

**TOWN OF PHILADELPHIA**  
**TOWN BOARD MEETING – MAY 11, 2016 @ 5:30 P.M.**

**Present:** Supervisor: Cheryl Horton, Clerk: Cheryl Reed, Hwy. Supt.: Mike Freeman, Council Members, Sandra Carpenter, Deborah Lamora, Bob Watson Sr., Ron Spicer and Assessor: John Kiechle.

At 5:30 P.M. Supervisor Horton called the meeting to order, followed by Prayer and Pledge.

**Minutes:** were read before the meeting. Sandra made a motion to accept the minutes as written. Deborah seconded. All were favor, motion carried.

**Financial Report:** Supervisor Horton read the April 2016 Financial Report aloud. Council Members signed the April 2016 Financial Report as their approval of said report.

**Clerk Report:**

1. Office is very busy with customers.

**Hwy. Report:**

1. Spring Clean-up went well.
2. Plan to blacktop 1.3 miles of Elm Ridge Road. Estimated cost: approximately \$63,000 for blacktop and \$6,000 including shoulders.
3. Hagen Road Bridge needs 3 culverts replaced. Estimated cost: approximately \$8,500 for plastic pipe.
4. Will have more precise prices for next meeting.

**Recycling Report:**

1. Thirty Nine (39) customers signed up at \$35.00 per pick-up for Spring Clean-up. A total income of \$1,365.00.
2. 34.94 tons of refuse collected
3. Cost to Town for disposal of refuse: \$1,991.58.
4. Short fall amount for the Town: \$626.58.
5. Received check from St. Pauly's in the amount of \$156.87.

At this time a discussion was held regarding offering the public a choice of buying a large pre-priced garbage at \$3.00 and buying a single sticker/no bag at \$2.00. No decisions were made at this time. This issue will be reviewed in the future. Supervisor suggested that every bag going into the packer should have a sticker.

**CEO Report:** for April 2016 was handed out.

**Cemetery Report:**

1. Mike reported that only one tree was lost over winter and will be replaced.

**Assessor Report:**

1. Paul Warneck, leading Executive Officer of the Office of Real Property Services in Watertown has retired.
2. Real Property Tax Law Legislation Update.
3. Selective Assessment.
4. WGS Philadelphia Housing Tax Assessment challenge. No decisions on this subject were made. Issue was tabled for later discussion.

**Court Report:**

Town Justice, Honorable Jessie Scheer shared, "Justice Court Fund Town and Village Court Ranking Report for Jefferson County, years 2014 and 2015. The Town of Philadelphia was 13<sup>th</sup> out of 29 for 2014 and 14<sup>th</sup> out of 29 for 2015.

**New Business:**

1. The annual meeting of the Board of Assessment Review will be May 24<sup>th</sup> from 5 P.M. to 9 P.M.
2. Health Insurance Co-pays to be discussed in the near future.

At 6:38 P.M. Supervisor Horton asked if there were any further comments or questions. With there being none, Sandra made a motion to adjourn. Deborah seconded this motion. All were in favor, meeting adjourned.

*Respectfully submitted,*

*Cheryl Reed, Town Clerk  
May 11, 2016*

**TOWN OF PHILADELPHIA  
SPECIAL TOWN BOARD MEETING  
MAY 23, 2016 @ 1:00 P.M.**

**Present:** Supervisor: Cheryl Horton, Clerk: Cheryl Reed, Hwy. Supt.: Mike Freeman, Council Members: Sandra Carpenter, Deborah LaMora, Bob Watson Sr., Ron Spicer and Assessor: John Kiechle.

**Guests:** Honorable Attorney, Mark Gebo and Mark Leeson.

At 1:00 P.M. Supervisor Horton called the meeting to order.

**Purpose of meeting:**

1. Discuss proposal made by Assessor, John Kiechle to hire new legal firm, Bond, Schoeneck & King to represent the Town of Philadelphia in the WGS Philadelphia Housing Associates, LLC Tax Assessment.

Supervisor Horton explained that she had received a call from Attorney Gebo in May 2016. Attorney Gebo had received a courtesy call from Attorney Seely making him aware of the recent reassessment of WGS Philadelphia Housing and the intention to challenge it.

Informational packets were given to all Board Members containing the following:

1. Letter from Bond, Schoeneck & King confirming acceptance to represent the Town of Philadelphia upon receipt of approved contract as requested by Assessor, John Kiechle.
2. NYS Supreme Court/Jefferson County – Re: Stipulation of Settlement & Order dated August 14, 2012, signed by Honorable, James P. McClusky in the matter of Philadelphia Housing Associates against Town Assessor of the Town of Philadelphia and the Board of Assessment Review of the Town of Philadelphia.
3. Resolution 2012-49 by the Philadelphia Town Board, dated, August 13, 2012 to accept the Stipulation of Settlement and Order as written.
4. Copy of Certificate of Deposit from Upstate Bank to invest \$135,781.06 which was the 801 Task Force Settlement, Town Share dated 1/28/2012.
5. Copy of check to from the Town of Philadelphia to Hacker Murphy, LLP in the amount of \$145,960.35, dated 8/23/12 for Town's share of refund to Philadelphia Housing per Stipulation of settlement.
6. Letter to Attorney's Seely and Gebo from Supreme Court Justice James P. McClusky advising Mr. Kiechle that the law does not allow a person not licensed to practice law to represent the Town. Assessor Kiechle had requested that Judge McClusky's ruling be thrown out of court.

7. Letter from Attorney Gebo to Supervisor Horton, dated 9/19/2012, regarding Philadelphia Housing Associates Tax Case. Supreme Court decision for entities involved in this case to pay refund amounts they owe.

8. Letter dated 9/26/2012 from Attorney Seely to Attorney Gebo regarding WGS Philadelphia Housing Associates -v- Town of Philadelphia and Assessor Kiechle's disregard for resolution of the assessment challenge. He also states that should Assessor Kiechle flout the Court Ordered settlement anytime in the coming years all available remedies will be pursued, including "Contempt of Court".

9. Page 56 from the 2013 Tentative Tax Roll listing WGS Philadelphia Housing Associates' assessment of \$15,500,000 – Full Market Value. Assessor Kiechle requested that the Town Board approve a reval. The Town Board refused to approve this request.

10. Complaint on Real Property Assessment 2013, dated May 2, 2013 from WGS Philadelphia Housing Associates to the Philadelphia Board of Assessment Review.

11. Notice of Determination of the Philadelphia Board of Assessment Review dated 5/28/13. The Tentative assessed value given by Assessor Kiechle listed at \$15,500,000.00. The Board of Assessment Review studied the proof of value presented by WGS Philadelphia Housing Associates and found it adequate to support reduction. Reduction amount listed as \$8,500,000.00., per the Stipulation of Settlement and Order.

Supervisor Horton said that she had mentioned at the last May 2016 Town Board Meeting that perhaps Assessor Kiechle's change in the assessment may have been done sooner than the court order stipulated due to an oversight by him. John assured her that it was not an oversight.

Supervisor said that the Assessor's actions will effect the entire Indian River School District, Jefferson County, Philadelphia Ambulance, the Village and the Town.

12. A cost comparison was done by Supervisor Horton after speaking to Assessor's from Watertown, Town of Leray, Town of Wilna and Bill Bemann of Fort Drum.

Assessor Kiechle spoke about:

1. Collaborative Assessment.
2. ORPS (Office of Real Property Services) Survey.
3. Equalization Rate.
4. Level of Assessment.

It was agreed upon that Attorney Gebo will research options for the Town in the event WGS Housing disputes the BAR Determination of Assessment. Attorney expects he will have an answer in two weeks or less. At this time he suggested the possibility of the Town hiring their own appraiser/surveyor to give their assessment of WGS Philadelphia Housing.

No motion was made by the Town Board to retain Bond, Schoeneck & King, per Assessor Kiechle's request.

At 2:16 P.M. Supervisor Horton asked if there were anymore comments or questions. With there being none, Sandra made a motion to adjourn. Deborah seconded this motion. All in favor, meeting adjourned.

Respectfully submitted,

Cheryl Reed, Town Clerk