

November 30th, 2017 Special Meeting

The Special Town Board meeting of the Town of Stony Creek was held on November 30th, 2017.

Supervisor Frank Thomas called the meeting to order at 9:02 AM with members present:

Councilman Nathan Thomas

Councilwoman Doreen Ryan

Councilman John Thomas

Councilman Carl Thomas

Counsel to the Town: Matthew Fuller

Purpose of the meeting: To hold a Public Hearing on Local Law Number 1 of 2017 Providing for an exemption for Cold War Veterans from Real Property Tax pursuant to Real Property Tax Law Section 458-b.

The Town Clerk read the notice published in the Post-Star on November 23rd, 2017.

9:03 Am Supervisor Thomas opened the Public Hearing. Being no comments. Supervisor Thomas closed the hearing at 9:03 AM.

128-17. A resolution was made by Councilman John Thomas seconded by Councilwoman Ryan to adopt **A LOCAL LAW AMENDING LOCAL LAW 1 OF 2008 PROVIDING FOR AN EXEMPTION FOR COLD WAR VETERANS FROM REAL PROPERTY TAX PURSUANT TO REAL PROPERTY TAX LAW SECTION 458-B**

Be it enacted by the Town Board (the "Board") of the Town of Stony Creek ("Town"), County of Warren, State of New York ("State") as follows:

Section 1: PURPOSE.

The purpose of this article is to grant a partial exemption from town taxation to the extent of a maximum of fifteen percentum (15%) of the assessed valuation of real property which is owned by certain persons designated as "Cold War Veterans" pursuant to §458- b of the Real Property Tax Law of the State of New York meeting the requirements of said section and its subdivisions.

Section 2:

Residential Real property resided upon and owned by Cold War Veterans as defined pursuant to §458-b of the Real Property Tax Law of the State of New York shall be exempt from town taxes to the extent of fifteen percentum (15%) of the assessed valuation of such property subject to the following conditions:

Such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

In addition to the exemption provided in Section 1 above, where the Cold War veteran received a compensation rating from the United States department of veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less .

The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners.

The exemption provided herein is granted only to the extent allowed or provided by the Real Property Tax Law of the State of New York. If this article should be more restrictive, then this article shall control.

The exemption from taxation provided by this Local Law shall not be applicable to taxes levied for school purposes.

If a Cold War veteran receives an exemption under section four hundred fifty-eight or four hundred fifty-eight-a of the Real Property Tax Law of the State of New York, the Cold War veteran shall not be eligible to receive the exemption under this Local Law.

Section 3:

The exemption provided by paragraph (A) of this subdivision shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten (10) year limitation set forth in New York State Real Property Tax Law §458-b.

Section 4:

Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the New York State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to re- file each year. Applicants shall be required to re- file on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may re-file if other change have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

Section 5: Effective Date.

This Local Law shall become effective upon filing with the New York Secretary of State.

Section 6: Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Roll call vote, all in favor.

Murray Road:

Supervisor Thomas reported he received a call from Jim Cooper a week ago and he had seen the town's lawsuit with Bernansky had gone before Judge Auffredou at the county and Judge Auffredou issued a summary judgement and threw the lawsuit out.

Supervisor Thomas stated he talked with Judith Raymond yesterday and she said the reason she hasn't contacted him was because they filed an appeal. She said she would be dealing with that. Hopefully it will be thrown out. It says Municipalities are permitted to maintain highway by use with the three rods. She did say she argued a previous case in front of an Appellate Court, where

this will go, to deal with the same issue and circumstances and that was thrown out so she seems to think they may withdraw their appeal. We will see what happens.

Councilman John Thomas asked if there was any chance getting the bridge put back in on Murray Road. Supervisor Thomas stated it's not high on the priority list. He has talked to the county about it but it's a pretty good span across it, he thinks it would be worth way. Councilman John Thomas stated even if it's a single lane.

EMS:

Councilman John Thomas stated that Peter LaGrasse has gone over to talk with Warrensburg but he hasn't had the chance to see Mr. LaGrasse.

Councilwoman Ryan stated that Peter talked to Tom, who is the President and Tom said that Warrensburg will still respond, they will not, not respond.

Mr. LaGrasse did talk with Supervisor Thomas a little, he did say they haven't looked at any numbers, so they don't know what they would even charge the town. Councilman John Thomas feels it would help to pick a date and sit down with them and we could help them out too.

Supervisor Thomas will be seeing Supervisor Merlino today and he will tell him if they don't want to come up then don't come up. Councilman Nathan Thomas stated to remind him that budget proposals are due in October and it's really hard to come up with the money for it right now because the budget has already passed and don't have the line item for it. Councilman John Thomas stated they do help them out now and then also.

Supervisor Thomas stated that Peter told him that Luzerne was responding to calls into Harrisburg and they had an agreement a couple years ago that Warrensburg would do from the four corners. He said there were several calls where Luzerne had gone to Harrisburg. Peter says it's a problem with the dispatcher. Supervisor Thomas stated he is going to pursue that, see if he can't get their attention.

A motion was made by Councilwoman Ryan seconded by Councilman Carl Thomas to adjourn the meeting at 9:17 AM. All in favor, motion carried.

Respectfully submitted,

Susan Harrington
Town Clerk