

West Bloomfield Town Board Meeting
(Held via Zoom)
August 12, 2020

Present: Supervisor Campbell, Councilmembers Carey, DeSanctis, Harman, Travis
Also Present: Town Clerk Mary Grundman, Highway Superintendent Jeff Ball, Assessor Pat Brede, Mike Borgeest, Brett Templar, Wayne Parrish

RESOLUTION #69

Minutes

Supervisor Campbell asked for a resolution to accept the July 8th minutes. Councilman Harman made the resolution to approve, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

Resolves that the July 8th minutes are accepted as presented.

RESOLUTION #70

Highway Report

The Highway Report was distributed and discussed. Superintendent Ball added that the 2020 F250 has been delivered and the 10 wheeler is due to arrive in October. He advised the Board that 300 tons of salt was delivered today to fill the contract for this year. Councilman Travis made the resolution to accept the Highway report, seconded by Councilman Carey.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

Resolves that the Highway report is accepted as presented.

Superintendent Ball submitted the annual equipment inventory.

RESOLUTION #71

Authorization to Purchase Materials

Superintendent Ball asked the Board for authorization to purchase the materials necessary to construct an addition to the highway garage for his office and some storage space. The addition will be constructed where the mobile home connected to the highway garage. He advised the Board that he and the highway employees can build the structure and asked for authorization to purchase materials at a cost not to exceed \$12,000.00. Councilman Travis made the resolution, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

Resolves that the Highway Superintendent is authorized to purchase materials at a cost not to exceed \$12,000.00.

RESOLUTION #72

Approving Settlement of Pending Tax Assessment Litigation with Northrup's MHC, LLC and Bloomdale MHC LLC

Councilman Harman made the resolution to approve the following settlements with Northrup's MHC LLC and Bloomdale MHC LLC, seconded by Councilman DeSanctis.

RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT
LITIGATION WITH BLOOMDALE MHC LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of West Bloomfield and Bloomdale MHC LLC ("Bloomdale") in Ontario County (Index number 125509-2019) for the 2019-2020 tax year entitled *Bloomdale MHC LLC v. The Board of Assessment Review for the Town of West Bloomfield, et al.* relating to property owned by Bloomdale located at 9190 Route 5 and 20 ("property") in the Town of West Bloomfield ("2019 action"); and

WHEREAS, the property was assessed at \$2,045,400 on the 2019 assessment roll; and

WHEREAS, Bloomdale filed a grievance challenging the property's assessment for the 2019-2020 tax year and subsequently filed the 2019 action in Ontario County Supreme Court; and

WHEREAS, after reviewing all documentation, including the proposed Stipulation and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2019 action be settled by reducing the 2019 assessment for the property to \$2,037,400; and

WHEREAS, as a result of this settlement, the 2019 assessment shall be reduced to \$2,037,400; and

WHEREAS, Bloomdale has agreed to waive any and all refunds that may be due as a result of the reduction; and

WHEREAS, the parties have agreed that RPTL §727 shall apply; it is therefore

RESOLVED that the Town Board approves a settlement of the 2019 action in which the 2019 assessment on the property will be reduced from \$2,045,000 to \$2,037,400 with Bloomdale waiving all refunds based on the reduction of the 2019 assessment; and be it further

RESOLVED that RPTL §727 shall apply and the 2020, 2021 and 2022 assessments shall remain at \$2,037,000 unless any of the items set forth in §727(2) shall apply; and be it further

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2019 assessment will be reduced to \$2,037,000; and be it further

RESOLVED that the Town Supervisor and attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to the attorneys for the Town, Assessor Patricia Brede, the Bloomfield Central School District, the Ontario County Department of Real Property Tax Services and the West Bloomfield Town Clerk.

RESOLUTION APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT
LITIGATION WITH NORTHRUPS MHC LLC

WHEREAS, there is currently tax assessment litigation pending between the Town of West Bloomfield and Northrups MHC LLC ("Northrups") in Ontario County (Index number 125510-2019) for the 2019-2020 tax year entitled *Northrups MHC LLC v. The Board of Assessment Review for the Town of West Bloomfield, et al.* relating to property owned by Northrups located at 8199 Route 5 and 20 ("property") in the Town of West Bloomfield ("2019 action"); and

WHEREAS, the property was assessed at \$5,660,000 on the 2019 assessment roll; and

WHEREAS, Northrups filed a grievance challenging the property's assessment for the 2019-2020 tax year and subsequently filed the 2019 action in Ontario County Supreme Court; and

WHEREAS, after reviewing all documentation, including the proposed Stipulation and Order, the assessor and the attorneys for the Town recommend to the Town Board that the 2019 action be settled by reducing the 2019 assessment for the property to \$5,575,100; and

WHEREAS, as a result of this settlement the 2019 assessment shall be reduced to \$5,575,100; and

WHEREAS, Northrups has agreed to waive any and all refunds that may be due as a result of the reduction; and

WHEREAS, the parties have agreed that RPTL §727 shall apply; it is therefore

RESOLVED that the Town Board approves a settlement of the 2019 action in which the 2019 assessment on the property will be reduced from \$5,660,000 to \$5,575,100 with Northrups waiving all refunds based on the reduction of the 2019 assessment; and be it further

RESOLVED that RPTL §727 shall apply and the 2020, 2021 and 2022 assessments shall remain at \$5,575,100 unless any of the items set forth in §727(2) shall apply; and be it further

RESOLVED that the attorneys for the Town may seek Court approval for the proposed settlement and, if approved by the Court, the 2019 assessment will be reduced to \$5,575,100; and be it further

RESOLVED that the Town Supervisor and attorneys for the Town are authorized to execute all documents necessary to effectuate the referenced settlement; and be it further

RESOLVED that a copy of this Resolution be forwarded to the attorneys for the Town, Assessor Patricia Brede, the Bloomfield Central School District, the Ontario County Department of Real Property Tax Services and the West Bloomfield Town Clerk.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None
Resolves that both settlements are approved.

RESOLUTION #73

Supervisor's Report

The Supervisor's Report was distributed and discussed. Councilman Harman made the resolution to approve the Supervisor's report, seconded by Councilman Carey.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None
Resolves that the Supervisor's report is accepted as presented.

Wayne Parrish advised the Board that the Ionia Fire Department is working on their budget and asked if the fire departments could count on receiving the same as last year. Supervisor Campbell advised him that there may be cut backs and the two departments should be working together on budgeting.

RESOLUTION #74

Prouty Property Purchase

Councilman Travis made the following resolution, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

WHEREAS, a resolution was duly adopted by the Town Board of the Town of West Bloomfield (the "Town") on the 28th day of August 2019, authorizing the Town to make a purchase offer to Mr. Frank G. Prouty (the "Seller") for 16 acres of vacant land located at U.S. Route 5 & N.Y.S. Route 20, part of Tax Account No. 65.00-1-80.111, and more particularly described on the Instrument Survey prepared by Arthur J. Babcock, P.L.S. and dated May 20, 2008 (hereinafter, the "Property") to be used for future public purposes, and the Town Attorney to prepare a purchase offer for the same;

WHEREAS, the Seller accepted the Town's offer to purchase the Property and the contract for purchase (hereinafter, the "Contract") is contingent upon approval by the Town, SEQR, and any other necessary approvals;

WHEREAS, since the Town's purchase is to be financed solely by existing general fund monies, this resolution is not subject to a permissive referendum pursuant to Town Law § 220;

WHEREAS, referral of the resolution to the Ontario County Planning Board for approval is unnecessary because the acquisition of the Property does not fall within any of the types of actions requiring referral to the Ontario County Planning Board under General Municipal Law § 239-m(3);

WHEREAS, the acquisition of real property for future public use constitutes an Unlisted Action pursuant to the New York State Environmental Review Act, 16 N.Y.C.R.R. Part 617 ("SEQR"), and thus requires review under the same; and

WHEREAS, in connection with its SEQR review, the Town Board of the Town of West Bloomfield declares itself the Lead Agency, and in its capacity as such, has completed a short Environmental Assessment Form (“EAF”) concerning the environmental effects of the resolution; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of West Bloomfield hereby determines that the adoption of this resolution will not result in a significant adverse environmental impact, and thus hereby issues a Negative Declaration requiring no further SEQR review; and be it further

RESOLVED, by the Town Board of the Town of West Bloomfield that the Town’s purchase of the Property and the Contract is hereby approved and the Town Attorney is hereby directed to pursue the necessary legal steps to acquire title to the Property.

RESOLUTION #75

Justice Report

Supervisor Campbell asked for a resolution to approve the Justice report. Councilman Harman made the resolution to approve, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

Resolves that the Justice report is accepted as presented.

RESOLUTION #76

Payment of Bills

Supervisor Campbell asked for a resolution to approve the payment of bills. Councilman Harman made the resolution to approve the bills as presented, seconded by Councilman Carey.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None

Resolves that the payment of bills is approved.

Boughton Park

Supervisor Campbell advised the Board that there was a bill from the Town of Victor for additional insurance on Boughton Park that was not part of the Town’s 2020 budget. He asked Councilman Travis if the Commission included the additional insurance cost in their 2021 budget. Councilman Travis explained that the park has its own insurance and the additional insurance was for the Town of Victor.

RESOLUTION #77

Town Hall

Supervisor Campbell advised the Board that the Town Attorney is still working with the Surety and that liquidated damages are still adding up. He asked for a resolution to approve having the unfinished site work completed by John Hastings at a cost not to exceed \$12,000.00, and to have the repairs made to the outdoor restroom by M Co Flooring at a cost not to exceed \$6,000.00 both of which the Attorney said could be paid from the retainage.

Councilman Harman made the resolution to approve hiring John Hastings to do the grading, drainage and seeding work at a cost not to exceed \$12,000.00 and M Co Flooring to repair the outdoor restroom at a cost not to exceed \$6,000.00, seconded by Councilman Travis.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None
Resolves that John Hastings will be hired to complete the unfinished site work at a cost not to exceed \$12,000.00 and M Co Flooring will be hired to repair the outdoor restroom at a cost not to exceed \$6,000.00.

Mr. Templar asked if the contractor had enough time and didn't finish. Supervisor Campbell explained that CamCo stopped working on the project and they are no longer under contract with the Town, so the Town is working to complete the job.

RESOLUTION #78

Close Meeting

At 8:11 pm., Councilman Travis made the resolution to close the meeting, seconded by Councilman Carey.

Adopted: Ayes – Campbell, Carey, DeSanctis, Harman, Travis Nays – None
Resolves that the meeting is closed.

Respectfully Submitted,

Mary Grundman
Town Clerk