

TOWN OF AMENIA  
Regular Board Meeting  
Thursday, October 21, 2010  
Amenia Town Hall

Supervisor Euvrard called **Regular Board Meeting** to order at 7:00 pm.

Salute to the flag was conducted and moment of silence for our brave troops serving world-wide and for lost loved ones.

Supervisor Euvrard announced that tonight's meeting will be Historical, as the last held at the Amenia Firehouse and thanked the Amenia Fire Company as renters over the past years.

Emergency Exits at right of town board meeting table and at rear of meeting room.

PRESENT:	Councilwoman Riemer	Aye
	Councilwoman Doyle	Aye
	Councilman Cayea	Aye
	Councilwoman Perotti	Aye
	Supervisor Euvrard	Aye

**NO PUBLIC COMMENTS**

Michael Kelsey, County Legislator reported that Dutchess County Community College will begin construction of dormitories, to be completed by 2012; reducing county staff; election districting; staffed Veterans Advisory Council, Herb Eschbach of Amenia named a council member; Resource Recover Agency draft for user-fee. Board of Elections suggested reducing staff for inspectors, coordinators. Input is requested from towns. Mr. Kelsey suggested that letter be written to both Dutchess Count Commissioners, regarding reduction of election districts. No update on stop signs at Harlem Valley Rail Trail. No update on used election machines.

**DEPARTMENT REPORTS**

**Highway**

Supervisor Euvrard reported that Tower Hill Road project has been completed. Morris Associates has advised Supervisor that work for Nelson Road Bridge has been completed by Bast Hatfield, Inc. Additional guard rails must be installed. Highway Superintendent to obtain costs for this work. Bond Anticipation Note paperwork for this project in the amount of \$70,000 has been completed and monies have been put into General Fund.

**Water**

Marco D'Antonio reported that a new visual display needs to be installed at pump house to monitor readings. Water usage is down. Water usage fees are being reviewed by Town Board and Water Committee members.

## **DEPARTMENT REPORTS (Cont'd)**

### **Town Clerk**

Maureen Bonds reported that the Town Clerks are continuing to review the coordination and administration of the **NYS Dog Licensing Program** effective January 1, 2010. BAS software update, at no additional cost, will include mandatory fees to be paid to NYS Ag & Mkts; \$1 for altered, \$3 for unaltered. Local Law for Dog Licensing Program is being reviewed by Town Attorney. Town Clerk will submit recommendations to town board and town attorney. Michael Hayes, Town Attorney, stated that fees need to be established for Local Law.

Town Clerk's office will be Closed on Tuesday, November 2<sup>nd</sup> for Election Day, and Thursday, November 11<sup>th</sup> for Veterans Day.

Town Clerk submitted Resolution #47 to establish **Standard Work Day for Town Clerk**.

A detailed three-month daily log was requested by the town board in June 2010, for period July 1 thru September 30, 2010. (First three-month log submitted for Jan 1 thru Mar 30, 2010 for full time status was denied.) Supervisor Euvrard postponed Resolution to November 10th Town Board workshop meeting.

## **COMMITTEE REPORTS**

### **Town Historian**

Arlene Iuliano suggested applying for grant under the Quadra-centennial Legacy Grant Program (due by December 8, 2010) for historic landscape marker at Delavergne Hill location. Councilwoman Riemer will assist with design of signage.

### **Fountain Square**

Councilwoman Perotti reported that stair repair work is scheduled, and three quotes for electrical work will be obtained.

### **CAC**

Councilman Cayea reported forestry discussion with guest speaker at last meeting.

### **Enhancement**

Councilwoman Doyle requested volunteers to decorate for the holidays at Fountain Square on November 27, 2010.

### **Grants**

Supervisor Euvrard reported approval of \$10,000 for work on the Wassaic Trail to Train project under Hudson River Greenway grant.

Wassaic Trail to Train RFQ ranking for design – Committee and Town Board to meet on Oct 22<sup>nd</sup>.

Discussion of NYSERDA grant for geo-thermal (air-conditioning).

**SNOW REMOVAL - Amenia Post Office**

MOTION by Supervisor Euvrard, SECOND by Councilman Cayea to AUTHORIZE **Al Smith & Sons Excavating** of Dover Plains, New York for SNOW REMOVAL in the amount of \$2,000 from sidewalks between Amenia Post Office and Mechanic Street

ROLL:	Councilwoman Riemer	Aye
	Councilwoman Perotti	Aye
	Councilwoman Doyle	No
	Councilman Cayea	Aye
	Supervisor Euvrard	Aye

MOTION CARRIED 4 AYES 1 NO

**SCENIC PROTECTION OVERLAY**

Michael Hayes, Town Attorney, provided an overview: Planning Board is supportive. Revisions are necessary.

**FARMERS MARKET**

Discussion for hallway use beginning November 6, 2010, certificate of occupancy for gymnasium, revised building use form, volunteerism for painting, cleaning gymnasium after use, fee schedule. Councilwoman Riemer suggested that issue be tabled for combination work (Phases).

MOTION by Supervisor Euvrard, SECOND by Councilman Cayea to ACCEPT building use form; revised by Michael Hayes, Town Attorney. Town Board AUTHORIZES Farmer’s Market to be held in Town Hall hallway beginning November 2010 at a fee of \$25.00 per session for remaining 2010 with cleanup to be responsibility of Farmers Market vendors.

ROLL:	Councilwoman Riemer	Aye
	Councilman Cayea	Aye
	Councilwoman Perotti	Aye
	Councilwoman Doyle	Aye
	Supervisor Euvrard	Aye

MOTION CARRIED

**RESOLUTION #48 OF 2010**

**A RESOLUTION AUTHORIZING A GRANT APPLICATION UNDER THE SAFETEA-LU RECREATIONAL TRAILS PROGRAM NOT TO EXCEED \$50,000.**

**Project: A New Park and Ride Link to the Harlem Valley Rail Trail**

MOTION made by Councilwoman Perotti, SECOND by Supervisor Euvrard that was; ADOPTED – VOTE

ROLL:	Councilman Cayea	Aye
	Councilwoman Perotti	Aye
	Councilwoman Riemer	Aye
	Supervisor Euvrard	Aye
	Councilwoman Doyle	Aye

**Michael Hayes, Town Attorney, presented an overview and submitted the following Resolutions Authorizing Settlement of Tax Certiorari Proceedings.**

**RESOLUTION #49 OF 2010**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI PROCEEDING**

WHEREAS, **Cumberland Farms, Inc.**, (“Petitioner”) commenced tax certiorari proceedings (the “Proceedings”) challenging the 2005, 2006, 2007, 2008, 2009, and 2010 assessments for real property located at 3339 Route 343 in the Town of Amenia, bearing Tax Identification No. 01-7167-09-236520 (“Property”); and

WHEREAS, the Town of Amenia is prepared to enter into an agreement and stipulation of settlement and compromise resolving the Proceedings by reducing the 2009/2010 assessed value of the Property from \$990,000 to \$810,000, and to retain that assessed value for the 2010/2011 tax year; and

WHEREAS, pursuant to the settlement, Petitioner has agreed to dismiss the Proceedings relating to the 2005, 2006, 2007, and 2008 assessments, to forever waive any claim that Petitioner may have to challenge the assessment of the Property for those years, to forever waive any right or claim that Petitioner may have for the refund of taxes paid to the Town prior to 2010, and to forever waive any claim that Petitioner may have to payments of interest or penalties by the Town; and

WHEREAS, the Town Board concludes that it is in the best interests of the Town of Amenia to settle the Proceedings without further costs or risk to the Town on these terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amenia hereby authorizes the settlement of the Proceedings pursuant to these terms and conditions; and

IT IS FURTHER RESOLVED that the Town Assessor or the Attorney for the Town are hereby authorized to execute and file any documents necessary to effectuate this settlement, to consent to the entry of an appropriate court order required to implement this settlement, and to discontinue the Proceedings, with prejudice; and

IT IS FURTHER RESOLVED that promptly upon issuance of a Court Order approving this settlement, and in no event more than ninety (90) days after such issuance, the Town shall make and pay such refund of taxes as may be required to reflect the assessed value of the Property for the 2009/2010 tax year pursuant to the terms and conditions of this settlement.

The foregoing resolution was voted upon with all councilmen voting as follows:

MOTION made by Supervisor Euvrard, SECOND by Councilwoman Perotti, that was;  
ADOPTED-VOTE

ROLL:	Supervisor Euvrard	Aye
	Councilman Cayea	Aye
	Councilwoman Doyle	Aye
	Councilwoman Perotti	Aye
	Councilwoman Riemer	Aye

**RESOLUTION #50 OF 2010**  
**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI PROCEEDING**

WHEREAS, **Amenia Sand and Gravel, Inc.**, (“Petitioner”) commenced tax certiorari proceedings (the “Proceedings”) challenging the 2008, 2009, and 2010 assessments for four parcels of real property located along Leedsville Road and Bog Hollow Road in the Town of Amenia, bearing Tax Identification Nos. 01-7267-00-325320, 01-7267-00-335155, 01-7267-00-264108, and 01-7165-00-5762374 (the “Property”); and

WHEREAS, the Town of Amenia is prepared to enter into an agreement and stipulation of settlement and compromise resolving the Proceedings by reducing the 2010/2011 assessed value of the property as follows:

- (a) For parcel 01-7267-00-325320, the assessed value shall be reduced and corrected from a total assessment of \$382,000 to a total assessment of \$310,755.
- (b) For parcel 01-7267-00-335155, the assessed value shall be reduced and corrected from a total assessment of \$2,750,000 to a total assessment of \$1,187,606.
- (c) For parcel 01-7267-00-264108, the assessed value shall be reduced and corrected from a total assessment of \$95,000 to a total assessment of \$38,754.
- (d) For parcel 01-7165-00-572374, the assessed value shall be reduced and corrected from a total assessment of \$1,300,000 to a total assessment of \$781,160.

WHEREAS, pursuant to the recommended settlement, the Town of Amenia will retain those assessed values for the 2011/2012, 2012/2013, and 2013/2014 tax years.

WHEREAS, pursuant to the recommended settlement, Petitioner has agreed to dismiss the Proceedings relating to the 2008 and 2009 assessments, to forever waive any claim that Petitioner may have to challenge the assessments of the Property for those years, to forever waive any right or claim that Petitioner may have for the refund of taxes paid to the Town in 2008, 2009, and 2010, and to forever waive any claim that Petitioner may have to payments of interest or penalties by the Town; and

WHEREAS, the Town Board concludes that it is in the best interests of the Town of Amenia to settle the Proceedings without further costs or risk to the Town on these terms and conditions.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amenia hereby authorizes the settlement of the Proceedings pursuant to these terms and conditions; and

IT IS FURTHER RESOLVED that the Town Assessor or the Attorney for the Town are hereby authorized to execute and file any documents necessary to effectuate this settlement, to consent to the entry of an appropriate court order required to implement this settlement, and to discontinue the Proceedings, with prejudice.

**RESOLUTION #50 OF 2010 Amenia Sand and Gravel, Inc (Cont'd)**

The foregoing resolution was voted upon with all councilmen voting as follows:

MOTION made by Councilman Cayea, SECOND by Councilwoman Riemer that was;  
ADOPTED-VOTE

ROLL:	Supervisor Euvrard	Aye
	Councilman Cayea	Aye
	Councilwoman Doyle	Aye
	Councilwoman Perotti	Aye
	Councilwoman Riemer	Aye

**New Amenia Town Hall – 4988 Route 22**

Supervisor Euvrard suggested Open House to be scheduled for November 10<sup>th</sup>.

Discussion on locks, keys, painting, title insurance, fire alarm, security, Town of Amenia sign,

Entry mats costs researched by Councilwoman Riemer. (Pawling Corporation and Cintas)

MOTION by Supervisor Euvrard, SECOND by Councilman Cayea to Accept **Cintas**, on a trial basis, to supply 12 mats at a monthly rate of \$188.75.

ROLL:	Councilwoman Riemer	Aye
	Supervisor Euvrard	Aye
	Councilwoman Perotti	Aye
	Councilwoman Doyle	No
	Councilman Cayea	Aye

MOTION CARRIED 4 AYES 1 NO

**2011 Preliminary Budget** Workshop scheduled for October 25, 2010; Public Hearing scheduled for Thursday, November 10<sup>th</sup> with Business Workshop meeting.

MOTION by Supervisor Euvrard, SECOND by Councilwoman Doyle to ACCEPT Minutes of Town Board Workshop Meeting on September 9, 2010 and Regular Town Board Meeting on September 16, 2010.

ROLL:	Councilwoman Perotti	Aye
	Councilwoman Riemer	Aye
	Councilman Cayea	Aye
	Councilwoman Doyle	Aye
	Supervisor Euvrard	Aye

MOTION CARRIED

MOTION by Supervisor Euvrard, SECOND by Councilwoman Riemer to ACCEPT Minutes of 2011 Budget Workshop meetings: September 13<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup>, 22<sup>nd</sup>, 28<sup>th</sup>, 2010.

ROLL:	Councilwoman Doyle	Aye
	Councilwoman Perotti	Aye
	Councilman Cayea	Aye
	Councilwoman Riemer	Aye
	Supervisor Euvrard	Aye

MOTION CARRIED

### **SUPERVISOR'S REPORT**

Local events announced.

Town Hall Offices (Mechanic Street) will be closed on October 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> for move to new Town Hall at 4988 Route 22.

### **Training Classes and Conferences – Elected Officials and Appointed Personnel**

Memo sent to all from Supervisor:

2011 Town Budget will be reduced by 50% for all department conference lines.

The Town Board has agreed to limit the expenses

for NYC conference as follows: Registration fee will be paid, travel expense by train, three meals per day \$20, \$30, \$50 with no transfer of monies for meals. 2011 Budget will not cover Hotel reimbursement.

### **TOWN BOARD COMMENTS**

Councilwoman Doyle made a Motion for nominations: "Citizen of the Year".

Supervisor Euvrard suggested that issue be discussed in Executive Session.

Motion withdrawn by Councilwoman Doyle.

**PUBLIC COMMENT**

Tonya Shoumatoff invited officials to “Stormwater” presentation by guest speakers on Oct 30, 2010.

Arlene Iuliano thanked Legislator Michael Kelsey for his reports, and thanked Amenia Fire Company for their never-ending cooperation.

Ms. Iuliano requested information. Town Board explained signage, handicapped parking, directory, floor plans.

Ms. Iuliano stated that she was in support of Town Clerk having new carpeting. Councilwoman Perotti reported that carpeting has been ordered.

MOTION by Supervisor Euvrard, SECOND by Councilman Cayea to ADJOURN Regular Board Meeting at 9:20pm, with motion carried unanimously.

Respectfully Submitted:

Maureen Bonds  
Amenia Town Clerk

Draft to Town Board: November 24, 2010  
Approved by Town Board: December 9, 2010