

The regular meeting of the Town Board of the Town of Stamford was held on March. 11, 2009 at 7:00 P.M. at the Town of Stamford Municipal Building with the following present:

Supervisor-Michael Triolo
Councilperson-Katherine Engert
Councilperson-Bette Jayne Spinney
Councilperson-Rudy Stripp
Hwy. Supt. John A. Rice, Jr.
Absent was Councilperson Floyd Many

Also present: Linda Stratigos, James Webster, Gordon Churchill, Tom and Kate Bolger, Donna Houghton, Helene Stewart, Liz Page, James Barr III and Jim and Marcy Barr and Lorraine Ziek

A MOTION was made by Rudy Stripp and seconded by Bette Jayne Spinney to approve the minutes of the previous meeting. ALL AYE votes cast, MOTION carried.

A MOTION was made by Bette Jayne Spinney and seconded by Rudy Stripp to approve the Supervisor's report. All AYE votes cast, MOTION carried.

A MOTION was made by Bette Jayne Spinney and seconded by to approve General bills abstract no. 3, dated March 11, 2009, claim nos. 41 - 51 in the amount of \$4,297.01. ALL AYE votes cast, MOTION carried.

A MOTION was made by Rudy Stripp and seconded by Bette Jayne Spinney to approve Highway bills abstract no. 3, dated March 11, 2009, claim nos. 28 – 46 in the amount of \$113,427.97. ALL AYE votes cast, MOTION carried.

Highway Supt. John Rice gave the following report:

- Met with FEMA, possible recovery of expenditures during 12/11/08 to 12/15/08 ice storm
- Tractor with boom mower has arrived. This was funded by the Robinson Broadhurst Foundation. Training will be conducted in the spring.
- Sand has been hauled to restock sand shed
- Potholes will be filled, weather permitting
- Servicing equipment for spring work
- There is a possibility of the CHIPS funding to be restored

RESOLUTION NO. 8-2009 was introduced by Michael Triolo and seconded by Katherine Engert:

BE IS HEREBY RESOLVED that we adopt the following:

LOCAL LAW NO. 1 of 2009

A LOCAL LAW ADOPTING A REAL PROPERTY TAX EXEMPTION IN THE TOWN OF STAMFORD FOR COLD WAR VETERANS.

BE IT ENACTED by the Town Legislature of the Town of Stamford, State of New York as follows:

SECTION 1. LEGISLATIVE AUTHORIZATION

This local law is authorized by the real property tax law section 458-b.

SECTION 2. FINDINGS

- (a) The state legislature added a new section 458-b to New York State Real Property Tax law to authorize a real property tax law to authorize a real property tax exemption for cold war veterans which towns may opt into.
- (b) The legislation is intended to provide cold war veterans with a real property tax exemption similar to tax exemptions given to war time veterans.
- (c) Cold war veterans served in the United States Armed Forces during the time period from September 2, 1945 to December 20, 1991.

SECTION 3. DEFINITIONS

- (a) “Cold War veteran” means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released therefrom under honorable conditions.
- (b) “Armed forces” means the United States army, navy, marine corps, air force, and coast guard.
- (c) “Active duty” means full-time duty in the United States armed forces, other than active duty for training.
- (d) “Service connected: means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

- (e) “Qualified owner” means a cold war veteran, the spouse of a cold war veteran, or the unremarried surviving spouse of a deceased “cold war veteran”. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- (f) “Qualified residential real property” means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this local law. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.
- (g) “Latest state equalization rate” means the latest final equalization rate established by the state board of real property services pursuant to article twelve of this chapter.

SECTION 4. GRANT OF EXEMPTION

- (a) 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 that latest state equalization rate of the assessing unit.
- (b) In addition to the exemption provided by the above paragraph (a), where the Cold War veteran received a compensation rating from the United States veterans affairs 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 Cold War veteran 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.

SECTION 5. LIMITATIONS

- (a) The exemption from taxation provided by this subdivision shall be applicable to Town of Stamford taxes.
- (b) If a Cold War veteran receives the exemption under real property tax law section four hundred fifty-eight or four hundred fifty-eight-a, the Cold War veteran shall not be eligible to receive the exemption under this local law.
- (c) The exemption provided by the above paragraph (a) shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of this local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of this local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period.
- (d) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners or the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage or disability percentage increases or decreases or may refile if other changes have occurred which affect

qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

SECTION 6. EFFECTIVE DATE

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

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Katherine Engert-
Bette Jayne Spinney-Rudy Stripp

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

An incident in the Village of Hobart involving an out of control dog was discussed. Due to the resignation of the Town Dog Control Officer effective on Mar. 8, 2009, the position was temporarily filled and will be advertised

RESOLUTION NO. 9-2009 was introduced by Michael Triolo and seconded by Katherine Engert:

BE IS HEREBY RESOLVED that we appoint James Barr III as Town Dog Control Officer effective March 12, 2009 to April 30, 2009.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Katherine Engert-
Bette Jayne Spinney-Rudy Stripp

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

A MOTION was made by Michael Triolo and seconded by Rudy Stripp to adjourn this meeting at 7:20 P.M. A Public Hearing will be held on April 8, 2009 at 6:45 P.M. on the Restore NY Property Assessment List. The regular meeting will follow at 7:00 P.M. at the Town Municipal Building, 101 Maple Ave., Hobart, New York.

WE, the undersigned members of the Town Board of the Town of Stamford,
Delaware County, New York, do hereby certify that we have examined the minutes of
the previous meeting and found them to be correct and accurate as recorded.

Supervisor _____

Councilperson _____

Councilperson _____

Councilperson _____

Councilperson _____

Attest _____

Town Clerk