

RESOLUTION No. 2023-003 v.2

Enacting Local Law No. 2 of 2023 Amending Chapter 207 of the Village Code Entitled “Taxation” to add a New Article Providing a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the NY Real Property Tax Law

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 8th day of March, 2023, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and _____, seconded by _____ Trustee _____, moved the following resolution, to enact the following local law, to be known as Local Law No. 2 of 2023, entitled “A Local Law Amending Chapter 207 of the Village Code entitled ‘Taxation’ to add a new Article V to Provide for a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the New York Real Property Tax Law” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 2 of 2023, by Resolution adopted at a regular meeting of the Village Board held on February 8th, 2023; and

WHEREAS, a properly noticed public hearing was held before the Village Board during the meeting on March 8th, 2023, on Local Law No. 2 of 2023; and

WHEREAS, the Village Board determined the enactment of this Local Law will have no adverse environmental impacts and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Millbrook (“Village Board”) as follows:

Section 1. Legislative intent: The New York State Legislature recently amended the Real Property Tax Law to create a new Section 466-a to provide an exemption of up to 10% of the assessed value

of real property owned by volunteer firefighters and ambulance workers. In order for the exemption to be available it is necessary for the local government body to adopt of local law providing for such an exemption and establishing the minimum service requirement and certification of service requirement. The Village Board has determined that volunteer firefighters and ambulance workers provide essential services to the Village residents and providing such a real property tax exemption will help with recruiting new members and retaining existing members of the volunteer fire and ambulance services. Therefore, the Village Board has determined it is in the best interest of the Village to enact a local law providing for such real property tax exemption.

Section 2. Chapter 207 of the Village Code entitled “Taxation” is hereby amended to add a new Article V to include the following language.

“Article V Volunteer Firefighters and Ambulance Workers Exemption

§ 207-20. **Grant of Exemption.**

An exemption of 10% of the assessed value of real property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Millbrook as long as eligibility requirements are met.

§207-21 **Eligibility Requirements.**

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes;
- D. The volunteer firefighter or volunteer ambulance worker resides in the Village of Millbrook and the Village of Millbrook is served by such incorporated volunteer fire company or fire department or incorporated volunteer ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service; and

- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Village of Millbrook, which is hereby established as two (2) years.

§207-22 Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Village of Millbrook, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Village of Millbrook must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§207-23 Certification.

The Village of Millbrook must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§207-24 No Diminution of Benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the New York Real Property Tax Law as of the effective date of this Article of the Village Code shall not have any of those benefits diminished because of the exemption provided by this Article.

§207-25 Grant of Lifetime Exemption.

Any eligible enrolled member who accrues more than twenty (20) years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the Village of Millbrook.

§207-26 Un-remarried Spouse of Enrolled Member Killed in the Line of Duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled

member for at least five (5) years and had been receiving the exemption at the time of his or her death.

§207-27 Un-remarried Spouse of Deceased Enrolled Member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least twenty (20) years and the deceased volunteer and his or her un-remarried spouse had been receiving the exemption at the time of the death of the volunteer.”

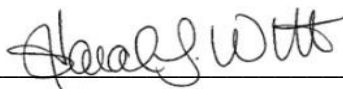
Section 3. If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such declaration shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

Section 4. This local law shall take effect as of the date of filing with the New York Secretary of State.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	_____
Trustee Herzog	_____
Trustee Contino	_____
Trustee Doro	_____
Trustee Murphy	_____

DATED: Millbrook, New York
March 8, 2023



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

VILLAGE OF MILLBROOK, DUTCHESS COUNTY, NY

Resolution No: 2023-003 v.3

March 8, 2023

Intent to Declare Lead Agency and Determination of Significance in accordance with the State Environmental Quality Review Act (SEQRA)
Local Law No. 2 of 2023 Amending Chapter 207 of the Village Code Entitled "Taxation" to add a New Article Providing a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the NY Real Property Tax Law
Unlisted Action

WHEREAS, the Village of Millbrook Village Board ("Village Board") has determined it is in the best interest of the Village to amend Chapter 207 of the Village Code Entitled "Taxation" to add a New Article Providing a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the NY Real Property Tax Law (the "Project"); and,

WHEREAS, the action of amending the Chapter 207 of the Village Code is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA"); and,

WHEREAS, the Short Environmental Assessment Form (EAF) has been completed by the Village; and now,

THEREFORE, BE IT RESOLVED:

- 1. The Village Board shall act as lead agency for the environmental review of the Project.
2. The Village Board finds that the Project will not have a significant adverse impact on the environment for reasons stated in Part 3 of the Short EAF and the attached determination of significance.
3. The Village Mayor is hereby authorized and directed to sign Part 3 of the Short EAF indicating thereon that an Environmental Impact Statement will not be prepared and that a Negative Declaration is issued.
4. This resolution shall take effect immediately.

Motion offered by: _____

Motion seconded by: _____

Village Mayor Tim Collopy Aye____ Nay____
Deputy Mayor Vicky Contino Aye____ Nay____
Trustee Michael Herzog: Aye____ Nay____
Trustee Peter Doro: Aye____ Nay____
Trustee Patrick Murphy: Aye____ Nay____

I certify that the above resolution adopted by the Village of Millbrook Village Board on March 8, 2023 is a true and correct transcript of the original now on file in this office.

[Signature]
Sarah Witt - Village of Millbrook Village Clerk

State Environmental Quality Review (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Village of Millbrook Village Board, as lead agency, has determined that the proposed action described below **will not** have a significant adverse effect on the environment and that an Environmental Impact Statement will not be prepared.

DATE: **March 8, 2023**

NAME OF ACTION: **Local Law No. 2 of 2023**

LOCATION: **Village of Millbrook**
Dutchess County

SEQR STATUS: **Unlisted Action**

LEAD AGENCY: **Village of Millbrook Village Board**

CONTACT PERSON: **Tim Collopy, Village Mayor, Village of Millbrook**

DESCRIPTION OF ACTION:

Amending Chapter 207 of the Village Code Entitled "Taxation" to add a New Article Providing a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the NY Real Property Tax Law.

REASONS SUPPORTING THIS DETERMINATION:

The Village Board has reviewed the Short Environmental Assessment Form (SEAF) and the criteria contained in 6 NYCRR §617.7 and has determined that the Action will not have a significant impact on the environment for the following reasons:

- A. As required by §617.7(a)(2), the Village Board has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.
- B. As required by §617.7(b), the Village Board has:
 - 1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
 - 2. Reviewed the SEAF, the criteria identified in 617.7(c) and other supporting information to identify relevant areas of environmental concern.
 - 3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse environmental impact.
 - 4. Set forth herein its written Finding of No Significant Environmental Impact.

- C. The Village Board has compared the impacts reasonably expected to result from the proposed action to the criteria listed in 617.7(c)(1) as indicators of significant adverse impacts:
1. Air quality, ground or surface water quality or quantity, traffic or noise levels, solid waste production, erosion potential, flooding, leaching or drainage problems;
 2. Removal or destruction of large quantities of vegetation or fauna, interference with migration fish or wildlife, impacts to special habitats, impacts to threatened or endangered species, or any other impacts to natural resources;
 3. Impairment of Critical Environmental Areas;
 4. Conflicts with currently adopted community plans and goals;
 5. Impairment of important historical, archeological, or aesthetic resources or community character;
 6. Major change in use or type of energy;
 7. Creation of a human health hazard;
 8. Substantial change in use or intensity of use of land including agricultural land, open space or recreational resources;
 9. Encouraging a population increase;
 10. Creation of a material demand for other actions resulting in above consequences;
 11. Changes in two or more elements of the environment that combined have a substantial adverse impact on the environment;
 12. Two or more related actions undertaken, funded or approved by an agency that combined have a significant effect on the environment.
- D. 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.
- E. 617.7(c)(3) – The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the Village of Millbrook Village Board has determined that no significant adverse environmental impacts would result from this Action.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)				
<input type="checkbox"/> Forest Agriculture Aquatic Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)