

**DECEMBER 12, 2018, TOWN BOARD**

Three public hearings and the regular meeting of the Town Board of the Town of Root, County of Montgomery and State of New York was held at the Town Hall, 1048 Carlisle Road, Sprakers, New York on the 12<sup>th</sup> day of December 2018.

PRESENT: Gary Kamp Supervisor  
Dominic Cuomo Councilman  
LuEmma Quackenbush Councilwoman  
John Thayer Councilman  
John VanKersen Councilman  
Laurel Eriksen Town Clerk  
Donald Oeser Superintendent of Highways

ABSENT: Robert Subik Attorney

OTHERS PRESENT: Bob Harris, Assessor; Clifton Dorrough, Code Enforcement Officer; Tom Eriksen, Justice; George Vosburgh and Richard Bingham Planning Board Members; Members of the Root Historical Society; Debbie Buck, reporter Courier-Standard-Enterprise; several residents

Supervisor Kamp opened the public hearing for the proposed 3-year fire contract with Canajoharie Volunteer Fire Department at 6:45 PM. Said public hearing was closed at 6:47 PM with no comments.

Supervisor Kamp open the public hearing for the proposed 2-year fire contract with Rural Grove Volunteer Fire Department at 6:50 PM. Said public hearing was closed at 6:52 PM with no comments.

Supervisor Kamp opened the public hearing for the partial exemption from taxation of real property owned by certain persons over 65 years of age at 6:55 PM. Said public hearing was closed at 6:57 PM after the Assessor explained the purpose of this resolution.

Supervisor Kamp opened the meeting at 7:00 PM with the pledge to the flag.

**APPROVAL OF THE MINUTES**

Councilwoman Quackenbush motioned seconded by Councilman Thayer to approve the minutes from the November 14, 2018 meeting as presented.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen Nays 0

**PUBLIC COMMENT**

Supervisor Kamp opened the floor for public comment.

Ken Vanette asked about the number of dogs residents are allowed to have.

Margrethe Lauber stated her dissatisfaction with the public comments reflected in the minutes and with a statement made by the Attorney referring to the members of the constituency in the November meeting.

**CORRESPONDENCE**

Information was received regarding the Association of Towns upcoming training in February 2019 for Town Officials in New York City.

## REPORTS

Reports were available from the Code Enforcement Officer, the Dog Control Officer, the Justice and the Bookkeeper. There was no report from the Town Clerk or the Attorney.

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The Assessor has mailed out exemption renewals and is doing road review.

The Highway Superintendent spoke about the proposed 3-year snow contract which has a 1% increase for each year with Montgomery County. He is opposed to this proposed contract.

The Planning Board has requested a work session with members of the Town Board, the Board of Appeals, the Code Officer and the Assessor. This will be on January 2, 2019 at 7:30 PM.

The Supervisor reported that he had received the mortgage tax from Montgomery County for April 1, 2018 through September 30, 2018 in the amount of \$17,032.70.

## AGENDA

Supervisor Kamp presented the agenda for the meeting. Councilman Cuomo motioned seconded by Councilman VanKersen to adopt the agenda.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen                      Nays 0

## OLD BUSINESS

The fire contract with Canjoharie Volunteer Fire Department expires December 31, 2018. A new 3-year contract was presented and the following resolution adopted.

RESOLUTION No. 16 of 2018

BOARD MEMBER Thayer presented the following Resolution and moved its adoption.

RESOLVED that Supervisor Kamp be and he is hereby authorized to execute a new 3-year contract with the Canajoharie Volunteer Fire Department for fire protection in the Town for the years 2019-2021, a copy of which is annexed hereto as Schedule “A”.

SECONDED by Board Member Quackenbush.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen                      Nays 0

The fire contract with Rural Grove Volunteer Fire Department expires December 31, 2018. A new 2-year contract was presented and the following resolution adopted.

RESOLUTION No. 17 of 2018

BOARD MEMBER VanKersen presented the following Resolution and moved its adoption.

RESOLVED that Supervisor Kamp be and he is hereby authorized to execute a new 2-year contract with the Rural Grove Volunteer Fire Department for fire protection in the Town for the years 2019-2020, a copy of which is annexed hereto as Schedule “A”.

SECONDED by Board Member Quackenbush.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen                      Nays 0

The resolution for Senior Sliding Scale which allows for a partial exemption from taxation of real property owned by certain persons over 65 years of age, which the Town already follows was presented.

RESOLUTION #18 of 2018

Resolution providing for the partial exemption from taxation of real property owned by certain persons over 65 years of age.

BOARD MEMBER VanKersen presents the following resolution and moves its adoption.

WHEREAS, many Senior Citizens in the Town of Root experience a hardship in paying their property taxes; and

WHEREAS, on January 4, 1984 a motion notated as 2-84 was made by James Herrick Jr. and seconded by John VanKersen whereby the Town adopted the senior sliding scale mechanism; and

WHEREAS, the Town of Root in the past has followed the senior sliding scale mechanism used by Montgomery County; therefore be it

RESOLVED, that the Town of Root pursuant to Real Property Tax Law §467, real property owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and/or wife and/or spouse and/or by siblings, one of whom is sixty-five (65) years of age or over, shall be partially exempt from taxation by the Town of Root to the extent as provided in the following Senior Sliding Scale Schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
More than \$0.00 but less than \$11,000.00	50%
More than \$11,000.01 but less than \$11,999.99	45%
More than \$12,000.00 but less than \$12,999.99	40%
More than \$13,000.00 but less than \$13,999.99	35%
More than \$14,000.00 but less than \$14,899.99	30%
More than \$14,900.00 but less than \$15,799.99	25%
More than \$15,800.00 but less than \$16,699.99	20%

Additionally, the above Town of Root Senior Sliding Scale Schedule is subject to future changes in the annual minimum and maximum income limits as the annual minimum and maximum income limits change at Montgomery County thereby keeping the senior sliding scale schedule consistent with Montgomery County and in compliance with New York State Legislation as it relates to RPTL §467; and

No exemption shall be granted

(a) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of sixteen thousand, six hundred ninety-nine dollars and ninety-nine cents (\$16,999.99). Income tax year shall mean the twelve 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 husband or the wife or the spouse, their combined income may not exceed such sum, except where the husband or the wife or the spouse, or ex-husband or ex-wife or ex-spouse is absent from the property as provided in subparagraph (ii) of paragraph (d) of this subdivision, then only the income of the spouse or ex-spouse 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 of a capital asset 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, inheritance, payments made to individuals because of their status as victims of Nazi persecution, as defined in Public Law 103-286 or monies earned through employment in the federal foster grandparent program. In computing net income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear, real or personal property held for the production of income:

(b) unless the owner shall have held an exemption under this section for his/her previous residence or unless the title of property shall have been vested in the owner or one of the owners of the property for at least twelve consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either husband or wife or 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 husband or wife or spouse, the time of ownership of the property by the deceased husband or wife or spouse shall be deemed continuous for the purposes of computing such period of twelve months. In the event of a transfer by either a husband or wife or 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 purposes of computing such period of twelve 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 of the property for which the application is made for exemption and such periods of ownership shall be deemed to be consecutive for the purpose of this section. Where a residence is sold and replaced with another within a 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 by a municipality within the state granting such exemption. Where the owner or owners transfer title to the 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 the nine months of the date of transfer shall be deemed to satisfy 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 consecutive months. Where, upon or subsequent to the death of an owner or owners, title of 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 months after such death, solely in a person or persons who, at the time of such 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 consecutive month shall be deemed satisfied:

(c) unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used 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;

(d) unless the real property is the legal residence of and is occupied in the whole or in part by the owner or by all the owners of the property except where (i) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in Public Health Law §2801, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse or co-owner of such owner; or (ii) the real property is owned by a husband and/or wife and/or spouse, or an ex-husband and/or ex-wife and/or ex-spouse, and either 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 on the real property shall be sixty-two (62) years of age or over.

FURTHER RESOLVED, this resolution shall be applicable to assessment rolls based on the taxable status date on or after March 1, 2018.

SECONDED by Board Member Quackenbush.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen

Nays 0

The new 3-year Highway Contract was presented and the following resolution adopted.

RESOLUTION #19 of 2018

BOARD MEMBER Thayer presented the following Resolution and moved its adoption.

RESOLVED, that Supervisor Gary Kamp be and is hereby authorized to execute a new three (3) year contract beginning January 1, 2019 through December 31, 2021, a copy of which is annexed hereto as Schedule "A" with the employees of the Town Highway Department.

SECONDED by Board Member Quackenbush.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen

Nays 0

NEW BUSINESS

The title for Chapter 39 of the Town of Root Code needs changed from New York State Uniform Fire Prevention and Building Code to the International Uniform Fire Prevention and Building Code. This change follows what was done at the State level.

RESOLUTION #20 of 2018

BOARD MEMBER Quackenbush presents the following resolution and moved its adoption.

WHEREAS, on October 7, 1987 Local Law #3 of 1987 was passed adopting the Uniform Fire Prevention and Building Code, which is Chapter 39 of the Code of the Town of Root, and

WHEREAS, on December 13, 2006 Local Law #4 of 2006 was passed adopting the change to the New York State Uniform Fire Prevention and Building Code, and

WHEREAS, on April 6, 2016 New York State adopted the International Uniform Fire Prevention and Building Code thereby making the International Uniform Fire Prevention and Building Code effective on October 3, 2016, and

WHEREAS, the International Uniform Fire Prevention and Building Code makes no changes from the currently adopted New York State Uniform Fire Prevention and Building Code except for changing the title,

RESOLVED, that the title of Chapter 39 of the Code of the Town of Root be changed from the 'New York State Uniform Fire Prevention and Building Code' to the 'International Uniform Fire Prevention and Building Code' and to change the wording in §39-1 PURPOSE AND INTENT from the 'New York State Uniform Fire Prevention and Building Code' to the 'International Uniform Fire Prevention and Building Code' with said changes becoming effective immediately.

SECONDED by Board Member Thayer.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen

Nays 0

The budget line for paying the Bookkeeper and the Budget Officer has a deficit. The former Bookkeeper was paid through the 1340.4 account line whereas the current Bookkeeper is paid through the 1340.1 account line. The following resolution was presented.

RESOLUTION No 21 of 2018

BOARD MEMBER Quackenbush presents the following Resolution and moved its adoption.

RESOLVED That the Town Supervisor be and he is hereby authorized to transfer from A1340.4 – Budget Officer, Contractual Expenses the amount of \$1,150.00 to A1340.1 – Budget Officer, Personnel Services.

SECONDED by Board Member VanKersen.

Adopted by the following vote:

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen

Nays 0

Peter Way's term on the Board of Assessment Review expired on September 30, 2018. Councilman VanKersen motioned seconded by Councilman Thayer to reappoint Peter Way to another 5-year term on the Board of Assessment Review with his new expiration date being September 30, 2023.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen            Nays 0

Sharon Getman's term on the Board of Appeals expired on July 31, 2018. Councilman Thayer motioned seconded by Councilman Cuomo to reappoint Sharon Getman to another 5-year term on the Board of Appeals with her new expiration date being July 31, 2023.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen            Nays 0

JoAnne Tinc's term on the Planning Board expired on June 30, 2018. Councilman VanKersen motioned seconded by Councilwoman Quackenbush to reappoint JoAnne Tinc to another 7-year term on the Planning Board with her new expiration date being June 30, 2025.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen            Nays 0

The end of year meeting was discussed. Councilwoman Quackenbush motioned by Councilman VanKersen to hold the end of year meeting on Wednesday, December 26, 2018 at 6:30 PM.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen            Nays 0

The Amish community is willing to clean the Town cemeteries as a public service to their Town. This will be looked at further in the spring.

GenTech is offering a 3-year service contract for the standby generator at a cost of \$400.00 per year. This was briefly discussed. Supervisor Kamp will contact GenTech for further clarification on this contract as well as to address the issue with the automatic test mode.

Montgomery County has proposed a 3-year contract with a yearly increase of 1% for snow removal and ice control on county highways. Board Members are opposed to this. Councilman Thayer motioned seconded by Councilman Coumo to reject the proposed 3-year contract with its 1% yearly increase with Montgomery County for snow removal and ice control on county highways.

Ayes 5 – Kamp, Cuomo, Quackenbush, Thayer, VanKersen            Nays 0

#### ABSTRACTS

Abstract #12 of the general fund for vouchers numbered 287-317 were audited and ordered paid. Paid abstract total was \$39,169.69.

Abstract #12 of the highway fund for vouchers numbered 169-180 were audited and ordered paid. Paid abstract total was \$58,144.11.

Councilman Thayer motioned seconded by Councilman VanKersen to accept the audit of abstract #12 of the general fund in the amount of \$39,169.69 and abstract #12 of the highway fund in the amount of \$58,144.11. The vote was unanimous.

#### ADJOURN

Councilwoman Quackenbush motioned seconded by Councilman Cuomo to adjourn at 7:49PM.

Respectfully Submitted,  
Laurel Sherrie Eriksen, Town Clerk