3 million petition or was there not one that came back to the Town. The Town Attorney explained that if there was going to be a change to the petition it also meant an amended Engineering Report had to be commissioned and accepted by the Town Board and available to the public for review. He said that now they only had the one map plan and report that had the one estimate in it. He continued that if the scope of the work changed then the document changed and then ultimately the petition changed.

Councilman Bolton asked if the people were the Home Owners Association, were they the owners of the property. Town Attorney said that it was his understanding that there was a new group that was in charge of the petition process. He said that the Officers and Directors of the former Shenorock United Home Owners Association had resigned as he understood. He said that their sole remaining task as former Officers and Director was to deliver title to the property if there was a new entity created. Councilman Bolton said that as a Board member he did not want to be in between residents while they were fighting. He said that Ms. Krusko had not even determined what they wanted to discuss, she said that the people in her group had several different ideas. The Town Attorney said that the Home Owners Association was a not-for-profit organization and that did not change, the former Officers still had the authority to sign the deed to the property if a new entity was created. He said as of now the entity still owned the property it just did not have any Officers.

Councilman Garrity asked the Town Attorney if there was a plan put together and it was complete, how the Town Board accepted a petition from people who did not own the property. The Town Attorney explained that the petition would be premised on the concept that if a district was formed the former President of the Association would deliver title to the property on behalf of the Corporation in liquidation. He said that if it did not happen the petition failed.

Ms. Krusko said that their intention was not to put forth a proposal; they were approached by the Supervisor to try to find a way to break through the log jam. She said that their intention was to see the possibilities that may be the majority view of the community and have the UOA move in that direction. She said that it was not their intention to run a petition.

Ms. Krusko asked how long this defunct and bankrupt organization could hold the property hostage without the Town taking it over. The Town Attorney said that it took 2 years before a Town could foreclose because of delinquent taxes. Ms. Krusko asked if that was from the start of the procedure or the start of delinquency. The Town Attorney said that the lien date was July 1st of every year.

Councilman Clinchy said that the 2 groups should consider reconvening a meeting with the Supervisor or a mediator to see if they could find some common ground with a second look.

Councilman Garrity said that he agreed on the additional meeting to but continue to flesh out their ideas. He said that the Board wanted to do whatever the majority of Shenorock residents wanted.

Councilman Morrissey said that this was frustrating to the Board also because they were in a reactive position; something had to come before them. He said that it was hoped that the Shenorock community would give them something that they could react to.

Mr. Luciano said that at the meeting there was zero cooperation with the people from the UOA. He gave the Board handouts with regard to the different proposals that were circulated to the residents and demonstrated the cost differences of the different proposals.

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There being no one else to be heard on motion of Councilman Garrity, seconded by Councilman Clinchy, public comment session was declared closed.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Director of Finance, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, Muscote Inn located on Route 100 and Route 35, Somerfields American Grill located in the Somers Town Shopping Centre and LaCampagna Italian Restaurant, d/b/a Luce Restaurant located on Route 100 were renewing their liquor licenses.

Town Board Liaison alternates

The first item on the agenda was with regard to the appointment of Town Board Liaison alternates. The Deputy Supervisor said that Councilman Clinchy wanted to be a liaison to Police and Fire and Parks and Recreation Department. Councilman Morrissey said that he was the alternate to Police and Fire. Councilman Bolton said that he wanted to be the alternate for Cable Television. The Deputy Supervisor said that Councilman Bolton was the alternate for Cable Television; Councilman Clinchy was the alternate for Parks and Recreation Department.

Thereupon motion of Councilman Clinchy, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby make adjustments and appoint alternates to the 2011 Town Board Liaison List as follows:

Building Department and Zoning Board of Appeals	Councilman Morrissey
Budget, Audit, Finance and Taxes	Supervisor Murphy
Cable Television	Councilman Garrity & Councilman Bolton
Highway	Councilman Bolton
Library	Supervisor Murphy
Intergovernmental Affairs	Councilman Morrissey
Planning and Engineering	Supervisor Murphy
Conservation Board	Councilman Clinchy
Police and Fire	Councilmen Garrity & Councilman Morrissey
Parks and Recreation	Councilman Garrity & Councilman Clinchy
Refuse and Recycling	Councilman Clinchy
Water and Sewers	Councilman Bolton
Assessment and Real Estate	Councilman Clinchy
Landmarks and Historic Preservation	Supervisor Murphy
Court Administration	Councilman Bolton
Open Space Committee	Councilman Morrissey
Risk Management	R.Spadaccia,W.Kehoe&Councilman Garrity

2 contract with NYS DEC

The Deputy Supervisor said that the next item on the agenda was to authorize the Supervisor to execute 2 contracts with New York State Department of Environmental Conservation to accept grant funds awarded to CKWIC for MS4 compliance including mapping and compliance administration and retrofit design work for CKWIC. He said that the contracts were to follow shortly. Councilman Morrissey said that he was going to recuse himself from voting on this matter because he was involved with the DEC on other issues.

Thereupon motion of Councilman Garrity, seconded by Councilman Bolton, it was,

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute two (2) contracts with New York State Department of Environmental Conservation to accept grant funds awarded to CKWIC for MS4 compliance including mapping and compliance administration and retrofit design work for CKWIC per memo dated January 10, 2011.

Attachment B—Municipal Resolution

**Water Quality Improvement Projects and
Nonagricultural Nonpoint Source Projects
Municipal Resolution**

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, The Town of Somers as Lead Municipality for the Croton Kensico Watershed Intermunicipal Coalition (CKWIC), herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Somers, on behalf of the CKWIC:

1. That Mary Beth Murphy, Supervisor, Town of Somers or such person’s successor in office, is the representative authorized to act in behalf of the Municipalities’ governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and / or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. That this Resolution take effect immediately.

Councilman Morrissey recuse

PERSONNEL:

Current Vacancies:

Substance Abuse Council (1 – 3 year term to December 31, 2012)
Substance Abuse Council (1 – 3 year term to December 31, 2013)
Library Board of Trustees (1 – 5 year term to December 31, 2015)
Planning Board (1 – 7 year term to December 31, 2017)
Substance Abuse Council (2 - 3 year terms to December 31, 2013)
Zoning Board of Appeals (1 – 5 year term to December 31, 2015)

Upcoming Vacancies:

Architectural Review Board (3 – 3 year terms to March 31, 2014)
Conservation Board (3 – 2 year terms to March 15, 2011)

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Parks and Recreation Board (4 – 3 year terms to March 9, 2011)

Consensus agenda

The next item was the consensus agenda. The Deputy Supervisor pointed out a correct with regard to the numbering of item number 7. Councilman Garrity said that with regard to item number 12b the forms that the Carter fill out state a list of 20 customers and some of the applicants did not have 20 customers. The Town Attorney said that the law in that regard had to be amended and that they would be taking the steps to do so.

Thereupon motion of Councilman Clinchy, seconded by Councilman Morrissey, it was unanimously,

Cancel Budget Modification for Highway

1. RESOLVED, that the Town Board does hereby authorize the canceling of November 29, 2010 budget modification request in the amount of \$3,405.00 (Approved at the December 16, 2010 Town Board Meeting) per memo dated December 13, 2010 from Thomas E. Chiaverini, Superintendent of Highways.

Terminate probationary statue of S. Woelfle

2. RESOLVED, that the Town Board does hereby authorize the termination of probationary status of Steven Woelfle, Principal Engineering Technician effective December 31, 2010 and rehire as permanent effective January 1, 2011 at an annual salary of \$69,525.00, Grade 8 Step 5 of the CSEA Contract per memo dated January 6, 2011 from Barbara J. Sherry, Confidential Secretary to the Supervisor.

2011 Fee Schedule for Parks and Recreation

- 3a. RESOLVED, that the Town Board does hereby authorize setting of the 2011 fee schedule for programs and services for the Somers Parks and Recreation Department per memo dated December 22, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Bid for Summer Camp trip transportation (buses)

- 3b. RESOLVED, that the Town Board does hereby authorize permission to go to bid for Summer Camp trip transportation (buses) for approximately fourteen (14) buses per week from June 27, 2011 through August 5, 2011 per memo dated December 22, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Execute the North East Special Recreation, Inc. Interagency agreement

- 3c. RESOLVED, that the Town Board does hereby authorize permission for the Supervisor to execute the North East Special Recreation, Inc. Interagency agreement for the January 1, 2011 through December 31, 2011 program year per memo dated December 22, 2011 from Steven Ralston, Superintendent of Parks and Recreation.

Amend Bria Carting Contract

4. RESOLVED, that the Town Board does hereby authorize correction to Bria Carting Contract to amend the total sum from \$3,035.60 to \$1,517.80 for all locations per e-mail memo dated December 17, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Budget modifications

5. RESOLVED, that the Town Board does hereby authorize the following Budget Modifications as set forth in January 3, 2011 memo from Supervisor Mary Beth Murphy and three (3) additional modifications received January 11, 2011:

RESOLVED, that the Town Board does hereby authorize a budget modification for expenses that have exceeded the budget per memo dated December 23, 2010 from Glenn Droese, Assessor:

From: 1355.0440 – GIS – Contractual

To: 1355.0400 – Contractual

\$1,800.00

RESOLVED, that the Town Board does hereby authorize a budget modification for monies needed for increase in Principal Engineering Technician's salary per memo dated December 22, 2010 from Steven Woelfle, Principal Engineering Technician:

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From: A1440.4 – Engineering – Contractual
To: A1440.1 – Engineering – Salaries \$2,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of Town House Maintenance Contractual line per memo dated December 22, 2010 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 1620.45 – Buildings Repairs
To: 1620.405 – Buildings – Maintenance \$2,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of CATV Contractual line per memo dated December 22, 2010 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 1620.45 – Buildings Repairs
To: 6410.4 – CATV – Contractual \$3,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of budget line per memo dated December 15, 2010 from Tammi Savva, Senior Office Assistant:

From: 1670.4 – Print/Mail – Copying
To: 1670.41 – Print/Mail – Mailing \$800.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for unused vacation time per memo dated December 22, 2010 from Steve Ralston, Superintendent of Parks and Recreation:

From: A7140.1 – Instructional Programs – Personal Services \$10,763.13
To: A7020.1 – Recreation Administration – Personal Services (\$7,163.02)
A7110.1 – Parks – Personal Services (\$3,600.11)

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding to the line for the purchase of a new waterslide per memo dated January 4, 2011 from Steve Ralston, Superintendent of Parks and Recreation:

From: A7310.4 – Youth Programs – Contractual
To: A7310.2 – Youth Programs – Equipment \$5,360.00

RESOLVED, that the Town Board does hereby authorize a budget modification for Water Administration charges that were higher than anticipated per memo dated December 15, 2010 from Adam Smith, Water Superintendent:

From: 050-8340.0400 – AHWD Water Administration
To: 050-8310.0400 – AHWD Water Administration \$1,500.00

RESOLVED, that the Town Board does hereby authorize a budget modification for overtime hours higher than anticipated per memo dated December 15, 2010 from Adam Smith, Water Superintendent:

From: 051-8310.1 – ASWD – Salaries
To: 051-8310.11 – ASWD- Overtime \$420.00

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RESOLVED, that the Town Board does hereby authorize a budget modification for Vehicle Purchase per memo dated December 15, 2010 from Adam Smith, Water Superintendent:

From: 051-8320.40 – ASWD – Source of Supply – Contractual
To: 051-8340.20 – ASWD – Transmission/Distribution – Equipment
\$27,500.00

RESOLVED, that the Town Board does hereby authorize a budget modification for Water Administration charges that were higher than anticipated per memo dated December 15, 2010 from Adam Smith, Water Superintendent:

From: 049-8340.0401 – Windsor Farms Water District – Interfund
Charges
To: 048-8310.0400 – Windsor Farms Water District – Water Admin.
\$308.62

RESOLVED, that the Town Board does hereby authorize a budget modification to cover overage in Town Clerk's contractual budget per memo dated January 10, 2011 from Kathleen R. Pacella, Town Clerk:

From: 1450.4 – Elections – Contractual
To: 1410.4 – Town Clerk – Contractual \$50.25

RESOLVED, that the Town Board does hereby authorize a budget modification to cover the last payroll of 2010 per memo dated January 11, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: DA5140.4 – Brush Contractual
To: DA5140.1 – Brush Personal Services \$1,794.89

RESOLVED, that the Town Board does hereby authorize a budget modification to cover the last payroll of 2010 per memo dated January 11, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: DA5110.11 – General Repair Personal Service – Overtime
To: DA5110.1 – General Repair – Person Service \$3,512.34

Accept road
dedication –
Londonderry
Lane Phase III

- 6a. RESOLVED, that the Town Board does hereby authorize acceptance of dedication of Londonderry Lane Phase III per memo dated December 28, 2010 from Steven Woelfle, Principal Engineering Technician:

WHEREAS, upon consideration of dedications and releases including, but not limited to the offer of dedication set forth in the Highview Phase III Subdivision plat (Map No. 24692), dedicating and releasing the necessary lands for highway purposes, it is

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law, consent be and the same hereby is given that the Superintendent of Highways of the Town of Somers make an ORDER accepting certain parcels for highway purposes, said parcels being described as follows:

Londonderry Lane (Phase III) Beginning approximately 60 feet north from the intersection with Mountain View Drive and continuing in a northwesterly direction a distance of 2,000 feet and terminating adjacent to Retention Area 1, as shown on File Map#24692

Release
Performance
Bond

- 6b. RESOLVED, that the Town Board does hereby authorize that the remaining Performance Bond of \$33,500.00 be released for the Londonderry Lane (Phase III) and that a Maintenance Bond would not be

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necessary per memo dated December 28, 2010 from Steven Woelfle, Principal Engineering Technician.

Accept
Erosion
Control Bonds

7. RESOLVED, that the Town Board does hereby authorize acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:
- a. \$100.00 – Pomerance Wetland Permit – 6.12-1-19.
 - b. \$200.00 – Meadow Ridge Homes Erosion & Sediment Control – 4.18-1-17.
 - c. \$200.00 – Meadow Ridge Homes Erosion & Sediment Control – 4.18-1-20.
 - d. \$200.00 – Meadow Ridge Homes Erosion & Sediment Control – 4.19-1-16.
 - e. \$200.00 – Meadow Ridge Homes Erosion & Sediment Control – 4.19-1-17.

Refund
Erosion
Control Bond

8. RESOLVED, that the Town Board does hereby authorize refund of the following Erosion Control Bonds per memo from Steven Woelfle, Principal Engineering Technician:

- a. \$100.00 – Ginquitti – Wetland Permit – 16.05-2-9.

Disposal of
old office
equipment

9. RESOLVED, that the Town Board does hereby authorize disposing of old office equipment per memo dated December 16, 2010 from Kathleen R. Pacella, Town Clerk.

Accept
Performance
Bond

10. RESOLVED, that the Town Board does hereby authorize acceptance of Performance Bond #SU1039809 in the amount of \$1,211,500.00 for the Clayton Boulevard Road Construction, pending Town Attorney approval per memo dated December 28, 2010 from Steven Woelfle, Principal Engineering Technician.

2011 Planning
& Engineering
Fee Schedule

11. RESOLVED, that the Town Board does hereby adopt the 2011 Planning and Engineering Fee Schedule per memo dated January 6, 2011 from Sabrina Charney Hull, Town Planner.

2011 Refuse
and Recycling
Licenses

- 12a. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2011 to Sani-Pro Disposal Services Corp. dba/Suburban Carting Co., 566 North State Rd., Briarcliff Manor, NY 10510 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2011 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

- 12b. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2011 to Somers Sanitation, Inc., PO Box 397, Somers, NY 10589 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2011 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed

Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

- 12c. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2011 to Tro-It-Out, Inc., PO Box 166, 2 Cedar St., Lincolndale, NY 10540 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2011 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.
- 12d. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2011 to Mayfield Carting Service, Inc., 131 Plainfield Avenue, PO Box 650, Bedford Hills, NY 10507 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2011 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

Settlement of
Heritage Hills
Condominiums
Tax Certiorari
Proceedings

13a.

**RESOLUTION AUTHORIZING TAX CERTIORARI
SETTLEMENT AND AUTHORIZING PAYMENT AND
CHARGEBACK OF FIRE DISTRICT TAXES ON A TAX
CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Town's assessment roll with respect to the following parcels:

Heritage Hills Condominiums

2008: 27 Condominiums (Condominiums 1, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30)

2009-2010: 28 Condominiums (Condominiums 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30)

WHEREAS, petitioner's tax certiorari proceedings are now pending in Supreme Court, Westchester County; and

WHEREAS, the Town and the property owners have reached a resolution with regard to the assessments at issue in the tax certiorari proceedings; and

WHEREAS, the Town has reviewed the settlement and has found that the terms of the settlement are reasonable; and

WHEREAS, the Town and the property owners have reached a mutually agreeable resolution; and

WHEREAS, the settlement of these proceedings are in the best interests of the Town;

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NOW THEREFORE BE IT RESOLVED, the Tax Certiorari Special Counsel to the Town is authorized to execute settlement documents on behalf of the Town for assessments for no less than the following:

Assessment Reductions, as per Assessment Roll:

<u>Year</u>	<u>Current Assessment</u>	<u>Settlement Assessment</u>	<u>Assessment Reduction</u>
2008	77,527,470	55,554,655	21,972,815
2009	79,211,205	56,766,945	22,444,260
2010	79,211,205	56,766,945	22,444,260

The Town of Somers' share of the refund is \$472,758.18±, net of assessment exemptions.

13b. **RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT AND AUTHORIZING PAYMENT AND CHARGEBACK OF FIREDISTRICT TAXES ON A TAX CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Town's assessment roll with respect to the following parcels:

Property Owner	Year(s)
Heritage Hills - Condominium 3	2002 - 2007

WHEREAS, petitioner's tax certiorari proceedings are now pending in Supreme Court, Westchester County; and

WHEREAS, the Town and the property owners have reached a resolution with regard to the assessments at issue in the tax certiorari proceedings; and

WHEREAS, the Town has reviewed the settlement and has found that the terms of the settlement are reasonable; and

WHEREAS, the Town and the property owners have reached a mutually agreeable resolution; and

WHEREAS, the settlement of these proceedings are in the best interests of the Town;

NOW THEREFORE BE IT RESOLVED, the Tax Certiorari Special Counsel to the Town is authorized to execute settlement documents on behalf of the Town for assessments for no less than the following:

Assessment Reductions, as per Assessment Roll:

<u>Year</u>	<u>Current Assessment</u>	<u>Settlement Assessment</u>	<u>Assessment Reduction</u>
2002: DISCONTINUED			
2003	2,989,455	2,884,824	104,631
2004	2,989,455	2,847,456	141,999
2005	2,989,455	2,451,353	538,102

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2006	2,989,455	2,331,775	657,680
2007	2,989,455	2,242,091	747,364

The Town of Somers' share of the refund is \$18,925.53±, net of assessment exemptions.

13c. **RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT AND AUTHORIZING PAYMENT AND CHARGEBACK OF FIRE DISTRICT TAXES ON A TAX CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Town's assessment roll with respect to the following parcels:

Property Owner	Year(s)
Heritage Hills - Condominium 16	2002 -2007

WHEREAS, petitioner's tax certiorari proceedings are now pending in Supreme Court, Westchester County; and

WHEREAS, the Town and the property owners have reached a resolution with regard to the assessments at issue in the tax certiorari proceedings; and

WHEREAS, the Town has reviewed the settlement and has found that the terms of the settlement are reasonable; and

WHEREAS, the Town and the property owners have reached a mutually agreeable resolution; and

WHEREAS, the settlement of these proceedings are in the best interests of the Town;

NOW THEREFORE BE IT RESOLVED, the Tax Certiorari Special Counsel to the Town is authorized to execute settlement documents on behalf of the Town for assessments for no less than the following:

Assessment Reductions, as per Assessment Roll:

Year	Current Assessment	Settlement Assessment	Assessment Reduction
2002: DISCONTINUED			
2003	3,277,120	3,178,806	98,314
2004	3,278,220	3,163,482	114,738
2005	3,278,220	2,688,140	590,080
2006	3,278,220	2,557,012	721,208
2007	3,278,220	2,458,665	819,555

The Town of Somers' share of the refund is \$19,906.55±, net of assessment exemptions.

Alexan Somers Wood's agreement for completeness review

14. **RESOLVED**, that the Town Board with regard to Alexan Somers Woods does hereby acknowledge that the applicants agreement that the proposals are fair and reasonable and accept proposals for completeness review from F. P. Clark and Woodard and Curran and,

DOES HEREBY, authorize the Supervisor to execute same.

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Schedule public hear -
Maintenance of Separate
Sewage Disposal
System/On-Site
Wastewater System

15. RESOLVED, that the Town Board does hereby authorize scheduling a Public Hearing for Thursday, February 10, 2011 regarding Maintenance of Separate Sewage Disposal System/On-Site Wastewater System.

Authorize sale of
scrap metal and old
equipment -
Highway

16. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to sell scrap metal and old equipment to the highest bidder via Auction or Sealed Bids, per memo dated January 12, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

Councilman Garrity said that the Highway Department did a great job with the recent snow storms.

Claims for the payment of all Town Bills in the amount of \$1,506,684.09 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, the meeting was adjourned at 8:10 PM.

Town Clerk