

LL 1989-001

ESTABLISH POSITION OF ONE
APPOINTED ASSESSOR

Town of Amity Minutes documenting Local Law assigning sole assessor.

May 1, 1989 – “It was noted that a resolution and public hearing are needed to appoint sole assessor. If petitions are received at hearing, it must go to a public referendum.”

May 15, 1989 - “Sandy Broughton (Birdsall) has expressed an interest in being sole assessor for the Town of Amity. Councilman Feldbauer made the motion that a resolution be made to change to a sole tax assessor in the Town of Amity. Second by Patrick. Carried. Councilman Presutti made the motion that the Board engage Beth Farwell as attorney to draft the resolution changing to a sole assessor. Second by Patrick. Carried.”

June 5, 1989 - “ Sandy Broughton has expressed her interest in being appointed sole assessor. The objection raised by the Board was the area she already works, but her intention is to give up the Town of Grove if she is appointed in Amity. Councilman Presutti stated knowledgeable sources feel she is one of the better assessors in the area. The position will be advertised after the resolution is drawn.”

“N.Y.S. Equalization and Assessment determined that a great deal of disparity appears, indicating the probability of a high degree of inequity in the assessments of homeowners in out municipality.”

June 19, 1989 - “Councilman Presutti noted that in speaking with Atty. Beth Farwell, she feels that a mandatory referendum is necessary for sole assessor when changing from elected assessors to one sole appointed assessor. However, in speaking to NYS Board of Equalization and Assessment an opinion was given that a sole assessor can be appointed without a referendum.. Councilman Presutti will call the Attorney General’s Office and Association of Towns for opinions.”

August 21, 1989 - “Supervisor Miess read letters of resignation from Charles Orlando, Chairman Board of Assessors and Assessors Mary Jordan and Floric Tronetti all effective September 30.

After discussion, Councilman Presutti volunteered to write up a resolution to abolish elected board of assessors and establish appointed assessor to be presented at next meeting.”

September 5, 1989 - “Sandy Broughton was present to ask and answer questions about the possibility of being sole assessor if the position were to be established.” (Talks about her credentials)

“Clerk Chilson was ordered to place ads in both Wellsville and Olean papers advertising for other persons possibly interested in the position, with the idea that someone within the Township might be interested.”

“Councilman Feldbauer made the motion that a resolution be made to adopt a local law appointing a sole assessor. Second by Francisco. Carried. Councilman Feldbauer made the motion that a hearing on a proposed local law eliminating elected town of assessors and appoint a sole assessor be held at the next regular board meeting. Second by Francisco. Carried” (No resolution found attached to these minutes)

September 18, 1989 – “On a motion by Presutti, second by Patrick, the regular meeting was closed at 8:00P.M. and reopened for the purpose of a public hearing on the resolution to adopt a local law abolishing an Elected Board of Assessors and appointing a sole tax assessor. No citizens were present and the public hearing special meeting was closed at 8:20 P.M. and the regular meeting reopened.” (**Resolution 89-11**)

Councilman Presutti made the motion that a resolution be passed adopting Local Law #89-1 abolishing an Elected Board of Assessors and appointing a sole tax assessor.. Second by Patrick. Carried.” (Copies attached.)

LOCAL LAW FILE 89-1

Passed by Town Board 9/18/89

No petitions for referendum filed.

Effective date: on or after Dec. 1, 1989

1 assessor

Term of office—6 years commencing on the 1st day of Oct. 1990 and each 6th year thereafter.

Signed by Meredith Chilson (Absolutely no other signatures)

Date: Dec. 4, 1989

Adopted by the Board on 12/1/89

Did they follow procedure?

1. Introduction time o.k.
2. 9-5-89 Motion made to draw up resolution and hold public hearing.
3. Legal notice to official newspaper (5 days) before public hearing—~~MENTIONED~~ *yes*
- * 4. Public Hearing—No separate minutes..
- * 5. Names of those present at the adoption of the law not specifically mentioned and how they voted were not recorded.
- * 6. No signature of the ~~Town~~ Supervisor on it.
- * 7. No mention that the Town Attorney filed the law.

* *violations*

COPY - *copy*

RESOLUTION NO. 89-11

Page No. 1 of 1 Pages

TITLE: ADOPTION OF LOCAL LAW AUTHORIZING ABOLISHMENT OF ELECTED BOARD OF ASSESSORS
AND APPOINTING SOLE ASSESSOR

Offered by: Councilman Presutti

WHEREAS

The Township of Amity desires to have a sole assessor appointed by the
Town Board,

AND WHEREAS

The New York State Real Property Tax Law Article 3 Title 2 Sec 328
empowers the Town Board to enact such a change at its discretion;
with a permissive referendum,

BE IT RESOLVED

That the Town Board of the Town of Amity does hereby adopt Local Law
89-1 authorizing the abolishment of its elected Board of Assessors
and appointing a sole assessor for the taxing jurisdiction pursuant to
the Real Property Tax Laws of the State of New York.

STATE OF NEW YORK }
COUNTY OF ALLEGANY } ss.:

I, Meredith Chilson, Town Clerk of the Town of Amity,
Allegany County, N. Y., do hereby certify that the above is a true and correct copy of a Resolution adopted by
said Board on the 14th day of September, 1989, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of said Town at Belmont,
N. Y., this 19th day of September, 1989.

Meredith Chilson
Town Clerk

Moved by Mr. Presutti Seconded by Mr. Patrick

VOTE: Acclamation 5 ROLL: Ayes 5 Noes 0 Absent 0

VOTING NO: ABSENT

APPROVED BY COMMITTEE: _____

RESOLUTION NO. 89-13

COPY of copy

TITLE: REQUEST FOR STATE SUPPORT TO DEVELOP A COMPUTERIZED TAX DATA FILE

Offered by: Councilman Feldbauer

WHEREAS, the Town of Amity requests State support to develop a computerized data file of all parcels of property within the Town. We further resolve that the Town is in support of having the Town's Assessor to contract to do the data collection and consulting under the guidelines of 15-B Rules and Regulations; and

WHEREAS, the Assessor and the Town Board of the Town of Amity have been diligently examining a general revaluation of all parcels in the Town for many months; and

WHEREAS, the approval of the state Department of Equalization and Assessment is required before formally undertaking data collection, to be eligible for partial reimbursement by the State of New York, now therefore be it

RESOLVED, that the Town Board of the Town of Amity hereby signifies its intention to undertake a general townwide in-house data collection and hereby requests the assistance and approval of the New York State Division of Equalization and Assessment in such undertaking.

STATE OF NEW YORK }
COUNTY OF ALLEGANY } ss.:

I, Meredith Chilson, Town Clerk of the Town of Amity Allegany County, N. Y., do hereby certify that the above is a true and correct copy of a Resolution adopted by said Board on the 6th day of November, 1989, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town at Belmont N. Y., this 9th day of November, 1989

Meredith Chilson
Town Clerk

Moved by Mr. Feldbauer

Seconded by Mr. Presutti

VOTE: Acclamation ROLL: 5 Ayes 4 Noes Absent 1

VOTING NO: ABSENT:

APPROVED BY COMMITTEE:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

--County--
City of AMITY
Town
--Village--

Local Law No. 1 of the year 19 .. 89

A local law Position of One Appointed Assessor
(insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

--County--
City of Amity as follows:
Town
--Village--

ON FROM AND AFTER December 1, 1989 or the date that the Secretary of State of the State of New York determines This Law to be in effect, whichever is later, There Shall be One Assessor for the Town of Amity, To Be Appointed by the Town Board of the Town of Amity.

The Term of Office of such Assessor shall be six years and such term shall commence on the First Day of October, 1990, and each Sixth Year thereafter.

Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
Town
Village
on 19..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
Town
Village
on 19..... and was approved by the Elective Chief Executive Officer *
not disapproved
repassed after disapproval
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
Town
Village
on 19..... and was approved by the Elective Chief Executive Officer *
not disapproved
repassed after disapproval
on 19..... Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on 19....., in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ...1..... of 19.89.....
County
City of Amcty was duly passed by the Amcty (Name of Legislative Body)
Town
Village
on 19 89 and was approved by the Town, Supervisor (Name of Legislative Body)
not disapproved
repassed after disapproval
September 18 19 89. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on December 1 19 89, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Meredith Chubb
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 4, 1989

Town Clerk



(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

..... Signature
..... Title

Date:
County of
City of
Town
Village