

HORSEHEADS CENTRAL SCHOOL DISTRICT

December 22, 2016

TO: Board of Education

FROM: Megan K. Collins, Esq., School Attorney

SUBJECT: Settlement of Chemung Canal Trust Company v. Town of Big Flats Assessor, Town of Big Flats Board of Assessment Review, and the Town of Big Flats, Chemung County, New York (Tax Certiorari)

Pertinent Information

Chemung Canal Trust Company (“Chemung Canal”) initiated a tax certiorari proceeding earlier this year in Chemung County Supreme Court contesting the 2016 taxable assessment on its parcels located in the Town of Big Flats (Chemung County Index No. 2016-1740). The parcels are the Chemung Canal branch offices located at 29 Arnot Road (designated on the Tax Map of the Town of Big Flats as 58.01-01-1-63.42), and 437 Maple Street (designated on the Tax Map of the Town of Big Flats as 66.02-2-60). While the proceeding is formally against the assessor and the municipality, the District did receive notice, as required by law, and filed a notice of intention to intervene in order to establish standing in the proceeding. A tentative negotiated settlement has been reached between the taxpayer and the Town of Big Flats. The proposed settlement will require the District to refund some taxes previously paid. The District’s consent has been requested.

Evaluation/Analysis

Chemung Canal requested that its 29 Arnot Road assessment of \$1,070,700 be reduced to \$250,000 and its 437 Maple Street assessment of \$310,800 be reduced to \$50,000. After negotiations, the Town of Big Flats tentatively has agreed to reduce the assessment for 29 Arnot Road to \$803,000 and for 437 Maple Street to \$233,100. The District’s primary concern is the need for a refund to the taxpayer in light of the tentative agreement to reduce the assessment for the 2016-2017 school tax year. The Business Office has calculated that the reduced assessment would generate a refund in the amount of \$4,759.60 for 29 Arnot Road and \$1,381.48 for 437 Maple Street, for a total of \$6,141.08. The District’s tax certiorari reserve fund has sufficient assets to pay the total refund. Based on a review by the School Attorney, the District has no reason to object to the settlement reached between the taxpayer and the municipality.

Recommended Resolution

That the Board of Education hereby authorizes settlement of the above-referenced tax certiorari proceeding on the terms outlined above; authorizes a refund as required by law; authorizes the appropriation of sufficient funds to the extent necessary from the District’s tax certiorari reserve account; and authorizes and directs the Board President, Superintendent, and School Attorney to take all actions necessary to effectuate the foregoing resolutions.