

A Work Session of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Route 21, Suite II, at 7:00 PM on Tuesday, August 12, 2014. The following were

PRESENT: Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson
ABSENT: Supervisor James D. Hoffman

Councilman Verno made a motion, seconded by Councilman Orbaker, to enter into Executive Session to discuss a Personnel matter regarding a particular individual at 7:00 PM. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Bixby, to return to Open Session at 7:28 PM. The motion was carried.

The Board reviewed bills for payment.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Route 21, Suite II, following the Worksession at 7:30 PM on Tuesday, August 12, 2014, by Supervisor Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson
ABSENT: None

Catherine Banke; Sun & Record, and undersigned Town Clerk was also present.

Public Comment: No one wished to speak.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to accept the Consent Agenda containing the following items:

- a. previous minutes: July 22, 2014, August 4, 2014
- b. presentation of the Town Clerk's report
- c. accept the monthly departmental reports
- d. pay the Library bills as audited by the Library Board of Trustees
Voucher # 14-984 – 14-997, \$2,060.16

The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Verno, to authorize the Town Clerk to advertise in the official town papers the week of August 17, 2014 to receive applications for the upcoming opening on the Board of Assessment Review. Applications will be accepted until September 11, 2014 at 4:00 PM. The motion was carried.

Councilman Bixby presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: Rite Aid Corporation has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2009 in Wayne County Supreme Court under index number 68622, and

WHEREAS: The litigation costs of these challenges may be more than the Town can anticipate and afford, the County of Wayne has adopted a policy of participating in the costs and expenses of such litigation and has approved the above litigation for county, town and school participation by resolution 939-09 dated November 17, 2009, and

WHEREAS: Subsequent actions have been commenced by the petitioner for the same property for the years 2009 – 2014, and

WHEREAS: The Town of Williamson, through its attorney requested school and County participation in each of these six (6) additional years, and

WHEREAS: The prior policy of the County was to include subsequent challenges to the same property without additional resolutions so long as the amounts at issue remained within the parameters set by the County, and

WHEREAS: By e-mail dated July 30, 2014 the County Attorney notified counsel to the Town that the resolution was limited by its terms to index number 68622 so that additional resolutions should be obtained to avoid any question of participation, and

WHEREAS: Rite Aid Corporation has filed grievances, after receipt of the decision by members of the Williamson Board of Assessment Review, claiming excessive and unequal values against the assessment for the property listed below and request the following assessment rolls be reviewed, and

2009: Index 68622

Assessment:	\$3,750,100
Grievance:	\$1,250,033
In dispute:	\$2,500,067

2010: Index 71209

Assessment:	\$3,750,100
Grievance:	\$1,250,033
In dispute:	\$2,500,067

2011: Index 73151

Assessment:	\$3,750,100
Grievance:	\$1,250,033
In dispute:	\$2,500,067

2012: Index 74536

Assessment:	\$3,750,100
Grievance:	\$1,250,033
In dispute:	\$2,500,067

2013: Index 75978

Assessment:	\$3,750,100
Grievance:	\$ 375,010
In dispute:	\$3,375,090

2014: Index 77375

Assessment:	\$3,750,100
Grievance:	\$ 375,010
In dispute:	\$3,375,090

WHEREAS: The Town of Williamson, the Williamson Central School System and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property Tax Law, and

WHEREAS: The County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW THEREFORE, BE IT RESOLVED: That all three (3) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge, and

BE IT FURTHER RESOLVED: That proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies, and

BE IT FURTHER RESOLVED: That the Town of Williamson hereby requests approval for county school participation in this litigation commenced under the index numbers set forth above for the years 2009 – 2014.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Councilman Bixby presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: Whispering Woods MHC, LLC has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2010 in Wayne County Supreme Court under index number 71349, and

WHEREAS: The litigation costs of these challenges may be more than the Town can anticipate and afford, the County of Wayne has adopted a policy of participating in the costs and expenses of such litigation, and

WHEREAS: Subsequent actions have been commenced by the petitioner for the same property for the years 2010 – 2014, and

WHEREAS: The prior policy of the County was to include subsequent challenges to the same property without additional resolutions so long as the amounts at issue remained within the parameters set by the County, and

WHEREAS: By e-mail dated July 30, 2014 the County Attorney notified the Town Assessor that the resolution was limited by its terms to index number 71349 so that additional resolutions should be obtained to avoid to avoid any question of participation, and

WHEREAS: Whispering Woods MHC, LLC has filed grievances, after receipt of the decision by members of the Williamson Board of Assessment Review, claiming excessive and unequal values against the assessment for the property request the following assessment rolls be reviewed, and

WHEREAS: Whispering Woods MHC, LLC, request that the following assessment rolls be reviewed:

2010: Index 71349	
Assessment:	\$10,157,800
Grievance:	\$ 5,250,000
In dispute:	\$ 4,907,800

2011: Index 73144	
Assessment:	\$10,654,500
Grievance:	\$ 5,250,000
In dispute:	\$ 5,404,500
2012: Index 74438	
Assessment:	\$10,702,000
Grievance:	\$ 5,250,000
In dispute:	\$ 5,452,000
2013: Index 76013	
Assessment:	\$10,664,400
Grievance:	\$ 5,250,000
In dispute:	\$ 5,414,400
2014: Index 77466	
Assessment:	\$10,724,900
Grievance:	\$ 5,250,000
In dispute:	\$ 5,474,900

WHEREAS: The Town of Williamson, the Williamson Central School System and the County of Wayne are all stakeholders in resolving this issue equitable, in accordance with Real Property Tax Law, and

WHEREAS: The County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW THEREFORE, BE IT RESOLVED: That all three (3) stakeholders will share equally in litigation costs and associated court fees for these assessment challenges, and

BE IT FURTHER RESOLVED: That proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies, and

BE IT FURTHER RESOLVED: That the Town of Williamson hereby requests approval for county school participation in this litigation commenced under the index number set forth above for the years 2010 – 2014.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
 Councilman Gary Orbaker
 Councilman Anthony Verno
 Councilman Michael Bixby
 Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Councilman Bixby presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: Cornwall Family Lakefront Enterprises has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2014 in Wayne County Supreme Court under index number 77459, and

WHEREAS: By Resolution the Town of Williamson requests school and County participation, and

WHEREAS: Cornwall Family Lakefront Enterprises has filed grievance, after receipt of the decision by members of the Williamson Board of Assessment Review, claiming excessive and unequal values against the assessment for the property listed below and request the following assessment roll be reviewed,

2014: Index 77459	
Assessment:	\$ 720,000
Grievance:	\$ 360,000
In dispute:	\$ 360,000

WHEREAS: The Town of Williamson, the Williamson Central School System and the County of Wayne are all stakeholders in resolving this issue equitable, in accordance with Real Property Tax Law, and

WHEREAS: The County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW THEREFORE, BE IT RESOLVED: That all three (3) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge, and

BE IT FURTHER RESOLVED: That proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies, and

BE IT FURTHER RESOLVED: That the Town of Williamson hereby requests approval for county and school participation in this litigation commenced under the index number set forth above for the year– 2014.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: The State of New York has enacted a law establishing the Justice Court Assistance Program, L. 1999, C.280 that will enable communities to apply to the Justice Courts, and

WHEREAS: The availability of grant funding would enhance the ability of the Town Justice Court to provide suitable and sufficient services to the community,

NOW, THEREFORE, BE IT RESOLVED: The Town Board of the Town of Williamson hereby authorizes the Williamson Town Justice to file an application for a Justice Court Assistance Program grant for the New York State fiscal year ending March 31, 2015, and

BE IT FURTHER RESOLVED: That a certified copy of this resolution will be included in the grant application.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Orbaker.

WHEREAS: The Town of Williamson adopted a fee schedule at the Town Board meeting of May 23, 2013, and

WHEREAS: The fee schedule needs to be updated to include the following fees:

1. Fireworks Permit fee - \$25.00
2. Dog License late fee - \$5.00 per dog
3. Purebred Dog License late fee - \$5.00 per dog

NOW, THEREFORE BE IT RESOLVED: That a Town of Williamson fee schedule is hereby amended and adopted to include the above listed fees.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
Councilman Gary Orbaker
Councilman Anthony Verno
Councilman Michael Bixby
Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Councilman Watson made a motion, seconded by Councilman Verno, to direct the Town Clerk to advertise in the official Town papers the week of August 17, 2014, to hold a public hearing for proposed Local Law #3, 2014 to amend Chapter 178 Town of Williamson Zoning Code. The public hearing will be held on August 26, 2014 at 7:30 PM. The motion was carried.

Councilman Watson presented the following Resolution and moved its adoption. It was seconded by Councilman Bixby.

WHEREAS: The Town of Williamson is undertaking an update to their existing Zoning Ordinance; and

WHEREAS: The Town Board has reviewed the Environmental Assessment Form submitted for this Project; and

WHEREAS: The Town Board determines that the Project constitutes a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), and further determines that a coordinated review of the environmental, social, economic and other related impacts of the Project would be appropriate and would facilitate and encourage participation by the residents of the Town and other interested and involved agencies and parties; and

WHEREAS: The Town Board has initially identified a number of agencies which would appear to have an interest in the Project and in participating in the SEQRA review process, which list is attached hereto and made a part of this Resolution,

NOW, THEREFORE, BE IT RESOLVED: By the Town Board of the Town of Williamson, Wayne County, New York, as follows:

1. The Town Board hereby accepts the Environmental Assessment Form, as prepared by the Zoning Code Enforcement Officer.
2. Based upon the Environmental Assessment Form and the factors recited above, the Town of Williamson hereby declares its intention to act as Lead Agency for the purposes of conducting a review under the State Environmental Quality Review Act (SEQRA) with regard to the Project since the environmental, social and economic impacts of the Project will primarily be of local significance.

3. The Town Board hereby authorizes and directs its Town Clerk to forward copies of this Resolution to interested or involved agencies with the request that such agencies notify the Town within 30 calendar days if they have any objection to the Town Board acting as Lead Agency in this matter.
4. The Town Clerk is directed to maintain for public inspection a file containing a copy of this Resolution, all submissions to date and all further communications or correspondence which the Town may receive concerning this matter from other interested agencies or parties.

Roll call vote on the Resolution was as follows:

AYES: Supervisor James D. Hoffman
 Councilman Gary Orbaker
 Councilman Anthony Verno
 Councilman Michael Bixby
 Councilman Thomas D. Watson

NAYES: None

The Resolution was declared adopted.

Councilman Verno made a motion, seconded by Councilman Orbaker, to approve the disposal of fill dirt as per Consent to Entry and Release of Liability Agreement on property owned by Joe Strickland, at 4335 Jersey Road, Road, in the Town of Williamson. The fill dirt will be from highway projects in the Town of Williamson. The motion was carried.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to pay the following bills as audited:

Abstract Number: # 15
 Voucher #s: 14-1054 - 14-1115

GENERAL FUND	\$ 9,369.90
HIGHWAY	\$100,618.29
WATER	\$ 32,386.33
SEWER	\$ 64,214.33
<u>SAFE ROUTES TO SCHOOL</u>	<u>\$ 1,819.50</u>
GRAND TOTAL:	\$208,408.35

The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Bixby, to adjourn the meeting at 7:48 P.M. The motion was carried.

Respectfully Submitted,



Town Clerk