

Resolution No. 70 February 15, 2017

Authorizing The Chairman Of The Ulster County Legislature To Execute A Settlement Agreement And Release Between 346 Washington Avenue, LLC, The City Of Kingston, The Kingston City School District, And The County Of Ulster

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Thomas J. Briggs offer the following:

WHEREAS, 346 Washington Avenue, LLC (“Washington Ave.”) is the owner of real property located at 346 Washington Avenue, Kingston, New York (the “Property”); and

WHEREAS, on or about February 7, 2007, a payment in lieu of tax agreement (the “PILOT Agreement”) was entered into between the Ulster County Industrial Development Agency and Washington Ave. pertaining to the Property; and

WHEREAS, the PILOT Agreement provides that certain payments in lieu of taxes (“PILOT Payments”) must be made for any portion of the Property that is an additional improvement beyond the then current existing property and structures (the “Non-Exempt Portion”) and that the Assessor for the City of Kingston (“Assessor”) is responsible for determining the amount of the PILOT Payments for any Non-Exempt Portion in accordance with the PILOT Agreement; and

WHEREAS, between 2008 and 2013, the Assessor applied a full exemption on the Property for purposes of determining the PILOT Payments and included the Non-Exempt Portion; and

WHEREAS, the Parties have dispute regarding the payments owed and the demands of the City of Kingston (“City”), the County of Ulster (“County”), and the Kingston City School District (“School District”) for retroactive PILOT Payments; and

WHEREAS, the Parties wish to settle their dispute to avoid the uncertainty, expense and burden of litigation; and

WHEREAS, a settlement agreement has been proposed wherein Washington Ave. will pay to the City on behalf of all Taxing Entities (as defined in the PILOT Agreement) the sum of \$130,000.00 in full satisfaction of any and all unpaid PILOT Payments due under the PILOT Agreement for general tax years 2008 through 2013 and school tax years 2008-2009 through 2012-2013. The City shall then process and pay to the School District the sum of \$72,991.87 and shall process and pay to the

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County \$12,507.07 as its applicable share (if any) as required by the PILOT Agreement; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute a settlement agreement and release, and any amendments thereto as well as any and all additional documents necessary, between 346 Washington Avenue, LLC, the City Of Kingston, the Kingston City School District, and the County of Ulster in relation to litigation and claims for back taxes owed for real property located at 346 Washington Avenue, Kingston, New York for the years 2008 through 2013 in the form as filed with the Clerk of the Legislature, or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 0
(Absent: Legislators Gerentine, Maio, Roberts and Ronk)

Passed Committee: Ways and Means on February 7, 2017

FINANCIAL IMPACT:
\$12,507 – ADDITIONAL REVENUE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15th Day of February in the year Two Thousand and Seventeen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of February in the year Two Thousand and Seventeen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of February, 2017.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Approved by the County Executive this
23rd Day of February, 2017.

|s| Michael P. Hein
Michael P. Hein, County Executive