

Regular Meeting of the Town Board of the Town of LeRoy held on Thursday, February 23, 2023 at 7:00 PM in the Boardroom of the Town Hall, 48 Main Street LeRoy, New York.

Members Present: James Farnholz, Supervisor
John Armitage, Council
William Fox, Council
John Johnson, Council
David Paddock, Council

Absent: Eric Stauffer, Highway Supt.

Recording Secretary: Patricia A. Canfield, Town Clerk

Others Present: Eric Wies, Engineer, Clark Patterson Lee

Supervisor Farnholz called the regular meeting to order at 7:00 PM followed by approval of the minutes of the meeting of February 9, 2023 on **MOTION** by Councilman Johnson and seconded by Councilman Fox and passed unanimously.

PUBLIC HEARING:

Local Law 1-2023 – Tax Exemption – Volunteer Fire/Ambulance –

Supervisor Farnholz read the following notice of Public Hearing:

The Town Board of the Town of LeRoy will hold a public hearing on February 23, 2023 at 7:00 PM at the Town Hall, 48 Main Street, LeRoy NY to hear comments regarding the proposed Local Law 1-2023 amending Chapter 141 of the LeRoy Town Code to include Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers [10% exemption through assessment]. Full language available at Town Clerk's Office, 48 Main Street, LeRoy NY 14482.

By Order of the Town Board, Patricia A. Canfield, Town Clerk

On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously the public hearing was open for comments/questions.

With no comments brought forward on **MOTION** by Councilman Armitage and seconded by Councilman Johnson and passed unanimously to close the public hearing.

Adoption of Local Law 1-2023 – Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers

On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously with voting as follows: Council Armitage, Fox, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

LOCAL LAW NO. 1 OF 2023

Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers

Be it enacted by the Town Board of the Town of Le Roy, New York, as follows:

This article entitled "A Local Law to Extend Certain Tax Exemptions to Volunteer Firefighters and Ambulance Workers, amending Chapter 141 of the Le Roy Town Code".

Section 1 Title. This local law is entitled "Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers."

Section 2. Purpose and Findings. It is the purpose of this Local Law to implement the authority granted to local taxing jurisdictions by Real Property Tax Law Section 466-k — Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers. The Town Board of the Town of Le Roy ("Town Board") finds and hereby determines that New York Real Property Tax Law Section 466-k makes available a tax exemption for volunteer fire and ambulance service workers at the option of the local municipality. The Town Board further finds and determines the Town of Le Roy should exercise said option and implement said tax exemption because it would enhance the ability to recruit and retain the volunteers that are the lifeblood of the volunteer fire and ambulance organizations currently serving the residents of the Town of Le Roy. Recruiting and retaining sufficient volunteers to serve these important functions is essential to maintaining the high quality of emergency service in our community and saving its taxpayers the significant expense of paid staff.

Section 3. Grant of Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers. Chapter 141 of the Code of the Town of Le Roy, "Taxation" shall be amended to add "Article V - Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers" as follows:

Article V. Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers.

§ 141-17. Legislative Intent. The Real Property Tax Law has been amended by the addition of a new § 466-k, which permits the Town of Le Roy to grant a partial tax exemption on 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. Said partial exemption is 10% of the assessed value of such property for all Town purposes.

§ 141-18. Grant of exemption. An exemption of 10% of assessed value of property owned by an enrolled member or such enrolled member and spouse is hereby granted from taxation with respect to all Town purposes, subject to the requirements set forth in this Article.

§ 141-19. Eligibility. Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

A. The applicant resides in the Town of Le Roy which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

B. The property is the primary residence of the applicant;

C. The 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 section;

D. The applicant has been certified in accordance with § 141-24 as enrolled member of an: (1) incorporated volunteer fire company or fire department for at least 2 years, or (2) incorporated voluntary ambulance service for at least 2 years; and

E. The applicant complies with the requirements of § 141-22.

§ 141-20. Grant of exemption for spouse of Volunteer killed in the line of duty. Any un-remarried spouse of an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who is killed in the line of duty shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the County of Genesee.

§ 141-21. Grant of lifetime exemption. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service 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 10% exemption as authorized by this article for the remainder of his or her life and the life of their un-remarried surviving spouse as long as his or her primary residence is located within the County of Genesee.

§ 141-22. Application. Application for such exemption shall be filed with the Assessor for the municipality in which the property is located on or before the taxable status date on a form as prescribed by the Commissioner of Tax and Finance.

§ 141-23. No diminution of 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 Article 4 of the Real Property Tax Law on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this Article.

§ 141-24. Certification. Each incorporated volunteer fire company, incorporated volunteer fire department and incorporated voluntary ambulance service shall file a notice annually with the Assessor, certifying its enrolled members with 2 or more years of service, per procedures prescribed by the Assessor.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this 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 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.

Section 5. Effective Date. This local law shall take effect upon filing with the Secretary of State

OLD BUSINESS:

1. Sales Tax – Update – Genesee County [Distribution] –

Town officials met with Genesee County Legislature and County Manager to discuss ongoing sales tax distribution contract. Current contract sets distribution at fixed cost without language for additional funding based on increase of sales tax. Genesee County has committed to funding the newly constructed jail facility and Phase III of the Genesee County Water Project. Grant funding is being applied for to offset costs of water project.

2. Election Audit –

On **MOTION** by Councilman Fox and seconded by Supervisor Farnholz and passed unanimously with voting as follows: Council Armitage, Fox, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION:**

WHEREAS, it is recognized civil right in the United States for every citizen to have free and fair elections “And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise”.

WHEREAS, it is the affirmative duty of our election officials to comply with all Federal and State laws governing administration and procedure of our elections, thereby guaranteeing our elections are accurate and free of distortion or manipulation; and

WHEREAS, our constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring accuracy can only be achieved through the operational integrity of our elections, as defined by those laws governing the following five processes:

- 1. Rigorous verification of voter identity.**
- 2. Proven Ballot security and intact chain of custody.**
- 3. Voting systems to be secured from operational, physical and cyber threats.**
- 4. Meets all FISMA and State operational and risk assessment requirements.**
- 5. Meets auditability and traceability requirements and operational requirements.**

THEREFORE, BE IT RESOLVED, the Town Board of the Town of LeRoy concurs with the above language and measures in place to ensure accuracy from the poll site to the proper handling of said voter ballots.

NEW BUSINESS:

- 1. Bob Johnson Chevrolet, West Main Rd – Eric Wies Engineer – Request for Sewer Line –**
Eric spoke to Town Board regarding request from dealership to be able to connect to Village Sewer. Proposed agreement is to allow approx. 3200’ of line from Village to facility to connect to sanitary sewer as a single user and would be private agreement between Village of LeRoy and Bob Johnson Chevrolet. Further information will be provided as it becomes available from engineer.

2. Natural Gas Heating/Appliances NYS – Proposed Ban –

On **MOTION** by Councilman Fox and seconded by Supervisor Farnholz and passed unanimously with voting as follows: Council Armitage, Fox, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION**:

WHEREAS, Governor Hochul’s state of the state address contained a proposal to “end the sale of new fossil powered heating equipment by 2030 by calling for construction of – all new construction needs to be zero emission – starting in 2025 for small buildings and 2028 for large buildings; and

WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the State’s proposal is intended to help address climate change, but could create a burden for our region’s working-class residents; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Town of LeRoy with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard rip through the Western New York area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

WHEREAS, what is more, alternatives to natural gas-powered heating have yet to be proven reliable as a sole source heating system in cold weather climates; and

WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families in the Town of LeRoy and across New York State at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS, currently, due to market conditions and technology limitations, most electric appliances are less efficient and absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

WHEREAS, Town of LeRoy have seen with California’s recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state’s electrical grid leading to blackouts; and

WHEREAS, the costs to transition the state’s energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, as well as the impact on residential energy systems before any action is taken.

NOW, THEREFORE BE IT RESOLVED, that the Town of LeRoy hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers especially those least able to afford them; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul’s Office, the Western New York Delegation to the New York State Senate and Assembly and any other party deemed necessary and proper.

COMMITTEE REPORTS:

Town Clerk:

Town Clerk and Supervisor met with bookkeeper, Jen Wolcott to review 2022-year end and all funds.

Code:

Acceptance of Resignation -

On **MOTION** by Supervisor Farnholz and seconded by Councilman Johnson and passed unanimously with voting as follows: Council Armitage, Fox, Johnson, Paddock and Supervisor Farnholz – aye the following **RESOLUTION**:

RESOLVED, the Town Board of the Town of LeRoy accepts with regret and appreciation of service the resignation submitted by Anne Podolak from the Code Office for the Town of LeRoy effective March 10, 2023.

Parks & Recreation:

Supervisor Farnholz reported Oatka Festival Committee has reached out for Town of LeRoy Recreation Staff to cover activities. Town Board would need further information prior to approval.

Building:

Councilman Fox reported:

- Contractor Jeff Lang will be looking at roof and leaks in the hallway area.
- Electrician Pat Boyd will be installing motion sensors for basement lighting and upgrading to LED.

IT:

Hurricane Technologies – Upgrading/Server – Move from Basement –

Separate quote will be presented from cabling company.

On **MOTION** by Supervisor Farnholz and seconded by Councilman Johnson and passed with voting as follows: Council Fox, Johnson, Paddock and Supervisor Farnholz – aye; Councilman Armitage – nay the following **RESOLUTION**:

RESOLVED, the Town Board of the Town of LeRoy authorizes Hurricane Technologies to update and move servers currently housed in the basement to the main floor with temperature control environment heating and cooling to prevent system failure at a cost of \$14,100.94.

Transfer Station:

Councilman Johnson reported the DEC Permit has been received and copy at Town Hall. Councilman Armitage added the company currently picking up tires is no longer providing service and will be looking for alternative facility to pick up and invoice on charges.

Supervisor/GAM:

Councilman Fox reported on GAM discussion of Thruway closings due to inclement weather and the need for trucks to have access to parking lots such as Darien Lake. Also, looking to go back to in person GAM meetings after Covid19 Pandemic.

AUTHORIZATION TO PAY BILLS:

On **MOTION** by Councilman Johnson and seconded by Councilman Paddock and passed unanimously the following bills were presented for payment:

Abstract # 4	2022/23	Voucher #
General Fund A, B, SL & Cap Proj H:	\$14,629.10	95~110 [online pay]
Highway Fund DA & DB:	\$38,710.16	33~40
Water Fund:		

With no further business to come before the Board, on **MOTION** by Councilman Armitage and seconded by Councilman Paddock and passed unanimously to adjourn at 8:12 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk