

May 18, 2023

REGULAR MEETING, TOWN OF THURMAN MAY 18, 2023

A meeting of the Town Board of the Town of Thurman, County of Warren and the State of New York was held at the town hall, 311 Athol Road, Athol, NY on the 18th day of May 2023.

BOARD MEMBERS PRESENT:

Debra Runyon Supervisor
Randy Galusha Councilperson
Charles Bills Councilperson
Ed Brown Councilperson
Doug Needham Councilperson

ALSO PRESENT:

Patrick Wood Highway Superintendent
Cynthia Hyde Town Clerk

Supervisor Runyon called the meeting to order at 4:30 pm with the pledge to the flag.

ROLL CALL

RESOLUTION 37-2023

RESOLUTION TO APPROVE PAYMENT OF THE CLAIMS

On a motion of Councilman Brown, seconded by Councilman Galusha, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
 Nays 0

TOTAL OF ABSTRACT 5, GENERAL FUND, MAY 18, 2023	<u>\$ 48,013.53</u>
TOTAL OF ABSTRACT 5, HIGHWAY FUND, MAY 18, 2023	<u>\$31,790.66</u>
TOTAL CLAIMS FOR MAY 18, 2023	<u>\$79,804.29</u>

RESOLUTION 38-2023

RESOLUTION AUTHORIZING THE SUPERVISOR TO HIRE A CEMETERY MAINTENANCE WORKER

On a motion of Councilman Needham, seconded by Councilman Bills, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

WHEREAS the Town Supervisor has been informed that the Highway Department will be able to clean the cemeteries prior to Memorial Day, but not after that, and

WHEREAS the town will require someone to mow, weed whack, fix fencing and other cemetery maintenance throughout the summer and fall, be it

RESOLVED: The Town Board authorizes the Town Supervisor to hire a cemetery maintenance worker as a seasonal part time position at a rate of \$16.00 per hour.

DISCUSSION: Discussion ensued regarding a new cemetery worker.

RESOLUTION 39-2023

RESOLUTION TO PROVIDE OCCUPANCY TAX FUNDS FOR THE TOWNWIDE GARAGE SALE

On a motion of Councilman Galusha, seconded by Councilman Brown, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

WHEREAS Lisa Taylor is interested in overseeing the Thurman Town Wide Garage Sale event on June 9th, 10th and 11th, and

WHEREAS Lisa Taylor – Organizer/Chair of the Town Wide Garage Sale Committee has requested \$3,500 of Occupancy Tax Funds to help fund the event, be it

RESOLVED: The Town Board authorizes the payment of \$2,375.00 to cover the cost of advertising and the cost of a handicap porta potty.

DISCUSSION: The town board discussed the upcoming town wide garage sale.

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RESOLUTION 40-2023

RESOLUTION TO ALLOW RESIDENTS TO RENT TABLES FROM THE TOWN HALL FOR THE TOWNWIDE GARAGE SALE

On a motion of Councilman Brown, seconded by Councilman Galusha, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

WHEREAS several residents have requested the ability to use tables here at the Town Hall for the Town Wide Garage Sale, be it

RESOLVED: The Town Board authorizes the renting of tables from the Town Hall for a small fee of \$5 for a table and \$5 for a space, for Saturday and Sunday, and be it

RESOLVED: that the tables are only to be placed across the street in the Highway parking area or the parking area in front of the Town Hall, and NOT in front of the Highway Garage.

RESOLUTION 41-2023

RESOLUTION TO AMEND THE TOWN HALL RENTAL AGREEMENT

On a motion of Councilman Needham, seconded by Councilman Bills, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

WHEREAS the town hall has been rented recently and disrespectful behavior has occurred resulting in damage and liability issues, and

WHEREAS the Town Board agrees that a substantial increase in the deposit amount

which will not be returned unless the building is left clean, no damage has been incurred, and the doors and windows are closed and locked should be a deterrent to this disrespectful behavior, be it

RESOLVED: The Town Board approves of the attached amended Town Hall Rental Agreement, which includes a substantial increase in the deposit amount while allowing the actual rental amount to remain the same as long as the new rules are followed

DISCUSSION: Discussion ensued regarding town hall rentals.

RESOLUTION 42-2023

RESOLUTION OF THE TOWN OF THURMAN REQUESTING THAT GOVERNOR HOCHUL SUPPORT LEGISLATION THAT WILL ALLOW TOWNS THE OPTION TO ASSESS ALL NEWLY CONSTRUCTED CONDOMINIUMS IN A MANNER THAT REFLECTS THE MOST CURRENT MARKET VALUE

On a motion of Councilman Brown, seconded by Councilman Bills, the resolution was (see resolution attached)

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

RESOLUTION 43-2023

RESOLUTION TO APPROVE BUDGET ADJUSTMENTS

On a motion of Councilman Brown, seconded by Councilman Needham, the following resolution was

ADOPTED Ayes 5 Runyon, Galusha, Bills, Needham, Brown
Nays 0

WHEREAS there are two budget codes that require a budget adjustment to prevent them from being in the negative, be it

RESOLVED: The Town Board approves the budget adjustment listed below to maintain a positive balance in expenditure codes:

Increase A2401 Interest Earnings	\$3,666.91
Increase A1910.4 Unallocated Insurance	\$3,666.91
Increase A9040.8 Worker's Comp	\$1,892.00
Decrease A9030.8 Social Security	\$1,892.00

DISCUSSION: Supervisor Runyon stated that \$4,706.44 in interest was earned in the NY Class account for the month of May and that the interest earned in the NY Class account in the last 12 months is \$23,172. Supervisor Runyon said that she has completed the 2018, the 2019 and the 2020 AUD (Annual Update Document). The supervisor also announced that the \$4,000.00 grant for the archery program has been received and that the town is also eligible for \$1,906.00 for 2023 youth recreation reimbursement. It was also stated that the sales tax is up 3% this year.

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UPCOMING EVENTS IN THE TOWN OF THURMAN: The upcoming events are, a slide show by the town historian on May 27 at 7, the town wide yard sale on June 9, 10 and 11 from 9-5 and the Woods Walk on June 3 from 10-4.

DISCUSSION: Discussion ensued regarding maintenance and items needed for the recreation area.

PRIVILEGE OF THE FLOOR: Several people spoke during privilege of the floor.

DISCUSSION: Discussion ensued regarding board members calling the town attorney

ADJOURN:

On a motion of Councilman Needham, seconded by Councilman Brown, the town board adjourned the meeting at 5:47 pm.

MOTION CARRIED Ayes 5 Runyon, Galusha, Brown, Needham, Bills
Nays 0

Respectfully Submitted

Cynthia Hyde, Town Clerk
June 1, 2023

m EB and CB
5 Ayes

Town of Thurman

RESOLUTION No. XXX OF 2023

RESOLUTION OF THE TOWN OF Thurman REQUESTING THAT GOVERNOR HOCHUL SUPPORT LEGISLATION THAT WILL ALLOW TOWNS THE OPTION TO ASSESS ALL NEWLY CONSTRUCTED CONDOMINIUMS IN A MANNER THAT REFLECTS THE MOST CURRENT MARKET VALUE

WHEREAS, in 1975, section 306 of the State Real Property Tax Law directed that, “All real property in each assessing unit shall be assessed at the full value thereof”, and

WHEREAS, residential condominium units in some municipalities incur less taxes than those of comparably priced homes under conventional forms of property ownership pursuant to the provisions of § 581.1(a) of the Real Property Tax Law (“RPTL”) which governs how condominium units are assessed for tax purposes; and

WHEREAS, pursuant to the provisions of § 581.1(c) of the RPTL, § 581.1(a) does not apply to a “converted condominium” unit in a municipal corporation which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law providing that the provisions of § 581.1(a) shall not apply to converted condominium units; and

WHEREAS, the Town Board of Thurman believes that it is in the best interests of its municipalities to have the option to exempt “newly constructed” condominiums from the provisions of § 581.1(a) of the RPTL in the same manner that § 581.1(c) of the RPTL provides an exemption for converted condominiums; and

WHEREAS, because of its attractive location, many towns are popular destinations for those seeking second homes, most of which would be characterized as expensive, and are intentionally condominimized by developers seeking preferential tax treatment, which shifts the tax burden to other residential property owners, often those who can least afford it, and

WHEREAS, New York State Assessors Association supports legislation that will allow municipalities to assess newly constructed condominiums to reflect the most current market values; and

WHEREAS, the New York State Assessor's Association has a longstanding voice expressing support for a change in the methodology for condominium valuation for the purposes of taxation to reflect current market values, similarly to that of residential properties; and

WHEREAS, currently, condominiums are valued based on a restricted methodology that has no resemblance to market value; and

WHEREAS, The Town of Thurman now seeks an amendment to § 581.1(a) of the RPTL or legislation authorizing a Home Rule request or any other NYS legislation that would permit municipalities to opt for the ability to exempt "newly constructed" condominiums from the provisions of § 581.1(a) of the RPTL, and

WHEREAS, as the New York State's Attorney General's Office states, a condominium (condo) is a single real estate unit in a multi-unit development in which an owner has both of the following: Separate (individual) ownership of a unit and undivided interest in the common elements of the building, and

WHEREAS, Syracuse.com reported that, "One condo in Skaneateles sold for \$2.2 million. It was assessed and taxed as if it were worth just \$464,000", and

WHEREAS, legislation introduced and passed in both houses to amend the real property tax law (Assembly bill A3491B and Senate bill S5946), in relation to the taxation of property owned by a cooperative corporation, and

WHEREAS, that legislation, passed by both houses of the New York State legislature, amended section 581 of the real property tax law allowing municipalities, if they choose, to treat future residential condominiums assessment based on market value, the same as for single family residential assessments, and

WHEREAS, in December, 2022, Governor Hochul vetoed legislation that would have brought greater equity in the assessment of residential housing and would generate more revenue, and

WHEREAS, Governor Hochul signed a law that enabled the Town of Greenburgh to tax future condominium construction as residential properties, and

WHEREAS, there are many towns in New York, like Greenburgh, that have spent considerable time and money to assess properties at 100% equalization levels, and

WHEREAS, the Town of Thurman wishes to assure real property tax equity for all forms of housing in in its Town, and

WHEREAS, the Town of Thurman supports legislation that would close the door on homebuilders who wish to seek unfair market advantages for their expensive homes, classified as condominiums, and giving big tax breaks to owners of big suburban homes classified as condominiums, and

WHEREAS, the current law enables significant tax breaks for the owners of condominiums, often very expensive condominiums, and are tax breaks that all other property owners must burden, making single family homes, for example, more expensive to own, and school and local government tax burdens greater for single family homeowners, and

WHEREAS, the Town of Thurman also wishes to deter Town residential developers from abusing the current law and give significant tax breaks to expensive homeowners at the expense of the creation of more affordable homeowners, and

WHEREAS, the original bill, that was vetoed by the current governor, would have allowed municipalities to decide for themselves if they wish to maintain the current condominium loophole or opt out, thus maintaining New York's long tradition of Home Rule, and

WHEREAS, the choice of the municipality to abandon the Condominium loophole law would be in accord with New York State's Section 10 of the Municipal Home Rule law, and

WHEREAS, according to the Lake George Mirror, "It is estimated that under current law, condo owners' county, town and school tax bills are 30 to 40% less than what they ought to be – leaving other property owners to make up the difference", and

RESOLVED, that the Town of Thurman, like the Town of Greenburgh, wish to have the same ability to have the OPTION of assessing condominiums and cooperatives the same as single family housing, based on market values, which would provide more equity in taxation and fairness in assessment.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Kathy Hochul, Senator Stec, Assemblywoman Carrie Woerner and Assemblyman Simpson.