

TOWN OF SENECA
PUBLIC HEARINGS & REGULAR BOARD MEETING
OCTOBER 19th, 2021

Resolution #84-21

Authorization to Pay the 2021 Audited Vouchers

Claim Category	Voucher Numbers	Claim Amount
GENERAL		
HIGHWAY		
WATER		
SEWER		
HALL LIGHTING		
STANLEY LIGHTING		
SENECA CASTLE LIGHTING		
TRUST & AGENCY		
WATER CAPITAL SYSTEM		

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Resolution #85-21

2021-2022 Ontario County Snow & Ice Removal Contract

WHEREAS, Ontario County has presented an agreement to the Town of Seneca for the employment of snow and ice control services from October 1, 2021 through September 30, 2022; and

WHEREAS, per this agreement the Town of Seneca will be reimbursed at a rate of \$5,800.00 per mile for a total of 14.13 miles as outlined in Schedule A; and

WHEREAS, it is the recommendation of the Highway Superintendent to accept this agreement; and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby accepts the agreement with Ontario County to provide snow and ice control services and authorizes the Supervisor to execute said agreement.

AYES	NAYS	ABSTAIN	ABSENT	MOTION	SECONDED	CARRIED

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Resolution #86-21
New Highway Employee Hire

WHEREAS, the Town of Seneca Highway Department maintains over 75 miles of roadway with over 2,500 residents. This requires a full staff of skilled employees; and

WHEREAS, the Highway Department has had an MEO vacancy to fill since March of 2021; and

WHEREAS, after reviewing applications and conducting interviews, Highway Superintendent Lawson hired Tim Marcellus to fill the vacancy which started on October 18th, 2021; and

WHEREAS, the position offers benefits and will be paid at a rate of \$25.00 per hour; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Seneca hereby stands with Superintendent Lawson's new Highway Hire.

AYES	NAYS	ABSTAIN	ABSENT	MOTION	SECONDED	CARRIED

TOWN OF SENECA
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Resolution #87-21
Adoption of Local Law #1-2021

WHEREAS, Real Property Tax Law ("RPTL") §487 establishes real property tax exemptions for certain energy systems; and

WHEREAS, pursuant to RPTL §487(8), towns may exact local laws providing that the exemptions set forth in RPTL §487 shall not be applicable within their jurisdictions ("opt-out"); and

WHEREAS, on December 16, 2014 the Town of Seneca ("Town") enacted Local Law No. 5 of 2014 ("2014 Local Law") opting out of the real property tax exemption relating to solar and wind energy systems set forth in RPTL §487; and

WHEREAS, on February 20, 2018 the Town enacted Local Law No. 1 of 2018 opting out of §487 exemptions relating to farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment, electric energy storage systems and fuel-flexible linear generator electric generating systems; and

WHEREAS, in recent litigation, it has been alleged that there was a procedural deficiency in the enactment of the 2014 Local Law; and

WHEREAS, the Town is defending the validity of the 2014 Local Law in that action and maintains that the Town's prior opt-out of all RPTL §487 exemptions remains in effect; and

WHEREAS, the Town seeks to reiterate its intent to opt-out of all RPTL §487 exemptions and eliminate basis for any future allegations of procedural deficiencies; and

WHEREAS, a Notice of Public Hearing was duly advertised in accordance with law; and

WHEREAS, said public hearing was duly held at the Town of Seneca Town Hall at 3675 Flint Road, Stanley, NY 14561 on the 19th day of October, 2021 at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the town Board of the Town of Seneca, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; it is therefore

RESOLVED, that the Town Local Law #1-2021 entitled "A Local Law Opting Out of Real Property Tax Law" is hereby adopted as follows:

AYES	NAYS	ABSTAIN	ABSENT	MOTION	SECONDED	CARRIED

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LOCAL LAW OPTING OUT OF REAL PROPERTY TAX LAW §487

Be it enacted by the Town of Seneca that:

Section I: Authorization

Section 487(8) of New York's Real Property Tax Law ("RPTL")

Section II: Title and Purpose

The purpose of this Local Law is to enable to Town of Seneca to opt-out of all energy system real property tax assessment exemptions afforded pursuant to RPTL §487. It is the Town's intent by the adoption hereof to include all the types of RPTL §487 energy systems in the opt-out.

Section III: Legislative Finding

The Town is experiencing an influx of energy systems and it is the intent of the Town to capture tax revenues from the development of such facilities and to ensure that these facilities are treated equally with other commercially taxed properties within the Town.

Section IV: Amendment

- a. No exemption under Real Property Tax Law §487 shall be applicable to Town of Seneca Taxes
- b. Solar or wind energy systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment, electric energy storage systems and fuel-flexible linear generator electric generating systems shall be taxable real property and subject to all applicable to town taxes.

Section V: Validity and Severability

Should any work, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part thereof.

Section VI: Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Seneca which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII: Effective Date

This Local Law will take effect upon filing in the Office of the New York State Secretary of State; and it is

FURTHER RESOLVED that a copy of the Local Law shall be filed with the Ontario County Clerk, Ontario County Real Property Tax Services Director, the New York State Commissioner of Taxation and Finance and the President of the New York State Energy Research and Development Authority.