January 10, 2013 Town of Afton County of Chenango

Present at the regular meeting were Supervisor J Lawrence, R Tallmadge, M Long, C Tallmadge, Highway Superintendent L Shultis, ACO A Cross, Assessor S McIntyre.

Visitors: W Colley, B Heller, A Steinberg, E Woodruff, R Humphrey, G Haynes, S Haynes, R Rush

Bills were audited and ordered paid as follows:

General fund claims #1-27 totaling \$14770.52 as listed on General Fund Abstract #1 dated January 10, 2013 and

Highway Fund Claims #1-9 totaling \$10819.21 as listed on Highway Fund Abstract #1 dated J.

Regular Meeting was called to order at 7:05pm with the salute to the flag.

Regular meeting minutes of December 13, 2012 were reviewed. Motion to approve made by R Tallmadge, seconded by M Long. Approved.

R Tallmadge seated as Town Board member for 1 year period ending December 31, 2013.

**Recognition of Visitors** 

B Heller requested information on repairs to current Town Hall building.

### Communications

Letters from FEMA and NYSOEM were reviewed and board working on problems raised by letters

Letter from Dian Gardner asking board to sign letter to Governor Cuomo was reviewed and discussed.

## **Committee Reports**

- 1) Financial Reports for January were distributed.
- 2) Justice Reports for January were reviewed.
- 3) Code Enforcements were not available.
- 4) Assessor Report for January: Assessor continuing to meet with Tax payers and process Star paperwork and renewals information given on particulars of star program and enhanced low income star programs and their differences.
- 5) Highway Report for January County to remit a check for plowing for months of November and December of 2012 in the amount of \$6073.00. Working on Yellow Beast with body work and painting being done.
- 6) Building Committee Report Concrete floor completed and septic and heating lines run. Building expected in February
- 7) Animal Control Report for January picking up dogs and answering complaints, still receiving calls for neighboring community of Coventry.
- 8) Medical Center Flooring Committee reports none available.

#### Old Business

Chimney repair report progress discussed and ongoing at this time.

Resolution on Huston VS Town of Afton Tax Case

# RESOLUTION AUTHORIZING COMPROMISE AND SETTLEMENT OF ARTICLE 7 REAL PROPERTY TAX SUITES

At a regular meeting of the town board of the Town of Afton held at 169 Main Street, Afton, New York on the 10<sup>th</sup> day of January 2013 at 7:00 PM and due and proper public notice of said meeting having been given and said meeting having been publicly held at which a quorum was Present in attendance and participating thereat throughout, there were:

PRESENT: Supervisor J Lawrence M Long

R Tallmadge C Tallmadge

ABSENT: J Baciuska

M J Lawrence moved the following resolution for adoption:

WHEREAS, Gary L Huston and Elizabeth Huston are the owners of real property located within The Town of Afton identified on the tax rolls as Parcels Nos; 292.-1-12; 292.-1-26; 287.-1-6.31 and 287.-1-6.35; and

WHEREAS, said owners of said real property did commence tax assessment review proceedings Pursuant to Article 7 of the Real Property Tax Law against the town's assessor and town as follows:

Parcel Nos. 292.-1-24, 292.-1-26, 287.-1.6.31 and 287.-1.6.35 for the tax years 2008/2009 and 2009/2010, and

Parcel Nos. 292.-1-24 and 292.-1-26 for the tax years 2010/2011, 2011/2012 and 2012/2013; and

WHEREAS, the town's assessor and attorney have engaged in negotiations with the petitioning taxpayers and their attorney for the purpose of resolving and settling all disputes and differences Concerning the valuation and assessment of the aforesaid subject parcels, and

WHEREAS, said negotiations have resulted in an agreement between the parties settling all Disputes and disagreements regarding the valuation and assessment of the petitioning taxpayer's Aforesaid parcels, which agreement is subject to the consent and approval of the town board.

# NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. For the tax years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, the Town's assessment of Parcel No 297.-1-24 shall be reduced from \$444100 to \$370,000.
- 2. For tax years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 the town's assessment on Parcel No 297.-1-26 shall be reduced from \$50,000 to \$38,000.

- 3. For the tax year 2012/2013 the town's assessments on Parcel No. 297.-1-26 shall be reduced from \$50,000 to \$20,900.
- 4. For tax years 2008/2009 and 2009/2010 the town's assessment on Parcel No 287.-1-6.31 shall be reduced from \$6,400 to \$5,600.
- 5. For tax years 2008/2009 and 2009/2010 the town's assessment on Parcel No 287.-1-6.35 shall be reduced from \$12,000 to \$10,500.
- 6. Said assessments on said parcels shall remain unaltered for the assessment rolls adopted by the town for the years 2013, 2014 and 2015, and the petitioning taxpayers shall not challenge said assessments for said years. Except the town may change said assessments in the event of additions, alterations, improvements, destruction, retirements, demolition, subdivisions, that affect the taxable value and petitioners shall have the right to challenge any change in assessments on account of any of the aforesaid.
- 7. In the event the town undertakes a town-wide revaluation, involving the inspection, appraisal and valuation of all properties within the town, the town shall not be prohibited from changing the assessment on the said parcels and the petitioning taxpayers shall not be prohibited from challenging said revaluation assessments. The town's participation in the state aid program under RPTL 1573 or any similar update program shall not be deemed to be a town-wide revaluation. In the event the town undertakes a revaluation, under the New York State Office of Real Property Tax Services trending program and/or involving the adjustment of existing assessments on a percentile basis, the town shall apply such percentile adjustment to the said assessment.
- 8. In each of the aforesaid settlement years, any and all applicable real property tax exemptions shall remain in effect provided petitioners shall remain eligible for same and petitioning tax payers shall have the right to apply for and receive any applicable real property tax exemptions.
- 9. The refund of taxes paid by the petitioning taxpayers in excess of the amount that would have been paid if the assessments had been in the amounts provided for herein, shall be without interest for the years 2008/2009, 2009/2010, 2010/2011,2011/2012, 2012/2013, except refunds not made within 60 days of the date of application by the taxpayers for audit and payment of refund made to the appropriate fiscal officer or body, shall bear interest at the statutory rate of interest applicable to judgments against municipalities from the date of taxpayers' application for audit and refund to the appropriate fiscal office or body.
- 10. Neither party shall be entitled to costs.
- 11. The town's attorney is hereby authorized to sign on behalf of the town a settlement agreement containing the terms and provisions hereof which settlement agreement may be submitted by either party to Supreme Court for the issuance and entry of order finalizing the proceeding with prejudice to the parties, upon the terms and provisions hereof.

Seconded by m M Long and following discussion was put to a vote with the following results:

AYES: M Long J Lawrence

C Tallmadge R Tallmadge

Noes: none

Abstentions: none

The foregoing resolution having received at least a majority approving vote was declared by the Supervisor to be adopted.

#### Town Clerk's Certification

I, Rosemarie A Klatz, Town Clerk of the Town of Afton, do hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted at a public meeting of the Town Board of the Town of Afton, duly called, publicly noticed and regularly held on the  $10^{th}$  day of January, 2012, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk this 10<sup>th</sup> day of January, 2012

Rosemarie A Klatz Town Clerk Town of Afton

## **New Business**

Date for Audit of Town of Afton, Justice and Town Clerk financial records is set for January 17, 2013 at 7 pm at 169 Main Street, Afton

## Reorganization for 2013

- 1. Monthly meeting 7:00 pm 2<sup>nd</sup> Thursday of Month
- 2. Bank NBT
- 3. Newspaper Tri Town News
- 4. Historian Charles Decker
- 5. Custodian for Town Hall Rosemarie Klatz
- 6. Deputy Supervisor Joyce Lawrence
- 7. Deputy Clerk Shirley Haynes
- 8. Permission to pay salaried employees
- 9. Mileage at \$.56.5
- 10. Rules of Order Roberts Rules Newest Edition
- 11. Assessment Board of Review @ \$8.00 per hour
- 12. Animal Control Amy Cross
- 13. Code Enforcement & Flood Plain Richard Metzger
- 14. Record Management Rosemarie Klatz
- 15. Highway, Buildings & Grounds Committee all board members

Motion to approve made by C Tallmadge and seconded by R Tallmadge Approved

Motion to go to Executive Session for personal salary action made by C Tallmadge and seconded by M Long at 7:55 pm

Motion to return from Executive Session at 8:10 pm made by R Tallmadge Seconded by M Long approved

Motion to adjourn at 8:11 pm by C Tallmadge and Seconded by R Tallmadge. Approved	
Supervisor	Town Clerk
Town Council	

Motion to transfer \$1635.00 from A1990.4 Contingency to A3510.1 DCO Salary made by M Long

seconded by R Tallmadge Approved