



AGENDA

Emergency Meeting for June 25, 2013 at 8:55AM

Call to Order

Pledge of Allegiance

Roll Call of Legislators

Reading of Meeting Notice:

There will be an Emergency Meeting of the Sullivan County Legislature on **Tuesday, June 25, 2013 at 8:55AM** in the Legislative Committee Room. The purpose of the meeting is to authorize a settlement in a lawsuit (CMG).

Resolutions:

1. Authorize a settlement in a lawsuit (Congregation Machne Ger)

Adjournment or Close

**RESOLUTION NO. ___ INTRODUCED BY PLANNING ENVIRONMENTAL
MANAGEMENT AND REAL PROPERTY COMMITTEE, TO AUTHORIZE A
SETTLEMENT IN A LAWSUIT**

WHEREAS, Congregation Machne Ger (“CMG”), filed a lawsuit in the State of New York Supreme Court, County of Sullivan against the County of Sullivan (“County”), the Town of Thompson (“Town”) and the Fallsburg Central School District (“School”), and

WHEREAS, in the complaint CMG seeks a refund of monies paid to the County pursuant to the repurchase of a parcel of real property designated on the Town Tax Map as Section 3 Block 1 Lot 12 (“CMG’s Property”). CMG seeks a refund of the 2013 Town/County taxes (including the relieved 2012/2013 School taxes) with penalties and interest as well as a refund of three years of unpaid solid waste fees (2011-2013) with penalties and interest, and

WHEREAS, CMG’s Property has been granted exempt status by the Town Assessor continuously since 2010 and was not granted exempt status for the 2013 tax year. The change in status caused CMG’s Property to generate amounts owed for the 2012/2013 School taxes and the 2013 Town/County taxes. The total amount paid by CMG to the County, including interest and penalties, was \$47,110.46, and

WHEREAS, the Town has informed the County that the change in the exempt status affecting CMG’s Property for the 2013 taxes was not done intentionally. The Town Assessor has determined that CMG’s Property is entitled to exempt status for the 2012/2013 School taxes and the 2013 Town/County taxes, and

WHEREAS, CMG’s Property was also subject to the enforcement of the solid waste fees for 2011, 2012 and 2013. The total amount paid by CMG to the County for the three years of solid waste fees plus penalties and interest and the repurchase fees was \$12,111.12, and

WHEREAS, the Law Department has negotiated a settlement with CMG’s counsel as follows; a) the County issues a refund to CMG in the amount of \$47,110.46 for the 2013 taxes as full settlement of all claims and b) CMG withdraws the remaining requests for relief and agrees that the County shall retain the solid waste fees, interest, penalties and repurchase fees of \$12,111.12. The Law Department believes that this settlement is in the best interests of the County.

NOW THEREFORE BE IT RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit on the above outlined terms and conditions.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2013