

RESOLUTION 28 of 2023

At a regular meeting of the Town Board of the Town of Clinton, held at Town of Clinton Town Hall, 1215 Center Road, Rhinebeck, New York, on the 9th day of May, 2023, at 6:30 p.m.,

Deputy Town Supervisor, Eliot Werner, called the meeting to order, and upon roll call, the following were present:

Katherine Mustello

Dean Michael

Chris Juliano

Councilperson Michael moved the following resolution, seconded by Councilperson Juliano, to wit:

WHEREAS, Joshua Mendelsohn and Julie Samuels, petitioners in a Tax Certiorari Proceeding brought in 2022 pursuant to Article 7 of the New York Real Property Tax Law, against the Town of Clinton, the Assessor for the Town of Clinton and the Town of Clinton Board of Assessment Review seeking reduction of the assessment of the following property located in the Town of Clinton designated by tax identification number 132400-6569-00-082270-0000 (89 Shadblow Lane), and

WHEREAS, the attorney for petitioners, Whiteman, Osterman & Hanna, LLP, Daniel Hubble, Esq., and the attorney for the Town of Clinton, Cappillino, Rothschild & Egan LLP, Shane J. Egan, Esq., have entered into a tentative settlement agreement of the

Tax Certiorari Proceeding, subject to approval by the Town Board, whereby the assessed value of the property would be reduced in accordance with the proposed Consent Judgment, which is annexed hereto and made a part hereof, as follows:

DESCRIPTION (Tax Map No.): 132400-6569-00-082270-0000 (89 Shadblow Lane)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2022	\$1,337,000	\$1,250,000	\$87,000

WHEREAS, the proposed Consent Judgment would freeze the property’s 2023 assessment at the settlement assessment figure stated above absent “physical improvements” to the property as defined in N.Y. RPTL § 727 (2) (C) with N.Y. RPTL § 727 applying for the 2024 and 2025 assessment rolls.

WHEREAS, the proposed Consent Judgment containing the complete terms of the settlement is attached hereto and made a part hereof, and

WHEREAS, the Town Assessor for the Town of Clinton has reviewed and consented to the terms of this settlement, and

WHEREAS, the Town Board must approve said settlement by resolution, and

WHEREAS, the Town Board now wishes to approve said settlement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clinton hereby authorizes the attorney for the Town of Clinton, Cappillino, Rothschild & Egan LLP, Shane J. Egan, Esq., to enter into a settlement agreement with the attorney for petitioner, Whiteman, Osterman & Hanna, LLP, Daniel Hubble, Esq., the terms of which are set forth in the attached Consent Judgment and hereby authorizes the attorney for the Town of Clinton, Cappillino, Rothschild & Egan LLP, Shane J. Egan, Esq., to sign said Consent Judgment on behalf of the Town of Clinton.

Upon Roll Call the vote was as follows:

Michael Whitton, Town Supervisor voting ABSENT

Eliot Werner, Councilman voting AYE

Dean Michael, Councilman voting AYE

Christopher Juliano, Councilman voting AYE

Katherine Mustello, Councilwoman voting AYE

The resolution was thereupon declared duly adopted.

IN WITNESS WHEREOF, I affix the seal of the Town of Clinton as the Clerk thereof, this 9th day of May, 2023.

TOWN OF CLINTON, NEW YORK



By: Carol-Jean Mackin, Town Clerk