

# TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – March 28, 2024 @ 2:00 PM

Via In-Person

**Board Members Present:** Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Kevin Everly, Councilperson Jeffrey Coleman, Councilperson David Shipman (left @ 2:55 pm)

**Board Members Absent:** None.

**Staff Present:** Frederick Schweiger, Highway Superintendent; Catherine Kozemko, Assessor; Arrah Richards-McCarty, Town Clerk

**Guests:**

None.

**The meeting was called to order at 2:00 pm by Supervisor Donald Foster.**

**Pledge of Allegiance**

**New Business**

1. Pending Litigation – Elderwood Properties

**Motion** to go into executive session at 2:01 pm to discuss pending litigation of the Elderwood Properties made by **Councilperson Kevin Everly** and seconded by **Councilperson Dave Shipman**. All in favor.

**Motion** to come out of executive session at 2:59 pm made by **Councilperson Kevin Everly** and seconded by **Councilperson Mike Rice**. All in favor.

2. Resolution 11-2024\_Retain Representation of Coughlin & Gerhart, LLP for 37 North Chemung Street and 44 Ball Street – Elderwood Properties – Tax Certiorari Proceedings

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 03/28/2024

RESOLUTION NO 11-2024

RETAIN LEGAL REPRESENTATION OF COUGHLIN  
& GERHART, LLP FOR 37 NORTH CHEMUNG  
STREET AND 44 BALL STREET – ELDERWOOD  
PROPERTIES - TAX CERTIORARI PROCEEDINGS

**WHEREAS**, due to scheduling conflicts, the Town of Barton needs to retain the legal services of another law firm in dealing with Elderwood properties tax certiorari proceedings; and **WHEREAS**, Coughlin & Gerhart, LLP has been put forward as a suitable replacement; and **NOW THEREFORE** upon a motion by Councilperson Jeff Coleman, seconded by Councilperson Mike Rice and carried; therefore, be it

**RESOLVED**, that on this day, March 28, 2024, the Town Board of the Town of Barton, County of Tioga, State of New York, hereby retains the services of Coughlin & Gerhart, LLP for 37 North Chemung Street and 44 Ball Street – Elderwood Properties - tax certiorari proceedings; and be it

**FURTHER RESOLVED**, that the Town of Barton Town Board agrees to the proposed contract terms (see attached); and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Barton grants Town Supervisor Donald Foster authority to sign all documents regarding this resolution.

**Roll Call Vote:**

Mike Rice	Aye
Kevin Everly	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Absent

3. Resolution 12-2024\_Authorize GAR Associates, LLC to Conduct a Court-Ready Appraisal of Elderwood of Waverly, NY – 37 North Chemung Street and 44 Ball Street Properties for Tax Certiorari Proceedings

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 03/28/2024

RESOLUTION NO 12-2024

AUTHORIZE GAR ASSOCIATES, LLC TO  
CONDUCT A COURT-READY APPRAISAL OF  
ELDERWOOD OF WAVERLY, NY – 37 NORTH  
CHEMUNG STREET AND 44 BALL STREET  
PROPERTIES FOR TAX CERTIORARI  
PROCEEDINGS

**WHEREAS**, the Town Board of the Town of Barton deems it necessary for GAR Associates, LLC to upgrade to a court-ready appraisal of Elderwood of Waverly properties; and

**WHEREAS**, the cost of this appraisal shall be \$12,000 with a 3-month turnaround; and

**NOW THEREFORE** upon a motion by Councilperson Mike Rice, seconded by Councilperson Kevin Everly and carried; therefore, be it

**RESOLVED**, that on this day March 28, 2024, the Town Board of the Town of Barton authorizes GAR Associates, LLC to conduct a court-ready appraisal of Elderwood of Waverly, NY at 37 North Chemung Street and 44 Ball Street properties for tax certiorari proceedings; and be it

**FURTHER RESOLVED**, that the cost of this court-ready appraisal shall be no more than \$12,000; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Barton grants Town Supervisor Donald Foster authority to sign all documents necessary regarding this resolution.

**Roll Call Vote:**

Mike Rice	Aye
Kevin Everly	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Absent

**Other Business**

None.

**Motion** to adjourn meeting at 3:01 pm made by Councilperson Kevin Everly, seconded by Councilperson Mike Rice. All in favor.

Respectfully submitted,

*Arrah Richards-McCarty, RMC*  
Town of Barton Town Clerk