

Regular Monthly Meeting
Caledonia Town Board
August 10, 2017

The Regular Monthly Meeting of the Town Board of the Town of Caledonia was held August 10, 2017, at 7:00 P.M., at the Town Hall, 3109 Main Street, Caledonia, NY.

Supervisor Pangrazio called the meeting or order and led in the Pledge of Allegiance.

PRESENT:

Supervisor	Daniel Pangrazio
Councilwoman	Pamela Rychlicki
Councilman	Mark Rothrock
Councilman	Todd Bickford
Councilman	Tim Anderson
Town Clerk	Laurie Sattora

RESOLUTION 113-2017

APPROVAL OF JULY 13, 2017 MINUTES

On motion of Councilman Bickford seconded by Councilman Rothrock the following resolution was ADOPTED- Aye- Pangrazio, Rychlicki, Anderson, Bickford, Rothrock Absent-0 Nay-0
RESOLVED, that the minutes of July 13, 2017 be approved as presented.

OPEN FORUM

No one requested the privilege of the floor.

ANNOUNCEMENTS/COMMUNICATIONS

Supervisor Pangrazio reviewed the following announcements and communications with the Board:

- A copy of the most recent Livingston County Planning Board Agenda.
- Letter from Livingston County Development about the Livingston County Sign and Façade Improvement Program. Applicant was denied funding as the project was considered normal maintenance.
- A copy of the most recent Caledonia Fire Department Audit.
- Attorney Skivington will be representing the Town in the Article 78's filed against the Town.
- Letter received from New York State Dept. of Taxation and Finance regarding the State Equalization Rate for the Town of Caledonia. The Town of Caledonia's Final State Equalization rate is 97%. The equalization rates on the surrounding Towns are:
 - Avon, Leicester, Livonia, and York are at 98%.
 - Conesus and Lima are at 95%
 - Ossian, Mount Morris, Nunda, Portage, Springwater, West Sparta, Sparta, and North Dansville are at 100%.
 - Groveland and Geneseo are at 96%.

7:15 OPEN PUBLIC HEARING FOR LOCAL LAW No. 2 FOR 2017

Supervisor Pangrazio opened the Public Hearing for proposed Local Law No. 2 For 2017. Town Clerk Laurie Sattora read the Legal Notice that was published in the Livingston County News and that was also posted on the Town Website and in the Town Hall. Supervisor Pangrazio reviewed the Proposed Local Law with the Board.

Supervisor Pangrazio gave a brief review of the 485-n exemption program for improvements to commercial or residential property that are located within the Village of Caledonia. Supervisor Pangrazio asked the board if they had any questions or comments. No one was present and the Board had no comments or questions at this time on the proposed Local Law.

DEPARTMENTS/COMMITTEES

ATTORNEY PETER SKIVINGTON -NOT REQUIRED

CODE ENFORCEMENT – TOM PERKINS-NOT REQUIRED

PLANNING BOARD – COUNCILWOMAN PAM RYCHLICKI

Councilwoman Rychlicki updated the Board on the July Planning Board Meeting.

BUILDING & GROUNDS-SUPERVISOR PANGRAZIO

Supervisor Pangrazio updated the Board on the parking area behind the Town Hall. The Town is waiting for the surveyor to finish the Mylar so that Attorney Skivington can complete the property transaction. The Town received a quote on the stone & oil for the parking area.

HIGHWAY DEPARTMENT-MARK SCHROEDER

Highway Superintendent Mark Schroeder was unable to attend tonight's meeting so Supervisor Pangrazio updated the Board on what the Highway Department has been working on:

- The Highway Department has been working for other Towns in Livingston County.
- Mowing the roadsides.
- Stone & Oiled McCorkindale, Neale, and Maxwell Station Roads.
- Road repairs on Sand Hill Road.
- Installed a culvert on McIntyre Road.

TOWN CLERK'S REPORT JULY 2017

TOWN CLERK-LAURIE SATTORA

Town Clerk Laurie Sattora submitted her monthly report to the Town Board for the month of July 2017.

TOWN CLERK'S REPORT JULY 2017

Total Local Shares Remitted to Town Supervisor	\$ 2,332.73
Amount paid to: NYS Ag. & Markets Animal Population Control Fund	\$ 66.00
Amount paid to: NYS Department of Health – Marriage License	\$ 67.50
Amount paid to: NYS Department of Environmental Conservation – ACH (Electronically)	\$ 629.02
Total State, County & Local Revenues for July 2017	\$ 3,095.25

RESOLUTION 114-2017

ACCEPT JULY 2017 TOWN CLERK'S MONTHLY REPORT

On motion of Councilwoman Rychlicki seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that the July 2017 Town Clerk's monthly report was approved as presented.

OLD BUSINESS

2018 BUDGET UPDATE

Supervisor Pangrazio and the Board discussed the 2018 Budget. The tax levy limit number for the 2018 Budget is \$22,297.00. This means that if you take our 2017 tax levy of \$801,581.00 and you add the \$22,297.00 to that number your total tax levy must stay under \$823,878.00 to not go over the Tax Cap. The preliminary numbers predict that Health Care alone is going up a minimum of 5% and Supervisor Pangrazio has not heard about the NYS Retirement increases yet or any corrections or chargebacks from the County and uncontrollable costs. These budgetary line items alone make it extremely difficult for the Town's to stay within the cap for 2018 and still meet the taxpayer's needs. If the Town was to stay under the 1.84% Tax Cap, the Town would have no other choice but to reduce services and eliminate projects and necessary repairs to

our infrastructure. Supervisor Pangrazio and the Board all agreed that to be fiscally responsible and keep all necessary services for our Town and Village residents they need to go over the cap due to the uncertainties of the increases and uncontrollable costs.

STORMWATER MANAGEMENT PLAN SUITKOTE

The Stormwater Management Plan has been signed by Supervisor Pangrazio and the SuitKote representatives and is on file.

NEW BUSINESS

7:45 P.M. CLOSE PUBLIC HEARING ON LOCAL LAW No. 2 FOR 2017

Supervisor Pangrazio asked if any Board Members or anyone from the public would like to speak on the Proposed **LOCAL LAW No. 2 for 2017**. No one present had any questions or concerns, so Supervisor Pangrazio closed the public hearing.

RESOLUTION 115-2017

ADOPTION OF LOCAL LAW No. 2 FOR 2017-AMENDING CHAPTER 15 ADDING

On motion of Councilman Rothrock seconded by Councilwoman Rychlicki the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, whereas at a meeting held on July 13, 2017 a proposed Local Law was introduced. A Local Law Amending Chapter 115 adding Article IV that is entitled:

Town of Caledonia Real Property Tax Exemptions for Improvements to Commercial or Residential Real Property within the Village of Caledonia.

Section 1. Title and Legislative Authority. This Local Law is enacted pursuant to the authority conferred by New York State Real Property Tax Law Section 485-n and shall be called the Town of Caledonia Real Property Tax Exemptions for Improvements to Commercial or Residential Real Property. The Town of Caledonia is a municipality which qualifies for the exemptions provided in RPTL §485-n pursuant to Section 3 (g) of RPTL §485-n.

Section 2. Legislative Purpose. It has been determined by the Town Board that it is in the best interest of the public health, safety, and welfare to encourage the investment in improvements in commercial or residential real properties. It will serve the public interest to allow for certain qualified real property tax exemptions in order to encourage investment in such improvements.

Section 3. Residential – Commercial Exemption Program.

Definitions. As used in this Local Law, the following terms shall have the following meanings:

(a) "Applicant" means any person obligated to pay real property taxes on real property for which an exemption from taxes under this Local Law is sought.

(b) "Benefit area" means the area within the Village of Caledonia, to which an exemption, established pursuant to this Local Law applies.

(c) "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of commercial use property or the portion of mixed-use property to be used for commercial purposes.

(d) "Commercial purpose or use" means the buying, selling, or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted upon mixed-use property.

(e) "Commercial use property" means real property on which will exist, after completion of commercial construction work, a building used for commercial purposes or use.

(f) "Mixed-use property" means real property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and

commercial purposes.

(g) "Municipality" means the Town of Caledonia, which is located in a county having a population of not less than sixty-five thousand three hundred ninety (65,390) and not more than sixty-five thousand four hundred (65,400) as determined by the federal decennial census for the year two thousand ten (2010).

(h) "Residential construction work" means the creation, modernization, rehabilitation, expansion, or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Section 4. (A) The Town of Caledonia hereby provides for the exemption of real property from taxation in a designated benefit area as provided in this Local Law. The Benefit area consists of the area within the Village of Caledonia.

(B) The Supervisor, subject to the approval of the Town Board, shall appoint a Commercial/Mixed Use Incentive Board which shall be responsible for designating the benefit area to be exempt from taxation as provided in this Local Law.

The Commercial/Mixed Use Incentive Board shall consist of three (3) members.

(C) Duties of the Commercial/Mixed Use Incentive Board. The Commercial/Mixed Use Incentive Board shall present a plan to the Town Board concerning the various types of commercial and/or mixed use properties which may be granted an exemption pursuant to this local law. In addition, such plan shall identify designated benefit areas, within which such exemption may be offered. In developing such plan, the Commercial/Mixed Use Incentive Board shall consider the planning objectives of the Town of Caledonia and the necessity of the exemption to the attraction of commercial and mixed-use development as identified by the Town of Caledonia and the economic benefit to the area of providing exemptions to commercial and mixed-use properties. In instances where a municipality has previously designated a business district encompassing a defined area which was subject to public input and was approved by and received funding for economic development purposes from a state agency, the Town of Caledonia may utilize the defined boundaries of such previously defined area, or a combination of such boundaries subject to review by the Commercial/Mixed Use Incentive Board.

Section 5. Upon the adoption of this Local Law, the Commercial Use Property or Mixed-Use Property that was converted, created, modernized, rehabilitated, expanded or otherwise improved, shall be exempt from taxation and special ad valorem levies as provided for in Section Four of this Local Law.

Section 6. (A) (i) For a period of twelve years following the approval of an application, the increase in assessed value of such property attributable to such conversion, creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following shall determine the computation of the tax exemption:

Year of Exemption	Percentage of exemption
1 through 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

(B) No such exemption shall be granted unless:

- (i) Such conversion, creation, modernization, rehabilitation, expansion, or other improvement was commenced subsequent to the date on which this Local Law took effect; and

(ii) The cost of such conversion exceeds the sum of ten thousand dollars (\$10,000.00).

(C) For the purposes of this Local Law the term “conversion, creation, modernization, rehabilitation, expansion or other improvement” shall not include ordinary maintenance and repairs.

(D) No such exemption shall be granted concurrent with, or subsequent to, any other real property tax exemption granted to the same improvements to the real property, except, where during the period of a previous exemption, payments in lieu of taxes or other payments were made to the Town of Caledonia in an amount that would have been equal to, or greater than, the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this Local Law. In such case, an exemption shall be granted for a number of years equal to the twelve-year exemption granted pursuant to this Local Law less the number of years the property would have been previously exempt from real property taxes.

Section 7. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed by the NYS Commission of Taxation and Finance. Such application shall be filed with the assessor of the municipality or county having the power to assess property for taxation on or before the appropriate taxable status date of such municipality or county.

Section 8. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this Local Law, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies, as proved in this Local Law commencing with the assessment roll prepared after the taxable status date referred to in this Local Law. The assessed value of any exemption granted pursuant to this Local Law shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 9. This Local Law shall become effective immediately and shall remain in effect so long as New York State Real Property Tax Law Section 485-n remains in effect or for such longer period as may be otherwise be permitted by New York State law.

CODE REVISIONS

A comprehensive review of our Town Code began this past spring to identify conflicts, inconsistencies and areas that are in need of updating. A committee consisting of Supervisor Daniel Pangrazio, Code Enforcement Officer Tom Perkins, Planning Board Co-Chair Joan Crunden and Town Clerk Laurie Sattora have been meeting to review the Town Code on a consistent basis. The committee has decided that it would be wise to amend the Code in several phases. The Board all received copies of the proposed Local Law to Amend the Code .

Supervisor Pangrazio stated that we are addressing these areas first since Mr. & Mrs. Dan Welch have appeared before the PB to have an Event Barn (Oak Knoll Manor) on the property they own at 3956 Caledonia Avon Rd. An Event Barn is currently not listed as a permitted use in any part of our Town Code. The Planning Board along with Attorney Skivington felt that this needed to be addressed as a Conditional Use in the Code in Chapter 130-11 as Event Barns are currently not listed as a permitted use in any part of our Town Code and these Event Centers are quite popular.

This first phase of Code amendments addresses the following areas:

ZONING DISTRICTS TO BE IMPACTED BY THESE AMENDMENTS ARE:

AGRICULTURAL/RURAL RESIDENTIAL (R-R) & RESIDENTIAL (R-1)

- Chapters 34 Amusements
- Chapter 42 Bed-and Breakfast Establishments
- Chapter 130 Zoning Article I General Provisions 130-8 Definitions
- Article II R-R 130-11 Conditional Uses
- Article III R-1 Residence Districts Chapter 130-16 Prohibited Uses
- Article XV Special Regulations Section 130-85 and Section 130-85.1

We have sent these amendments over to Livingston County Planning for review and recommendations along with General Code, and Chatfield Engineering. The County will review these changes at its meeting tonight and we will have comments for our September 14th meeting.

INTRODUCE LOCAL LAW No. 3 FOR 2017 – CODE REVISIONS

Supervisor Pangrazio introduced Local Law No. 3 For 2017. This proposed Local Law will amend Chapter Chapters 34 Amusements, Chapter 42 Bed and Breakfast Establishments, Chapter 130 Article I General Provisions, Section 130-8 Definitions, Article II R-R Section 130-11 Conditional Uses, Article III R-1 Residence Districts Section 130-16 Prohibited Uses, Article XV Special Regulations, Section 130-85 and Section 130-85.1 of the Code of the Town of Caledonia.

RESOLUTION 116- 2017

PUBLIC HEARING LOCAL LAW No. 3 FOR 2017 – SEPTEMBER 14, 2017 – 7:15 P.M.

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that after introduction at the August 10, 2017 Town Board meeting, the Town Board the Town of Caledonia is considering proposed **Local Law No. 3 For 2017** and shall hold a Public Hearing on **Local Law No. 3 For 2017** on Thursday, September 14, 2017 at 7:15 P.M. A Local Law amending the Chapters 34 Amusements, Chapter 42 Bed and Breakfast Establishments, Chapter 130 Article I General Provisions, Section 130-8 Definitions, Article II R-R Section 130-11 Conditional Uses, Article III R-1 Residence Districts Section 130-16 Prohibited Uses, Article XV Special Regulations, Section 130-85 and Section 130-85.1 of the Code of the Town of Caledonia.

RESOLUTION 117- 2017

OCTOBER MEETING DATE CHANGE

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that the October Town Board Meeting Date be moved from October 12, 2017 to Thursday October 19, 2017 at 7:00 P.M.

INTRODUCE LOCAL LAW No. 4 FOR 2017 – TAX CAP OVERRIDE

Supervisor Pangrazio introduced proposed Local Law No. 4 for the year 2017. It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Caledonia, County of Livingston pursuant to General Municipal Law §3-c, and to allow the Town of Caledonia, County of Livingston to adopt a Town Budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

RESOLUTION 118-2017

PUBLIC HEARING LOCAL LAW No. 4 FOR 2017 -SEPTEMBER 14, 2017 – 7:30 P.M.

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was

ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that after introduction at our August 10, 2017 Town Board meeting, the Town of Caledonia is considering proposed **LOCAL LAW No. 4 FOR 2017** to override the limit on the amount of real property taxes that may be levied by the Town of Caledonia, County of Livingston pursuant to General Municipal Law §3-c, and to allow the Town of Caledonia, County of Livingston to adopt a Town Budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c. The Town of Caledonia is concerned about uncertainties in the existing Tax Cap Law, including how **uncontrollable costs** and uncertain expenditures mandated by law and uncertain expenditures and revenues controlled by the County and State interact with the Tax Cap. The Town Board is obligated to prepare a responsible budget, which meets the Town’s mandated obligations and provides beneficial services, while minimizing the tax burden on the citizens of Caledonia.

THEREFORE, pursuant to statute the Town Board will hold a public hearing on said **LOCAL LAW No. 4 FOR 2017** at 7:30 P.M. on Thursday, September 14, 2017 at the Caledonia Town Hall, 3109 Main Street, Caledonia, Livingston County New York, at which time and place all persons interested will be heard. A copy of the proposed Local Law is on file for public review at the Town Office of the Town of Caledonia during normal business hours.

RESOLUTION 119- 2017

INTERMUNICIPAL AGREEMENT FOR SHARED HIGHWAY SERVICES INCENTIVE-SMSI GRANT 2017-2018

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that Supervisor Pangrazio is authorized to sign the Intermunicipal Agreement for the Shared Highway Services Incentive SMSI Grant.

RESOLUTION 120- 2017

BUDGET ADJUSTMENTS TO INCREASE EXPENDITURE ACCOUNT DB5110.400 GENERAL REPAIRS CONTRACTUAL AND INCREASE REVENUE ACCOUNT DB1789 OTHER TRANSPORTATION INCOME

On motion of Councilman Rothrock seconded by Councilwoman Rychlicki the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford Nay-0 Absent – Rothrock

RESOLVED, that the Supervisor Pangrazio is authorized to make the following Budgetary Adjustments:

Increase Expenditures in DB5110.400 (General Repairs Contractual) \$13,000.00 and Increase Revenue Account DB1789 (Other Transportation Income) \$13,000.00.

RESOLUTION 121 -2017

AMENDMENT TO RULES AND REGULATIONS FOR HEALTHCARE FOR HIGHWAY AND NON-HIGHWAY EMPLOYEES

On motion of Councilman Anderson seconded by Councilwoman Rychlicki the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that the Rules and Regulations for Highway and Non-Highway Employees be amended to state that Healthcare is available to all Full-Time employees after 90 days of employment.

REVIEW OF SUPERVISORS REPORT

All Board Members have received via e-mail prior to the board meeting copies of the Monthly Supervisor’s Report which includes up to date Trial Balances and Budget to Actual revenues and expenditures and trial balances. All Board Members signed off on all the reports.

AUDIT OF ABSTRACT OF PAID VOUCHERS AND TRIAL BALANCES

The Board audited the Abstract of paid Vouchers and trial balances.

RESOLUTION 122-2017

PAYMENT OF BILLS

On motion of Councilman Rothrock seconded by Councilwoman Rychlicki the following resolution was ADOPTED – Aye – Pangrazio, Anderson, Rychlicki, Bickford, Rothrock Nay-0 Absent –0

RESOLVED, that the bills be paid in the following amounts:

GENERAL FUND A - Voucher #'s 230 - 247, 249-256	\$ 7,877.52
B FUND - Voucher # 248	\$ 154.50
HIGHWAY FUND DB - Voucher #'s 119-138	\$ 57,085.83
GRAND TOTALS	\$ 65,117.85

On motion to adjourn by Councilwoman Rychlicki seconded by Councilman Rothrock and carried by all, the board meeting was adjourned.

Respectfully Submitted,
Laurie Sattora
Town Clerk

