

RESOLUTION

At a Regular Meeting of the Board of Education of the Kenmore-Town of Tonawanda Union Free School District (the “Board of Education”), held on August 9, 2016 at Philip Sheridan Building Community Room, 3200 Elmwood Ave, Buffalo, County of Erie, State of New York;

The meeting was called to order by Dr. Jill O’Malley, President of the Board of Education, and upon roll being called, the following members were:

PRESENT:

ABSENT:

OTHERS ALSO PRESENT:

The following Resolution was offered by _____, and seconded by _____.

WHEREAS, the Huntley Power, LLC entered into a company lease, agency lease agreement, and payment in lieu of tax agreement with the Erie County industrial development agency dated April 1, 2009; and

WHEREAS, by letter dated August 25, 2015, Huntley Power, LLC informed the Erie County Industrial Development Agency and the affected taxing jurisdictions that intended to retire remaining operating units at the Huntley Generating Station.

WHEREAS, by letter dated Fairbury 10 2016, the Erie County Industrial Development Agency terminated the agreements with Huntley Power, LLC effective March 1, 2016 due to the permanent retirement of the Huntley generating station and, thereby placing the property back on the taxable assessment roll; and

WHEREAS, Huntley Power, LLC filed tax certiorari proceedings challenging the assessment on the Huntley Generation Station located on River Road in the Town of Tonawanda, New York, for the 2015-16 and 2016-17 tax years; and

WHEREAS, the taxing jurisdictions and Huntley Power, LLC have negotiated a settlement proposal under the following terms:

2015 Assessment

Tax Parcel	Proposed Assessment
64.16-1-1.2	\$3,045,000
64.16-1-1.2/A	\$1,522,500
64.16-1-1.2/B	\$870,000
51.20-1-1.2	\$217,500

2016 Assessment

Tax Parcel	Proposed Assessment
64.16-1-1.2	\$2,835,000
64.16-1-1.2/A	\$1,417,500
64.16-1-1.2/B	\$810,000
51.20-1-1.2	\$202,500

WHEREAS, the Town of Tonawanda and Erie County have approved the proposed settlement; and

WHEREAS, the Board of Education is willing to settle the proceedings pursuant to the terms outlined above.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education agrees to settle the tax certiorari proceedings commenced by Huntley Power, LLC in accordance with the terms set forth above and in the form approved by Ferrara Fiorenza PC.
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

AYES: _____

NAYS: _____

The Resolution was thereupon declared adopted.

Dated: _____

School District Clerk
Kenmore-Town of Tonawanda Union Free
School District