

THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, MAY 17, 2016 AT 6:00 P.M. IN THE TOWN HALL, WURTSBORO, NEW YORK.

Present: William E. Herrmann- Supervisor
Matt Taylor - Councilman
Brenda Giraldi- Councilwoman
Janet Lybolt - Councilwoman
Christine Saward – Councilwoman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Robert Fiore – Deputy Supervisor
Catherine Owens-Herrmann – Confidential Secretary to the Supervisor
Riley Platt III – Highway Superintendent
JoAnn Salamone – Deputy Highway Superintendent
Kerron Barnes – Interagency Coordinator

Worksession Items for Discussion

1. Anthos Home Inc. tax certiorari
2. Budget Modifications
3. Larissa Dryska – Effects of the gas pipeline and compressors on health presentation
4. Larry Paggi, Town Engineer - MS4 presentation
5. Logging Bond release Klein & Son

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The May 17, 2016 meeting was called to order with the pledge to the flag.

HIGHWAY SUPERINTENDENT'S REPORT

- Multi-Year Plan
- Cleaning up brush
- Road repair
- Truck #21 (International) – receiving a \$21,000 refund
- Would like to replace truck #45 (2002 Ford 1 ton at a cost of \$59,906.00
- Excavator on order

SUPERVISOR'S REPORT

- Multi-Year Capital Plan ongoing
- Loss Control Audit done by an outside Safety Auditor (McKee Risk Management)
- Front steps at Restoration Foundation need repair
- McKane Group now broker of record for health insurance
- County Road 55 closed until 10/28/16 due to bridge repair
- Zika information from Public Health on website
- Thank you letter to town regarding a MVA on Winterton Road (Mamakating First Aid Squad & Fire Company
- Need to check on status of Ward System
- Public Notice from the Town of Crawford regarding telecommunications at 185 Red Mills Road

COUNTY LEGISLATIVE REPORT – Catherine Owens-Herrmann

- Zika virus information
- Camp Chrysalis for grieving children
- Jail – public hearing regarding 5% tax increase
- Press release for contract between Gravity Renewables and Sullivan County for Hydroelectric power
- Bill before Albany legislature regarding unfunded mandates – NYSAC strongly supports this
- County Contracts are being scrutinized for pork
- Land Bank proposal
- E-Scrap acceptance is suspended

ABSTRACTS

A motion was made by C. Saward, seconded by J. Lybolt to approve the following abstract as presented: All in favor.

Abstract #11 Approval 2016 \$80,085.23

- a. AO FUND \$38,265.87
- b. BO FUND \$8,213.85
- c. DA FUND \$11,513.85
- d. DB FUND \$21,111.91
- e. SL FUND \$979.75

MINUTES

- A motion was made by B. Giraldi, seconded by C. Saward to accept the Minutes of April 26, 2016 and May 3, 2016. All in favor.

RESOLUTIONS

- At a meeting of the Town Board of the Town of Mamakating, County of Sullivan, State of New York, held at Town Hall in said Town on the 17 day of May, 2016;

WHEREAS, **Anthos Homes NY LLC**, has commenced a tax certiorari proceeding against the Town of Mamakating in the Supreme Court of the State of New York, County of Sullivan for the 2014-15 and 2015-16 tax assessment years bearing Sullivan County Index #s 1788/14, 1753/15 and 1752/15;

WHEREAS, it appears from the recommendation of the Town Assessor and F. Bryan Paz, Esq., of Jacobowitz and Gubits, LLP counsel for the Town of Mamakating in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, Anthos Homes NY LLC is willing to settle these proceedings without interest, costs or disbursement, in the following manner;

(1) That the proceedings for the 2014-15 tax year be compromised and settled by the assessment being reduced from \$160,500 to a total amount of \$147,705 for tax map no. 70.A-1-6.

(2) That the proceedings for the 2015-16 tax year be compromised and settled by the assessment being reduced from \$160,500 to a total amount of \$150,715 for tax map no. 70.A-1-6.

(3) That the proceedings for the 2015-16 tax year be compromised and settled by the assessment being reduced from \$ 169,300 to a total amount of \$156,323 for tax map no. 74.-1-14.

(4) That the Petitioner's real property taxes on said parcels above described for the 2014-15 and 2015-16 School taxes and for the 2015 and 2016 County and Town taxes be adjusted accordingly and the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to § 68 of the Town Law, and it is further;

RESOLVED, that Alane Romer, Assessor of the Town of Mamakating and F. Bryan Paz, Esq. on behalf of Jacobowitz and Gubits, LLP be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law and be it further;

On a motion by Councilperson Saward, seconded by Councilperson Taylor, the foregoing resolution was adopted to a vote of 5 Ayes, 0 Nays.

- A motion ratifying the **Health Insurance broker of record** as The McKane Group was made by B. Giraldi, seconded by J. Lybolt. All in favor.
- A motion approving the **Budget Modifications** as presented to the board was made by B. Giraldi, seconded by M. Taylor. All in favor.
- A motion to release the **Logging Bond** of Klein & Son in the amount of \$1,500.00 as per the recommendation of the Highway Superintendent was made by M. Taylor, seconded by B. Giraldi. All in favor.
- A motion was made by B. Giraldi, seconded by J. Lybolt accepting the **MS4** annual update report. All in favor.
- A motion was made by C. Saward, seconded by J. Lybolt approving the purchase of playground equipment from **Miracle Recreation Equipment** who has the State bid in the amount of \$49,951.50. Monies were obtained through a grant from Senator Bonacic.

- Motion to transfer \$60,000 from DA5142.40 Snow Removal Contractual Expenditures to DA5130.20 Machinery Equipment for the purchase of the 2016 Ram 3500 Purchase order number 1306 as a **replacement for truck number 45** was made by M. Taylor, seconded by C. Seward. All in favor.
- A motion was made by C. Seward, seconded by J. Lybolt authorizing the purchase of a plaque at a cost of up to \$100.00 to be awarded to the **Phillipsport Community Center** in honor of their 60th Anniversary. All in favor.

EXECUTIVE SESSION

- A motion was made by J. Lybolt, seconded by C. Seward to go into Executive Session at 8:25 p.m. for the purpose of the following: Ongoing Litigation. All in favor.

A motion to come out of Executive Session was made by M. Taylor, seconded by B. Giraldi at 9:20 p.m. All in favor.

ADJOURNMENT

- A motion to adjourn the meeting was made by M. Taylor, seconded by B. Giraldi. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk