**TOWN OF STAFFORD TOWN BOARD MEETING**

**NOVEMBER 11, 2024 DRAFT**

Supervisor Clement opened the Regular Town Board meeting at 7:55 pm. In attendance were Councilman Panek, Councilman Young, Councilman Duyssen, Councilman Pacer, Highway Supervisor Boldt and Town Clerk Radley.

Also attending were Cathy Worthington, Matthew Perry, Ashley Redinger, Gary and Linda Snell, James Pontillo, Laura Pontillo, Tony Prinz, Rob Chapman, Lori Frongetta, David Roach, Esq., and Gene Sinclair.

Councilman Young made a motion to enter into Executive Session to discuss ongoing litigation and invite David Roach, Esq., Gene Sinclair, Highway Superintendent Boldt and Town Clerk Radley, second by Councilman Pacer and approved on a 5-0 vote.

Upon return from Executive Session, the Regular meeting resumed at 8:30pm.

Supervisor Clement read the Assessor Report.

Local Law # 2 of 2024 the Senior Income Tax Exemption was discussed; David DiMatteo Esq., our Attorney explained the need for Local Law #2 of 2024.

Councilman Pacer made a motion to hold a Public Hearing regarding Local Law #2 of 2024 on December 9, 2024 at 7:00pm, second by Councilman Young and approved on a 5-0 vote.

Local Law No. 2 of 2024 was discussed.

TOWN OF STAFFORD

LOCAL LAW NO. 2 OF 2024 PROVIDING A PARTIAL EXEMPTION FROM TAXATION TO PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER PURSUANT TO THE PROVISIONS OF SECTION 467 OF THE REAL PROPERTY TAX LAW

Section 1. Title

 This Local Law shall be known and cited as “A Local Law of the Town of Stafford Providing a Partial Exemption from Taxation to Persons Sixty-Five Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law”

Section 2. Exemption Provided

a. Real property situate within the bounds of the Town of Stafford, County of Genesee, State of New York owned by one or more persons, each of whom is 65 years of age or over, of real property, shall be exempt from taxation for real estate taxes to be levied by the Town of Stafford for the year 2024 and thereafter by the percentage of exemption specified for the annual income ranges listed below. Such exemption shall be based upon the assessed valuation of the exempt real property and shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

Annual Income Ranges Exemption Percentage

Less than $23,800 50%

Equal to or more than $23,800 but less than $24,800 45%

 $24,800 but less than $25,800 40%

 $25,800 but less than $26,800 35%

 $26,800 but less than $27,700 30%

 $27,700 but less than $28,600 25%

 $28,600 but less than $29,500 20%

 $29,500 but less than $30,400 15%

 $30,400 but less than $31,300 10%

 $31,300 but less than $32,200 5%

b. Annual income shall include the income of the owner or the combined income of the owners of the property for the income year immediately preceding the date of making an application for exemption. Income tax year shall be defined as the twelve (12) month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the Applicant or their spouse, their combined income may not exceed such sum except where the Applicant’s spouse or ex-spouse is absent from the property as provided in subparagraph (2) of paragraph (e) of the subdivision, then only the income of the Applicant residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear, and tear of real or personal property held for the production of income.

c. The title of the property shall have been vested in the owner or one of the owners of the property for at least twelve (12) consecutive months prior to the date of making an application for exemption, provided, however, that in the event of the death of a spouse in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased spouse, the time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twelve (12) consecutive months. In the event of a transfer by a spouse to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the proposes of computing such period of twelve (12) consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one (1) year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine (9) months of the date of transfer shall be deemed to satisfy the requirements of this paragraph that the tile of the property shall have been vested in the owner or one of the owners for such a period of twelve (12) consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions becomes vested by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means, within nine (9) months after such death, solely in person or persons who, at the time of such a death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of twelve (12) consecutive months shall be deemed satisfied.

d. The property is used exclusively for residential purposes, provided, however, that in the event that any portion is not used so exclusively for residential purposes 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.

e. The real property is the legal residence of and is occupied in whole or in part by the owner or by all the owners of the property, except where: (1) an owner who is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined by Section 2801 of Public Health Law, and provided that any income accruing to that person shall only be income to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility; and provided further, that during such confinement such property is not occupied by any other than the spouse or co-owner of such owner; or (2) the real property is owned by a spouse or an ex-spouse of the Applicant, and such spouse or ex-spouse is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met, provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be sixty-two (62) years of age or older.

Section 3. Application for Exemption

a. Application for such exemption must be made by the owner or all the owners of the property on forms to be furnished by the Town of Stafford Assessor’s Office; such applications shall furnish the information, and the forms are to be executed in the manner required or prescribed in such forms and shall be filed in such Assessor’s Office on or before the date for hearing of complaints in the Town of Stafford. Any person otherwise qualifying under the section shall not be denied the exemption under this section if they become sixty-five (65) years of age after the appropriate taxable status date on or before December 31 of the same year.

b. At least sixty (60) days prior to the appropriate taxable status date, the Assessor shall mail to each person who was granted an exemption pursuant to this section on the latest completed assessment roll an application form and notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The Assessors shall, within five (5) days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with this application at least one self-addressed, pre-paid envelope, of the approval or denial of the application; provided, however, that the Assessors shall, upon the receipt and filing of the application, send mail notification of receipt to any applicant who has included two such envelopes with the application. Failure to mail any such application form or notices or the failure of such person to receive any of the same shall not prevent the levy, collection, and enforcement of the payment of taxes on property owned by such person.

c. Any person who has been granted exemption pursuant hereto on five (5) consecutive completed assessment rolls, including any years when the exemption was granted to a property owned by a spouse while both resided in such property, shall not be subject to the requirements set forth in paragraph (b) of this Section; however, said person shall be mailed an application form and a notice informing them of their rights. Such exemption shall automatically be granted on each subsequent assessment roll, provided, however, that when tax payment is made by such person a sworn affidavit must be included with such payment that shall state that such person continues to be eligible for such exemption. Such affidavit shall be on a form prescribed by the state Office of Real Property Services. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to Section 551-a of Real Property Tax Law.

d. (1) Notwithstanding the provisions of subparagraph (a) of this Section, where a person who meets the requirements of an exemption, pursuant to this ordinance, purchases property after the levy of taxes, such person may file an application for exemption to the Assessor within thirty (30) days of the transfer of title to such person. The Assessor shall decide whether the parcel would have qualified for exemption status on the tax roll on which the taxes were levied, had title to the parcel been in the name of the Applicant on the taxable status date applicable to the tax roll. The application shall be on a form prescribed by the state Office of Real Property Services. The Assessor, no later than thirty (30) days after receipt of such application, shall notify both the Applicant and the Board of Assessment Review, by first class mail of the exempt amount, if any, and the right of the owner to review the exempt amount upon the filing of a written complaint. Such complaint shall be on a form prescribed by the Board of Assessment Review and shall be filed with that Board within twenty (20) days of the mailing of this notice. If no complaint is received, the Board of Assessment Review shall notify the Assessor and the exempt amount determined by the Assessor shall be final. If the Applicant files a complaint, the Board of Assessment Review shall schedule a time and place for a hearing with respect thereto no later than thirty (30) days after the mailing of the notice by the Assessor. The Board of Assessment Review shall meet and determine the exempt amount, and shall immediately notify the Assessor and the Applicant, by first class mail of its determination. The amount of exemption determined pursuant to this paragraph shall be subject to review as provided in Article 7 of the Real Property Tax Law of the State of New York. Such a proceeding shall be commenced within thirty (30) days of the mailing of the notice of the Board of Assessment Review to the new owner as provided in this paragraph.

 (2) Upon receipt of a determination of exempt amount as provided in subparagraph (1) of this paragraph, the Assessor shall determine the pro-rata exemption to be credited toward such property by multiplying the tax rate or tax rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year of years during which the transfer occurred times the exempt amount, as determined in subparagraph (1) of this paragraph, times the fraction of each fiscal year or years remaining subsequent to the transfer of title. The Assessor shall immediately transmit a statement of the pro-rata exemption credit due to each municipal corporation which levied taxes or for which taxes were levied on the tax roll used for the fiscal year or years during which the transfer occurred and to the Applicant.

 (3) Each municipal corporation which receives notice of pro-rata exemption credits pursuant to this sub-division shall include an appropriation in its budget for the next fiscal year equal to the aggregate amount of such credits to be applied in that fiscal year. Where a parcel, the owner of which is entitled to a pro-rata exemption credit, is subject to taxation in said next fiscal year, the receiver or collector shall apply the credit to reduce the amount of taxes owed for the parcel in such fiscal year. Pro-rata exemption credits in excess of the amount of taxes, if any, owed for the parcel shall be paid by the chief fiscal officer of the municipal corporation which levies such taxes for or on behalf of the municipal corporation to all owners of property entitled to such credits within thirty (30) days of the exemption of the warrant to collect taxes in said next fiscal year.

e. (1) Notwithstanding the provisions of paragraph (a) of this Section, where a person who meets the requirements for an exemption pursuant to this ordinance purchases property after the taxable status date, but prior to the levy of taxes, such person may file an application for an exemption to the Assessor within thirty (30) days of the transfer of title to such person. The Assessor shall decide within thirty (30) days after receipt of such application of whether the Applicant would qualify for an exemption pursuant to this Section on the assessment roll if title had been in the name of the Applicant on the taxable status date applicable to such assessment roll. The application shall be made on a form prescribed by the state Office of Real Property Services.

 (2) If the Assessor’s determination is made prior to the filing of the tentative assessment roll, the Assessor shall enter the exempt amount, if any, on the tentative assessment roll and, within ten (10) days after filing such roll, notify the Applicant of the approval or denial of such exemption, the exempt amount, if any, and the Applicant’s right to review by the Board of Assessment Review.

 (3) If the Assessor’s determination is made after the filing of the tentative assessment roll, the Assessor shall petition the Board of Assessment Review to correct the tentative or final assessment roll in the manner provided in Title 3 of Article 5 of the Real Property Tax Law, with respect to unlawful entries, in the case of wholly exempt parcels, and with respect to clerical errors, in the case of partially exempt parcels, if the Assessor determines that an exemption should be granted and, within ten (10) days of petitioning the Board of Assessment Review, notifies the Applicant of the approval or denial of such exemption, the amount of such exemption, if any, and the Applicant’s right to administrative or judicial review of such determination pursuant to Article 5 or Article 7 of the Real Property Tax Law, respectively.

f. If, for any reason, a determination to exempt property from taxation as provided in paragraph (e) of this Section is not entered on the final assessment roll, the Assessor shall petition the Board of Assessment Review to correct the final assessment roll.

g. If, for any reason, the pro-rata tax credit as provided in paragraph (d) of this Section is not extended against the tax roll immediately succeeding the fiscal year during which the transfer occurred, the Assessor shall immediately notify the municipal corporation which levied the tax or for which the taxes were levied of the amount of pro-rata exemption credits for the year in which such transfer occurred. Such municipal corporation shall proceed as provided in subparagraph (3) of paragraph (d) of this Section.

h. If, for any reason, a determination to exempt property from taxation as provided in paragraph (e) of this Section is not entered on the tax roll for the year immediately succeeding the fiscal year during which the transfer occurred, the Assessor shall determine the pro-rata tax exemption credit for such tax roll by multiplying the tax rate or tax rates for each municipal corporation which levied taxes, or for which taxes were levied, times the exempt amount and shall immediately notify such municipal corporation or corporations of the pro-rata exemption credits for such tax roll. Such municipal corporation shall add such pro-rata exemption credits for such properties to any outstanding pro-rata exemption amounts and proceed as provided in subparagraph (3) of paragraph (d) of this Section.

Section 4. Penalties

 The making of any willful false statement in the application for an exemption under this ordinance shall be a violation thereof, and a conviction of any such violation shall be punishable by a fine of not more than one-hundred dollars ($100) and shall disqualify the Applicant or Applicants from further exemption for a period of five (5) years.

Section 5. Separability

 Should any section, paragraph, sentence, clause, or phrase of this Local Law be declared unconstitutional or unjust for any reason by a court or competent jurisdiction, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section 6. Inconsistency

 All resolutions, ordinances or local laws or portions thereof of the Town of Stafford not consistent with the ordinance, in whole or in part, shall be repealed.

Section 7. Effective Date

 This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Councilman Pacer made a motion to approve Resolution 69, Resolution to Schedule a Public Hearing for Local Law No. 2, second by Councilman Young and approved on a 5-0 vote.

TOWN OF STAFFORD

RESOLUTION 69 TO SCHEDULE A PUBLIC HEARING

REGARDING PASSING A LOCAL LAW TO AMEND INCOME ELIGIBILITY FOR THE SENIOR INCOME EXEMPION

Adopted: November 11, 2024

The Town Board of the Town of Stafford met at a regular board meeting at the at the Town Office located at 8903 Route 237, Stafford, New York, on the 11th day of November 2024, commencing at 7:30 p.m. and the following members were:

Present: Supervisor Robert Clement

Council Member Ronald Panek

Council Member Terry Young

Council Member James Duyssen

Council Member Robert Pacer

Absent:

WHEREAS, all Board Members, having due notice of said meeting, and pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS Section 467 of Real Property Tax law allows local governments to amend income eligibility for the senior income exemptions by passing a local law, provided the municipality already has such an exemption in place; and

WHEREAS, the Town of Stafford already has such an exemption in place, having adopted Local Law No. 1 of 1977 providing for a Senior Income Exemption pursuant to Section 467; and

 WHEREAS the Town Board desires to bring its income eligibility scale in line with the scale adopted by the Genesee County Legislature on the 28th day of February, 2024; and

 WHEREAS the Town Board is considering the adoption of Local Law No. A of 2024 entitled “Providing a Partial Exemption from Taxation to Persons Sixty-Five Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law” to achieve this purpose; and

 WHEREAS the Town Board of the Town of Stafford finds it in the best interest of the Town to hold a public hearing to consider such a local law.

NOW ON MOTION OF Councilman Pacer which has been duly seconded by Councilman Young, be it

 RESOLVED, by the Town Board of the Town of Stafford will hold a public hearing on the proposed local law on the 9th day of December 2024 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed amendment will be heard; and be it further

 RESOLVED, the Town Clerk is hereby directed to publish a Notice of Public Hearing in the Town’s official newspaper, and such Notice shall also be posted to the Town noticeboard, along with a copy of the proposed local law; and be it further

 RESOVLED, the Town Clerk is hereby direct to make a copy of such proposed Local Law shall be made available for public review at the Town office.

 Ayes: 5

Nays: 0

Quorum Present: X Yes

Dated: November 11, 2024 Barbara Radley, Clerk

[SEAL] Town of Stafford

Councilman Pacer made a motion to accept the Financial Report, second by Councilman Duyssen and approved on a 5-0 vote.

Councilman Young made a motion to approve the October 14, 2024 Regular Meeting Minutes, second by Councilman Panek and approved on a 5-0 vote.

Councilman Pacer made a motion to approve the Emergency Special Meeting of October 30, 2024, second by Councilman Duyssen and approved on a 5-0 vote.

Councilman Pacer made a motion to approve the Fire Department Report, second by Councilman Young and approved on a 5-0 vote.

Councilman Pacer made a motion to approve the CEO/ZEO Report, second by Councilman Duyssen and approved on a 5-0 vote.

Supervisor Clement read a letter regarding the status of SEQR and Lead Agency for the Solar Project. Both Planning Board Chair and our Attorney Mr. DiMatteo have written asking for a joint meeting to determine who will be the Lead Agency. Councilman Young will collaborate with our Attorney, and we will have a Workshop on December 4, 2024 with the Town Board, Planning Board, our engineers from CPL and our Attorney.

Councilman Young made a motion to approve Resolution 70 Authorize Delinquent Water Bills to be Levied against the 2025 Tax Warrant, second by Councilman Pacer and approved on a 5-0 vote.

RESOLUTION NO. 70 DATED: NOVEMBER 11, 2024

AUTHORIZE DELINQUENT WATER BILLS TO BE LEVIED AGAINST 2025 TAX WARRANT

 WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water District #10 to the Town of Batavia; and

WHEREAS Section 229-15 (c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

 NOW, THEREFORE, BE IT RESOLVED, that the attached list in the amount of $346.12 or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant.

Offered by: Councilman Young

Second by: Councilman Pacer

Approved on a 5-0 vote

Councilman Young made a motion to approve Resolution 71 Official Undertaking of Municipal Officers, second by Councilman Panek and approved on a 5-0 vote.

RESOLUTION 71 DATED: NOVEMBER 11, 2024

OFFICIAL UNDETAKING OF MUNICIPAL OFFICERS

WHEREAS various sections of New York State Town Law and Public Officer Law require that certain officials execute an Official Undertaking; and

WHEREAS we, the Town Board of the Town of Stafford hereby requires the Supervisor, Deputy Supervisor, Town Clerk/Tax Collector, Town Justice, Town Justice Clerks, Bookkeeper, and Highway Superintendent to execute said Official Undertaking as required by law

NOW, THEREFORE, BE IT RESOLVED, that the Stafford Town Board hereby approves the document entitled “Town of Stafford Official Undertaking of Municipal Officers” annexed hereto, as to its form and manner of execution, and be it

FURTHER RESOLVED, THE Town does and shall maintain insurance coverage, in the sum of $500,000.00 for the Town Clerk/Tax Collector, $100,000.00 for the Deputy Town Clerks, $249,000.00 for the Court Clerks, $10,000.00 for the Highway Superintendent, Bookkeeper, and Town Justices to indemnify against losses through the failure of the officers, clerks, and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under; and be it

FURTHER RESOLVED, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties io indemnify the town against losses which may arise from failure of such officials to properly discharge their duties.

OFFERED BY: Councilman Young

SECOND BY: Councilman Panek

ROLL CALL VOTE:

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

CERTIFICATION

I, Barbara Radley, Town Clerk of the Town of Stafford, County of Genesee, and State of New York, DO HEREBY CERTIFY that I have compared the aforementioned Resolution duly Adopted by the Town Board of the Town of Stafford on the 13th of November 2023 with the original now on file in my office and the same is correct and true copy of said Resolution and the whole thereof.

DATED: November 11, 2024 Barbara Radley

 Town Clerk

(Seal)

Councilman Pacer made a motion to approve Resolution 72 Adopt 2% Tax Cap Local Law No. 1 of 2024, second by Councilman Panek and approved on a 5-0 vote.

TOWN OF STAFFORD RESOLUTION 72

TO ADOPT 2% TAX CAP LOCAL LAW NO. 1 OF 2024

Adopted: November 11, 2024

The Town Board of the Town of Stafford met at a regular board meeting at the Town Hall of the Town of Stafford located at 8903 Route 237 on the 11th day of November 2024 commencing at 7:30 P.M., and previously a public hearing was held at 7:15 P.M. at which time and place the following members were:

Present:

 Supervisor Robert Clement

Councilmember Ronald Panek

Councilmember Terry Young

Councilmember James Duyssen

Councilmember Robert Pacer

Absent:

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS Section 3-c of General Municipal Law provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS notice of said public hearing was duly advertised in Town’s Official Newspaper; and

WHEREAS, said public hearing was held on November 11, 2024 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, after due consideration and discussion the Town Board has decided to adopt said proposed local law.

 NOW ON MOTION OF Councilman Pacer, which has been duly seconded by Councilman Panek, therefore, be it

RESOLVED, that the Town Board of the Town of Stafford feels it is in the best interests of the Town of Stafford to adopt Local Law No. 2 of 2024 entitled, “Override of the Tax Levy Limit Established in General Municipal Law Section 3-c.”; and be it

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

 Ayes: 5

Nays: 0

Absent/Abstain: 0

Quorum Present: Yes

Dated: November 11, 2024 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Barbara Radley, Clerk

 [SEAL] Town of Stafford

TOWN OF STAFFORD

LOCAL LAW NO. 1 OF 2024 ENTITLED

“OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN

GENERAL MUNICIPAL LAW §3-c.”

 BE IT ENACTED by the Town Board of the Town of Stafford as follows:

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Stafford, County of Genesee pursuant to General Municipal Law §3-c. and to allow the Town of Stafford, County of Genesee to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Stafford, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, 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 V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Councilman Pacer made a motion to accept Resolution 73 Adoption of Final Budget for 2025 with the change made to the salary of Court Clerk A1110.13 from $11,076.00 to $16,614.00, second by Councilman Duyssen and approved on a Roll Call Vote.

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

RESOLUTION 73 DATED: NOVEMBER 11, 2024

ADOPTION OF FINAL BUDGET FOR THE TOWN OF STAFFORD

FOR THE YEAR 2025

WHEREAS the Town of Stafford Chief Financial Officer has prepared a Tentative Budget for review by the Stafford Town Board and,

WHEREAS the Town of Stafford met in Budget sessions among themselves and with Town Employees in the formulation of the Preliminary Budget and,

WHEREAS the 2025 Preliminary Budget was adopted on October 2, 2024, and after which a Public Hearing was held on November 11, 2024 for all interested parties to be heard and,

THEREFORE, TO BE RESOLVED, the Town of Stafford hereby adopts the 2025 Budget of the Town of Stafford.

Offered by: Councilman Pacer with the change made to the salary of Court Clerk A1110.13 from $11,076.00 to $16,614.00

Second by: Councilman Duyssen

Approved on a Roll Call Vote as follows:

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

CERTIFICATION

I, Barbara Radley, Town Clerk of the Town of Stafford, County of Genesee and the State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Stafford on the 11th day of November 2024 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof

DATED: November 11, 2024 Barbara Radley

{SEAL} Town Clerk

Councilman Young made a motion to accept Resolution 74 Hire a bookkeeper for 2025, second by Councilman Panek and approved on a Roll Call Vote.

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

RESOLUTION 74 DATED: NOVEMBER 11, 2024

RESOLUTION TO HIRE BOOKKEEPING AND PAYROLL SERVICES FOR 2025

WHEREAS the Town of Stafford needs Bookkeeping and Payroll Services and,

WHEREAS the Town of Stafford has previously held a contract with the Town of Batavia for these services and,

Whereas the Town of Batavia has ended the contract for Bookkeeping and Payroll Services as of 12/31/2024, the Town of Stafford has investigated firms to perform our Bookkeeping and Payroll Services and,

WHEREAS the Town of Stafford has interviewed the firm LGSS (Local Government Support Services), this firm has many Municipalities and are qualified to perform duties required for a fee of $34,080.00 per year and will be paid $8,520.00 per quarter.

THEREFORE, BE IT RESOLVED that the Town of Stafford will hire LGSS for the duties of Bookkeeping and Payroll for the year 2025 beginning January 1, 2025 at a cost of $34,080.00 per year to be paid $8,520.00 per quarter.

Offered by: Councilman Young

Second by: Councilman Panek

Roll Call Vote:

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

Councilman Panek made a motion to approve Resolution 77 to Accept Water District #12 Information, second by Councilman Young and approved on a 5-0 vote.

RESOLUTION 77 DATED: NOVEMBER 11, 2024

STAFFORD TOWN BOARD ACCEPTS INFORMATION FROM

WATER DISTRICT #12

WHEREAS the Town Board has received information regarding Water District #12 and,

WHEREAS the Town Board reviewed the information,

THEREFORE, the Town Board of the Town of Stafford has reviewed the information and accepts the information for Water District #12

Offered by: Councilman Panek

Second by: Councilman Young

Approved on a 5-0 vote.

Councilman Pacer made a motion to accept Resolution 78 Water District #12 Project Budget Modifications, second by Councilman Duyssen and approved on a Roll Call Vote.

Councilman Panek Yes

Councilman Young Yes

Councilman Duyssen Yes

Councilman Pacer Yes

Supervisor Clement Yes

TOWN OF STAFFORD

RESOLUTION #78 DATED: NOVEMBER 11, 2024

WATER DISTRICT #12 PROJECT

PROJECT BUDGET MODIFICATIONS

 WHEREAS, the Town of Stafford has received funding from Rural Development for their Water District #12 Project (“Project”); and

 WHEREAS the Town Board wishes to adjust project budget items to reflect actual costs and. more accurately

 WHEREAS Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

 Resolved, that the Town Board of the Town of Stafford authorizes the following Budget modifications for the Project:

1. Net Interest Increase of $3,268.13

2. Local Council (DiMatteo) Decrease of $5,115.00

3. Contingency Increase of $1,846.87

Offered by: Councilman Pacer

Second by: Councilman Duyssen

 I, Barbara Radley, Town Clerk of the Town of Stafford, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Stafford on November 11, 2024, by the following vote:

 AYE NAY

Robert Clement, Supervisor X

Ronald Panek, Board Member X

Robert Pacer, Board Member X

James Duyssen, Board Member X

Terry Young, Board Member X

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: November 11, 2024

Barbara Radley

Town Clerk – Town of Stafford

Councilman Young made a motion to approve Resolution 79 Reappoint John Muehlbauer, second by Councilman Duyssen and approved on a 5-0 vote.

RESOLUTION 79 DATED: NOVEMBER 11, 2024

REAPPOINTMENT OF JOHN MUEHLBAUER

TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS John Muehlbauer has been a member of the Board of Assessment Review and,

WHEREAS John’s term has expired and,

WHEREAS John has expressed interest in remaining on the Board of Assessment Review

THEREFORE, the Town Board of the Town of Stafford shall reappoint John Muehlbauer to the Board of Assessment Review.

Offered by: Councilman Young

Second by: Councilman Duyssen

Approved on a 5-0 vote.

Councilman Panek made a motion to accept Resolution 80 Accept Report of Activity to NYS Retirement, second by Councilman Duyssen and approved on a 5-0 vote.

RESOLUTION NO. 80 DATED: November 11, 2024

ESTABLISHING STANDARD WORKDAY AND REPORTING

ELECTED AND APPOINTED OFFICIALS

EXEMPT FROM THE TIME AND ATTENDANCE SYSTEM

RESOLVED, the Stafford Town Board hereby establishes the following as a standard workday for elected and appointed officials exempt from the time and attendance system and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk and Financial Clerk.

 Elected & Appointed Officials

Title Name Social Security Number

(Last 4 digits) NYSLRS ID: Standard Workday (hrs./day) Current Term Begins/Ends Participates in Employer's Time Keeping System Record of Activities Tier 1

(Check only if member is in Tier 1) Not submitted

(Check box if no record of activities completed or timekeeping system)

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and be it further

 RESOLVED, the Town Clerk is hereby directed, as required by Section 315.4 (c), to post said resolution on the Town’s website and the sign board located in the Town Hall; and be it further

 RESOLVED, the Town Clerk is hereby directed to file a certified copy of the resolution and an affidavit of posting with the Office of the State Comptroller’s within 15 days after the public posting period has ended.

Offered by: Councilman Panek

Second by: Councilman Duyssen

Ayes: 5

CERTIFICATION

I, Barbara Radley, Town Clerk of the Town of Stafford, County of Genesee and State of New York, DO HEREBY CERTIFY that I have compared the resolution duly adopted by the Town Board of the Town of Stafford, on the 11th day of November, 2024 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: November 11, 2024 Barbara Radley

 Town Clerk

{SEAL}

Councilman Panek made a motion to accept Resolution 81 Raise MEO Pay, second by Councilman Young and approved on a 5-0 Vote.

RESOLUTION 81 DATED: NOVEMBER 11, 2024

RESOLUTION TO INCREASE NEW MEO SALARY

Whereas the Highway Department hired a new MEO, Sean McClellan, on October 7, 2024 at a rate of $24.00 per hour and,

WHEREAS the Highway Department is requesting a rate increase from $24.00 per hour to $26.50 per hour to align the pay to the Teamsters Union Contract rate retroactive to 10/25/2024

THEREFORE, BE IT RESOLVED THAT the rate of pay for Sean McClellan will rise from $24.00 per hour to $26.50 per hour to align the pay to the Teamsters Union Contract, retroactive to 10/25/24.

Offered by: Councilman Panek

Second by: Councilman Young

Approved on a 5-0 vote.

Councilman Panek made a motion to accept Resolution 82 To Hold a Public Hearing for 2025 Fire Protection, second by Councilman Duyssen and approved on a 5-0 vote.

TOWN OF STAFFORD

RESOLUTION 82 TO HOLD A PUBLIC HEARING

REGARDING THE 2025 AGREEMENT FOR FIRE PROTECTION SERVICES

FOR THE STAFFORD FIRE PROTECTION DISTRICT

Adopted: November 11, 2024

The Town Board of the Town of Stafford met at a regular board meeting at the Town Hall located in Stafford, New York, on the 11th day of November, 2024, commencing at 7:00 P.M. and the following members were:

Present: Supervisor Robert Clement

 Council Member Ronald Panek

 Council Member Terry Young

 Council Member James Duyssen

 Council Member Robert Pacer

Absent:

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS fire protection services are vital and necessary to the health and welfare of the inhabitants of the Town of Stafford; and

WHEREAS, Stafford Fire Department, Inc. maintains adequate and suitable vehicles, apparatus, and equipment for furnishing fire protection services in the Stafford Fire Protection District; and

WHEREAS, Article 5-G of the General Municipal Law (§§119-M - 119-OO) authorizes municipal corporations and districts to enter into agreements for the performance among themselves, or one for the other, of their respective functions, powers, or duties on a cooperative or contract basis, or for the provision of a joint service (General Municipal Law, §119-O[1]; see also General Municipal Law, §119-O[3], relative to mutual sharing plans); and

WHEREAS, the Town Board of the Town of Stafford has been considering entering into an Agreement with Stafford Fire Department, Inc. for the provision of Fire Protection Services for the Stafford Fire Protection District; and

WHEREAS, Stafford Fire Department, Inc. has agreed to provide such fire protection services for the Stafford Fire Protection District for consideration in the sum of $406,000.00 annually; and

WHEREAS the Town Board of the Town of Stafford finds it in the best interest of the Town to set a date to hold a public hearing to consider entering into said Agreement.

NOW ON MOTION OF Councilman Panek which has been duly seconded by Councilman Duyssen, be it

RESOLVED, by the Town Board of the Town of Stafford will hold a public hearing on the proposed Agreement on the 9th day of December 2024 at 7:15 P.M., at which time all interested parties and citizens for or against the proposed law will be heard; and be it further

RESOLVED, the Town Clerk of the Town of Stafford is hereby directed to publish and post a Notice of Public Hearing, containing date and time that the public hearing will be held.

 Ayes: 5

Nays: 0

Quorum Present: Yes

Dated: November 11, 2024 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Barbara Radley, Clerk

[SEAL] Town of Stafford

Councilman Panek made a motion to hold a Workshop to review the Schedule of Fees for 2025 on December 4, 2024 at 7:00pm along with the Lead Agency Workshop second by Councilman Duyssen and approved on a 5-0 vote.

Gary Snell spoke about the Electronic Sign project and presented the Board with more literature to consider.

Linda Snell asked about adding to the current signs, an additional design to compliment what we already have. She will order a dozen with size of 18x36 or 18x38 for the same price as before, $147.00 each and this will include the brackets.

Cathy Worthington spoke about past tabled items, the new locks for the Town Hall, after investigation it was found to be too pricy at this time. Another question was about the IT project that is on hold for now because it was found to be too expensive. Town Board stand on historic corner; the Board agrees with the decisions already made and are not looking into demolition.

Councilman Young spoke of the ARPA funds; He is looking into the foundation for the inclusive playground. This may be a rubber-like substance for safety of the participants.

Councilman Panek spoke of the Code Enforcement Office. We have four applicants and need to interview them soon because Officer Sinclair may not be there much longer, he is looking to retire in another year. The new hire may eventually perform the duties of Zoning and Code. We need to decide soon so that the candidate will be able to attend the State training.

Tony Prinz spoke of his neighbor, Carolina Eastern Crocker, and they are preparing to build again since he is seeing building materials being delivered. He is in hopes that they are not planning on building near his home again. Also, how can he build when other projects do not have a Certificate of Occupancy yet? Tony stated that there are problems with Crockers being next door, the problems being dust, moss, and mold as well as a noise complaint along with a variance given to build very close to his house. What recourse does he have to alleviate this problem? It was stated that this is an Agricultural Business under the Special Use Permit. Councilman Panek will look at the Code again for an Agriculture related business and send a letter to the Attorney to confirm our position on this matter.

Councilman Duyssen made a motion to approve Abstract #11 General Fund in the amount of $78,177.82, second by Councilman Pacer and approved on a 5-0 vote.

Councilman Duyssen made a motion to approve Abstract #11 Highway Fund in the amount of $27,850.72, second by Councilman Pacer and approved on a 5-0 vote.

Councilman Duyssen made a motion to adjourn the meeting at 10:15pm, second by Councilman Pacer and approved on a 5-0 vote.

Respectfully Submitted,

Barbara Radley