TOWN OF WHITEHALL
PUBLIC HEARING AND
REGULAR TOWN BOARD MEETING
57 SKENESBOROUGH DRIVE
WHITEHALL, NY 12887
7:00PM

APRIL 17, 2024

BOARD MEMBERS PRESENT:	**John Rozell, Supervisor**
	David Hollister, Councilperson
	Christopher Dudley, Councilperson
	Stephanie Safka, Councilperson
ABSENT:	**Francis Wilbur, Councilperson**

OTHERS PRESENT: Patti Gordon, Town Clerk; Town Attorney, Erika Seller-Ryan; Louis D. Pratt, Highway Superintendent, Lukas Longtin, Gavin Boule, Martin Rocque, Town Compliance Officer; Brandson Sparks, Whitehall Solar Coalition; E.J. Conzola, Whitehall Times, Barb Spoor

Supervisor Rozell opened the meeting with the Pledge of Allegiance to the Flag.

Supervisor Rozell called the public hearing on Local Law #3 of 2024 to order at 7:03pm.
Supervisor Rozell asked if there were any comments on Local Law #3 of 2024 for: A Partial Exemption From Real Property Taxation By The Town To Persons With Disabilities and Limited Income once, a second time and a third time for comments. There were no comments, and the Public Hearing was closed at 7:04pm.

Supervisor Rozell called the Regular Town Board meeting to order at 7:05pm
Supervisor Rozell asked for a motion to accept Resolution #38 OF 2024 to Adopt Local Law #3 of 2024 A Local Law Providing For The Partial Real Property Tax Exemptions For Persons With Disabilities and Limited Incomes.

MOTION to accept Resolution #38 for Local Law #3 of 2024 made by Councilperson Hollister and Seconded by Councilperson Safak.

ADOPTED BY ROLL CALL VOTE:	AYES	4	Rozell, Hollister, Dudley, Safka,
	NAYS	0	
	ABSENT		Wilbur

Resolutions will be filed in the minutes, resolution book and website.

Public Comments: Brandon Sparks wanted to give the Town Board a draft of the last meeting minutes. The April meeting was cancelled due to the weather. The next meeting will be in May.

Bid Open for Sciota Cemetery:
Supervisor Rozell opened the only mowing bid that was received by the Town Clerk for the mowing 2024 contract for Sciota Cemetery. The bid was from Ethan Davis of Champlain Valley Lawn Care for $4,00.00.

MOTION to accept the mowing bid made by Ethan Davis of Champlain Valley Lawn Care for $4,000.00 to maintain the Sciota Cemetery for the 2024 season made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka**
NAYS 0

MOTION to approve the monthly minutes from the March 20, 2024 Town Board meeting made by Councilperson Hollister and Seconded by Supervisor Rozell.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka,**
NAYS 0

MONTHLY REPORTS:

Town Recreation Report by Timothy Martindale – Written

Brandon Sparks representing the GE in Rutland would like information on how GE and their employees could make a tax-deductible donation to the Rec Center. Mr. Sparks is working with Rec Leader Martindale in regard to a list what would be purchased with the donation.

Councilperson Dudley stated that he met with the members of the recreation staff and Rec Booster Club. There are currently two refrigerators that are not being utilized and are in the way of the wrestling mats. Due to the fact that the Senior Center is currently looking for a refrigerator to replace the one that is no longer working, Council Dudley asked if it were possible to put one in the kitchen of the senior side. After discussing the matter all agreed that would be fine to offer for the Seniors' to relocated it to the kitchen for their use.

Supervisor Rozell also discussed the two estimates that Rec Leader Martindale received for the resurfacing & striping of the Recreation Center parking lot. He is currently working on a third estimate before the Town Board can make a decision. The Town already has all the paint necessary to do the job which was purchased and donated through the Glens Falls H

Town Dog Control Report by Kathy Hall – No Report

Town Compliance Report by Martin Rocque – Nothing to report at this time but would like an update of current litigation on the Route 4 property.

-Town Attorney Seller-Ryan updated the Town Board that the Town went to Supreme Court on the Burdick property located on Route 4. The Town was able to show proof that the said property was in violation of the current Local Law. The Town had asked for enforcement, which the defendant did not comply. An order was issued that certain items need to be cleaned up with a 120/150/190 time periods. At the end of the 190 days if this is not done, the Town has full authority to go in and clean up the property and the bill for such service and the Town will issue a judgement against the property. This is a "ongoing" order and if any other debris comes back onto the said property the Town has authority to remove such "debris".

Town Clerk Report by Patti Gordon – Written

Town Assessors Report by Roberta Stone – Written

Town Supervisors Report by John Rozell – Verbal

Cheryl Putorti from the Whitehall Chamber of Commerce who is organizing the Music in the Park this summer is also organizing a fund raiser for the Skenesborough Museum and would like to relocate the 18 piece orchestra scheduled to perform at Riverside Park to relocate them to the Museum Lawn area between the Museum and the Fire Department and would like to confirm that if the weather forecasts rain that they could use the meeting room as a backup. The Town Board agreed to allow the Band to relocate to the Museum property and to use the municipal building without an application or deposit required.

-FEMA held the presentation today here at the Municipal Center from 3:00pm to 6:00pm. There was a very small turnout of approximately 13 people that attended. Supervisor stated he was disappointed in the turn-out and feels if more people attended it would have given the Town more of a voice at the County level. He also explained that it does not affect the just the people located in the flood plain but all property owners and that someone will need to make up the difference if the property values lower in the flood plain which will reduce their tax liability the Town's expenses will remain same so the burden will fall on properties not located in the flood plain to make up the difference. There are approximately 140 more properties proposed in the flood zone than there are currently. Any property located in the flood plain and have a mortgage on their property they will be required to purchase flood insurance through the Federal Government.

Town Budget Officers Report & Transfers by Joel Carpenter – Written

Town Planning Board Report by Gregg Chappell – No Report

Town Highway Report by Louis D. Pratt II – Written

-Highway department is debit free, and we should be receiving the payment from the WCS for the purchase of 2018 Chevy they Town Board approved them purchasing at last month's meeting.

-Highway Superintendent Pratt asked the Town Board would to declare the 11 foot Everest plow that came with the truck he purchased from Washington County last fall for $1,000.00 as surplus property and sell it to the Town of Argyle for $400.00.

MOTION to declare the 11 foot Everest plow surplus property made by Supervisor Rozell and Seconded by Councilperson Dudley

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka**
NAYS 0

MOTION to the sell the 11 foot Everest plow to the Town of Argyle for $400.00 made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka**
NAYS 0

MOTION to approve the monthly reports made by Councilperson Safka and Seconded by Councilperson Dudley.

ADOOPTED **AYES 4 Rozell, Hollister, Dudley, Safka**
NAYS 0

BUSINESS TO DISCUSS

The Town received a letter from Shooters LLC Golf Course to waive the 30-day waiver for a liquor license. Due to the fact that it was time sensitive, Supervisor Rozell called each Town Board member individually and discussed it with them. All were in agreement to waive the 30-day notice.

Park request by Ashley Bakerian for a birthday party on 6/16/24 .

MOTION to approve park quest made by Councilperson Dudley and Seconded by Councilperson Hollister.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safak**
NAYS 0

MOTION to approve all park requests: 6/22/2024 Chamber of Commerce, 7/20/2024 Our Lady of Hope Church, 9/28/2024 Sasquatch Festival made by Councilperson Dudley and Seconded by Councilperson Hollister.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Wilbur**
NAYS 4

Supervisor Rozell asked for a motion to approve the monthly abstract #4 Of 2024, Superintendent Pratt asked for a revision before it was approved. The correction was made at that time.

ABSTRACT# 4 of 2024

MOTION made to approve Abstract #4 of 2024 with the correction made by Councilperson Safak and Seconded by Councilperson Dudley.

ABSTRACT #4 OF 2024 **GENERAL FUND V/#1-27 $ 10,269.11**
HIGHWAY FUND V/#1-12 $130,912.49

MOTION to go into Executive Session for contract negotiation made by Supervisor Rozell and Seconded Councilperson Safka.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka**
NAYS 0

MOTION to come out of Executive Session at 9:00pm and the Town Board will act on Shooters Golf Course LLC to waive the 30 days notification to waive their license made by Council Hollister and Seconded by Dudley

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka**
NAYS 0

MOTION to adjourn the Town Board meeting at 9:02pm made by Councilperson Safka and Seconded by Councilperson Dudley.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka**
NAYS 0

ADJOURNED
Respectfully submitted
Patti Gordon
Patti Gordon

TOWN OF WHITEHALL
57 Skenesborough Drive
Whitehall, NY 12887
Phone: (518)-499-1535 Fax: (518)-499-1546
Email: townofwhitehall@live.com
Supervisor, John W. Rozell

Councilperson, David Hollister	**Town Assessor, Roberta Stone**	**Councilperson, Christopher Dudley**
Councilperson, Stephanie Safka	**Town Clerk, Patti Gordon**	**Councilperson, Francis Wilbur**

Resolution No. 38 April 17, 2024

TO ADOPT INTRODUCTORY LOCAL LAW 3 OF 2024; A LOCAL LAW PROVIDING FOR THE PARTIAL REAL PROPERTY TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES

Motion made by David Hollister, Councilperson

Seconded by Stephanie Safka, Councilperson

WHEREAS, the Town Board of the Town of Whitehall hereby finds and determines that it is in the best interest of the Town to offer to its residents with disabilities and limited incomes a real property tax exemption; and

WHEREAS, the Town Board scheduled and conducted a public hearing on Local Law 3 of 2024 on the 17th day of April, 2024 at which time all interested parties were given the opportunity to speak; now therefore be it

RESOLVED, that the Town Board of the Town of Whitehall, Washington County, State of New York does hereby enact Local Law 3 of 2024.

Motion Carried

John Rozell

John Rozell, Supervisor

David K Hollister

David Hollister, Councilperson

________________ Christopher Dudley, Councilperson

________________ Stephanie Safka, Councilperson

Absent ________________ Francis Wilbur, Councilperson

CERTIFICATION

I, Patti Gordon, the duly qualified and acting Town Clerk of the Town of Whitehall, New York, do hereby certify that the above resolution was adopted at a regular board meeting of the Town Board of Whitehall held on 04/17/2024 and is on file and of record, and that the said resolution has not been altered, amended or revoked and is in full force and effect.

Patti Gordon

Patti Gordon

Whitehall Town Clerk

TOWN OF WHITEHALL
LOCAL LAW # 3 2024

A LOCAL LAW PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION BY THE TOWN TO PERSONS WITH DISABILITIES AND LIMITED INCOME

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

Section 1. Title

This local law shall be known and cited as "A Local Law Providing a Partial Exemption from Real Property Taxation to Property Owners With Disabilities and Limited Income, Pursuant to Section 459-c of the New York Real Property Tax Law" ("RPTL").

Section 2. Authority

This local law is enacted pursuant to the authority of: a) Municipal Home Rule; and b) Real Property Tax Law Section 459-c, which authorizes a Town to adopt a local law to grant an exemption from real property taxation to Property Owners with disabilities and limited income, as that term is therein defined.

Section 3. Repeal

This local law repeals and replaces any Local Laws previously passed inconsistent with this Local Law.

Section 4. Definitions

For purposes of this Local Law:

A. "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

B. A "person with a disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drugs, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (i) is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act, or (ii) is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or (iii) has received a certificate from the state Commission for the Blind and Visually Handicapped stating that such person is legally blind.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state Commission for the Blind and Visually Handicapped shall be submitted as proof of disability.

C. "Income tax year" shall mean the 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.

Section 5. Exemption

A. Real property situate within the bounds of the Town of Whitehall, Washington County, New York, owned by husband and wife or by siblings (i.e., a brother or sister whether related through half blood, whole blood or adoption), at least one of whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability, shall be exempt from taxation for real estate taxes to be levied by the Town by the percentage of exemption hereinafter specified for the annual income ranges listed below to the extent of 50 percent of the assessed valuation thereof. Such exemption shall be based upon the assessed value of the exempt real property and shall be computed after all other partial exemptions allowed by law (excluding the school tax relief (STAR) exemption authorized by RPTL Section 425) have been subtracted from the total amount assessed:

Annual Income Ranges	Exemption Percentage
Up to 28,000	50%
28,000.01-28,999.99	45%
29,000-29,999.99	40%
30,000-30,999.99	35%
31,000-31,899.99	30%
31,900-32,799.99	25%
32,800-33,699.99	20%
33,700-34,599.99	15%
34,600-35,499.99	10%
35,500-36,399.99	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 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, their combined income 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 salary or earnings, and net income from self-employment; but shall not include a return of capital, gifts or inheritances. In computing net rental income from self-employment, no depreciation shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

C. No exemption shall be granted:

(1) unless 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 application for exemption, provided, however, that in the event of the date of either a husband or wife 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 husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a 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 either a husband or wife 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 (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 of the property 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 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 of granting such exception;

(2) 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; or

(3) unless the real property is the legal residence of and is occupied in whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an impatient of a residential health care facility, as defined in section twenty-eight hundred one of the Public Health Law, and provided that any income accruing to that person shall be considered income only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility; and provided further, that during such confinement such property is not occupied by other than the spouse or sibling of such person.

D. Notwithstanding any other provision of law to the contrary, the provisions of this Local Law shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this Local Law, were such person or persons the owner or owners of such real property.

E. No parcel may receive an exemption for the same municipal tax purpose to both this Local Law and the Town of Whitehall Local Law 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 of the State of New York."

Section 6. Application for Exemption

A. Application for such exemption must be made annually by the owner or all of the owners of the property on forms to be furnished by the Town 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 taxable status date, provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

B. At least sixty (60) days prior to the appropriate taxable status date the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a 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. 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 the taxes on property owned by such person.

Section 7. Penalties

The making of any willful false statement in the application for an exemption under this Local Law shall be a violation thereof and a conviction for any such violation shall be punishable by a fine of not more than $100.

Section 8. Separability

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

Section 9. Inconsistency

All ordinances and local laws in conflict with the provisions of this local law are hereby suspended and superseded to the extent necessary to give this local law full force and effect. Upon the repeal of this local law, however, any ordinances or local laws so suspended and superseded by virtue of the provisions of this Local Law shall again be deemed to be in full force and effect in accordance with their terms unless expressly modified, suspended or repealed by the terms of another ordinance or local law hereafter adopted.

Section 10. Effective Date

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

BE IT ENACTED, this 17th day of April, 2024, by the Town Board of the Town of Whitehall, Washington County, New York.

John Rozell

JOHN ROZELL, SUPERVISOR

David K Hollister

DAVID HOLLISTER, Town Board

STEPHANIE SAFKA, Town Board

CHRISTOPHER DUDLEY, Town Board

[SEAL]

ATTEST:

Patti Gordon

PATTI GORDON
Town Clerk
Town of Whitehall

TOWN OF WHITEHALL

57 Skenesborough Drive, Suite 1

Whitehall, NY 12887

Date:

NYS Liquor Authority
80 S. Swan Street
Suite 900
Albany, NY 12210
Attention: Division of Licensing

To Whom It May Concern,

The Town of Whitehall has received notice from Shooters Golf LLC of its intention to apply to the New York State Liquor Authority for an On-Premises Liquor license for premises located at 129 County Road 9A in Whitehall, NY. The Town has no objection to this application, and hereby waives the 30-Day Notice requirement.

Very Truly Yours,

Name: Patti Gordon

Title: Town Clerk

AFFIDAVIT OF PUBLICATION
Whitehall Times

State of New York,
County of, Washington County,

The undersigned is the authorized designee of Whitehall Times, a Weekly Newspaper published in Washington County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

04/11/2024

This newspaper has been designated by the County Clerk of Washington County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 23 day of April 2024

DOUGLAS W REA
Notary Public - State of New York
NO. 01RE6398443
Qualified in Albany County
My Commission Expires Sep 30, 2027

Digitally signed by douglas w rea
Date: 2024.04.23 16:46:58 +00:00

Notary Signature

Notary Public Stamp

TOWN OF WHITEHALL LEGAL NOTICE

NOTICE TO BIDDERS

The Town of Whitehall will accept sealed bids for the grounds maintenance of Sciota Cemetery.

Specifications may be obtained at the Town Clerk's Office located at 57 Skenesborough Drive Suite 1, Monday, Tuesday, Wednesday and Thursday during normal business hours.

All bids must be accompanied by a Non-collusive bidding certificate as required by section 103-d of the General Municipal Law of the State of New York and a statement of Non-investment as required by section 103-g of the General Municipal Law of the State of New York (Iran Divestment Act of 2012) to be considered a qualified bid.

Sealed Bids must be received by 3:00pm on Wednesday April 17, 2024 at the Office of the Town Clerk, at 57 Skenesborough Drive, Suite 1, Whitehall NY 12887. Sealed bids will be opened on Wednesday April 17, 2024 at the Town Board meeting. The Town reserves the right to reject any or al bids.

townofwhitehall2@outlook.com

AFFIDAVIT OF PUBLICATION
Whitehall Times

State of New York,
County of, Washington County,

The undersigned is the authorized designee of Whitehall Times, a Weekly Newspaper published in Washington County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

04/11/2024

This newspaper has been designated by the County Clerk of Washington County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

DOUGLAS W REA
Notary Public - State of New York
NO. 01RE6398443
Qualified in Albany County
My Commission Expires Sep 30, 2027

Digitally signed by douglas w rea
Date: 2024.04.23 16:31:41 +00:00

This 23 day of April 2024

Notary Signature

Notary Public Stamp

TOWN OF WHITEHALL LEGAL NOTICE

Please Take Notice that pursuant to a resolution adopted by the Town Board of the Town of Whitehall on March 20, 2024 a Public Hearing will be held by said Town Board on April 17, 2024 at 7:05pm at the Town Municipal building located at 57 Skenesborough Drive, Whitehall, NY to discuss the proposed Local Law #3 of 2024 A Partial Exemption From Real Property Taxation by The Town to Persons with Disabilities and Limited Income pursuant to the provisions of Section 459-c of the Real Property Tax Law. Following the Public Hearing the Town Board will hold the regular Town Board meeting and may adopt the above local law.

By Order of the Town Board of the Town of Whitehall
Patti Gordon
Town Clerk
Town of Whitehall

townofwhitehall2@outlook.com

AFFIDAVIT OF PUBLICATION
Whitehall Times

State of New York,
County of, Washington County,

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04/04/2024 ,04/11/2024

This newspaper has been designated by the County Clerk of Washington County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 23 day of April 2024

DOUGLAS W REA
Notary Public - State of New York
NO. 01RE6398443
Qualified in Albany County
My Commission Expires Sep 30, 2027

Digitally signed by douglas w rea
Date: 2024.04.23 15:39:35 +00:00

Notary Signature

Notary Public Stamp

TOWN OF WHITEHALL
LEGAL NOTICE
EXAMINATION OF ASSESSMENT INVENTORY AND VALUATION DATA

In accordance with Section 502 of the New York State Real Property Tax Law, notice is here by given that the assessor for the Town of Whitehall has available for review assessment inventory and valuation data. An appointment to review this information can be made by calling Bobbi Stone, Assessor for the Town of Whitehall at: (518)-499-1535 between the hours of 9:00am - 4:00pm