

At a regularly scheduled work session of the Sweden Town Board held at the Sweden Town Hall, 18 State Street, Brockport, New York, on Tuesday, May 1, 2012 a resolution was presented upon the recommendation of the Town Attorney.

Sweden Town Board members present were Supervisor Patricia Connors, Councilperson Robert Carges, Councilperson Rebecca Donohue, Councilperson Kevin Johnson and Councilperson Donald Roberts. Also present were Finance Director Leisa Strabel and Town Clerk Karen Sweeting.

Visitor present - Pat Lloyd.

Supervisor Connors called the meeting to order at 7:00 p.m. and asked everyone present to say the Pledge to the Flag.

RESOLUTIONS

RESOLUTION NO. 68 Authorizing Settlement in the Matter of the Application of Petsmart Direct, Inc. vs. Vito "Tony" Eaffaldano, Assessor and The Board of Assessment Review of the Town of Sweden, County of Monroe and State of New York.

WHEREAS, Petsmart Direct, Inc. (the petitioner) has previously initiated various Petitions under Article 7 of the Real Property Tax Law against the Town of Sweden to review the assessments placed upon the parcel of real property in the Town of Sweden more specifically identified on the assessment roll as Tax Account No. 084.01-1-1.121 (hereinafter referred to as the subject property) as of the taxable status date in the tax years 2008-2011; and

WHEREAS, the aforesaid Petitions are currently pending in Monroe County Supreme Court under Index Numbers 2008/09477, 2009/09407, 2010/08580 and 2011/08171; and

WHEREAS, the parties have reached a settlement in this matter not only for the years set forth hereinabove but also in relationship to tax years 2011, 2012 and 2012-2013, all as more specifically set forth in the attached proposed Stipulation.

NOW THEREFORE BE IT RESOLVED:

Sec 1. The assessments on the subject property shall be set as follows:

<u>TAX YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>SETTLEMENT ASSESSMENT</u>
2008-2009	\$7,800,000	\$1,000,000
2009-2010	\$5,900,000	\$1,400,000
2010-2011	\$5,900,000	\$1,500,000
2011-2012	\$5,000,000	\$1,500,000
2012-2013	\$3,500,000	

Sec 2. The Assessor for the Town of Sweden shall correct the assessment rolls

- Sec. 3. for the pertinent tax years as more specifically set forth hereinabove. The Town of Sweden, the Brockport Central School District and the County of Monroe shall refund to the petitioner all sums due to be refunded based upon said Stipulation.
- Sec 4. The assessment on the subject property for 2012-2013 will be set at \$3,500,000 and Real Property Tax Law §727 is waived and will not be applicable to this Stipulation or Final Order as the subject property is currently vacant and for sale.
- Sec 5. The Attorney for the Town of Sweden is hereby authorized to execute a Stipulation and to approve a Final Order to be entered.
- Sec. 6. That this resolution shall take effect immediately.

MOTION for the adoption of this Resolution by Councilperson Carges  
 Seconded by Councilperson Roberts

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – May 1, 2012

Adopted

ADJOURNMENT

Councilperson Donohue moved to adjourn the May 1, 2012 special meeting of the Town Board of the Town of Sweden at 7:04 p.m. Councilperson Roberts seconded the motion. All voted in favor of the motion. Motion adopted.

Respectfully submitted,

Karen M. Sweeting  
 Town Clerk