

Minutes of the Meeting of the Budget Committee – Village of Mamaroneck

November 22, 2014

In Attendance: Dan Margoshes, Chair; Manny Enes; Dan Karson; Stephanie Lividini. Ex Officio: Andres Bermudez.

The meeting was called to order at 7:45 PM. The chair noted the presence of a quorum of members.

1. Minutes of the Meeting of October 18, 2014.

The minutes of the meeting of October 18, 2014 were amended and approved upon motion, seconding and vote.

2. Property Assessments

Mr. Margoshes emailed to the committee a letter, reprinted below, from Mauro M. Gabriel, a professional property assessor, to Mayor Rosenbaum, commenting on the assumption of assessment reviews by the town of Mamaroneck which formerly were considered by the village. Also included in the email was a reply and commentary from village Manager Richard Slingerland.

Mr. Margoshes said that the change in this process could amount to a savings of \$250,000.

Mr. Bermudez emailed to the committee the “Homestead milestone/decision-making timeline for the Village of Mamaroneck for 2016”, which is reprinted below.

3. Parking

Mr. Margoshes said that the proposal to install new parking meters is moving forward with the support of the Board of Trustees. He noted that there still are further actions to be taken to upgrade the parking situation and maximize revenue, and that legislation will be required to implement some of these actions.

Ms. Lividini said that the parking rules are inconsistent in many respects, for example, as to the hours prescribed for meter operation.

Mr. Bermudez said that certain changes can be effected through board resolution.

Mr. Margoshes said that action to improve signage was in progress, and that there is a Request For Proposal out on signage. He commented that there are different parking rules at different parking lots. Further, he said that Mamaroneck Avenue has not been defined as a separate parking zone.

Ms. Lividini said that certain changes in the parking enforcement agent union contract would be required to effectuate changes in parking rules.

Mr. Margoshes asked the committee if it should formally recommend that the balance of improvement measures be undertaken.

Mr. Karson listed the measures as signage enhancement; regularization, rationalization and optimization of hours requiring parking fees; and amendment of the collective bargaining agreement. A motion was made, seconded and passed to commend the Board of Trustees for taking action on the parking issue and recommending that the board continue its work on the measures identified.

4. Department Meetings

Mr. Margoshes said that he would begin to set up the new round of annual meetings with village department heads.

5. Fire Engine

Mr. Bermudez said that he expected the board to vote on appropriating expenditures for a fire engine. He said that \$200,000 is set aside every year in anticipation that an engine will be replaced every 5 years.

Mr. Margoshes said that long term planning suggests that these items be bonded and excess reserves be returned to taxpayers. Mr. Bermudez said that bonds require a three fourths vote of trustees.

6. Flood Plain Rezoning

Mr. Bermudez said that there will be a vote on November 21 to rezone the area west of Mamaroneck Avenue.

7. Halstead Avenue Senior Building

Mr. Bermudez reported that a building on Halstead Avenue dedicated to senior use was purchased, will be refurbished and will in part be restored to the tax rolls.

8. Departure of Mr. Bermudez

With his term of office concluded the committee thanked Mr. Bermudez for his service to the committee as representative from the board of trustees.

The meeting was adjourned at 8:20 pm.

Dan Karson
Secretary

From: Mauro M. <maurony@aol.com>
Date: November 15, 2014, 12:10:13 PM EST
To: "Mayor Norman S.. Rosenblum" <nrosenblum@vomny.org>
Subject: **Letter to the Mayor. Please confirm that you received this. Thank you.**

Mayor Rosenblum,

I am writing to compliment you and your administration on the recent decision that was made to eliminate the Village Assessment office and adopt the Town Assessment Rolls. I also would like to offer a couple of suggestions to navigate the transition.

As you know, the elimination of the Village Assessor's office reduces significant salary expense from the budget as well as ancillary expenses for supplies, automobile, equipment, software and subscriptions to resources typically employed by assessors. In addition, the village no longer needs to spend money on consultants and legal services to address Article 7 tax appeals (Tax Appeals of commercial properties). These significant budget items can be deployed to more productive initiatives needed in the village while the assessment function remains in place. The "maturity" of the Town assessments also helps to reduce the number of grievances adding to the stability of the tax base which increases the predictability/stability of the village tax revenue by reducing refunds for excessive assessments. Also by adopting the Town assessment roles which are updated annually, equitable assessments among the resident property owners is maintained which is an attribute indicative of good government.

The Village will in the long run also recognize savings by settling languishing tax appeal cases by adapting the historical assessments applied by the town for the years at issue. In the spirit of complete transparency, as you know I am a tax appeal consultant with a number of cases in the village. I have approximately nine cases that I have **only** filed in the village (each case has several years at issue). Typically tax appeal cases are filed in both municipalities and I in fact also have several cases where I have filed in both The Village and the Town. Because my clients and I believe that the Town assessments are accurate on these nine properties, (and I closely guard against filing frivolous cases) I refrained from challenging the town assessments for the years that I only filed in the village. On those cases, the village can comfortably and justifiably rely on the town assessments and stipulate to those values rather than incur significant expenses in commissioning appraisals and attorneys to defend what is clearly an inaccurate (when compared to the town) assessment on the village tax role. By using this practice to resolve languishing cases, it also demonstrates the Village administrations' confidence in adopting the Town Assessment practices.

Regarding Homestead vs. Non-Homestead, in short it is a system which sounds good initially and on the surface but overtime becomes distorted and grossly undermines the concept of "taxpayer equity" by unfairly shifting the burden of taxation on the commercial property owners. There is no way to sugar coat this concept. It completely fly's in the face of the spirit of real property taxation and was likely invented exclusively to garner favor of the voters at election time. In my opinion (and that of many of my peers) it is a patently dishonest practice concocted by dishonest politicians to get elected /stay in office. Please do not inflict this on the people of our wonderful village. We must all contribute equally to maintain and preserve the character of this wonderful place where we live now and into the future.

Thanks to you and your entire administration for your continued efforts.

Be well.

Mauro M. Gabriele

Mauro M. Gabriele
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Homestead milestone/decision-making timeline for the Village of Mamaroneck for 2016

- Actions specific to the Village of Mamaroneck appear in black
- **References to the Town of Mamaroneck appear in green**
- **References to the Town of Rye appear in blue**

NOTE: The Village of Mamaroneck, as a split village, must give up its assessing unit status in order to adopt Homestead (see definition of eligible split tax district – RPTL §1901 (10)(b)).

NOTE: Once the Village of Mamaroneck passes a local law to give up its assessing unit status and has filed that law with the Department of State (RPTL §1402(3)), it will be eligible to adopt Homestead because more than 20% of the Village's parcels already reside in an Approved Assessing Unit that has adopted Homestead (**the Town of Rye**). The Village of Mamaroneck is considering adoption of Homestead for its 2016 roll.

NOTE: *The Village's Attorney should be consulted for timing requirements to pass a local law.*

NOTE: Unless the Village of Mamaroneck gives up its assessing unit status, it will not meet the definition of eligible split tax district per RPTL 1901(10)(b) that will allow it

to consider the adoption of the Homestead tax option.

(A local law to give up the Village's Assessing Unit status for 2015 passed on September 8, 2014. The Village is awaiting the end of the period in which permissive referendum may be forced before filing the local law with the Department of State. Filing must be accomplished prior to 1/1/15, the taxable status date for the Village's 2015 roll, otherwise termination of assessing unit status will be effective for the Village's 2016 roll.)

The Village of Mamaroneck (an eligible split tax district once it passes / files a local law giving up its assessing unit status), files a notice of intent to establish dual rates by the taxable status date of the AAU Town(s)' first roll to which dual rates would apply (RPTL 1903-a(1)(a) – **NO LATER than 05/01/15**

Recommended filing by 12/31/14 – see note on page two

Copies of this notice of intent must go to the Assessors of the Towns of **Mamaroneck** and **Rye** and also must be sent to Westchester County Tax Commission Executive Director Mary Beth Murphy and ORPTS (Southern Region). (RPTL §1903-a(1)(a))

NOTE: This notice may be canceled. A copy of the cancellation must be filed with the Town Assessors so notified, Westchester Tax Commission Executive Director Mary Beth Murphy and ORPTS (Southern Region) (RPTL §1903-a(1)(c)).

Cancellation does not preclude filing of a notice of intent in a subsequent year.

NOTE: The notice of intent expires if the Village does not adopt RPTL §1903-a within one year of having filed it (RPTL §1903-a(6)). Where a notice of intent expires, the classification required by RPTL 1903-a no longer applies unless / until a new notice of intent is filed.

NOTE: This timeframe applies for the Village of Mamaroneck to adopt Homestead for its 2016 tax roll.

Upon receiving the notice of intent previously referenced, the Assessor(s) responsible for the rolls in whole or part which will be used for the levy of taxes by the 11/13/2014 Page 2

Village as a non-assessing unit become responsible for classification of properties as Homestead or non-homestead in their respective segment. (RPTL 1903-a(2))

Recommended time frame – NO LATER THAN 01/30/15

NOTE: The **Town of Rye's** parcels in the Village of Mamaroneck are already classified on the Town's roll because the **Town of Rye** adopted Homestead for its 2004 roll.

NOTE: The Town of Mamaroneck's parcels in the Village were classified along with all other parcels on a copy of the Town's 2012 roll in preparation for tax shift analysis for the Town's 2013 reassessment (calculation of the base proportions). Homestead was not adopted by the Town of Mamaroneck so it must be determined if a copy of the file with those classifications was retained. The Town's Assessor may want to review homestead classifications with the Village as part of this process to ensure currency. Classifications must appear on the Town's tentative roll so any property owner has the ability to grieve the classification, if desired. –

NOTE: The Village of Mamaroneck includes condominiums in the segment residing in the Town of Mamaroneck that would be classified as homestead. Condominiums classified as homestead are assessed on a market value basis. The market value assessment can be challenged by a property owner, if desired. While RPTL 1903-a(2) allows for the classification of properties as homestead / non-homestead for the upcoming town tentative roll, it does not allow for the publication of market value assessments in advance of the adoption of Homestead. Since, as noted, the market value based assessments for condominiums classified as homestead are subject to grievance, those owners must be afforded the opportunity to grieve that assessment, if desired. The only way to accomplish this and not deny these owners due process is for the Village of Mamaroneck to decide on the adoption of Homestead for 2016 Village taxes no later than the applicable taxable status date of the Town rolls on which the 2016 Village taxes will be based. Should the Village adopt Homestead, this allows for the publication of market based assessments for those condominiums classified as homestead for the Town of Mamaroneck's 2015 tentative roll, thereby providing the opportunity for grievance in advance of that roll becoming final and then used to generate Village taxes for 2016.

The Village of Mamaroneck needs to compare the property tax exemptions and levels of benefit it offers with the exemptions and levels of benefit offered by the Towns of **Rye** and **Mamaroneck**. Ideally, exemptions / levels of benefits offered by the Village which match those offered by both Towns would help to simplify the understanding of property tax administration for Village property owners and Town assessment officials alike.

It must be determined whether both Towns have the same levels of benefit for those exemptions mutually offered. (The Village will from a Level of Assessment of 1.90 on its 2014 roll to 100% based on the Levels of Assessment maintained by each Town.)

Where the Village chooses to offer a new exemption or change the level of benefit of an existing exemption, such action should be taken by resolution or local law, as applicable.

NO LATER than 05/01/15

Recommended completion by 01/30/15

NOTE: While the Village still retains the authority to determine which exemptions will apply to Village taxes and at what level of benefit (where such a decision is allowed),

only those exemptions in place on each Town's final roll will be in effect for the Village taxes to be levied from those roll segments. Since the Village is no longer an assessing unit, it is the applicable Town Assessor who determines individual eligibility for exemptions sought by a Village property owner. Only those exemptions in place on each Town's 2014 final roll can be applied to the Village's 2015 tax extension. Where a Village property owner has received an exemption from the Village does not receive that exemption on the applicable Town's 2014 final roll, that property owner must apply for that exemption to the applicable Town Assessor by the applicable taxable status date. If granted, the exemption would be received for the following year's Village taxes.

Assuming available resources, Southern region ORPTS staff will work with the Village to undertake a tax shift analysis to determine how the distribution of Village taxes would change as a result of using Town assessments with and without the use of Homestead.

This analysis will utilize the Village segments from each Town (**Rye** and **Mamaroneck**).

Given the need for the Village to determine its adoption of Homestead by 5/1/15, this analysis will need to utilize the 2014 final assessments from each Town as the current assessments, and the Village's 2014 final assessments as the prior assessments.

While each Town's 2015 final assessments will actually be the basis of the tax class shares, that information will not be available in the timeframe in which the Village needs to make this decision.

Once a RPS file of the two Village segments has been merged, Village staff will need to enter the Village's 2014 land and total assessed values in the prior year fields on this RPS file. Additionally, Village exemptions will have to be maintained to this file (once the Village becomes a non-assessing unit exemption, the Village will still establish which exemptions it wishes to offer – and at what levels – but applications will go to each Town's Assessor's Office and file maintenance of granted exemptions will become the responsibility of each Town's Assessor's Office.

Completion of this data entry - **NO LATER THAN 01/30/15**

Completion of the results of the tax shift analysis - **NO LATER THAN 01/30/15**

The Village should determine if it wants the results presented to the Village Board at a public meeting (presumably, yes, since this would be part of the process by which the Village determines the appropriateness of the use of Homestead).

If desired, The Village of Mamaroneck adopts Homestead (RPTL §1903-a) by passing a resolution, following a public hearing (prior notice of such hearing must be published at least once in a newspaper having general circulation in the eligible split tax district (Village of Mamaroneck) with copies of this notice provided to the governing body of each town or City wholly or partially within the Village of Mamaroneck (the Town Boards of **Rye** and **Mamaroneck**) (RPTL §1903-a(3)). The adoption of this resolution can be no later than the date for the Village's levy of taxes, but given the issues previously described, this must be done - **NO LATER THAN 05/01/15**

NOTE: The Village's Attorney should be consulted for timing requirements to pass a local resolution.

A copy of this resolution must be sent to the body, officer or employee who computes 11/13/2014

tax rates for the Village, to Westchester Tax Commission Executive Director Mary Beth Murphy and to ORPTS (Southern Region) (RPTL §1903-a(3)).

NOTE: While the Village may adopt such a resolution up until the date of its levy, the Village would want to do this by each Town's taxable status date (5/1/15) in order to ensure owners of condominiums classified as homestead can avail themselves of the grievance process for their market based assessment, if desired.

NOTE: The governing body of the Village is responsible for the calculation of tax rates (RPTL 1903-a(4)(a)) and aggregate tax district homestead and non-homestead proportions (RPTL 1903-a(4)(b)). The aggregate homestead and non-homestead tax shares must be adopted by the Village Board each year by resolution (RPTL 1903-a(4)(c)). Parameters for these calculations are described in RPTL 1903-a(4)(c). ORPTS should be able to provide a spreadsheet to assist in these calculations. In a Homestead scenario, the Village will have a homestead and non-homestead tax rate for each municipal segment. (RPTL 1903-a(5))

NOTE: This resolution may be rescinded without public hearing, at any time prior to the levy of taxes for the applicable fiscal year. A copy of such resolution needs to be filed with the body, officer, employee who calculates tax rates for the Village, each Town assessor who prepares a roll used in whole or part for the levy for the Village's taxes (**Rye** and **Mamaroneck**), Westchester Tax Commission Executive Director Mary Beth Murphy and ORPTS (Southern region) (RPTL §1903-a(5)).

Village of Mamaroneck files a tax roll and issues bills – **06/01/15**
(Based on final 2014 Town roll data)

Towns of **Rye** and **Mamaroneck** file final 2015 rolls - **09/15/15**

Each Town Assessor must certify the homestead classifications and the total assessed and taxable assessed values by homestead classification. (RPTL 1903-a(2))

Village of Mamaroneck files a tax roll and issues bills – **06/01/16**
(Based on final 2015 Town roll data, reflecting use of Homestead if adopted)