

Requesting Legislation Granting Ulster County Eligibility Under Article IV Title II Of The State Of New York Real Property Tax Law To Implement A County Resolution Providing For A Ten Percent (10%) Exemption From Taxation For Real Property Owned By An Enrolled Member Of An Incorporated Volunteer Fire Company, Fire Department Or Incorporated Voluntary Ambulance Service

Legislators Aiello, Alfonso, Busick, Cummings, Every, Fabiano, Felicello, Gerentine, Harris, McAfee, Noonan and Roberti and Legislators Bartels, Berardi, Bischoff, Cahill, Distel, Donaldson, Gregorius, Kraft, Liepmann, Lomita, Loughran, R.A. Parete, R.S. Parete, Provenzano, Rodriguez, Shapiro, Sheeley, Stoeckeler, Terpening and Zimet offer the following:

WHEREAS, members of volunteer fire companies, fire departments and voluntary ambulance services provide invaluable services to the people of Ulster County, and

WHEREAS, these volunteers must undertake numerous hours of training to be certified and re-certified, on their own time and frequently at their own personal expense, and

WHEREAS, these volunteers discharge their duties, which are often dangerous and come at great personal sacrifice, without the expectation of personal recognition or reward, and

WHEREAS, it is in the best interest of Ulster County to act to support such volunteers, to maintain the existing ranks of the volunteer corps and to encourage new members to join.

RESOLVED, that the New York State Legislature and New York State Governor are requested to pass legislation granting Ulster County eligibility under Article IV Title II of the State Of New York Real Property Tax Law to implement a county resolution providing for a ten percent (10%) exemption from taxation for real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, and

FURTHER RESOLVED, that the Chairman and the Clerk of the Ulster County Legislature be authorized to execute and submit a Home Rule Request (Request by a Local Government for Enactment of a Special Law), pursuant to Article IX of the Constitution, and

[FURTHER RESOLVED, that the Home Rule Request ask that the State Legislature add to Section 466 of the Real Property Law the following:

Resolution No. 93 March 8, 2006

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1. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in any county having a population of more than one hundred seventy-seven thousand inhabitants but less than one hundred eighty-two thousand inhabitants, determined in accordance with the latest federal decennial census shall be exempt from taxation to the extent of ten percent of the assessed value of such property for city, village, town, part town, special district, school, or county purposes, exclusive of special assessments, provided that the governing body of a city, village, town, or county, after a public hearing, adopts a local law, ordinance, or resolution providing therefor; provided further, however, that such exemption shall in no event exceed three thousand dollars multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

2. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service unless:(a) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;(b) the property is the primary residence of the applicant;(c) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence 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; and(d) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty and responsibility of the municipality, school district, and/or fire district which adopts a local law, ordinance or resolution pursuant to this section to determine the procedure for certification.

3. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as

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authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state provided that the governing body of a city, village, town, school district, fire district, or county, after a public hearing, adopts a local law, ordinance or resolution providing therefor.

4. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district, and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the state board.

5. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor George E. Pataki, Comptroller Alan Hevesi, Senate Majority Leader Joseph Bruno, Senate Minority Leader David A. Paterson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Paul A. Tokasz, Assembly Minority Leader Charles Nesbitt, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin Cahill, Clifford Crouch, Daniel Hooker and Thomas Kirwan, and the New York State Association of Counties,]

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 28 NOES: 1
(NOES: Legislator Dart)
(Legislator Liepmann left at 7:30 PM)
(Absent: Legislators Aiello, Alfonso and Gerentine)

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Legislator Sheeley motioned, seconded by Legislator Bischoff to amend the resolution as shown in [].

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 28 NOES: 1
(NOES: Legislator Dart)
(Legislator Liepmann left at 7:30 PM)
(Absent: Legislators Aiello, Alfonso and Gerentine)

Legislator Dart motioned, seconded by Legislator Noonan to refer the resolution back to the Criminal Justice and Safety Committee.

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 7 NOES: 22
(AYES: Legislators Dart, Busick, Cummings, Felicello, Harris, McAfee and Noonan)
(Legislator Liepmann left at 7:30 PM)
(Absent: Legislators Aiello, Alfonso and Gerentine)

FINANCIAL IMPACT:
NONE

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