

## PUBLIC HEARING MINUTES

February 15, 2023 4:30 p.m.

Roll call was taken.

PRESENT – Eric Connolly, Joseph Grasso, Philip C. Barrett, Jonathon Schopf, Diana Edwards, Kevin Veitch, Arthur M. Wright, Kevin Tollisen, Mark Hammond, Scott Ostrander, Theodore Kusnierz, Matthew E. Veitch, John Lant – 13.

ABSENT –Eric Butler, Jean Raymond, Michael Smith, Thomas Richardson, Willard Peck, Sandra Winney, Thomas N. Wood, III, Tara Gaston, Edward D. Kinowski, John Lawler – 10.

Chairman Kusnierz called the public hearing on Local Law relative to amending Local Law no. 3 of 2006 to modify the partial tax exemption for volunteer firefighters, volunteer ambulance workers, and un-remarried spouses of volunteer firefighters and volunteer ambulance workers to order at 4:46pm.

Chairman Kusnierz asked the Clerk to read the notice of public hearing.

Chairman Kusnierz asked if there were any requests to speak.

### **Art Hunsinger – Clifton Park Fire Department**

Good afternoon. I am Art Hunsinger I am a past Chief of the Clifton Park Fire Department, currently a Fire Commissioner and a member of the New York State Task Force on recruitment and retention. I live in Clifton Park, represent the Town of Halfmoon, and I'm here today to first thank you for moving forward with this because it is important to us for recruitment and retention to try and come up with incentives that will attract more people. We've gotten from over a million volunteers probably back 10, 15, 20 years ago to just over 900,000 in New York State. And as we've looked at items at the state level that can be offered this was one of those things that stood right out and said what can we offer as an incentive to members of the emergency services, we can't pay them, but what can we ask for that would give them something for the time that they give to their communities. In the Saratoga County region from no matter north to south. If we had to staff our stations with career members this county could not afford when you look at, you know, Town of Day and Providence and Edinburg and then you get down into the Malta area and all yes, these are very large communities, but the budgets would be that of New York City and cities like that. So it's important that we find ways and to recruit and keep our members and that is bringing in some incentives and this was one of them. So I thank you for considering this and I hope that the Board will support this as a way to say A. thank you to those who are serving now and B. come and provide a service, it's not that we provide something to the community that is not necessary. Without Fire and EMS personnel in these communities, you have nothing. And if we have to stretch out and, and have departments that are further away than delays in time become important. So it's important to us to come up with incentives, and this is one, and something that I think the county can do, because it really isn't going to cost the county really money. It just spreads out, you know what the county needs to do in revenue elsewhere. But at the same time, it's saying to our people, my brothers and sisters in the fire service, thank you for what you do, thank you for the service that you provide. And here is something that we legally can give you because you're not paid. So I asked the board to really consider this resolution going forward, and support those who really support your communities as supervisors, because without us, there is no fire service, there

is no ambulance service. So if you can help us with our recruiting efforts, by just providing this small, little token, as an incentive for our people, it's really going to go a long way. So I thank you on behalf of the fire service, and I asked you to hopefully pass this resolution as you go forward, and give something to the volunteers in your communities. So thank you for this time.

### **Fred Richards – Harmony Corners Fire District**

My name is Fred Richards, I'm with the Harmony Corners Fire Department and I am commissioned with the Harmony Corners Fire District. And I appreciate the opportunity to address you, gentlemen and ladies this evening. The fire department of Harmony Corners thanks you in advance for what you've done for us just this past year. And I too, like Art support what you're trying to do in terms of the fire service in the state and in our county. I asked, I have some questions though and I just want to mention a few things that I think are impacted by this. And whether or not you've looked at if a survey has been done at all in terms of the impact on the fire service itself here and what they'll benefit from it and or what can also be looked at. For example, Harmony Corners, it's a very small rural suburb, it has 16 members. And I am now as of this day, in my 65th year in the Fire Department, my 65th year as an EMT also, and our department responds to many of those type of medical calls, as well as fire calls, etc. And a lot of people that are doing this in my department are not my age, but pretty close to it. So the fire department as a whole, if you've looked at the average in the county on the odds, most of the members that are responding day times are over 60 years of age. That's an issue. Plus with 16 members, we just got another, there's four of us that are EMTs. We just got another one on as of yesterday at a meeting who had completed his 180 hours. Now the complaint with most Fire servicing is the amount of training required. But the truth is, in this day and age, the training needs to be there to save their lives and the lives of the people are dealing with. I would like also to comment on and give you the questions. Some of our people work for the town but don't live. We have several rural departments out there that their fire chief of that community comes from another Township. And I know how this law affects those people in terms of what they're going to get and what they're not going to get. I also asked in terms of that. I think it's 606 state law that deals with \$200 versus and they're trying to push the 400. I have the bill number here, or \$500 for firefighters, but I know that can't be taken at the same time this is done. How about the star act? How's that going to affect the people that are older who are also in the fire service, or the veterans thing? And by the way, I qualify under both of those. My 32 years in Air Force fire service. I've done this now for 65 years, fire service, military career and volunteer. The questions I have, if you don't mind, those are two of them regarding that. And, by the way, I thank you here for the support you have of your emergency services people, Mike and Ed and people that are in that unit, have a lot to do here. And I appreciate your support of them. I would like to know whether or not the fire advisory board and or anybody has done a study at all of the impact it's going to have on these local departments, particularly the rural ones, because I think it'd be important to know who's going to be affected and how, and then the decision is going to be made. And the information about what I just mentioned, should be made available to all Fire service people in this county, all the departments. So I'd appreciate if you'd look at that. And in terms of a survey or anything else, the five and 20 years is going to have an effect, a lot of people are going to come into the 20 year mark or better. And the five year thing two, part of this is not just recruitment, which is important. But retention. Retention is what we have every five years, a lot of people aren't there that want to do it. A lot of people don't want to be in this system because of one, they got other things to do. There's a whole attitude change over the last 20 years in terms of people being beneficial in our organizations like fire service and EMS services. And so whatever we can do to improve that would be appreciated. Thank you for your time.

### **William Lund, Ballston Spa Fire Department**

Hello, my name is William Lund, 1 Chantal Court, Ballston Spa with Ballston Spa Fire Department. Thank you for letting me speak today. And while I applaud the state lawmakers as well as yourselves trying to recruit and retain firefighters, volunteer firefighters to the state I think property tax reductions a good start. However, it has to be meaningful. Right now on IT 245 you get \$20 income tax credit on your tax bill 10% reduction on the average homeowner or volunteer firefighter it won't make a difference. You can only claim one or the other. So my tax bill is \$1,000 If that what we're talking about today applies to the whole thing, I could only claim 100, I still have the \$200. So it's not meaningful, I guess my taxes would have to be over 2000 to start. I'm not sure what this applies to my tax bill, half of it is a mandate and county tax. The other half is to Fire, Volunteer Ambulance, and the town. So whatever you're passing today applies only to the county. Again, that would only be half my bill that'd be affected. Right. So that's nothing we do here today will change my volunteer tax credit. In regard to service time, I agree, I think you should at least lower the number of years for implementing it for firefighters from the two or five you had before down to one again IT 245. You get to claim that the first year you're a firefighter. So the other things I just like to point out, as I said, I think it needs to be meaningful and property tax credits one way the state has done all the programs like low SAP, let the Service Award Program hence the pension. That's very expensive for districts to implement. And a lot of them haven't done that. They did the health insurance law where you can get it on the jurisdiction that you provide protection, but that's very expensive that didn't work out. They have the community college program through FASNY that was nice, but is only limited to 100 people is a lot more volunteer firefighters and then but anyway, Excelsior College comes along, and now it's free. So that didn't work. So retention is a little tough. So property tax way is pretty nice, but has to be more meaningful. So I'd like to propose today for the county to pursue either parallel or we're in separate different ones is allow volunteer firefighters serve in their district to be exempt from the firefighter tax write the fire protection tax. Other districts do that, or I know at least one they charge the town's not the village for the fire tax. So the residents as well as the firefighters don't have to pay but the adjoining towns do. I think that's something very doable. It's in this county already. I think that's something you can pursue, and whether you have to go through the state or not. If you do please pursue that I think that'd be a little more meaningful and easier to implement, as well. So the burden on the average taxpayer wouldn't be much I contacted the county looked at all the tax assessments for the fire district I belong to and when you do all the numbers, the exemptions and what it ends up being on the order of \$8 more for your tax bill. So for me if I was the average homeowner I'd pay instead of \$995, I guess \$1,003. Right. I don't think the average homeowner would mind that as much. Thank you for your time.

Chairman Kusnierz asked if any written communications were received.

Mrs. Connolly reported that a letter was received from Timothy C. Hannigan from the Hannigan Law Firm in Delmar, New York. General Counsel to the Firefighters Association of the State of New York with suggested changes to the proposed local law.

A copy of the letter is attached to these minutes.

### **Supervisor Barrett provided the following remarks.**

Thank you. Just real quick. I do want to thank all of our first responders for being here today. And thank you for all your service in our communities throughout the year. You know, this measure may result in the best incentive available to assist with recruitment and retention, which we all know is a challenge. I think the point that was made about the cost to every other taxpayer is valid. It's a very, very small increase. But that makes it more of a community program. That means

everybody is pitching in as a whole to benefit the relatively small number of first responders that are volunteering in our communities throughout the year, obviously, if you took the membership of each department in reference to the total population in the municipality, it would be a relatively small number. So I think, again, that is something that our communities are definitely willing to commit to. And I certainly would urge all the school districts to follow suit with the county and ensure that the largest incentive available to the firefighters is made available through approval process that the school districts would need to complete as we are here today. You know, we've had a lot of discussions with the fire departments, I want to thank you all for, for being communicative with myself, my colleagues in the county, there is one minor language change, that will provide some clarity. It is not a change that would require any kind of a threat of having another public hearing, but it will be minor in nature. And I do want to thank our County Attorney, Michelle Granger for being in contact with Tim Hannigan about that change so that that's something that will come up on the 23rd when the Board of Supervisors considers a vote on this matter. Also like to thank County Administrator Bulger, Chairman Kusnierz and staff for moving very quickly. I think as many of you know, we took the opportunity to have a special meeting to call for this public hearing. And that special meeting was necessary to ensure that we met the deadline as set by New York State. Without that special meeting, we would have not met the deadline. So I want to thank everybody that had to do the extra work and quickly move into action to get that done. So thank you very much. Thank you, Mr. Chairman.

**Chairman Kusnierz provided the following remarks:**

Thank you very much, Supervisor Barrett. And I, too, would like to echo Supervisor Barrett's comments. We all in this room recognize the significant contributions that our volunteers in any capacity in our communities. You know, the efforts they put for it, but especially the volunteer firefighters and ambulance workers, because as one of those speakers indicated in his presentation, if we had to pay for it at the local level, we wouldn't be able to do it. So thank you for your service, and to Supervisor Barrett's point because of the support this body has collectively for volunteers, that's why we are moving in an expeditious manner, because of the limited timeframe we have to act before this can become effective for the 2024 tax roll. So, we will take all the comments written and spoken into consideration. And as Supervisor Barrett indicated, there will be, I expect a little tweaking of the language to make it even more effective for our volunteers. And that will take place at the full Board meeting next week, February 23<sup>rd</sup>.

Chairman Kusnierz closed the public hearing at 5:07 p.m.

Respectfully submitted,  
Therese M. Connolly, Clerk

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February 15, 2023

**Via E-mail to: mgranger@saratogacountyny.gov**

Saratoga County Board of Supervisors  
40 McMaster Street  
Ballston Spa, New York 12020

Re: Real Property Tax Law § 466-a  
Exemption for Volunteer  
Firefighters and Ambulance  
Workers

Dear Board of Supervisors:

I write to comment on your proposed local law "opting-in" to the new Real Property Tax Law § 466-a. By way of background, I serve as General Counsel to the Firefighters Association of the State of New York ("FASNY"), and my firm represents the Clifton Park Fire District, Vischer Ferry Fire District, Jonesville Fire District, and Greenfield Fire District as legal counsel in various matters. I sincerely appreciate your recognition of the selfless service and dedication of the County's volunteer firefighters and EMS personnel, as well as your consideration of this critical recruitment and retention tool.

I am aware that Saratoga County's proposed local law mirrors previous versions of local laws proposed by Albany and Rensselaer Counties relative to the inclusion of a "point system" under General Municipal Law § 217. I respectfully submit that inclusion of such a metric is inappropriate under the new RPTL 466-a. First, the new law calls for each "governing body" (the local taxing jurisdiction [county, city, town, village, school district, fire district]) to have the authority having jurisdiction ("AHJ") over fire protection certify the eligibility of the volunteer firefighter or ambulance worker. With that in mind, the County should defer to the AHJ to tell them who is eligible, rather than establish a participation rubric for those AHJs to implement.

Second, another flaw of the proposed law is that it awards zero points/credit for actual response to emergency calls by volunteer firefighters or EMS personnel. Third, a Length of Service Award Program ("LOSAP") under General Municipal Law § 217 is optional, and many Fire Departments do not have them. My concern is that tying eligibility for the County's tax exemption to LOSAP will confuse agencies that do not have LOSAP plans and impose performance metrics that are neither called for in the tax exemption law nor familiar to (or required by) the AHJs.

In the event the County deems it necessary to include some definition for eligibility purposes, I submit that General Municipal Law § 215 (1) is appropriate for firefighters. That section states:

1. "Active volunteer firefighter" means a person who has been approved by the authorities in control of a duly organized volunteer fire company or volunteer fire department as an active volunteer firefighter of such fire company or department and who is faithfully and actually performing service in the protection of life and property from fire or other emergency, accident or calamity in connection with which the services of such fire company or fire department are required.

For ambulance workers, the County can consider the definition of "Volunteer ambulance worker" contained at Volunteer Ambulance Workers' Benefit Law § 3 (1), which states "an active volunteer member of an ambulance company as specified on a list regularly maintained by that company for the purpose of this chapter." Again, inclusion of these terms in the County's resolution is not required, because it is the AHJ that certifies who is eligible under the law.

Thank you for your careful consideration of "opting in" to this volunteer recruitment and retention initiative for volunteer firefighters and ambulance workers in Saratoga County.

Very truly yours,

  
TIMOTHY C. HANNIGAN