

Town of Fenner
Town Board Meeting
March 13 2024

SUPERVISOR JONES
COUNCILPERSON CODY
COUNCILPERSON STRACK
COUNCILPERSON PUSHLAR
TOWN CLERK DOLAN

ATTENDANCE: John Dolan, Andy Stone

The regular meeting of the Fenner Town Board was called to order at 8:06 PM by Supervisor Jones with the Pledge of Allegiance.

Councilperson Pushlar motioned to accept the February's Town Board meeting minutes. Seconded by Councilperson Strack. Approved by the Board.

Councilperson Strack motioned to accept the Town Clerk's Monthly Report as presented. Seconded by Councilperson Cody. Approved by the Board.

Councilperson Pushlar motioned to accept the Town Supervisor's Monthly Report as presented. Seconded by Councilperson Strack. Approved by the Board.

The Highway Superintendent report was presented and available for review at the town offices.

Motion to open public hearing on, Local Law 2024 -A, was made by Councilperson Pushlar at 8:15 and seconded by Councilperson Strack.

Public Comment - how would someone apply for this benefit - through our Tax Assessor Brian Fitts

Motion to close public hearing was made by Councilperson Pushlar at 8:17 and seconded by Councilperson Strack.

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Fenner

Local Law No. A of the year 2024

A Local Law Establishing a Tax Exemption on Real Property Owned by Persons Sixty-Five Years of Age or Over Pursuant to Real Property Tax Law § 467

Be it enacted by the **Town Board** _____ of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of **Fenner** _____ as follows:

**“TOWN OF FENNER
LOCAL LAW NO. A OF 2024**

**A LOCAL LAW ESTABLISHING A TAX EXEMPTION ON REAL PROPERTY
OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE OR OVER PURSUANT TO
REAL PROPERTY TAX LAW § 467**

Be it enacted by the Town of Fenner Town Board, as follows:

SECTION 1. LEGISLATIVE INTENT.

The Town Board of the Town of Fenner being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of the senior citizens of the Town who have made a vital contribution to the growth, development, and progress of the community, intends by the enactment of this Local Law to provide protection for limited income senior citizen homeowners from the increased cost of living.

The purpose of this Local Law is to grant the exemptions from taxation in accordance with the criteria set forth in New York State Real Property Tax Law § 467.

SECTION 2. AUTHORITY.

The adoption of this Local Law is in accordance with Section 10 of New York’s Municipal Home Rule Law and New York Real Property Tax Law § 467.

**SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR
QUALIFYING PERSONS SIXTY-FIVE YEARS OF AGE OR OVER
IN THE TOWN OF FENNER.**

- A. Real property in the Town of Fenner owned by one or more persons, each of whom is 65 years of age or over, or real property owned by spouses or by siblings as defined by Real Property Tax Law § 467, one of whom is 65 years of age or over, shall be exempt from taxation by the Town to an extent as set forth in Subsection B of this Section based on their income. Such exemption shall also apply to real property in which a person(s) holds a legal life estate, or which is held in trust solely for the benefit of a

person(s) if such person(s) would otherwise be eligible for the exemption were such person(s) the owner(s) of such real property.

B. A graduated tax exemption shall be allowed in accordance with the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$50,000.00	50%
More than \$50,000.00 but less than \$51,000.00	45%
\$51,000.00 or more but less than \$52,000.00	40%
\$52,000.00 or more but less than \$53,000.00	35%
\$53,000.00 or more but less than \$53,900.00	30%
\$53,900.00 or more but less than \$54,800.00	25%
\$54,800.00 or more but less than \$55,700.00	20%
\$55,700.00 or more but less than \$56,600.00	15%
\$56,600.00 or more but less than \$57,500.00	10%
\$57,500.00 or more but less than \$58,400.00	5%

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 467.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Local Law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 467. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 467, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 467, Real Property Tax Law § 467 shall be controlling.

SECTION 5. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court 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 said clause, sentence, paragraph, section or part of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2024 of the **Town of Fenner** was duly passed by the **Town Board** on **March 13, 2024**, in accordance with the applicable provisions of law.

1. ~~**(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

2. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__.

Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on _____, 20__, in accordance with the applicable provisions of law.

3. ~~**(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.~~

4. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

5. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ___, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed,
please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Hon. Lisa Dolan, Town Clerk
Town of Fenner

(Seal)

Date: March, 2024

Be it enacted by the Town of Fenner Town Board, as follows:

TOWN OF FENNER
RESOLUTION 2024-13
TO ACCEPT
LOCAL LAW NO. A OF 2024

A LOCAL LAW ESTABLISHING A TAX EXEMPTION ON REAL PROPERTY OWNED BY PERSONS SIXTY-FIVE YEARS OF AGE OR OVER PURSUANT TO REAL PROPERTY TAX LAW § 467

The following resolution was offered by Councilor Pushlar, who moved its adoption, seconded by Councilor Strack, to wit:

SECTION 1. LEGISLATIVE INTENT.

The Town Board of the Town of Fenner being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of the senior citizens of the Town who have made a vital contribution to the growth, development, and progress of the community, intends by the enactment of this Local Law to provide protection for limited income senior citizen homeowners from the increased cost of living.

The purpose of this Local Law is to grant the exemptions from taxation in accordance with the criteria set forth in New York State Real Property Tax Law § 467.

SECTION 2. AUTHORITY.

The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law and New York Real Property Tax Law § 467.

SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR QUALIFYING PERSONS SIXTY-FIVE YEARS OF AGE OR OVER IN THE TOWN OF FENNER.

- A. Real property in the Town of Fenner owned by one or more persons, each of whom is 65 years of age or over, or real property owned by spouses or by siblings as defined by Real Property Tax Law § 467, one of whom is 65 years of age or over, shall be exempt from taxation by the Town to an extent as set forth in Subsection B of this Section based on their income. Such exemption shall also apply to real property in which a person(s) holds a legal life estate, or which is held in trust solely for the benefit of a

person(s) if such person(s) would otherwise be eligible for the exemption were such person(s) the owner(s) of such real property.

B. A graduated tax exemption shall be allowed in accordance with the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$50,000.00	50%
More than \$50,000.00 but less than \$51,000.00	45%
\$51,000.00 or more but less than \$52,000.00	40%
\$52,000.00 or more but less than \$53,000.00	35%
\$53,000.00 or more but less than \$53,900.00	30%
\$53,900.00 or more but less than \$54,800.00	25%
\$54,800.00 or more but less than \$55,700.00	20%
\$55,700.00 or more but less than \$56,600.00	15%
\$56,600.00 or more but less than \$57,500.00	10%
\$57,500.00 or more but less than \$58,400.00	5%

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 467.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Local Law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 467. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 467, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 467, Real Property Tax Law § 467 shall be controlling.

SECTION 5. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court 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 said clause, sentence, paragraph, section or part of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor		
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Motion to open public hearing, on Local law 2024-B, was made by Councilperson Cody at 8:22 and seconded by Councilperson Strack.

No public comment

Motion to close public hearing was made by Councilperson Pushlar at 8:23 and seconded by Councilperson Cody.

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Fenner _____

Local Law No. B of the year 2024

A Local Law Establishing a Tax Exemption on Real in the Town of Fenner Pursuant to Real Property Tax Law § 458-A

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Fenner _____ as follows:

**“TOWN OF FENNER
LOCAL LAW NO. B OF 2024**

**A LOCAL LAW ESTABLISHING A TAX EXEMPTION ON REAL PROPERTY IN THE
TOWN OF FENNER PURSUANT TO REAL PROPERTY TAX LAW § 458-A**

Be it enacted by the Town Board of the Town of Fenner as follows:

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE & INTENT.

The Town Board of the Town of Fenner, being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of veterans residing in the Town who have made a vital contribution to the growth, development, and progress of the community, intends by the enactment of this Local Law to provide further protection for veteran homeowners from the increased cost of living.

The purpose of this Local Law is to establish exemptions from taxation in accordance with the criteria set forth in New York State Real Property Tax Law § 458-a, raising the maximum exemption amounts to those provided at Real Property Tax Law §§ 458-a(2)(a)-(c).

SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR QUALIFYING VETERANS IN THE TOWN OF FENNER.

- A. The Town of Fenner does hereby adopt the alternative Veterans exemption from real property taxation, as authorized by Real Property Tax Law § 458-a.
- B. Pursuant to Real Property Tax Law §§ 458-a(2)(a)-(c), the maximum exemption from real property taxes for veterans allowable is established as follows:
 - (1) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars or the product of twelve 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.
 - (2) In addition to the exemption provided in paragraph (1) of this subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such

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

- (3) In addition to the exemptions provided by paragraphs (1) and (2) of this subdivision, where the veteran received a compensation rating from the United States veteran's administration 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 veteran's 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. For purposes of this paragraph, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 458-a.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Local Law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 458-a. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 458-a, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 458-a, Real Property Tax Law § 458-a shall be controlling.”

SECTION 5. VALIDITY & 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 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2024 of the **Town of Fenner** was duly passed by the **Town Board** on **March 13, 2024**, in accordance with the applicable provisions of law.

6. ~~**(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

7. **(Final adoption by referendum.)**

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__.~~

~~Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on _____, 20__, in accordance with the applicable provisions of law.~~

8. ~~**(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.~~

9. ~~**(City local law concerning Charter revision proposed by petition.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.~~

10. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed,
please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Hon. Lisa Dolan, Town Clerk
Town of Fenner

(Seal)

Date: March , 2024

The following resolution was offered by Councilor Cody, who moved its adoption, seconded by Councilor Strack, to wit:

TOWN OF FENNER
RESOLUTION 2024-14
LOCAL LAW NO. B OF 2024

A LOCAL LAW ESTABLISHING A TAX EXEMPTION ON REAL PROPERTY IN THE TOWN OF FENNER PURSUANT TO REAL PROPERTY TAX LAW § 458-A

Be it enacted by the Town Board of the Town of Fenner as follows:

SECTION 1. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE & INTENT.

The Town Board of the Town of Fenner, being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of veterans residing in the Town who have made a vital contribution to the growth, development, and progress of the community, intends by the enactment of this Local Law to provide further protection for veteran homeowners from the increased cost of living.

The purpose of this Local Law is to establish exemptions from taxation in accordance with the criteria set forth in New York State Real Property Tax Law § 458-a, raising the maximum exemption amounts to those provided at Real Property Tax Law §§ 458-a(2)(a)-(c).

SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR QUALIFYING VETERANS IN THE TOWN OF FENNER.

- C. The Town of Fenner does hereby adopt the alternative Veterans exemption from real property taxation, as authorized by Real Property Tax Law § 458-a.
- D. Pursuant to Real Property Tax Law §§ 458-a(2)(a)-(c), the maximum exemption from real property taxes for veterans allowable is established as follows:

- (4) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars or the product of twelve 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.
- (5) In addition to the exemption provided in paragraph (1) of this subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less.
- (6) In addition to the exemptions provided by paragraphs (1) and (2) of this subdivision, where the veteran received a compensation rating from the United States veteran's administration 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 veteran's 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. For purposes of this paragraph, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 458-a.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Local Law in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 458-a. The exemption, the procedures for application therefor and the restrictions and

limitations thereon as set forth in Real Property Tax Law § 458-a, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 458-a, Real Property Tax Law § 458-a shall be controlling.”

SECTION 5. VALIDITY & 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 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor		
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

Motion to open public hearing on, local law 2024-C, was made by Councilperson Cody at 8:25 and seconded by Councilperson Strack.

Public Comment - none

Motion to close public hearing was made by Councilperson Pushlar at 8:27 and seconded Councilperson Strack.

“Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one:)

of Fenner

Local Law No. C of the year 2024

A Local Law Establishing a Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Real Property Tax Law § 466-a

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Fenner as follows:

**“TOWN OF FENNER
LOCAL LAW NO. C OF 2024**

**A LOCAL LAW ESTABLISHING A PROPERTY TAX EXEMPTION FOR
VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS
PURSUANT TO REAL PROPERTY TAX LAW § 466-A**

Be it enacted by the Town of Fenner Town Board, as follows:

SECTION 1. LEGISLATIVE INTENT.

It is the intent of the Town Board of the Town of Fenner to provide a real property tax exemption to qualifying volunteer firefighters and volunteer ambulance workers as set forth in Real Property Tax Law § 466-a.

SECTION 2. AUTHORITY.

Real Property Tax Law § 466-a authorizes the Town Board to adopt a local law providing a real property tax exemption of up to ten percent of the assessed value of real property owned by the qualifying volunteer firefighters and volunteer ambulance workers.

**SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR
QUALIFYING VOLUNTEER FIREFIGHTERS AND VOLUNTEER
AMBULANCE WORKERS.**

A. Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Fenner as long as eligibility requirements provided by this Local Law are met.

B. 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 property is owned by the volunteer firefighter or volunteer ambulance worker;

B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;

C. The property is used exclusively for residential purposes;

D. The volunteer firefighter or volunteer ambulance worker resides in the Town of Fenner and the Town of Fenner is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

E. The volunteer firefighter or volunteer 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 volunteer ambulance worker meets the minimum service requirement established by the Town of Fenner, which is hereby established as two (2) years.

C. Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Fenner, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Fenner must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

D. Certification.

The Town of Fenner Town Board must annually file with the Town Assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

E. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Local Law shall not have any of those benefits diminished because of this Local Law.

F. Grant of 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 10% exemption as authorized by this Local Law for the remainder of his or her life as long as his or her primary residence is located within the Town of Fenner.

G. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

H. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 466-a.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Article in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 466-a. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 466-a, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 466-a, Real Property Tax Law § 466-a shall be controlling.

SECTION 5. VALIDITY AND SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court 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 said clause, sentence, paragraph, section or part of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2024 of the **Town of Fenner** was duly passed by the **Town Board** on **March 13, 2024**, in accordance with the applicable provisions of law.

11. ~~**(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, **20__**, in accordance with the applicable provisions of law.~~

12. ~~**(Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, **20__**.~~

~~Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on _____, **20__**, in accordance with the applicable provisions of law.~~

13. ~~**(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Fenner** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, **20__**. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, **20__**, in accordance with the applicable provisions of law.~~

14. ~~**(City local law concerning Charter revision proposed by petition.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36/37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, **20__**, became operative.~~

15. ~~**(County local law concerning adoption of Charter.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

**(If any other authorized form of final adoption has been followed,
please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Hon. Lisa Dolan, Town Clerk
Town of Fenner

(Seal)

Date: March , 2024

The following resolution was offered by Councilor Pushlar, who moved its adoption, seconded by Councilor Strack, to wit:

TOWN OF FENNER
TOWN BOARD RESOLUTION

2024-15

March 13, 2024 TOWN OF FENNER LOCAL LAW NO. C of 2024

The following resolution was offered by Councilor Pushlar, who moved its adoption, seconded by Councilor Strack, to wit:

("A Local Establishing a Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Real Property Tax Law §466-a")

The following resolution was offered by Councilor Pushlar, who moved its adoption, seconded by Councilor Strack, to wit:

WHEREAS, pursuant to the provisions of the New York State Constitution and the New York State Municipal Home Rule Law, as well as New York State Real Property Tax Law §466-a, proposed Local Law No. B-2024, titled "A Local Establishing a Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Real Property Tax Law

§466-a,” was presented and introduced at a regular meeting of the Town Board of the Town of Fenner held on February 14, 2024; and

WHEREAS, a public hearing was held on such proposed local law on the 13th day of March 2024, by the Town Board of the Town of Fenner and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Fenner in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. C-2024 has previously been determined to be an Unlisted Action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, the Town Board of the Town of Fenner has now determined that it is in the public interest to enact said Proposed Local Law No. C-2024.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Fenner, Madison County, New York, does hereby enact Proposed Local Law No. C-2024 as Local Law No. _-2024 as follows:

“TOWN OF FENNER
LOCAL LAW NO. C OF 2024

A LOCAL LAW ESTABLISHING A PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS PURSUANT TO REAL
PROPERTY TAX LAW § 466-A

Be it enacted by the Town of Fenner Town Board, as follows:

SECTION 1. LEGISLATIVE INTENT.

It is the intent of the Town Board of the Town of Fenner to provide a real property tax exemption to qualifying volunteer firefighters and volunteer ambulance workers as set forth in Real Property Tax Law § 466-a.

SECTION 2. AUTHORITY.

Real Property Tax Law § 466-a authorizes the Town Board to adopt a local law providing a real property tax exemption of up to ten percent of the assessed value of real property owned by the qualifying volunteer firefighters and volunteer ambulance workers.

SECTION 3. EXEMPTION FROM REAL PROPERTY TAXES FOR QUALIFYING VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS.

B. Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Fenner as long as eligibility requirements provided by this Local Law are met.

B. 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 property is owned by the volunteer firefighter or volunteer ambulance worker;

B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;

C. The property is used exclusively for residential purposes;

D. The volunteer firefighter or volunteer ambulance worker resides in the Town of Fenner and the Town of Fenner is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

E. The volunteer firefighter or volunteer 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 volunteer ambulance worker meets the minimum service requirement established by the Town of Fenner, which is hereby established as two (2) years.

C. Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Fenner, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Fenner must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

D. Certification.

The Town of Fenner Town Board must annually file with the Town Assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

E. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Local Law shall not have any of those benefits diminished because of this Local Law.

F. Grant of 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 10% exemption as authorized by this Local Law for the remainder of his or her life as long as his or her primary residence is located within the Town of Fenner.

G. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

H. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

SECTION 4. COMPATABILITY WITH REAL PROPERTY TAX LAW § 466-a.

The right to said exemption set forth in this Local Law, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Article in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 466-a. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 466-a, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Local Law. If any provisions of this Local Law are in conflict with those set forth in Real Property Tax Law § 466-a, Real Property Tax Law § 466-a shall be controlling.

SECTION 5. VALIDITY & 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 6. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor		
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: March 13, 2024

The following resolution was offered by Councilor Strack, who moved its adoption, seconded by Councilor Cody, to wit:

**TOWN OF FENNER
TOWN BOARD RESOLUTION
Polling Place 2024 Election Year
2024-16**

Dear Commissioners:

At a regular meeting of the Fenner Town Board

on the 13th day of March 2024, the following polling places were designated for the 2024 Election year.

Election District

Poll site

1. __Town of Fenner _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

Town Clerk _____
(Signature)

Town of Fenner

The following resolution was offered by Councilor Strack, who moved its adoption, seconded by Councilor Cody, to wit:

**RESOLUTION
2024-17
OF THE TOWN BOARD OF THE TOWN OF FENNER
Fee Schedule for applications and Permits 2024**

**A RESOLUTION APPROVING AN INTERMUNICIPAL AGREEMENT WITH THE
COUNTY OF MADISON FOR INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Town of Fenner has proposed an updated fee schedule for the Town of Fenner; and

WHEREAS, the Town Board finds fees have not been kept current or updated since 2016,

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Fenner that the new fee schedule be in effect immediately upon acceptance of this resolution

RESOLVED that the Town Board be, and hereby is authorized to execute said fee schedule in the Town of Fenner

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Fenner that the new fee schedule be in effect immediately upon acceptance of this resolution

RESOLVED that the Town Board be, and hereby is authorized to execute said fee schedule in the Town of Fenner

- 1. Percolation Test \$50.00**
- 2. New House Construction including filing fees \$365.00**
 - a. site inspection**
 - b. Footing before pouring concrete**
 - c. Foundation before backfill**
 - d. Framing before enclosing**
 - e. Insulation before enclosing**
 - f. Plumbing before enclosing**
 - g. Heating, Ventilation, Air Conditioning before enclosing**
 - h. Inspection of Septic System**
 - i. Certificate of Occupancy**
- 3. Garage and Barn \$115.00 including filing fees**
 - a. Site inspection**
 - b. Foundation before backfill**
 - c. Certificate of Compliance**
- 4. Mobile and Modular Homes \$265.00 including filing fees**

- a. site inspection
 - b. Foundation before concrete work
 - c. Foundation after concrete work
 - d. Inspection of Septic System
 - e. Certificate of Occupancy
- 5. Addition to Existing Home \$255.00 including filing fees**
- a. Site inspection
 - b. Footing before concrete work
 - c. Foundation before backfill
 - d. Framing before enclosing
 - e. Insulation before enclosing
 - f. Plumbing and/or Heating before enclosing
 - G. C.O. –site inspection Certificate of Compliance

- 6. Storage Building Without Foundation \$ 80.00 -including filing fees**
 - a. Site inspection
 - b. Certificate of Compliance
- 7. Swimming Pools \$ 115.00 -including filing fees**
 - a. Site inspection
 - b. Final inspection- with fencing, gate, deck, etc.
 - c. Certificate of Compliance
- 8. Septic System Inspection \$ 85.00 -including filing fees**
- 8.1 Septic Tank Replacement \$85**
- 8.2 Septic System Permit \$85**
- 8.3 Deephole test \$50**
- 9. Decks and Porches \$ 80.00 -including filing fees**
- 10. Fireplaces and Woodstoves \$ 80.00 -including filing fees**
- 11. Application fee for Zoning Board of Appeals \$70.00**
- 12. Application fee for Special Use Permit \$110.00**
- 12.1 Previously Approved Special Use Permits that require modification \$60**
- 13. Line change for property \$110.00 (was \$50)**
- 13. Minor Subdivision application fee (less than 5 lots) \$135.00 + \$50.00 per lot (was \$75 & 40)**
- 14. Major subdivision application fee \$205.00 + \$85.00 per lot (was 125 & 75)**
- 15. Solar Panel application fee \$50.00 for household application.**
- 16. Residential Wind Turbine Application fee \$150.00**
- 17. Generator Fee, House Service Upgrade \$50**
- 18. Building Demolition \$50**
- 19. Fence Permit – no charge**
- 20. Cell Tower Upgrade \$50**
- 21. Charging Station for Electric Vehicles \$50**

NOTE: All must have electrical inspection including swimming pools, unless Building has no power. This must be done by an independent electrical inspector

David Jones, Town Supervisor

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

William Cody	Councilor	Voted	Yes
Adam Pushlar	Councilor	Voted	Yes
Hannah Strack	Councilor	Voted	Yes
William Wester	Councilor		
David Jones	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

NEW BUSINESS –

County updates -

Landfill will not be privatized at this time.

Madison County is looking into a moratorium on all Battery Storage Facilities

Liberty Renewables –

Neighboring Town Supervisors and attorneys effected by Liberty Renewables met recently to discuss how to move forward as a united front to ensure community members opinions and concerns were represented and help preserve home rule. They have asked our Madison County Lobbyists to help with the following;

to persuade our State representatives, in the Assembly and State Senate, as well as Federal representatives if necessary, to consider the impact that the 94-C siting process and renewable energy facilities, which are of a size and scope as to qualify for ORES siting review, have upon the local municipalities and their constituents. Such impacts may include but are not limited to -

- The Nation's Defense by compromising the Stockbridge Drone Testing Facility
- Impact on prime soils or soils of Statewide Significance
- Rural and agricultural character of communities
- Impact on NYS Route 20 Scenic Byway
- Public's health, safety and welfare.

(complete letter is on file with the clerk)

VOUCHERS:

Councilperson Pushlar moved to approve payment of the General Fund claims numbers G24 – 12 - G24-36 in the amount \$24855.87 as set forth in abstract number 2 and as audited.

Seconded by Council person Cody. Approved by the Board.

Councilperson Strack moved to approve payment of the Highway Fund claims numbers H24-12 -H24-32 in the amount \$54958.94 as set forth in abstract number 2 and as audited. Seconded by Councilperson Pushlar. Approved by the Board, with the exception of voucher for culverts

ADJOURNMENT

Councilperson Pushlar moved to adjourn the meeting at 8:40 pm seconded by Supervisor Strack. Approved by Board

Respectfully Submitted, Lisa Dolan, Town Clerk

HANDOUTS AND REPORTS:

On file in the Town Clerk's Office. Town Clerk Report
Supervisors Report
Highway Superintendent Report
CEO Report
Local Laws A, B, C
Resolutions 2024 - 13,14,15,16,17 and 18
Letter to County Lobbyist from Attorney Bell
DCO report