

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, OCTOBER 3, 2023 AT 6:00 P.M. AT 2948 ROUTE 209, WURTSBORO, N.Y. AND VIA ZOOM.**

**Present:** Michael Robbins- Supervisor  
John Rufer, Jr. – Deputy Supervisor - Councilman  
Gary Forthoffer – Councilman  
Peter Goodman – Councilman  
Matthew Mordas - Councilman  
Tyler Wood – Councilman  
James Post - Councilman  
J. Benjamin Gailey- Attorney for the Town  
Jean M. Dougherty- Town Clerk

**Also present:** Thomas Morrow – Highway Superintendent  
Kerron Barnes – Interagency Coordinator

**Worksession Items for Discussion**

1. Budget Modifications
2. Award Bid on Sand
3. MLDC Letter of Support
4. Highway Equipment Bond
5. Fire District Fuel/Inspection Agreement
6. Highway Clerk Civil Service Section 211 Application
7. Kohl's Tax Certiorari Claim

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

- The October 3, 2023 meeting was called to order with the pledge to the flag.

**HIGHWAY SUPERINTENDENT'S REPORT**

- We are continuing to mow areas around town.
- Crews have been busy fixing shoulders and holes on various town roads.
- We should begin the last phase of chip sealing on roads resurfaced this year within the next two weeks
- The department returns to Mon-Friday 7:00AM-3:30PM next week after Columbus Day.

**SUPERVISOR'S REPORT**

- Just a reminder that the Town of Mamakating Halloween Party will be held on Friday, October 20<sup>th</sup> in the Town Park. Please join us. Volunteers always needed.
- NYCLASS has earned the Town approximately \$150,000.00 to date.

## **ABSTRACTS**

- A motion was made by G. Forthoffer, seconded by T. Wood to approve the following abstract as presented: Abstract #18 (Voucher #20231612-20231692) in the amount of \$698,318.65. All in favor.
- A motion was made by J. Rufer, seconded by P. Goodman to approve the following abstract as presented: Abstract #19 (Voucher #20231693) in the amount of \$391,437.00. All in favor.

## **FINANCIAL REPORTS**

A motion was made by M. Mordas, seconded by G. Forthoffer to acknowledge the receipt of the Expenditures, Encumbrances & Appropriations Report, Revenues & Expenditures Report. All in favor.

## **MINUTES**

A motion was made by J. Rufer, seconded by T. Wood to accept the Minutes of September 19, 2023. All in favor.

## **RESOLUTIONS**

- A motion was made by M. Mordas, seconded by T. Wood to approve the Budget Modifications as presented. All in favor.
- A motion awarding the Bid for Sand to 209 Sand & Gravel (low bid) in the amount of \$13.49/ton as per the recommendation of the highway superintendent was made by G. Forthoffer and seconded by M. Mordas. All in favor.
- A motion to approve a Letter of Support for MLDC was made by P. Goodman, seconded by M. Mordas. All in favor.
- A motion approving the payoff of Highway Equipment Bond in the amount of \$331,652.24 from the DA Checking Account using funds from the DA Fund Balance saving the town \$18,150 in interest charges was made by G. Forthoffer, seconded by J. Rufer. All in favor.
- A motion approving the Intermunicipal Agreement for Summitville Fire District for Fuel & Inspections was made by M. Mordas, seconded by T. Wood. All in favor.
- A motion approving the Intermunicipal Agreement for Wurtsboro Fire District for Fuel & Inspections was made by P. Goodman and seconded by T. Wood. All in favor.
- A motion to approve the Intermunicipal Agreement for Bloomingburg Fire District for Fuel & Inspections was made by J. Rufer, seconded by M. Mordas. All in favor.
- Approve Settlement of Kohl's Tax Certiorari Claim

**RESOLUTION TOWN OF MAMAKATING**  
**County of Sullivan, State of New York**  
***Settling of Tax Certiorari Claim***

At a meeting of the Town Board of the Town of Mamakating, County of Sullivan, State of New York, held at the Town Hall in said Town on the 3<sup>rd</sup> day of October, 2023;

WHEREAS, KOHL'S NEW YORK DC INC./KIN, INC. f/k/a KOHL'S INC., has commenced tax certiorari proceedings against the Town of Mamakating in Supreme Court of the State of New York, County of Sullivan for the following years:

2022-2023 tax assessment year bearing Index No. E2022-1262  
2023-2024 tax assessment year bearing Index No. E2023-1013

WHEREAS, it appears from the recommendation of the Town Assessor and Kara J. Cavallo, Esq., of J&G Law, LLP, counsel for the Town of Mamakating in the aforesaid proceedings, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, KOHL'S NEW YORK DC INC./KIM, INC. f/k/a KOHL'S INC. is willing to settle this proceeding without interest, costs or disbursements, in the following manner:

- (1) That the proceeding for the 2022-23 tax year be compromised and settled by the assessment being reduced from \$12,366,000 to a total assessment of \$11,702,600 for a total reduction in assessment of \$663,400 for tax map no. 26-1-20.2;
- (2) That the proceeding for the 2023-24 tax year be compromised and settled by the assessment being reduced from \$12,366,000 to a total assessment of \$10,597,500 for a total reduction in assessment of \$1,768,500 for tax map no. 26-1-20.2;
- (3) That the Petitioner's real property taxes on said parcel above described for the 2022-23 and 2023-24 School taxes and for the 2022 and 2023 County and Town taxes be adjusted accordingly and the Petitioner be reimbursed for any overpayment or be credited with the corresponding decrease in taxes, as the case may be;
- (4) That the assessment for the 2023 assessment years shall be reduced to \$10,597,500 with the provisions of Real Property Tax Law §727 to apply.

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to §68 of the Town Law, and it is further;

RESOLVED, that Michele Lagomarsino, Assessor of the Town of Mamakating and Kara J. Cavallo, Esq. on behalf of J&G Law, LLP, be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law and be it further;

On a motion by Councilperson M. Mordas, seconded by Councilperson J. Rufer, the foregoing resolution was adopted to a vote of 7Ayes, 0 Nays.

**COMMITTEE REPORTS/ANNOUNCEMENTS**

M. Robbins

- ✓ Pole Barn building going well
- ✓ Pool repairs in progress

T. Wood

- ✓ Ward meeting cancelled

P. Goodman

- ✓ Ward meeting 10/12 – 6 pm Town Hall

**ADJOURNMENT**

- A motion to adjourn the meeting at 6:25 p.m. was made by J. Rufer, seconded by M. Mordas. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk