

Regular Meeting

The Regular Meeting of the Ephratah Town Board was held at 6 PM on Wednesday, May 10th, 2023 at the Ephratah Town Hall. Roll call found the following members present:

Supervisor	Todd Bradt
Councilman	Ivan Duesler
Councilman	George Cosselman - absent
Councilman	Andrew Chorlton
Councilwoman	Eleanor Smith
Clerk	Cynthia Wesselmann
Hwy Superintendent	Alan Cretser
Code Enforcement Officer	Devon Percival
Attorney	Michael Albanese

The meeting was opened with Salute to the Flag, led by Supervisor Todd Bradt.

Ivan Duesler made a motion to accept the meeting minutes from the regular meeting on April 12th, 2023. 2nd by Eleanor Smith. 4 ayes, carried.

Eleanor Smith made a motion to pay General bills, Abstract #5, claim 237 thru 243 in the amount of \$5,047.55. 2nd by Andrew Chorlton. 4 Ayes, carried.

Ivan Duesler made a motion to pay Highway bills, Abstract #5, claim 244 thru 260 in the amount of \$10,709.60 2nd by Eleanor Smith. 4 ayes, carried.

Communications:

- The Ephratah Transfer Station will be closed Monday, May 29 for Memorial Day. It will reopen Tuesday, May 30th, 10-6pm
- Kilts Farm at 172 Kilts Road, Ft Plain, will be having an open house May 13th from 10am to 4pm

Public Input:

- None at this time.

Reports:

Code Enforcement Officer:

- Devon Percival had a report that there was activity in a condemned building.
- A resident is putting solar panels on the roof on Rte 10.
- Property splits on Green Street and Fical Road are coming to the Planning Board
- Homeowners of recently burned home plan on rebuilding on the existing slab.
- Mr. Percival has information on the reclassification of mobile homes to permanent homes
- National Grid will be doing upgrades to the local substation and others
- There were 18 trash complaints.
- Mr. Percival can be reached at (518) 928-9360.

Planning Board:

- Property owner on East Road is planning on splitting his property.

Asphalt Bid Opening

The asphalt bid opening was opened at 6:15pm as follows:

Heidelberg Materials			
Mud Road	1,225 Tons	\$79.45/ton	\$97,326.25
Bolster Hill Road	875 Tons	\$79.45/ton	\$69,518.75
Empire Paving			
Mud Road	1,225 Tons	\$92.67/ton	\$113,520.75
Bolster Hill Road	875 Tons	\$92.67/ton	\$81,086.25
Cobleskill Stone Products			
Mud Road	1,225 Tons	\$92.92/ton	\$113,827.00
Bolster Hill Road	875 Tons	\$95.92/ton	\$83,562.00

Resolution 49

Ivan Dueler made a motion to accept Resolution 49 to award the 2023 asphalt bid to Heidelberg Materials Northeast, NY LLC, located at 4800 Jamesville Rd, Jamesville, NY 13078. The asphalt bid awarded Mud Road between New Blacktop and St Hwy 10, approx. 7,000ft in length, 18ft wide, approx. 1,225 ton of #403.17 type 6F top at \$79.45 per ton, in the amount of \$97,326.25; and Bolster Hill Road between New Blacktop and Saltsman Rd, approx 5,000 ft in length, 18ft wide, approx. 875 tons of #403.17 type 6F top at \$79.45 per ton, in the amount of \$69,518.75. 2nd by Eleanor Smith 4 ayes, carried

Public Hearing

The public hearing was opened at 6:20 for Local Law 2 of 2023 “REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW”.

Highway:

- Highway Superintendent Alan Cretser reported that they have been cleaning ditches. They are also fixing pipes on New Turnpike Road in addition to setting up the screen plant.
- The Chips program will have a \$17,000.00 increase and will be approximately \$275,000.00. Mr. Cretser has a call in to see if he can use some of this money towards replacing a pipe on Hart Road that will cost around \$12,000.00.
- The new dump truck has been ordered from Brown’s Ford.

Resolution 50

Ivan Duesler made a motion to accept Resolution 50 to purchase a 550 Ford Dump Truck from Brown’s Ford in the amount of \$55,145.00; reflecting the increase in the price since the original quote was made. 2nd Andrew Chorlton. 4 ayes, carried.

Youth:

- Alan Cretser reported that they had very few sign up for softball. There will be another signup on May 20th from 10am to 1pm. Mr. Cretser said there are always people who come on the opening day.

Assessor:

- Open Books was held on May 2nd from 6-8pm, and May 9th from 6-8pm, no one came in. There will be two more open books. The next is on May 13th from 9am -12noon and then May 16th from 6-8pm. Grievance Day will be held on May 23rd from 5-9pm.
- Any questions or concerns please contact the Assessor’s office at (518) 762-5688 ext 23.

Supervisor:

- The financial report was submitted to the Town Board members and is on file.

Historian:

- They have been doing research on the Trumble family from Green Street.
- They are looking at the cemeteries and checking for possible repairs.

Eleanor Smith made a motion to close the Public Hearing for Local Law 2 of 2023. 2nd by Ivan Duesler 4 ayes, carried

Resolution 51

Ivan Duesler made a motion to accept Resolution 51 as follows:

**RESOLUTION 51 AUTHORIZING ADOPTION BY
EPHRATAH TOWN BOARD
OF LOCAL LAW NO. 2 OF 2023 entitled**

“Real Property Tax Exemptions For Volunteer Firefighters And Ambulance Workers Pursuant To Section 466-A Of The Real Property Tax Law”

WHEREAS, the Town Board of the Town of Ephratah is desirous of providing real property tax exemptions for volunteer firefighters and ambulance workers; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Ephratah; and

WHEREAS, a public hearing was duly held on May 10, 2023 at 6:20 p.m. at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Ephratah, after due deliberation, finds it in the best interest of the Town to adopt Local Law No. 2 of 2023 providing real property tax exemptions for volunteer firefighters and ambulance workers,

Now, Therefore, Be It Resolved, THAT THE TOWN BOARD OF THE TOWN OF EPHRATAH HEREBY ADOPTS SAID LOCAL LAW NO. 2 OF 2023 ENTITLED “REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW,” A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, BE IT FURTHER

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ephratah, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

4 Aye: 0 NAY: 1 ABSENT

Introduced: Ivan Duesler Approved: Eleanor Smith

ABSENT

AYE

NAY

Supervisor Todd Bradt

Councilman Ivan Duesler

Councilman George Cosselman

Councilman Andrew Chorlton

Councilman Eleanor Smith

**EPHRATAH TOWN BOARD
EPHRATAH, NEW YORK
LOCAL LAW NO. "2" OF 2023**

**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 Ephratah Town Board of the Town of Ephratah as follows:

SECTION 1. LEGISLATIVE INTENT.

Volunteer fire and ambulance members provide our communities with valuable emergency and lifesaving services. Members spend countless hours and their own personal finances for the betterment of their services and their community.

In addition, by volunteering these persons keep local property taxes at a heavily reduced rate compared to areas with paid members. The Ephratah Town Board finds it appropriate to recognize these volunteers for the countless hours they spend on behalf of the community as well as to provide a benefit and incentive for future volunteer service. This exemption only applies to the Town portion of a property tax bill.

SECTION 2. AUTHORITY.

- (a) Pursuant to New York State Real Property Tax Section 466-a, the Town of Ephratah shall offer a real property tax exemption for 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 said county.

SECTION 3. ELIGIBILITY.

- (a) Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Town if:
 - 1) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;
 - 2) the property is the primary residence of the applicant;
 - 3) 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; and
 - 4) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service; and
 - 5) the applicant has served at least two (2) years with the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service.
- (b) Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty (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 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 county.
- (c) Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty may continue an exemption or reinstate a pre-existing exemption claimed under these statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:
 - 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 voluntary ambulance service who was killed in the line of duty; and

- 2) such deceased volunteer had been an enrolled member for at least five (5) years; and
 - 3) such deceased volunteer had been receiving the exemption prior to his or her death.
- (d) Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers may continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:
- 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 a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
 - 2) such deceased volunteer had been an enrolled member for at least twenty (20) years; and
 - 3) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

SECTION 4. EXEMPTION.

- (a) 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 said county and meet the eligibility requirements in Section 3 of this Article shall be exempt from taxation of ten percent of the assessed value of such property for county purposes.
- (b) If the volunteer has claimed a credit on their New York State income taxes pursuant to Tax Law §606(e-1), no exemption may be granted.

SECTION 5. APPLICATION FOR EXEMPTION.

- (a) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board of real property tax services. The owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. Such property must be the primary residence of the volunteer or un-remarried spouse.
- (b) The authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service shall annually certify a list of enrolled members who are in compliance with the enrollment period minimum to the assessor's office, on or before February 1st of each year. This certification must include:
 - (1) Name of the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service; and
 - (2) Signature of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (3) Name of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (4) List of volunteers with at least two (2) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (5) List of volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (6) List of volunteers that have died in the line of duty with at least five (5) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (7) List of deceased volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
- (c) Any applicant or person filing company, department or service certification documentation that is convicted of willfully making any false statement in the application or certification documentation for such exemption shall be subject to the penalties prescribed in the Penal Law.

SECTION 6. SEQRA DETERMINATION.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(26) and (33) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a significant impact on the environment and no further review is required." [6 NYCRR Section 617.5(c) (26) and (33) apply to: "(26) routine or continuing agency administration and management, not including new programs or

major reordering of priorities that may affect the environment” and “(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list”]

SECTION 7. 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 judgement shall be rendered.

SECTION 8. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this law or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Fulton.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

New Business:

Resolution 52

Ivan Duesler made a motion to accept Resolution 52 to accept the agreement between the Town Superintendent of the Town of Ephratah in Fulton County NY and the undersigned members of the Town Board, Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended for general repairs in the sum of \$508,069 shall be set aside to be expended for primary work and general repairs upon 42.85 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof. Including A) On the road commencing at All Town Roads. 2nd by Andrew Chorlton. 4 Ayes, Carried.

Resolution 53

Eleanor Smith made a motion to accept Resolution 53 accepting the Mowing contract with the Fulton County Highway Department for 7.52 miles at \$425.00 per mile for a total of \$3,196.00. 2nd by Ivan Duesler. 4 Ayes, carried.

Resolution 54

Ivan Duesler made a motion to accept Resolution 54 to appoint Michelle Vickery to the Ephratah Recreation Commission for a 5 year term to expire 12/31/2027. 2nd by Andrew Chorlton. 4 Ayes, carried.

Resolution 55

Eleanor Smith made a motion to accept Resolution 55 to appoint Daniel Richardson to the Planning Board for a 7 year term to expire 12/31/2029. 2nd by Ivan Duesler. 4 Ayes, carried.

Resolution 56

Andrew Chorlton made a motion to accept Resolution 56 to accept the Judges Grant monies in the amount of \$26,452.57; submitted by the Honorable Mark Souza. 2nd by Eleanor Smith. 4 Ayes, carried.

Unfinished Business:

- The Ambulance building electricity has been finished and now the plumbing needs to be done.

Resolution 57

Andrew Chorlton made a motion to accept Resolution 57 to pay the invoice from Adirondack Computers in the amount of \$197.98 for upgrades to the Assessors computer. 2nd by Ivan Duesler. 4 Ayes, carried.

Ivan Duesler made a motion to go into an Executive meeting. 2nd by Andrew Chorlton. 4 Ayes, Carried.

Ivan Duesler made a motion to come out of the Executive meeting. 2nd by Andrew Chorlton. 4 Ayes, Carried.

Ivan Duesler made a motion to adjourn the town board meeting. 2nd by Eleanor Smith. 5 Ayes, carried.
Time 7:35 pm

Respectfully submitted,

Cynthia A. Wesselmann
Town Clerk, Town of Ephratah