

PRESS RELEASE

ASSESSOR DENIES PRESWICK GLEN EXEMPTION APPLICATION

New Hartford Town Assessor Paul Smith has denied an application filed by Preswick Glen Inc. to have its real property declared exempt from taxes. Preswick Glen Inc. claimed that the senior housing facility it is constructing at 172 Clinton Road was exempt as a charitable use under Real Property Tax Law §420-a. According to Preswick Glen's documents, the facility is to open in Fall 2007.

"There is no indication that the subject property will provide housing or services to a large percentage of residents who cannot otherwise afford such services, nor is there an actual policy in place that provides a large percentage of indigent residents with subsidies or assistance," Smith said in a letter to Preswick Glen Chief Executive Officer Raymond Garrett.

Smith issued his denial to Preswick Glen accompanied by a nine-page opinion letter from the Town's retained counsel, Daniel G. Vincelette, Esq., that analyzed documents provided by Preswick Glen and the applicable law. According to the opinion letter, the documents provided by Preswick Glen failed to show that the senior housing facility will be used primarily for an exempt purpose, as required by Real Property Tax Law §420-a.

A 2004 Municipal Services Agreement between the Town and Preswick Glen states that Preswick Glen Inc.'s property will be treated as exempt if it meets the requirements of Real Property Tax Law §420-a.

If Preswick Glen Inc. is dissatisfied with the denial, it may file a grievance with the Town Board of Assessment Review, which will begin considering complaints on May 22, 2007.

The New Hartford Town Board asks that all questions be directed to special counsel, Daniel G. Vincelette, Esq. at (518) 489-1098 for official comment.

New Hartford Town Board