



# TOWN OF PORTVILLE, NEW YORK

## **Agenda Item #15: ARTICLE 78 LAWSUIT SETTLEMENT DECISION**

Supervisor Keeley recommended at the monthly public meeting on February 20, 2008, that the Portville Town Board approve and grant authorization to the Attorney for the Town of Portville, John Hart, to sign on its behalf an agreement to settle the Article 78 Lawsuit filed by the Petitioners Frank Aloï, Sr, et al, against Respondents Vickie Tuttle, Assessor of the Town of Portville, her successors and/or assigns, and the Board of Assessment Review of the Town of Portville, County of Cattaraugus, State of New York, and the Portville Central School District for an order and judgment nullifying and vacating the 2007-2008 assessment roll pertaining to all real property in the Town of Portville, New York as further stated that:

The above entitled proceeding involving 2007-2008 property tax assessments for the Town of Portville, County of Cattaraugus, and State of New York, having been commenced pursuant to Article 78 of the Civil Practice Law and Rules, and it appearing that assessments in the Town of Portville provide the basis for the imposition of taxes by the Town of Portville, the Village of Portville, the County of Cattaraugus and the Portville Central School District, and their respective attorneys, whereby Petitioner has determined to withdraw the within proceedings, and Town and School District having agreed to said resolution and the parties having agreed through their respective counsel that the best interests of all parties are served by the aforesaid resolution of the proceeding, now therefore it is hereby;

Stipulated and agreed, that the above-referenced proceeding for the tax year 2007-2008 is hereby discontinued and withdrawn with prejudice, and without costs to any party, and it is further;

Stipulated and agreed, that the terms of this Stipulation shall affect only the 2007-2008 tax year, and that the provisions of Section 727 of the Real Property Tax Law shall not apply, and it is further;

Stipulated and agreed, that this agreement shall bind the successors in interest to the parties.

Motion made by Councilperson Woodhead and seconded by Deputy Supervisor Cornell. VOTE: Keeley (YES), Cornell (YES), Jeffers (ABSENT), Stern (ABSTAIN), Woodhead (YES). Motion (PASSED).

Recorded this 20<sup>th</sup> day of February, 2008, in the Town of Portville, New York:

James Parks  
Town Clerk  
Town of Portville