

**MINUTES OF THE LEGISLATIVE MEETING OF THE TOWN BOARD  
OF THE TOWN OF PELHAM HELD ON DECEMBER 2, 2013 AT THE  
TOWN HALL COMMENCING AT 7:13 P.M.**

**PRESENT:** SUPERVISOR PETER DIPAOLO, DEPUTY SUPERVISOR WILLIAM O'CONNOR, COUNCILMAN DANIEL MCLAUGHLIN AND COUNCILMAN BLAKE BELL

**RECORDING SECRETARY:** TOWN CLERK TIMOTHY CASE

**ABSENT:** COUNCILWOMAN RAE SZYMANSKI

**OTHERS PRESENT:** CONFIDENTIAL SECRETARY TO SUPERVISOR RUTHANN DE SIMONE, DEPUTY TOWN CLERK JESSICA HYNES, TOWN COUNSEL THOMAS KLEINBERGER AND A FEW MEMBERS OF THE PUBLIC.

**CALL TO ORDER** - Town Supervisor Peter DiPaola called the legislative meeting to order at 7:13 pm.

**I. Swearing in Ceremony – Library Board**

Supervisor DiPaola conducted the oath of office for Mrs. Sandy Angevine to a new 5-year term on the library board.

Councilman McLaughlin said that Mrs. Angevine handles the personnel at the library and has done a wonderful job.

**II. APPROVAL OF THE MINUTES**

**Approval of the minutes** – Supervisor DiPaola asked for a motion to approve the minutes from the regular meeting held on November 4, 2013.

Motion by: Councilman McLaughlin  
Seconded by: Councilman Bell

Vote taken:

Supervisor DiPaola	Aye
Councilman Bell	Aye
Councilman McLaughlin	Aye
Councilman O'Connor	Aye
Councilwoman Szymanski	Absent

Motion carried unanimously.

### **III. COMMITTEE REPORTS**

#### **A. Supervisor DiPaola – Flycar**

October 2013 - 85 total EMS calls for the Town of Pelham with 48 in the Village of Pelham and 30 in Pelham Manor. Included in these numbers were 3 calls on the Hutchinson River Parkway. We also received 4 requests for mutual aid from New Rochelle.

Supervisor DiPaola then noted that when we get requests for mutual aid from other municipalities, we are still fully covered in Pelham.

#### **B. Councilman McLaughlin – Library report**

Councilman McLaughlin discussed that the repairs at the library have been completed and bill has been sent to the library for half of the total cost.

The next library board meeting is scheduled for Wednesday, December 4, 2013.

#### **C. Councilman O'Connor – Councilman O'Connor read into the record the:**

##### **1) Justice court reports**

For October 2013: **Judge John Gardner** - collections - \$33,674

**Judge John DeChiaro** - collections - \$49,971

##### **2) Receiver of Taxes Report - Councilman O'Connor**

Councilman O'Connor read into the record the monthly statement of the Receiver of Taxes. For the month of October 2013 the taxes, assessments, penalties and money collected during the month were as follows: Town and County taxes for 2013 9,547.82; school taxes 12,817,999.26; school collection fee 69,213.58; credit card fee 217.88; duplicate payments (refund) -43,673.19; penalties and interest 9,199.05; liens 26,894.69; taxpayer agreement 581.13; misc. 401; pro-ratas 5,544.12. The total received for the month of October was \$12,895,925.34.

For the month of November 2013 the taxes, assessments, penalties and money collected during the month were as follows: Town and County taxes for 2013 12,560.98; school taxes 278,634.22; school collection fee 1,504.60; credit card fee 128.71; penalties and interest 10,111; liens 43,657.24; taxpayer agreement 2,528.78; pro-ratas 1,253.63. The total received for the month of November was \$350,379.16.

Councilman O’Connor showed concern over the high lien numbers in the above reports and suggested that we approach the taxpayers in question and put in a taxpayer payment plan before the lien numbers get that high.

**D. Councilman Bell – Recreation Department Report**

Councilman Bell did not have a Recreation commission report tonight.

The next Recreation board meeting is December 9, 2013.

**IV. SUPERVISOR’S REPORT**

**A. Trotta Park**

Trotta Park is mostly completed. The furniture is being delivered in January and the ceremony to dedicate the park will take place in the spring of 2014.

Pelham resident John Cassone thanked the board for all of their hard work on getting Trotta Park built.

**B. Tax Certiorari**

Councilman O’Connor read into record a resolution to adopt a certiorari settlement for Levin Properties, L. P. (Section 166.34, Block 1, Lot 1) located at 895 Pelham Parkway, Pelham, NY 10803:

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the settlement of these proceedings so as to adjust the assessment of the above described tax parcel for the Assessment Years 2007 through 2013 as follows:

<u>Year</u>	<u>Assessment</u>	<u>Proposed</u>	<u>Reduction</u>
2007	\$15,750,000	\$10,749,999	\$5,000,001
2008	\$15,750,000	\$12,740,000	\$3,010,000
2009	\$28,340,000	\$15,870,071	\$12,469,929
2010	\$37,500,000	\$37,500,000	\$0

2011	\$41,740,000	\$41,740,000	\$0
2012	\$42,800,000	\$42,800,000	\$0
2013	\$43,000,000	\$40,000,000	\$3,000,000

Total refund – \$12,537.65

BE IT FURTHER RESOLVED, that the 2014 assessment of the aforementioned tax lot will remain at \$40,000,000, unless the level of the occupancy within the shopping center on these premises exceeds 85% by May 1, 2014 (the taxable status date governing the Town of Pelham 2014 Assessment Roll); and

BE IT FURTHER RESOLVED, that counsel for the Town of Pelham, Keane & Beane, P.C., together with the Town Assessor and Town Staff, are hereby authorized to undertake such actions as are necessary to effectuate this settlement, including the execution and entry of a Consent Judgment and the payment of any and all refunds required under the above authorized terms of the settlement.

Councilman O’Connor requested a motion to accept the tax settlement.

Motion by: Councilman Bell  
 Seconded by: Councilman O’Connor

Vote taken:

Supervisor DiPaola	Aye
Councilman Bell	Aye
Councilman O’Connor	Aye
Councilman McLaughlin	Aye
Councilwoman Szymanski	Absent

Motion carried unanimously.

**Discussion on the above settlement:**

Councilman O’Connor asked what happens if the occupancy is > 85% by May 1, 2014?

Supervisor DiPaola responded that it would be almost impossible for the occupancy to be 85% by said date, so it won’t be an issue. The owners are in the process talking to Dave & Buster’s restaurant to fill the space but it won’t be filled by May 1, 2014. Beginning in 2015, we are able to reassess them regard less of whether they have >85% occupancy or not.

Supervisor DiPaola then said that the original request was for 2 to 3 times the amount we ultimately settled for and that the Pelham School Board has already approved this settlement.

Councilman McLaughlin asked why the assessment went down from \$42.8m in 2012 to \$40m in 2013?

Supervisor DiPaola said that it was just part of the settlement to appease the property owner. The problem is that going to court to fight is much more expensive than settling. The judge that hears the certiorari cases is a family court judge that does not know real estate. The judge's usual course of action is to split the dollar amount difference between the plaintiff and defendant.

Lastly, Supervisor DiPaola stated that the above settlement is strictly a business arrangement and in no way reflects upon our Assessor's ability to value properties. We settled due to the fact that it would cost more to fight the case in court than it did cost to settle. The Town Board has 100% confidence in our Assessor's numbers.

#### **V. MOTION TO ADJOURN THE MEETING**

The Supervisor asked for a motion to adjourn the meeting and enter into executive session to discuss a personnel matter.

Motion by: Councilman O'Connor  
Seconded by: Councilman McLaughlin

Supervisor DiPaola	Aye
Councilman Bell	Aye
Councilman McLaughlin	Aye
Councilman O'Connor	Aye
Councilwoman Szymanski	Absent

Motion carried unanimously and the meeting ended at 7:47pm.

Respectfully submitted,

Timothy Case  
Town Clerk  
Pelham, New York

