

**RESOLUTION**

**WHEREAS**, Holland USA, Inc., and the Town of Amsterdam are desirous of having certain assessment issues resolved as to property previously owned by Holland USA, Inc, in the Town of Amsterdam, having an address at 166 Wallins Corner Road, and known as SBL No. 25.-1-5, and

**WHEREAS**, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of Amsterdam, and reviewed by the Amsterdam Town Board at its regular monthly meeting, and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

**THEREFORE, BE IT RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2024 tax certiorari proceeding filed by Holland USA, Inc., in which the 2024 assessed value of the above referenced subject property shall be reduced from the current assessment of \$728,830 to an assessed value of \$650,000. Real Property Tax Law §727 shall apply to the \$650,000 assessment for the 2025, 2026 and 2027 assessment roll;

and it is further

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between Holland USA, Inc., and the Town of Amsterdam as to the above referenced assessment.

DATED: January \_\_\_\_, 2025

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At an IAS Term of the Supreme Court of the State of New York, held for the County of Montgomery, New York on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**PRESENT: HON.** \_\_\_\_\_

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONTGOMERY**

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HOLLAND USA, INC.,  
Petitioner,

**CONSENT ORDER  
AND JUDGMENT  
Index No.: EF2024-488**

-vs.-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMSTERDAM; THE ASSESSOR OF THE TOWN OF AMSTERDAM; and THE TOWN OF AMSTERDAM, NEW YORK

Respondents.

For Review of the Assessment of Certain Real Property in the said Town of Amsterdam for the 2024 Tax Year.

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**WHEREAS** Petitioner has heretofore commenced the within proceedings under Article 7 of the Real Property Tax Law to review the assessment of certain parcels of real property located at 166 Wallins Corner Road, and known as (SBL No. 25.-1-5) in the Town of Amsterdam, County of Montgomery and State of New York for the 2024 tax year, and

**WHEREAS** these proceedings have duly come before an IAS Term of this Court, and McCarter & English LLP, Michael Benak, Esq., of counsel, having appeared for the Petitioner, The Vincelette Law Firm, Devon J. Casertino, Esq., of counsel, having appeared for the Respondent Town of Amsterdam, and Girvin & Ferlazzo, P.C., Christopher Langlois, Esq., having appeared for the Greater Amsterdam School District, and the parties having agreed to a settlement of these proceedings,

it is hereby

**STIPULATED, ORDERED and ADJUDGED**, that the assessment on the property designated as SBL No. 25.-1-5 on the tax assessment roll of the Town of Amsterdam for the following tax years has been as follows:

SBL No. 25.-1-5 (166 Wallins Corner Road)

Assessment Year	Assessment
2024	\$728,830

and it is further

**STIPULATED, ORDERED and ADJUDGED**, that the assessment on the property designated as SBL No. 25.-1-5 on the tax assessment roll of the Town of Amsterdam for the following tax year shall be adjusted as follows:

SBL No. 25.-1-5 (166 Wallins Corner Road)

Assessment Year	Assessment
2024	\$650,000

and it is further

**STIPULATED, ORDERED and ADJUDGED**, that the assessments as reduced, corrected and adjusted herein are fair, equitable and proper for the purposed of this settlement; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that the office or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Amsterdam, including the County of Montgomery, shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations and that the appropriate financial officers are hereby directed and authorized to calculate and disburse any refunds of taxes resulting from such corrected and reduced valuations, without interest or costs; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that the office or officers having custody of the aforesaid assessment rolls and the tax rolls of the Greater Amsterdam School District shall make or cause to be made upon the proper books and records of said School District the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations and that the appropriate financial officers are hereby directed and authorized to calculate and disburse any refunds of taxes resulting from such corrected and reduced valuations; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that Petitioner shall have the right to seek specific enforcement of this Stipulation, Order and Judgment by whatever means provided by law; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that Section 727 of the Real Property Tax Law shall apply to the adjusted assessment for assessment year 2024 and shall affect the 2025, 2026 and 2027 assessment rolls; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that this Stipulation, Order and Judgment hereby constitutes and represents the entire understanding and agreement among the parties and the full settlement of the assessment review proceeding herein, that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Stipulation, Order and Judgment, the above proceeding shall be, and the same hereby is, settled and discontinued with prejudice; and it is further

**STIPULATED, ORDERED and ADJUDGED**, that this Stipulation, Order and Judgment may be executed in multiple counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

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Signing and Entry of the within Order and Judgment is hereby  
Consented to:

McCarter & English LLP

Dated: 1/22/25

By: \_\_\_\_\_  
Michael Benak, Esq.  
*Attorneys for Petitioner*  
McCarter & English LLP  
100 Mulberry Street  
Newark, NJ 07102

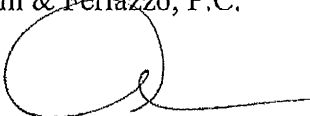
THE VINCELETTE LAW FIRM

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Devon J. Casertino, Esq.  
The Vincelette Law Firm  
*Attorneys for Respondent Town of Amsterdam*  
26 Century Hill Drive, Suite 203  
Albany, New York 12205

Girvin & Ferlazzo, P.C.

Dated: Jan 22, 2025

By:  \_\_\_\_\_  
Christopher P. Langlois, Esq.  
*Attorneys for Greater Amsterdam SD*  
20 Corporate Woods Blvd.  
Albany, New York 12211-2350

SO ORDERED:

\_\_\_\_\_  
HON. \_\_\_\_\_, JSC

ENTER: