

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – OCTOBER 16, 2024 @ 6:30 PM

Via In-Person

Board Members Present: Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Jeffrey Coleman, Councilperson David Shipman

Board Members Absent: Councilperson Kevin Everly

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk; Dan Eiklor, Court Security; Wayne Searles, Dog Control Officer

Guests: Rose Eiklor, Waverly, NY; Dan Shay, Barton, NY; Robert Stoddard, Lockwood, NY; Earnest Zepp, Lockwood, NY; Darren Wilson, Lockwood, NY; David Curtis, Waverly, NY

The meeting was called to order at 6:30 pm by Supervisor Donald Foster.

Pledge of Allegiance

Privilege of the Floor

Robert Stoddard, Lockwood Volunteer Fire Company stated effective September 23, 2024, he was removed as Fire Chief of the Fire Company but the removal is pending legal action. Also, effective immediately, Joanne Stoddard stepped down as Secretary of the Fire Company.

Approval of Minutes: A **motion** to approve last month's regular board meeting minutes (09/09/2024) as well as Special Meeting Minutes (10/02/2024) as submitted by the Town Clerk made by Councilperson Dave Shipman, seconded by Councilperson Jeff Coleman.

5-Ayes, 0-Noes

Vouchers: A **motion** to approve the vouchers made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman.

<u>FUND</u>	<u>VOUCHER NO'S</u>	<u>TOTAL CLAIM</u>
➤ General Fund	214-241	\$36,216.21
➤ Highway Fund	139-154.....	\$45,867.70
➤ Water/Sewer Fund.....	60-61	\$226.03

5-Ayes, 0-Noes

Personnel:

Town Clerk Arrah Richards-McCarty

1. Dogs – Put an updated report of unlicensed dogs in the board members' folders. There are owners who haven't renewed in over two years (highlighted) and the names that have a strikethrough on it, are names that have renewed since the last board meeting. It is an ongoing issue which I have tried resolving through the Dog Control Officer as well as through the Supervisor. I am bringing it to the Town Board to see what we can do to resolve this. The Supervisor and Dog control Officer said that the justice system did not want to see tickets going through the court so it is hard to enforce the law. More discussion ensued. The board requested the Town Clerk's office give the DCO a list of phone numbers for him to call.
2. IT Steering Committee –
 - a. Billing – Will receive a link to a form (FTE) to fill out. Billing will continue as is but will work with shared services next year on the new billing format.
 - b. Ticket Management System – Migrating to a portal-based ticket submission system. This portal will handle everything from onboarding/out-boarding, system management, any current news (outages, etc).
 - i. This will provide shared services to provide metrics to show how much time they've spent on our tickets.
 - ii. Submit tickets through this portal
 - iii. Chat bot on how to's or questions
 - iv. New user forms will be coming soon for onboarding processes.
 - v. Still looking at different systems. May not be Sysaid. Hopefully new program will come by the end of the year.
 - c. Climate Survey coming out in the fall 2024 via email. Would like as many members to fill out as possible.
 - d. Looking to revamp county website. Using REVIZE. Uses OCR to a search tool.
 - e. FirstNet – Federal subsidized program awarded to AT&T. Offer cellular devices/broadband to emergency service personnel. County would be saving ~\$30,000 to switch from Verizon to AT&T. The county has not signed up for this yet.
 - f. Earlier this year, the County IT came down to replace equipment that was hit by the electrical surge. They noticed only two points of grounding outside our building and suggested the town contact an electrician to ensure the building is properly grounded.
 - g. We have been having issues with thumb drives and emails lately. Jeremy Loveland, IT Director, thinks that switching over to Microsoft Office 365 would help alleviate those issues. He shared the license fees of switching over to the Windows Office 365: G1 License is \$90.60 per user per year and a G3 License is \$238.92 per user per year. Basically the G1 licenses give you online versions of the Office Suite where G3 licenses give you the online versions and the desktop

applications along with much more storage capability using OneDrive.

3. Received notice from Athens Township Supervisors notifying the town of a Conditional Use Hearing for the proposed "commercial solar facility" to be located at 259 Bensley Street, Sayre PA. We are receiving this because we are an adjacent property owner.

Highway Superintendent Fred Schweiger

Attended the NYS Highway Superintendent conference a few weeks ago and a few takeaways were the discussion surrounding the Electric Truck Clean Act. Mr. Schweiger asked about purchasing trucks out of state, eliminating the need to meet the state quota. One of the legal representatives from the conference said you can do that, however, you'll still have to register it in NYS so you would still get hit with the quotas and potentially have to pay a fine because you didn't purchase an electric truck. There are seventeen (17) states that are suing the EPA over forcing all these electric quotas onto municipalities and dealerships.

The legislation/lobbyists petitioned the Comptroller's Office to try and come up with a cost estimate for municipalities and dealerships to switch over to electric to see what impact it'd have on the taxpayers. Their office doesn't seem to be too concerned over this as they know it will have a huge impact.

Due to all the pushing, NYS DEC just put a hold on the electric trucks hold for the municipalities and dealerships for 2025 and 2026 models. The problem now is the 2025 trucks have already been sold and the 2026 models could be used up by mid-year next year so it's really not helping anyone, rather it's kicking the can down the road.

There were some HR sessions on interviewing and team building, management conflict but they are pushing to try and go to an alternative deicer instead of salt alternatives because they are concerned about the salination of the lakes. High salt contents. DOT is one of the biggest offenders of that. They haven't come up with anything cost-effective at this time. The state contract for salt dropped by almost \$10/ton by switching from Cargill to American Rock Salt. The problem is American Rock Salt is a little bit further away for trucking so we're not sure how much we'll get hit with transportation costs. Mr. Schweiger thinks the town will still save money by switching over to the new contract.

New Business

1. Sewer Bill Adjustment Due to Leak- Levi Brown

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 10/16/2024
RESOLUTION NO 36-2024

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 Mike Rice, seconded by Councilperson Jeff Coleman 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.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

2. Discussion on Granting Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers

On December 11, 2023, Tioga County Director of Real Property attended the town board meeting and stated that if this exemption were to be granted, it would most likely have a minimal effect on our tax rate. On February 12, 2024, Halsey Valley Fire Department members Thomas Cole, John Gennerino, Ron Frisbie and Shawn Bellis attended the monthly meeting requesting the town look into granting this exemption. After careful consideration, Supervisor Don Foster came to the conclusion that granting the exemption would have minimal impact on our tax base and recommends to the Town Board to grant this exemption.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 10/16/2024
RESOLUTION NO 37-2024

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 David Shipman, seconded by Councilperson Jeff Coleman 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 November 13, 2024, at 6:45 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, TIOGA COUNTY, 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 31st, 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 1st, 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.

3. Review Tentative Budget for 2025

Town Clerk Arrah Richards-McCarty requested to add her Temporary Tax Clerk to the Hourly Rate list at \$17.00/hour. The board unanimously agreed.

As requested previously, Town Clerk Arrah Richards-McCarty asked for her Deputy Clerk to receive an annual salary rather than an hourly rate to remain consistent with the rest of the employees in the town hall. She also requested to keep the 4% hourly wage as calculated by the Budget Officer of \$18.84/hour but increase the cap to \$26,450/year to carry out her Deputy's schedule for the entire year. The current wage does not cover her schedule for the entire year and therefore she must take unpaid leave to stay within the salary cap.

Motion to keep the Deputy Clerk wages as hourly and not salary made by Board Member Jeff Coleman, seconded by Board Member Dave Shipman. All in favor.

Motion to keep the Deputy Clerk wages at \$25,540/year made by Board Member Jeff Coleman, seconded by Board Member Dave Shipman. All in favor.

4. Adopt Preliminary Budget for 2025

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 10/16/2024

RESOLUTION NO 38-2024

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 Jeff Coleman, seconded by Councilperson David Shipman 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.

Roll Call Vote:

Mike Rice Aye
Donald Foster Aye
Jeffrey Coleman Aye
Dave Shipman Aye

5. Schedule Public Hearing on Preliminary Budget

Motion to schedule a public hearing on November 4, 2024 at 6:00 PM to discuss the preliminary budget made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

6. Schedule Public Hearing on Local Law #1-2024 to Override Tax Levy Limit

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 10/16/2024

RESOLUTION NO 39-2024

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 Mike Rice, seconded by Councilperson Dave Shipman 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 November 4, 2024, at 6:15 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.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

Old Business

1. Conversion of Propane to Natural Gas at Well Pump House

Town Clerk Richards-McCarty sent an email to the representative from Valley Energy requesting an update on the application that was submitted but had not heard back from them.

Motion to go into executive session to discuss a town personnel matter dealing with the employment history of a particular town employee at 7:42 P.M. made by Councilperson Mike Rice, seconded by Councilperson David Shipman. All in favor.

Motion to come out of executive session at 8:14 P.M. made by Councilperson David Shipman, seconded by Councilperson Mike Rice. All in favor.

Motion to adjourn meeting at 8:14 P.M. made by Councilperson David Shipman, seconded by Councilperson Mike Rice. All in favor.

Respectfully submitted,

Arrah Richards-McCarty
Town of Barton Town Clerk

DRAFT - Unapproved By Town Board