

The regular meeting of the Athens Town Board was called to order on January 21, 2023, at 7:00 P. M. by Acting Supervisor Michael Ragaini, with the Pledge of Allegiance to the Flag, at the E. J. Arthur Elementary School at 51 Third Street, Athens, N.Y.

**The following people were present:** Acting Supervisor Ragaini; Councilmember Mary Brandow; Councilmember Anthony Paluch; Councilmember Shannon Spinner and Town Clerk Linda M. Stacey. (Supervisor Michael Pirrone was absent.)

**These people were also present:** Highway Superintendent John J, Farrell; Financial/ Budget Officer Don Pierro; Assessor Dawn DeRose; Assessor Clerk Alison Dooley; Code Enforcement Officer Albert Gasparini; Barbara Trembacz; George Greiner; Bernadette Bodi; John Wolham; Zaid Hasan; Karen Dudley; Fran McCusker; Jason Borgen; Anne Pirrone; Robert Brunner; Patrick Doyle- Flint Mine Solar; M.K. Garvey.

**The Public Hearing Notice on Local Law No. 1 of 2023** (A Local Law Providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-A of the Real Property Tax Law). This was read by Acting Supervisor Michael Ragaini as follows:

Notice is hereby given, that a Public Hearing on the proposed adoption of Local Law #1 granting a partial real property tax exemption pursuant to Real Property Tax Law section 466-A for the Town of Athens on Tuesday, February 21, 2023, at 7:00 PM at the E. J. Arthur Elementary School at 51 Third Street, Athens, NY 12015. The proposed Local Law #1 for consideration is abstracted as follows:

**RESOLVED**, that the Town of Athens, hereby authorizes the Town Board to adopt RPTL section 466-a volunteer firefighter and volunteer ambulance worker partial tax exemption for enrolled members of an incorporated fire company, fire department or incorporated voluntary ambulance service as determined by the authority having jurisdiction in the amount of 10% of the assessed value of a primary residence and upon a minimum service requirement of two years based upon the fire district, incorporated fire company or incorporated volunteer ambulance services determination as the governing body, subject to all other statutory requirements.

Town of Athens action will be taken prior to adjournment of the Town meeting on February 21, 2023. Local Law #1 may be viewed entirely at the Town of Athens Clerk's Office during normal business hours. Dated February 13, 2023.

Acting Supervisor Ragaini asked if there any questions from the Board & Public.

Resident Anne L. Pirrone stated that she strongly urges the Board to pass this local law.

**Assessor Dawn DeRose** gave the following information on the new Volunteer Fire/Ambulance workers exemption:

- 1) The governing body of a County, City, Town, Village, School, Fire or Special District may grant the exemption. One or all may grant it. This exemption has a max of 10% of the assessed value of the residence that a volunteer fire or ambulance person lives in.
- 2) The Exemption is only to members of a volunteer fire departments or ambulance services. You must have a minimum of two to five years of service.
- 3) The head of (fire chief) fire or ambulance department MUST supply the Assessor Office with a certified listing of active members with the years of service. This must be done every year. No later than March 1<sup>st</sup> of each year.
- 4) The exemption may be granted only to applicants who reside in the district served by the fire Company, fire department, or ambulance service. The exemption is only available for the applicant's primary residence.
- 5) A local option the County, City, Town, Village, School, Fire or Special District...an enrolled member who has accrued more than 20 years of active service may be granted the exemption for the remainder of their life, as long as the primary residence is located within such county.

There was no one else who wished to speak, so the public hearing was closed by Acting Supervisor Ragaini.

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Mary H. Brandow to approve the following vouchers which were audited by the Board:

**General Abstract #4**, vouchers #62 through #89 inclusive for **\$8,462.64**.

**Highway Abstract #4**, vouchers #14 through #27 inclusive for **\$8,373.84**.

**Trust & Custodian:**

**9071 Rt. 9W**- Abstract #1, vouchers #1 through #2 inclusive for **\$1,888.13**.

**Dawoodani-Convenient Store/gas station**: Abstract #2, voucher #2 for **\$957.50**.

**ZBA-Freepoint Solar**- Abstract #2, voucher #2 for **\$481.25**.

**ARX Wireless**- Abstract #2, voucher #2 for **\$365.00**.

**MRG-9337 Rt.9W- M. Ragaini**: Abstract #2, voucher #2 for **\$375.00**.

Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Anthony Paluch to approve the minutes of February 6, 2023, as read. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0

**Alison Dooley introduced** herself to those present; She explained that she was hired by the Town, to assist Assessor Dawn DeRose and her Clerk Kathy Sprague with the Systematic Reassessment Project. Industrial Utility Valuation Consultants is the contractor on the project. Andrew Farbstein is one of the employees and was unable to attend tonight, however he e-mailed the following update:

We are closing in on the end of the 2023 Athens systematic review process. New assessment calculations for all properties are in the final days, and assessment change notifications will be sent to all property owners early in March. At that time, if a property owner disagrees with their assessment, and can provide evidence, a written informal grievance can be submitted to the Town no later than April 14<sup>th</sup>. After that, the tentative assessment roll will be published on or before May 1<sup>st</sup>, and a formal grievance can be filed on or before “grievance day”, which is May 23<sup>rd</sup>, 2023.

As for the taxable implications of the systematic review process, we expect most property owners to see minor taxable impacts from these changes. New York State law prohibits large budgetary increases from the school districts and towns, and therefore, as assessments go up in whole, the tax rates should drop accordingly.

Residential, commercial, vacant land, and utility properties are all included in this 2023 systematic review process. We fully expect to achieve a 100% NYS derived Equalization Rate, which was the goal of the project, along with equity amongst the classes of properties. While we all appreciate the high level of property taxes in New York State, our overarching goal is to make sure no one pays more than, or less than, their fair share of taxes. We are confident that this process will achieve that goal.

Between March 1<sup>st</sup> and March 3<sup>rd</sup> an Assessment Notification letter will be going out in the mail. At that time all property owners will know their new assessed value will be. In the middle of the notice, it states what your old assessment (2022) was and what your new assessment (2023) is, the Level of Assessment and the Market Value for each year. Below them it will have the net change between the assessed values.

In the next paragraph it will have what your County/Town and School taxable Assessed Values were and what they are going to be. It will also have an APPROXIMATE Tax Liability for each year and the APPROXIMATE increase or decrease in your taxes.

The last section will have Contact information and what is necessary for filing for an informal hearing with the contactor.

Ms. Dooley showed a copy of an Assessment Notification will look.

There will be an Extended Grievance Day this year: From May 23<sup>rd</sup> through May 26<sup>th</sup>, 2023.

**Mrs. DeRose was asked** what percentage of the property data letters had been returned.

She informed everyone that 47% of the data letters have been returned for the Village, and 46% of data letters were returned to Assessor from the Town.

**The Assessor also** handed in her written report: The office processed: No Village permits; 27 Town Permits; 4 Village Deeds resulting with sales in the range of \$10 – 735,000; 10 Town Deeds resulting with sales in the range of \$10 - \$1,080,000; 1 Village tax map revision; 7 Town tax map revisions; 0 Village E-911 #; 0 Town E-911 # updates.

**They are continuing** to update their files with data changes received from the data collectors, property owners, adding pictures for the 2023 systematic analytics.

**The Office has been extremely busy**, with Ag; Non-Profit; Senior Citizens; Disability with limited income exemption renewals. Had a lot of activity in regards to the mandate from the Governor's Office with the mass mailing of the possible eligible for Senior Citizen/Disability with limited income. To date they received 1 vol Firemen's application being filed in the Office. Everything is due by March 1<sup>st</sup>.

**Highway Superintendent John J. Farrell** reported that they have been hauling stone for 2023 oil and stone as well as for the ARPA culvert job.

**Mr. Farrell** checked on the speed limit for Howard Hall Road. Still waiting on NYS.

One snow event in the last month: Washed trucks between snow events.

They have been doing tree work on Sandy Plains Road.

**Superintendent Farrell started** on the 2023 Road Agreement. He should have it ready for March meeting. (He has been holding off to see if the State budget changes their funding.)

**Mr. Farrell** reported that Truck #2 (which is due to be replaced in 2024) failed to reach oil pressure. He said it needs to be repaired. He will take it to Ben Funk's to be checked. He does not want to put too much money into it-no more than \$2,000.00.

Acting Supervisor Michael Ragaini asked Mr. Farrell about the intersection of Valley Road, Leeds Athens Road and Forest Hills Road.

**Mr. Farrell** said it would need an Engineer to design a new area. He will look into this.

**Code Enforcement Officer Albert Gasparini reported** 6 Building Permit applications; 14 Building Inspections; Many Building Permit Inquiries; He issued 2 Certificates of Occupancy; 1 Temporary Certificate of Occupancy.

1 Certificate of Compliance.

1 Certificate of Occupancy Search Request.

1 Septic Permit.

**3 Violations:** He issued a Stop Work Order for 686 Green Lake Road. (No Building Permit.) A Stop Work Order for Foundation Anchorage.

An ALL Stop Work Order until Engineer letter is sent with directions in bringing home into compliance with codes.

**Complaints:1-** at 1540 Leeds Athens Road; Filed by Tenant; Leaky Roof and signs of Interior Mold in Kitchen & Bedroom. (A site inspection was made.)

**David Sherman: Environmental Program Specialist, NYSDEC Region 4, Division-**

Conference call about the Water Flood Insurance Program and the Greene County National Flood Hazard Layer viewer on the County website.

Flood Hazard Layer Map has not been updated since 2008. The Town of Athens Board would have to vote to update the map. **Mr. Sherman said** his office would help with the update.

**Financial Officer/Budget Officer Don Pierro** reviewed the monthly Supervisor’s Report for the month of January 2023. He reported that the 2022 Spending Plan is now 100% recorded and remains open for further year end adjusting journal entries for any applicable year end accruals. The cut off for year-end accruals occurs with the approval of this currant batch of vouchers before the Board dated February 6, 2023. Subsequently all invoices received on February 7<sup>th</sup> and forward will be booked to the current calendar year (2023).

With most adjustments made, the unadjusted increase to Fund Balance for the year ending 12/31/22 is just over \$150,000.00 with some further adjustments to be made.

The “Bookkeeper to the Supervisor” prepares most adjustments for the outside audit team and our current Fund Balance increase is the largest since 2017.

**Mr. Pierro reviewed** one change that has to be made in the Employee Handbook.

**Article 700 Employee Benefits**

**Section 702 Vacation Leave (2023)**

Upon Date of Hire	1.15 hours per pay period
Upon Completion of 1-year continuous service	2.31 hours per pay period
Upon Completion of 3-years continuous service	2.87 hours per pay period
Upon Completion of 5-years continuous service	3.47 hours per pay period
Upon Completion of 7-years continuous service	3.84 hours per pay period
Upon Completion of 10-years continuous service	4.50 hours per pay period
Upon Completion of 20-years continuous service	6.00 hours per pay period*

The last line re: 20-years of continuous service/ 6 hours per pay period is the change that goes into the handbook.

**Councilmember Mary H, Brandow made a motion** seconded by Councilmember Shannon Spinner to make the above change to the Employee Handbook: Add the line: Upon Completion of 20 years of continuous service 6.00 hours per pay period. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0

**Councilmember Shannon Spinner** made a motion seconded by Councilmember Mary H. Brandow to appoint Alison Dooley as the Town Assessor’s Representative during the period of May 23 to May 26, to aid in the administration of the Board of Assessment Review process. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0

**On the motion of Councilmember Shannon Spinner** seconded by Councilmember Mary H. Brandow the following **RESOLUTION #2023-1** was adopted:

LOCAL LAW Introductory Number 1 of 2023 A LOCAL LAW OF THE TOWN OF ATHENS PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW BE IT ENACTED by the Town Board of Athens:

**SECTION 1. Legislative intent and purpose.**

a. The Town Board of the Town of Athens finds and determines that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing our community and that maintaining effective emergency protection depends on the ability to train and retain volunteers.

b. The Town Board finds and determines that it is essential for the Town to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies and unless recruits are found to replace retiring

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volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized.

c. The Town Board finds and determines that real property tax exemptions are an appropriate way to recognize the personal sacrifices and dedication of these community-spirited men and women who unselfishly give their time and risk their safety to protect their neighbors without compensation.

d. The purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the Real Property Tax Law to read as follows.

### **Section 1. Real Property Tax Exemption.**

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Athens shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for Town purposes, exclusive of special assessments.

### **Section 2. Qualifications.**

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance services if:

a) the applicant resides in the Town of Athens and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the town.

b) the real property which is the subject of such exemption is the primary residence of the applicant.

c) the real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.

d) the applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

### **Section 3. Continuation of eligibility requirements.**

The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, fire district, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each company, department or corporation. Annual attestation by such company, district or corporation is required to maintain this exemption.

### **Section 4. Twenty-year active members.**

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty-years of active service, as defined in Section 3 hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Athens.

### **Section 5. Un-remarried Surviving Spouses of Volunteers killed in the line of duty.**

An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers killed in the line of duty may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire Company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and.
2. Such deceased volunteer had been an enrolled member for at least five years; and.
3. Such deceased volunteer had been receiving the exemption prior to his or her death.

### **Section 6. Un-remarried Surviving Spouses of Volunteers with at least Twenty-Years of Service.**

An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers with twenty years of service may receive the real property tax exemption if:

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1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service.
2. Such deceased volunteer had been an enrolled member for at least twenty years.
3. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

**Section 7. Application Process.**

1. Applications for such an exemption shall be filed with the assessor of the town on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
2. The assessor of the Town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

**Section 8. No diminution of current benefits.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

SECTION II. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0

**Patrick Doyle of Flint Mine Solar** provided an update to the Board regarding the project and the IDA. The IDA has scheduled March 14<sup>th</sup> as their Public Hearing at E.J. Arthur Elementary School. They will be discussing the PILOT.

The next Town Board Meeting will be March 6<sup>th</sup> at the Town Highway Garage, at 7:00 PM.

**Someone asked about Athens Generating's assessment and why it was so high.**

**Bookkeeper/Budget Officer Don Pierro answered**, the assessment was for the total of all three of their Plants. The assessor who applied the assessment misunderstood when she was given the data.

Resident George Greiner asked how they dispose of old solar panels.

As there was no further business to come before the meeting, Councilmember Shannon Spinner made a motion to adjourn seconded by Councilmember Mary H. Brandow. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Pirrone) Abstentions-0 Time 8:19 PM.