

**DATE:** APRIL 25, 2019

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** DAVID B. HARRIS

**MEMBERS PRESENT:** SCOTT SWARTZ  
MICHAEL KENNEY  
TRACEY REX

**MEMBERS ABSENT:** JAMES E. BULT

**ATTORNEY:** PHILLIP DANAHER, ESQ. (*DEPUTY TOWN ATTORNEY*)

**COMPTROLLER:**

**OTHERS:** KAREN JUSTUS, SOLE ASSESSOR

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Supervisor Harris called the April 25, 2019 Town Board Workshop Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. C. Bult and Atty. Langlois were absent.

### **Review of Agenda Items**

S. Harris explained resolution 2019-166 had been on the agenda for the previous town board meeting; however, to give board members time to review the supporting documents, it had been tabled. He noted all board members had received an email showing how the new assessed values had been derived. With regard to the Dog Control Officer position, the Supervisor said he had received three resumes and asked the board for their authorization to conduct interviews. All board members agreed.

The Supervisor informed the board of a letter had received from the Academy for Character Education stating that Lieutenant Reickert had been selected as a recipient of the Champion of Character Leadership Award for Civic Leaders. He said a letter of commendation would be drafted for Lt. Reickert on behalf of the board.

### **Public Comment (Resolution Only)**

M. Sherwood said she was concerned that by approving the reduced assessment, a precedent would be set allowing others to request the same. K. Justus said Ms. Rose had filed a grievance regarding her assessment which was costing the town in legal fees. She noted the appraisals that Ms. Rose had obtained were for an amount less than the reduced rate and added that the properties, which have minimal road frontage, were currently for sale for less than the reduced assessment value as well. Deputy Atty. Danaher said the settlement documentation was extensive for an article 7 such as this. He noted this reduction would only set a precedent in the event an individual came along with similar property.

## **Adoption of Resolution**

The resolution voted upon reflects additions, deletions and amendments approved by the consensus of the majority Board.

C. Swartz made a motion to adopt the following resolution, seconded by C. Kenney:

### **NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF SCHODACK DOES HEREBY:**

**2019-166) WHEREAS,** Nancy Rose and the Town of Schodack are desirous of having certain assessment issues resolved as to properties owned by Nancy Rose in the Town of Schodack, and

**WHEREAS,** a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of Schodack, and reviewed by the Schodack Town Board at its regular monthly meeting, and

**WHEREAS,** such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

**WHEREAS,** the Town Board has determined that the proposed settlement is in the best interests of the Town; now

**THEREFORE BE IT RESOLVED,** that the Town Board does hereby accept a proposed settlement for the 2018 tax certiorari proceedings filed by Nancy Rose in which the 2018 assessed values of the subject properties shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>New Assessed Value</u>	<u>Reduction</u>
2018	220.-2-1.21	\$60,600	\$40,000	\$20,600
2018	220.-2-1.22	\$38,400	\$24,900	\$13,500
2018	220.-2-1.23	\$38,400	\$24,900	\$13,500

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2019, 2020 and 2021 assessment rolls.

and it is further

**RESOLVED** that Nancy Rose shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;

and it is further

**RESOLVED,** that the Town Board does hereby adopt this resolution to end the litigation between Nancy Rose and the Town of Schodack as to the above

referenced assessment.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

### **Board Discussion**

**Assessor Training:** K. Justus said she was requesting to attend training on the “Three Approached to Value” in Ithaca, NY. She explained New York State did not offer the training required for her position; however, the NYS Assessor’s Association did. She said the class was offered in three separate parts through Manford at an increased cost. S. Harris asked when the registration needed to be submitted by. K. Justus said it was on a first come, first served basis. She noted the hotel had a limited number of rooms reserved for attendees and felt she should apply soon. She added that a full refund would be issued for any cancelations prior to the July 1<sup>st</sup> deadline. S. Harris advised her to reserve now and said the resolution would be put on the next meeting for approval. All board members agreed.

**Drumm Property:** C. Rex asked if there had been any development with the Drumm Property. S. Harris said he had spoken to Dr. Drumm who had ideas; however, he was not ready to present them as of yet. C. Rex asked if there was need for any maintenance on the property. S. Harris said no.

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 04/25/19 Town Board meeting at 7:13 p.m., seconded by C. Swartz. Meeting adjourned. C. Swartz asked why the executive session had not been conducted. S. Harris said, as Atty. Langlois was not present, there was no need.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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