

REGULAR MEETING OF THE HANCOCK VILLAGE BOARD,  
MONDAY, NOVEMBER 9, 2020 AT 7:00 P.M.  
HANCOCK VILLAGE HALL, 85 EAST FRONT STREET, HANCOCK, NEW YORK

The Regular Meeting was called to order at 7:00 P.M. by Mayor Carolann McGrath.

Roll call was taken by Clerk/Treasurer Falsetta.

Present: Mayor Carolann McGrath  
Deputy Mayor Shaun Shannon - Excused  
Trustee Charlene Caramore  
Trustee Dawn Gotthardt - Excused  
Trustee Dorothy Picozzi

Also Present: Phyllis Falsetta, Clerk/Treasurer  
Robert McKertich, Attorney for the Village  
Bill Brown (Delaware Engineering)

**A MOTION** was made by Trustee Caramore, seconded by Trustee Picozzi, voted and carried to approve the October 12, 2020 Regular Meeting Minutes.

2020-  
*Minutes Approval*

**A MOTION** was made by Trustee Picozzi, seconded by Trustee Caramore, voted and carried to approve the Abstract of Vouchers in the amount of \$110,108.00.

2020-  
*Abstract Approval*

Bill Brown of Delaware Engineering reported that the plans and specs for the water project have been submitted to the Department of Health for approval. Once approval is received, the project should go out to bid in January. The first phase of the project will be work on the wells to prepare for the tank revitalization. Application submission for Phase II of the CDBG Sewer Grant has been placed on hold.

**A MOTION** was made by Trustee Picozzi, seconded by Trustee Caramore, voted and carried to resolve the following:

2020-  
*HFD Reserve Resolution*

**RESOLUTION ESTABLISHING A TYPE RESERVE FUND  
FOR FIRE DEPARTMENT EQUIPMENT**

At a meeting of the Village Board of the Village of Hancock, held at Hancock Village Hall, 85 East Front Street, Hancock, New York on the 9<sup>th</sup> day of November, 2020, the following resolution was offered and seconded:

**WHEREAS**, the Village Board of Trustees seeks to establish a reserve fund to accumulate money for the purchase of equipment for the Village of Hancock Fire Department; and

**WHEREAS**, the Village Board finds it in the best interest of the Village to establish such reserve fund; and

**NOW THEREFORE, BE IT RESOLVED**, by the Village Board of Trustees of the Village of Hancock as follows:

1. Pursuant to General Municipal Law § 6-c, there is hereby established a reserve fund, hereinafter known as the “Fire Department Equipment Reserve Fund”. The purpose of this reserve fund is to accumulate money to finance the cost of purchasing fire department equipment, machinery and apparatus; and
2. The sum of \$20,000 shall hereby be appropriated to the Fire Department Equipment Reserve Fund from the Village’s surplus funds; and
3. The Village Board may appropriate additional sums to the Fire Department Equipment Reserve Fund as hereafter approved by a vote of the Village Board of Trustees; and
4. The Clerk-Treasurer is hereby directed to deposit and secure moneys of the Fire Department Equipment Reserve Fund in the manner provided in GML §10. The Village may invest the moneys in the Fire Department Equipment Reserve Fund in the manner provided by GML § 11 and the Village’s Investment Policy. Any interest or capital gains realized on the money deposited in such fund shall accrue to and become part of the Fire Department Equipment Reserve Fund; and
5. The Clerk-Treasurer shall account for the Fire Department Equipment Reserve Fund in a manner which maintains the separate identity of the fund and shows the date and amount of each sum paid into the fund, interest earned, capital gains or losses, amount and date of withdrawals, total assets of the fund, and cash balance; and
6. Except as provided by law, expenditures from the Fire Department Equipment Reserve Fund shall be made only for the purpose for which the fund is established. No expenditures shall be made from the Fire Department Equipment Reserve Fund without the approval of the Board of Trustees and such additional actions as may be required by GML §6-c, including a permissive referendum as required by GML §6-c(4); and
7. This Resolution shall take effect immediately.

**UPON ROLL CALL VOTE:**

Mayor Carolann McGrath	yes
Deputy Mayor Shaun Shannon	absent
Trustee Dawn Gotthardt	absent
Trustee Charlene Caramore	yes
Trustee Dorothy Picozzi	yes

Executive Order 202 in response to COVID-19/Deferred payment plans for residential water/sewer customers was discussed. Attorney McKertich provided a draft agreement that will need to be completed by every water/sewer customer that has been affected by COVID and requests deferment of payment. A notice will be sent to all resident water/sewer customers in the December 1, 2020 billing to inform them of their rights under said Executive Order.

**A MOTION** was made by Trustee Caramore, seconded by Trustee Picozzi, voted and carried to approve the water/sewer deferral agreement with an amendment to include sewer. 2020-  
W/S Deferral Agreement

**A MOTION** was made by Trustee Caramore, seconded by Trustee Picozzi, voted and carried to enter into executive session at 7:33 P.M. to discuss:

2020-  
*Executive Session*

- Proposed, pending or current litigation

The meeting was reconvened at 7:46 P.M. with no action taken.

**A MOTION** was made by Trustee Caramore, seconded by Trustee Picozzi, voted and carried to accept the Hancock Housing Stipulation:

2020-  
*Hancock Housing  
Settlement*

STATE OF NEW YORK

SUPREME COURT COUNTY OF DELAWARE

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In the Matter of the Application for a Review Under  
Article 7 of the Real Property Tax Law of a Tax  
Assessment by

HANCOCK HOUSING REDEVELOPMENT  
COMPANY, L.P.,

Petitioner(s),

-against-

THE ASSESSOR(S) FOR THE VILLAGE OF HANCOCK, THE BOARD OF  
ASSESSMENT REVIEW FOR THE VILLAGE OF HANCOCK, AND THE  
VILLAGE OF HANCOCK IN THE COUNTY OF DELAWARE, NEW  
YORK,

Responden  
ts.

**STIPULATION OF  
SETTLEMENT AND JUDICIAL  
ORDER**

Index No. 2017-297

Index No. 2018-359

Index No. EF2019-293

Index No. EF2020-253

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**WHEREAS** Petitioner Hancock Housing Redevelopment Company, L.P. (hereinafter, the "Petitioner"), having duly and timely commenced the above-captioned proceedings pursuant to Article 7 of the Real Property Tax Law by and through its attorneys, Speno MacLeod, PLLC (Kevin R. MacLeod, Esq. and Rebecca M. Speno, Esq.) against the Assessor for the Village of Hancock, the Board of Assessment Review for the Village of Hancock, the Village of Hancock (collectively, the "Respondents" or "Village"), County of Delaware, to review the assessment on real property owned by the Petitioner that was, for the assessment roll years at issue, identified by the Assessor on said assessment rolls as tax identification number 429.13-2-51 and located at 234-266 Leonard Street, respectively, in the Village of Hancock (the "Subject"); and

**WHEREAS** the Village Respondents appeared in these proceedings by and through their attorneys Coughlin & Gerhart, LLP (Robert McKertich, Esq.);

**WHEREAS**, Petitioner and Respondents are collectively referred to herein as the "Parties"; and

**WHEREAS**, the Parties have entered into extensive settlement negotiations and

have agreed that settlement is in the best interests of the Parties, so as to avoid the cost of further litigation, among other things; and

**NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED** that the Parties propose to settle these proceedings upon the terms and conditions set forth in this Stipulation of Settlement and Judicial Order ("Order"):

1. These proceedings shall be consolidated under Index No. EF2020-253 so as to allow the parties to utilize fully and take advantage of the County's electronic filing system (NYSCEF).

2. The Subject is located in the Village of Hancock. The Village of Hancock is a separate assessing unit from the Town of Hancock.

3. The original assessments on the Subject for the years at issue, and the reduced assessments for the years at issue shall be as follows:

Year	Equalization Rate	Current Assessment	Current FMV	Reduced Assessment	Reduced FMV
2017	75.67	\$582,000	\$769,129	\$254,454	\$336,269
2018	77.10	\$582,000	\$754,863	\$255,983	\$332,015
2017	77.10	\$582,000	\$754,863	\$255,983	\$323,076

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2 0 2 0	7 7 . 1 0	\$ 3 0 0 , 0 0 0	\$ 3 8 9 , 1 0 5	\$ 1 8 8 , 8 9 5	\$245,000

4. The Assessor and all other relevant officers and authorities of the relevant taxing jurisdictions are hereby authorized to make and correct these assessments as outlined above on the appropriate books and records of each such jurisdiction.

5. Real Property Tax Law Section 727 shall apply to this settlement to “freeze” the Subject’s assessments shall be set at a fair market value of \$245,000 for property tax assessment rolls established by the Village Assessor in years 2021, 2022 and 2023. In the event of a village-wide revaluation or reassessment, the assessment shall be calculated by multiplying a fair market value of \$245,000 by the new village equalization rate for the year at issue.

6. Full refunds from the Village shall be paid to the Petitioner as a result of the reduced assessment set forth herein for the years at issue. Refund payments shall be paid in two equal installments: (1) the first installment shall be paid within 30 days of service of the demand therefore and (2) the second installment shall be paid on or before June 30, 2021. Refund checks shall be made payable to Hancock Housing Redevelopment Company, L.P. and mailed to Speno MacLeod, PLLC, PO Box 152, Baldwinsville, New York 13027.

7. The Parties stipulate that total refunds in this matter shall be \$16,803.48. Petitioner agrees to waive \$3,920.00 associated with the 2016/17 PILOT payment. Accordingly, total refunds paid shall be \$12,883.48 (paid in two equal installments of \$6,441.74 each).

8. This Stipulation is in full satisfaction of any and all corrections, delinquencies, and/or other claims (including any claims regarding the former PILOT agreement) by the Village Respondents regarding assessment roll years 2016/17, 2017/18, 2018/19, 2019/20, and 2020/21.

9. These proceedings shall be discontinued with prejudice upon entry of this Order. Petitioner shall have the right to seek specific enforcement of the terms of this Order and to otherwise enforce this Order by whatever means provided by law.

10. This Order shall be considered the Parties’ entire understanding and agreement between and among them. There shall be no modification of this Order except by a subsequent writing signed by the authorized representatives of the Parties herein, and “So Ordered” by the Court.

11. The Parties authorize their attorneys to execute this Order and to seek the Court's approval and entry of the same, and each signatory below affirms that they have the proper authority to so execute this Order.

12. If any provision of this Order shall be determined to be invalid, illegal, null or void, or unenforceable to any extent, the remainder of this Order shall remain in effect to the fullest extent of the law.

13. This Court shall retain jurisdiction over this matter for the purposes of enforcing the terms of this Order.

14. Electronic signatures and electronically-transmitted images of original signatures shall be deemed original signatures for the purposes of expediting the filing of this Order.

15. This Order may be executed in multiple counterparts including by means of facsimile, PDF/ADOBE e-mail, etc., each of which shall be deemed an original, but all of which together shall be considered and constitute one and the same instrument.

16. An executed copy of this Order, shall be entered and docketed in the appropriate County Clerk's Office by Petitioner, then filed with the Assessor's permanent records.

The meeting was adjourned at 7:58 P.M.

Respectfully Submitted by:

Phyllis Falsetta, Clerk/Treasurer