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## Schools await windfarm decision

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*By Mary Perham*

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Bath, N.Y. - Just how tax payments from a windfarm development in Prattsburgh should be divided was argued this week before Supreme Court Judge Peter Bradstreet.

No decision was made in a lawsuit filed by the Prattsburgh and Naples school districts against a payment-in-lieu of taxes agreement approved by the Steuben County Industrial Development Agency in January.

No decision on the claim was made and Bradstreet's office said there is no timetable when a ruling will be made.

The tax agreement was for a windfarm project by UPC that is in the process of erecting 36 wind turbines within the boundaries of the Prattsburgh and Naples school districts. The school districts are entitled to more money than the tax agreement affords, their lawyers claim. A payment formula based on the potential output of the wind turbines – which generate electricity – was erroneous, the school attorneys argued.

The tax payments are included in a separate agreement between the town of Prattsburgh and UPC which were approved by the town board last July.

According to Joseph Shields, attorney for the Prattsburgh school, the district should receive more \$2 million during the 20-year life of the tax agreement. Naples school attorney Ed Premo estimated his district should receive \$560,000 more than the agreement calls for.

Attorneys for UPC, SCIDA, the town of Prattsburgh, and the county asked Bradstreet to dismiss the districts' lawsuit, because the tax agreement has not yet been signed. SCIDA attorney Dale Worrall said the agreement is expected to be finalized when the agency meets May 15. Worrall said one purpose of the SCIDA meeting will be to revisit the issue and consider a uniform tax exemption.

"All we're saying is wait and see," Worrall said.

Defendants also said the districts cannot ask to overturn the July fiscal agreement between the town and UPC.

"It's a common tool used by projects to reimburse a community for the impact on the community," UPC attorney Kevin Bernstein said. "It's not taxes." But Premo said the town agreement was frequently referred to in discussions and documents setting up the PILOT.

"This was structured in a way to divert money away from the districts," Premo said. "There is no indication they will do anything differently (in May)."