

The **Minutes** of the **Special Meeting** held on August 28, 2009 by the Mayor and the Board of Trustees.

ROLL CALL Trustee Batista – Absent
 Trustee Bueno – Present
 Trustee Dominguez – Present
 Trustee Watson – Absent
 Mayor Kohut – Present

Mayor Kohut: This is a Special Meeting of the Haverstraw Village Board. Today is Friday, August 28th, at 9:13 am. The purpose of today's meeting is to accept the apportionment of Site A public lands for the acquisition of cost plan. The board has determined that for the 490 units on Site A it is believed that the best way to apportion the Special Assessment District costs for the acquisition of Site A public land would be to spread that cost evenly per unit across the 490 built or to be built units. Therefore, if I could have a motion accepting this. There is a resolution which will be included as part of the minutes outlining a portion of proposal. If I could have a motion to that effect?

WHEREAS, the Village of Haverstraw agreed, in the Land Acquisition and Disposition Agreement between the Village of Haverstraw and Harbors Haverstraw, LLC, to create a special assessment district to fund the cost of the acquisition by the Village of Haverstraw of land containing public improvements on site A for the sum of \$4,000,000.00 together with acquisition expenses, and

WHEREAS, the Village promulgated Local Law 2-2005 which authorized the Village to acquire real property owned by Harbors Haverstraw, LLC and for the Village to pay for the acquisition of such property by the creation of a local improvement district pursuant to Section 22-2200 of the Village Law of the State of New York, and

WHEREAS, following public hearings, properly noticed, the Village Board determined that the value of the land to be acquired exceeded the sum of \$4,000,000.00 and that the acquisition of the land primarily benefitted the properties located on site "A" at the development commonly known as Harbors at Haverstraw, and

WHEREAS, it has been determined that the site plan for the Harbors Haverstraw benefitted property has been and is to be developed by a total of 490 condominium, rental and townhome dwelling units, and

WHEREAS, the Village Board has determined, after due deliberation, that the costs of the acquisition of the land containing the public improvements located on site "A" should be shared equally by each of the 490 actual or future building unit owners with payments for the unsold and un-built units being paid by the developer as the owner of those units,

NOW THEREFORE, the Village Board of the Village of Haverstraw hereby determines that the apportionment of the costs of acquiring the land containing the public improvements on site "A" shall be borne equally, one share each, by the 490 actual and proposed site plan units especially benefitted by such acquisition. The cost of acquisition is to be paid for by the Village's issuance of bond anticipation notes, thirty year bonds or a combination thereof. The cost for the repayment of the notes or bonds, on an annual basis, will be apportioned equally between the owners of the 490 specially benefitted actual or future dwelling units each year at the time of, and together with, the Village issuance of its June tax bills. Provisions will be made during the period of time, when and if, the Village funds the acquisition by means of bond anticipation notes, for each individual owner to pay off their share of the cost in a lump sum payment. The specific breakdown by the actual and future 490 units by tax lot designation and address is annexed hereto as Exhibit "A". This apportionment plan has been approved by the Village Board of the Village of Haverstraw at a special meeting conducted on August 28, 2009 and a copy hereof will be filed in the office of the Village Clerk. Thereafter, the Board will publish in the official newspaper and serve upon each land owner by mail, a notice of the apportionment and the date and time of a hearing to be conducted to review and vote on this apportionment plan. This apportionment plan and the underlying map and plan of the benefitted property may be examined by any person interested therein at the office of the Village Clerk during usual business hours prior to such hearing. The

Board will meet at the time and place specified in such notice and hear objections to such apportionment, and to consider modifying and correcting the same and to add or exclude land to or from the area of local assessment but no assessment shall be increased and no lands added thereto without notice to the owner and an opportunity to be heard. The board may adjourn the hearing from time to time without further notice and, as soon as practicable, shall complete the said apportionment and assessment, and the said assessment map and file the same in the office of the Village Clerk, and publish notice of said completion and filing in the official newspaper. Any person deeming themselves aggrieved may thereby, within 15 days after the filing of such apportionment and map, apply to a court of record for an order of certiorari to review said assessment and apportionment. The assessments and the map shall be deemed final and conclusive unless such application to such court be made within such 15 days. The expense of any such local improvement may be raised in an entire amount or installments as the Board of Trustees may determine. The entire expense of such improvement is to be assessed against the property benefitted thereby. Such expense may be financed pursuant to the local finance law. All local assessments levied against real property provided in this plan shall be collected pursuant to Section 5-518 of the Village Law.

RESOLUTION #196-2009

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion carried: All

Mayor Kohut: The separate apportionment plan will be available at the clerk's office for anyone to review.

We need to set a public hearing date for the apportionment plan. If everyone is comfortable with September 14th, which is also the date for the Olori public hearing, then we will move it to this date. Can I have a motion to that effect?

RESOLUTION #197-2009

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion carried: All

Mayor Kohut: Can I have a motion to adjourn this meeting?

RESOLUTION #198-2009

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion carried: All

Respectfully submitted,

Sandra Castro
Clerk/Typist