

A Special Meeting of the Kingsbury Town Board was held on July 20, 2015 at 6 p.m. at the Kingsbury Town Hall on 210 Main Street, Hudson Falls, NY.

MEMBERS PRESENT: James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman
ALSO PRESENT: Jeffrey Meyer, Town Attorney
Larry Farbstein, Consultant hired by the Town

The meeting was called to order by Supervisor Lindsay at 6 pm and opened for the order of business. At 6:02 pm a **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into executive session to discuss the Settlement with Wheelabrator LLC.

At 8:20 pm a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to go back into regular session.

After discussion in the executive session a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes and 1 nay to adopt the following resolution:

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**Resolution No. 10 of 2015
Adopted July 20, 2015**

**Introduced by Councilman Freebern
who moved its adoption.**

Seconded by Councilman Collins

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER
RELATIVE TO WHEELABRATOR HUDSON FALLS, LLC V. TOWN OF
KINGSBURY, ET. AL. BEARING WASHINGTON COUNTY SUPREME COURT
INDEX NOS. 21450, 20580, 22259, AND 23578**

WHEREAS, Wheelabrator Hudson Falls, LLC, Petitioner, commenced actions against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification number: 154.9-1-6; and

WHEREAS, the litigation called into dispute four years of tax assessments and eighteen million dollars (\$18,000,000.00) in assessed value for each year at issue; and

WHEREAS, it is in the interests of all parties to resolve the inherently complex issues in this proceeding at this time and in this manner and thereby avoid significant costs and delay that would otherwise be incurred with continued, protracted litigation; and

WHEREAS, in order to settle the proceeding the parties have reached an agreement based upon the following terms: Wheelabrator Hudson Falls, LLC would relinquish all claims for the years at issue, including refunds, and the total tax liability for the property will fixed for the next ten years in accordance with the following schedule:

Assessment Roll Year	Total Tax Liability	Total Assessed Value (for reference only)
2015	\$ 480,000	\$ 16,000,000
2016	\$ 480,000	\$ 16,000,000
2017	\$ 480,000	\$ 16,000,000
2018	\$ 520,000	\$ 16,750,000
2019	\$ 540,000	\$ 17,500,000
2020	\$ 560,000	\$ 18,250,000
2021	\$ 580,000	\$ 19,000,000
2022	\$ 600,000	\$ 20,000,000
2023	\$ 600,000	\$ 20,000,000
2024	\$ 600,000	\$ 20,000,000

WHEREAS, it is the desire of the Town of Kingsbury to authorize their legal counsel on this matter, Meyer & Fuller, PLLC to sign and accept the Stipulation of Settlement and Order relative to the reduction of assessment pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 154.9-1-6.

NOW THEREFORE BE IT:

RESOLVED, the Town Board, upon due deliberation, finds that it is in the best interests of the residents of the Town of Kingsbury to approve and enter into the terms of settlement as detailed above subject to final review and approval of the specific language contained in the stipulation by counsel; and be it further

RESOLVED, that Meyer & Fuller, PLLC is hereby authorized to execute any and all documents pertaining to the settlement of the Article 7 petitions reducing the assessment on property bearing tax identification number: 154.9-1-6, in accordance with the terms included herein.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Adopted this 20th day of July, 2015.

There being no further business before the Board a **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:23 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>