

# **TOWN OF BARTON**

**DONALD FOSTER, SUPERVISOR**

**AGENDA –OCTOBER 16, 2024 @ 6:30 PM**

**Via In-Person**

- 1. PLEDGE OF ALLEGIANCE**
- 2. PRIVILEGE OF THE FLOOR**
- 3. APPROVE MINUTES OF PREVIOUS MEETING**
- 4. APPROVE VOUCHERS FOR GENERAL, HIGHWAY, SEWER AND WATER FUNDS**
- 5. PERSONNEL**
  - a. Town Clerk
  - b. Highway Superintendent
- 6. NEW BUSINESS**
  - a. Sewer Bill Adjustment Due to Leak- Levi Brown
  - b. Discussion on Granting Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers
  - c. Review Tentative Budget for 2025
  - d. Adopt Preliminary Budget for 2025
  - e. Schedule Public Hearing on Preliminary Budget
  - f. Schedule Public Hearing on Local Law # 1-2024 to Override Tax Levy Limit
- 7. OLD BUSINESS**
  - a. Conversion of Propane to Natural Gas at Well Pump House
- 8. ADJOURNMENT**

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED

RESOLUTION NO 10-A

SEWER BILL ADJUSTMENT DUE TO LEAK-  
LEVI BROWN

**WHEREAS**, Village of Waverly Water Department confirmed this leak and most of the water did not go into the sewer pipes; and

**WHEREAS**, the Town of Barton Town Board requests that the Water and Sewer Clerk take the average of the last four water and sewer consumptions prior to the leak and charge only that average; and

**WHEREAS**, the average of the last four water and sewer consumptions prior to the leak were calculated as using 750 cubic feet of water per quarter; and

**NOW THEREFORE** upon a motion by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_ and carried; be it

**RESOLVED**, the Town of Barton Town Board, Tioga County, New York approves this request to adjust the sewer portion only of the recent water and sewer bill; and be it

**FURTHER RESOLVED**, an adjustment be made to the sewer portion only, totaling \$181.47; and be it

**FURTHER RESOLVED**, this resolution be forwarded to the Village of Waverly.

ADOPTED

RESOLUTION NO 10-B

SCHEDULE PUBLIC HEARING ON LOCAL LAW  
NO. 2 OF 2024 – PROVIDE REAL PROPERTY TAX  
EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS  
AND AMBULANCE WORKERS PURSUANT TO  
SECTION 466-A OF THE REAL PROPERTY TAX LAW

**WHEREAS**, the Town of Barton wishes to enact a local law to allow the Town of Barton to provide real property tax exemptions for volunteer firefighters and ambulance workers pursuant to §466-a of the Real Property Tax Law commencing January 1, 2025; and

**NOW THEREFORE** upon a motion by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_ and carried; therefore, be it

**RESOLVED**, that the Town of Barton Town Board, County of Tioga, State of New York hereby schedules a public hearing on \_\_\_\_\_, at \_\_\_\_\_ PM for the proposed Local Law No. 2 of 2024 as set forth herein:

**LOCAL LAW NO. 02 of 2024**

**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  
BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BARTON, COUNTY OF TIOGA, STATE OF NEW YORK AS FOLLOWS:**

**Section 1.** Purpose.

The Town Board of the Town of Barton, has determined that attracting and retaining quality volunteer firefighters and ambulance workers is a key component in providing for the safety and welfare of Town of Barton residents, but also presents a significant challenge throughout the municipalities of Tioga County.

The Town Board of the Town of Barton has also determined that real property tax exemptions are an appropriate way to recognize the sacrifice and dedication of volunteer firefighters and ambulance workers and are an appropriate tool to help recruit and retain these volunteers.

Accordingly, it is the purpose of this Local Law to adopt the Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers pursuant to Section 466-a of the Real Property Tax Law.

**Section 2.** Real Property Tax Exemption.

Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service, or by such enrolled member and their spouse, shall be exempt for ten percent (10%) of the assessed value of their property for calculation of real property taxes for the Town of Barton, exclusive of special assessments.

**Section 3.** Eligibility Requirements.

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 volunteer firefighter or ambulance worker resides in the Town of Barton and the Town of Barton is served by such incorporated fire company, fire department or incorporated voluntary ambulance service; and
- B. The property is owned by the volunteer firefighter or ambulance worker, including property owned jointly with their spouse; and
- C. The property is the primary residence of the volunteer firefighter or ambulance worker; and
- D. 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 Local Law; and
- E. The volunteer firefighter or ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and

F. The volunteer firefighter or ambulance worker meets the minimum service requirement established by the Town of Barton for exemption from Town of Barton real property taxes, which is hereby established as two (2) years of service.

**Section 4.** Lifetime Exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service, as certified by the authority having jurisdiction, shall be granted the ten percent (10%) exemption, as authorized by this Local Law, for the remainder of their life, as long as their primary residence is located within the Town of Barton.

**Section 5.** Un-remarried Surviving Spouse of Enrolled Member Killed in the Line of Duty.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive the ten percent (10%) exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years of service and had been receiving the exemption prior to their death.

**Section 6.** Un-remarried Surviving Spouse of Enrolled Member with Lifetime Exemption

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, who had been receiving a lifetime exemption as a result of accruing over twenty (20) years of service is qualified to continue to receive the ten percent (10%) exemption as long as the deceased volunteer had been receiving the exemption prior to their death.

**Section 7.** Certification and Application Process

A. The volunteer firefighter and ambulance service organizations in the County of Tioga are responsible for certifying which members, and un-remarried surviving spouses, are qualified for the ten percent (10%) real property tax exemption.

- B. The volunteer firefighter and ambulance service organizations in the Town of Barton must annually submit to the appropriate Town Assessor, by the last business day on or before January 31<sup>st</sup>, a list of members, and un-remarried surviving spouses, who they have certified as eligible to receive the real property tax exemption.
- C. The volunteer firefighter and ambulance service organizations in the Town of Barton must annually provide to their members, and un-remarried surviving spouses, upon request, a certification of the member's or un-remarried spouse's eligibility for the real property tax exemption, to include the number of years of service, confirmation of enrollment as of the date of certification, or date of death, and the address of residence.
- D. Members, or un-remarried surviving spouses not receiving a lifetime exemption must file, annually, on or before taxable status date of March 1<sup>st</sup>, an application for this exemption with the Barton Town Assessor. The Town Assessor will have the proper form and instructions, as prescribed by the New York State Commissioner of Taxation and Finance.
- E. Members or un-remarried surviving spouses receiving a lifetime exemption do not need to file annually, so long as their eligibility status is unchanged.

**Section 8.** No Diminution of Benefits

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

**Section 9.** Severability

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be

confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 10.** Effective Date

This Local Law will take effect on January 1, 2025, and shall apply to taxable status dates occurring on or after such date.

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED

RESOLUTION NO 10-C

ADOPT PRELIMINARY BUDGET FOR 2025

**WHEREAS**, the Town Board of the Town of Barton has completed its review of the tentative budget as modified by the Town Board for Fiscal Year 2025; and

**WHEREAS**, a preliminary budget must be adopted in the form prescribed by the State Comptroller; and

**NOW THEREFORE** upon a motion by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, and carried; therefore, be it

**RESOLVED**, that on this day, October 16, 2024, the Town Board of the Town of Barton approves the adoption of the Preliminary Budget for Fiscal Year 2025; and be it

**FURTHER RESOLVED**, that all budget changes directed by the Town of Barton Town Board shall be included in the 2025 Preliminary Budget.



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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED

RESOLUTION NO 10-D

SCHEDULE PUBLIC HEARING ON LOCAL LAW  
NO. 1 OF 2024 – OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

**WHEREAS**, the Town of Barton wishes to enact a local law to allow the Town of Barton to override the tax levy limit established in General Municipal Law § 3-c for the year commencing January 1, 2025; and

**NOW THEREFORE** upon a motion by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_ and carried; therefore, be it

**RESOLVED**, that the Town of Barton Town Board, County of Tioga, State of New York hereby schedules a public hearing on \_\_\_\_\_, at \_\_\_\_\_ PM for the proposed Local Law No. 1 of 2024 to override the tax levy limit established in General Municipal law §3-c as set forth herein:

**LOCAL LAW NO. 1 OF 2024**

**A LOCAL LAW OF THE TOWN OF BARTON, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c.**

**Section 1.** Legislative Intent.

It is the intent of this local law to allow the Town of Barton to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2.** Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3.** Tax Levy Limit Override.

The Town Board of the Town of Barton, New York, County of Tioga is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-C.

**Section 4.** Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 7.** Effective Date.

This local law shall take effect immediately upon adoption, publication and filing with the Secretary of State.