



*a town for a lifetime*  
**IRONDEQUOIT** *New York*

**WORKSHOP MEETING  
JANUARY 11, 2022  
4:00 PM**

**AGENDA**

1-7-2022

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**REVIEW OF AGENDA ITEMS FOR THE JANUARY 18, 2022 RTB MEETING**

**DISCUSSION ITEM – ETHICS LAW FOR THE TOWN OF IRONDEQUOIT**

**ITEM(S) FOR BOARD ACTION**

- 1WS2022-1** Resolution Directing the Assessor to Automatically Renew Tax Exemptions Provided Pursuant to Sections 459-C and 467 of the Real Property Tax Law and Adopting Alternative Procedure for Specific Cases
- 1WS2022-2** Resolution Authorizing the Purchase of Three (3) Six-Wheel Trucks with Plow to be used by the Department of Public Works

**\*\*NEXT REGULAR TOWN BOARD MEETING... TUESDAY, JANUARY 18, 2022 @ 7 pm \*\***

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD DIRECTING ASSESSOR TO AUTOMATICALLY RENEW TAX EXEMPTIONS PROVIDED PURSUANT TO SECTIONS 459-C AND 467 OF THE REAL PROPERTY TAX LAW AND ADOPTING ALTERNATIVE PROCEDURE FOR SPECIFIC CASES**

At the workshop meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 11<sup>th</sup> day of January 2022, at 4:00 P.M. local time; there were:

PRESENT:

- |                                |                           |
|--------------------------------|---------------------------|
| Rory Fitzpatrick               | Town Supervisor           |
| Patrina Freeman                | Town Board Member         |
| John Perticone                 | Town Board Member         |
| Kimie Romeo                    | Town Board Member         |
| Peter Wehner                   | Town Board Member         |
| <br>Harter Secrest & Emery LLP | <br>Attorney for the Town |

Town Board Member \_\_\_\_\_ offered the following resolution and moved its adoption:

**WHEREAS**, pursuant to sections 459-c and 467 of the Real Property Tax Law, the Town of Irondequoit, County of Monroe, the East Irondequoit Central School District and the West Irondequoit Central School District grant certain reductions in the amount of property taxes paid by qualifying persons, including those with limited income, disabilities and senior citizens; and

**WHEREAS**, it is the responsibility of the Town Assessor to verify eligibility for those tax reductions, and to provide the appropriate exemption of assessed value of real property on the tax roll; and

**WHEREAS**, many residents historically visit Town Hall in the first two months of the New Year to provide documentation demonstrating their eligibility for such tax reductions, a process that generally must be completed through in-person engagement with Town staff; and

**WHEREAS**, on November 26, 2021, the Governor of the State of New York issued Executive Order 11 and declared a state of disaster emergency in response to an increase in the transmission of the COVID-19 virus; and

**WHEREAS**, on December 26, 2021, the Governor issued Executive Order 11.1, extending the state of disaster emergency and temporarily modifying Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll,

thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons. Provided however, that the governing body may, at its option, include in such resolution procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died; and

**WHEREAS**, the Town Board wishes to direct the Assessor to automatically renew such real property tax exemptions pursuant to Executive Order 11.1 and to also develop the alternate procedures as described therein.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Irondequoit, as authorized by Executive Order 11.1, does hereby direct the Assessor to grant exemptions pursuant to Sections 459-c and 467 of the Real Property Tax Law on the 2022 assessment roll to all property owners who received such exemption(s) on the 2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for the Assessor to mail renewal applications to such persons.

**AND, THEREFORE, BE IT FURTHER RESOLVED**, that the Assessor may, in her reasonable discretion, require a renewal application to be filed when she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, provided that the Assessor first send all persons who received such exemption(s) in 2021 a letter stating that an application will be required if there has been a change in the exemption recipient's primary residence, an addition of another owner to the deed, a transfer of the property to a new owner, or death of the recipient.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member \_\_\_\_\_ and duly put to vote, which resulted as follows:

Town Board Member	Wehner	Voting _____
Town Board Member	Perticone	Voting _____
Town Board Member	Romeo	Voting _____
Town Board Member	Freeman	Voting _____
Town Supervisor	Fitzpatrick	Voting _____



# State of New York

## Executive Chamber

No. 11.1

### EXECUTIVE ORDER

#### Declaring a Disaster Emergency in the State of New York

**WHEREAS**, the COVID-19 global pandemic has been declared a Public Health Emergency of International Concern by the World Health Organization since early 2020;

**WHEREAS**, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020;

**WHEREAS**, New York is now experiencing COVID-19 transmission at rates the State has not seen since April 2021;

**WHEREAS**, the rate of new COVID-19 hospital admissions has been increasing over the past month to over 300 new admissions a day;

**WHEREAS**, the state must pursue a coordinated approach to ensure hospital capacity statewide is able to meet regional needs;

**WHEREAS**, the State government must support the municipalities and counties in their efforts to facilitate and administer vaccinations and tests for COVID-19, and to prevent the virus from continuing to spread at such rates;

**WHEREAS**, a new SarCoV2 variant, known as Omicron, has been identified and named a variant of concern by the World Health Organization and the Centers for Disease Control and Prevention;

**WHEREAS**, this variant has been identified in all 50 U.S. states, including New York, and more than 104 countries;

**WHEREAS**, this Omicron variant has been shown to be highly transmissible and may cause exponential spread;

**WHEREAS**, current vaccinations do not appear to be as effective against Omicron infection, while remaining stronger against severe disease;

**NOW, THEREFORE**, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby continue the terms, conditions, and suspensions contained in Executive Order 11 until January 25, 2022.

**IN ADDITION**, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through January 25, 2022 the following:

- Title V of Article 5 of the Public Health Law and subparts 19 and 58 of Title 10 of the NYCRR, to the extent necessary to allow laboratories holding a Clinical Laboratory Improvement Acts (CLIA) certificate and meeting the CLIA quality standards described in 42 CFR Subparts H, J, K and M, to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals in New York State;
- Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons. Provided however, that the governing body may, at its option, include in such resolution procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;
- Article 7 of the Public Officers Law to the extent necessary to authorize the New York State Senate and Assembly, at their discretion, to meet and take such action authorized by law remotely by conference call or similar service and otherwise act in conformance with the provisions of Part E of Chapter 417 of the Laws of 2021, and expiring upon the expiration of such Chapter.



GIVEN under my hand and the Privy Seal of the  
 State in the City of Albany this  
 twenty-sixth day of December in the  
 year two thousand twenty-one

BY THE GOVERNOR

*[Handwritten signature]*  
 Secretary to the Governor

*Ruth Hochul*

**EXTRACT OF MINUTES OF MEETING OF TOWN BOARD ADOPTING A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) SIX WHEEL TRUCKS WITH PLOW TO BE USED BY THE DEPARTMENT OF PUBLIC WORKS**

At the workshop meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held at the Town Hall, 1280 Titus Avenue, in said Town of Irondequoit, on the 11th day of January, 2022 at 4:00 P.M. local time; there were:

PRESENT:

Rory Fitzpatrick	Town Supervisor
John Perticone	Town Board Member
Patrina Freeman	Town Board Member
Kimie Romeo	Town Board Member
Peter Wehner	Town Board Member

Harter Secrest & Emery LLP                      Attorney for the Town

Town Board Member \_\_\_\_\_ offered the following resolution and moved its adoption:

**WHEREAS**, it is necessary to replace three (3) six-wheel heavy duty trucks with dump body and snowplowing equipment to be used by the Department of Public Works; and

**WHEREAS**, the Town is authorized to purchase through county contracts pursuant to Irondequoit Town Code § 51-5(B)(4) and New York State General Municipal law § 103; and

**WHEREAS**, Onondaga County solicited sealed bids from qualified bidders (Bid Reference #8996), and awarded the bid to Navistar, also known as International®; and

**WHEREAS**, is the price is \$291,706.97 per 2023 model year International, HV607 heavy duty dump truck with plowing equipment including a side dump salter from International®, presented by Regional International Corp, 1007 Lehigh Station Rd, Henrietta, NY, 14467; and

**WHEREAS**, funding for this expense is available in account 021.9785.6050 in the amount of \$583,413.94 and account 031.9785.6050.8120 in the amount of \$291,706.97; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board approves a purchase order in the amount of \$875,120.91 with Regional International Corp. for the purchase of

three (3) 2023 model year International, HV607 heavy duty dump trucks with plowing equipment.

**AND, BE IT FURTHER RESOLVED,** that the Town Board authorizes the Town Supervisor to execute any and all documents related to this agreement.

This resolution shall take effect immediately upon its adoption.

Seconded by Town Board Member \_\_\_\_\_ and duly put to vote, which resulted as follows:

Town Board Member	Wehner	voting_____
Town Board Member	Romeo	voting_____
Town Board Member	Freeman	voting_____
Town Board Member	Perticone	voting_____
Town Supervisor	Fitzpatrick	voting_____

**LOCAL LAW NO. \_\_\_ OF 2022**  
**TO IMPROVE THE ETHICS LAWS OF THE TOWN OF IRONDEQUOIT**

Be it enacted by the Town Board of the Town of Irondequoit as follows:

**Section 1. Legislative Purpose, Intent, and Findings.** In 1990, the Town of Irondequoit adopted Chapter 20 of the Irondequoit Code, known as the “Ethics Law of the Town of Irondequoit,” to establish minimum standards for the ethical conduct of Town officers and employees to ensure that the business of Town government is free from improper influence that may result from opportunities for private gain. The Town now wishes to improve the Ethics Law of the Town of Irondequoit to expand upon its standards of ethical conduct for Town officers and employees and to ensure the prudent stewardship of Town resources.

**Section 2. Authority.** This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Article 18 of the General Municipal Law.

**Section 3. Conflicts of Interest, Recusal, and Abstention.** Section 20-4 of the Code of the Town of Irondequoit, pertaining to conflicts of interest, is hereby amended by striking the matter shown in brackets and strikethrough font, and adding the matter shown in bold underscored font, to read as follows:

§ 20-4 Conflicts of interest, ~~recusal, and abstention.~~

A. Except as provided in § 802 of the General Municipal Law, as amended or changed:

- (1) No municipal officer or employee or local elected official or local officer or employee shall have an interest in any contract with the town when such officer or employee, individually or as a member of a board, has the power or duty to:
  - (a) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder.
  - (b) Audit bills or claims under the contract.
  - (c) Appoint an officer or employee who has any of the powers or duties set forth above.
- (2) **No municipal officer or employee or local elected official or local officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest or any private organization in which he or she serves as an owner, officer, director, or voting member.**

**(a) In the event that this section prohibits a municipal officer or employee or local elected official or local officer or employee from exercising or performing a power or duty:**

**(i) if the power or duty is vested in a such person as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or**

**(ii) if the power or duty that is vested in such person individually, then the power or duty shall be exercised or performed by his or her deputy or, if the person does not have a deputy, the power or duty shall be performed by another person to whom the person may lawfully delegate the function.**

**(iii) if the power or duty is vested in an employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.**

~~(2)~~ **(3)** No chief fiscal officer, treasurer or his or her deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the town.

B. No municipal officer or employee or local elected official or local officer or employee shall engage in any act which is in conflict or gives the appearance of conflict with the performance of his or her official duties. A municipal officer or employee is prohibited from and deemed to have a conflict of interest if he or she:

(1) Directly or indirectly solicits any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended to be an award for any official action on his or her part;

(2) Discloses confidential information acquired by him or her in the course of his or her official duties or uses such information to further his or her personal interests;

(3) Receives or enters into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town agency of which he or she is an officer, member or employee or of any town agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee;

(4) Receives or enters into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the town

whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered; or

(5) Willfully engages in any business transaction or professional activity or shall have a financial or any other private interests, direct or indirect, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her official duties, unless he or she abstains from voting or otherwise officially acting with respect to the subject matter affected.

**(6) Willfully participates in any decision or takes any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest or any private organization in which he or she serves as an owner, officer, director, or voting member, unless he or she abstains from voting or otherwise officially acting with respect to the subject matter affected.**

C. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

D. In addition to the foregoing regulations, Article 18 of the General Municipal Law, entitled "Conflicts of Interest of Municipal Officers and Employees," is incorporated as part of this chapter as if the same had been set forth in full, together with any amendments of or additions to said Article hereafter adopted by the Legislature.

E. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this section may be fined, suspended or removed from office or employment in the manner provided by law.

**Section 4. Prohibition on Use of Municipal Position for Personal or Private Gain.** Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-6, as follows, and renumbering the subsequent sections accordingly.

§ 20-6 Prohibition on use of municipal position for personal or private gain.

A. No municipal officer or employee or local elected official or local officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, or any private organization in which he or she serves as an owner, officer, director, or voting member.

- B. No municipal officer or employee or local elected official or local officer or employee shall use his or her municipal position or official powers and duties to influence another person—including municipal employees—to provide a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, or any private organization in which he or she serves as an owner, officer, director, or voting member.
- C. This Chapter’s prohibitions on use of a municipal position, disclosure requirements, and requirements relating to recusal and abstention, shall not apply with respect to the following matters:
  - (1) adoption of the Town’s annual budget;
  - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - (i) all Town officers or employees; or
    - (ii) all residents or taxpayers of the Town or an area of the Town; or
    - (iii) the general public; or
  - (3) any matter that does not require the exercise of discretion.

**Section 5. Use of Town Resources.** Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-7 as follows, and renumbering the subsequent sections accordingly:

§ 20-7. Use of Town resources.

- A. Town resources shall be used for lawful Town purposes. Town resources include, but are not limited to, Town personnel, and the Town’s money, vehicles, equipment, materials, supplies or other property.
- B. No municipal officer or employee or local elected official or local officer or employee may use or permit the use of Town resources for personal or private purposes, including the purposes of private organizations, but this provision shall not be construed as prohibiting:
  - (1) any use of Town resources authorized by law or Town policy;
  - (2) any use of Town resources lawfully authorized by the Town Board;
  - (3) the use of Town resources for personal or private purposes when provided to a municipal officer or employee or local elected official or local officer or employee as part of his or her compensation; or

(4) the occasional and incidental use during the business day Town telephones and computers for necessary personal matters such as family care and changes in work schedule.

C. No municipal officer or employee or local elected official or local officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

**Section 6. Annual Training of Members of the Town Board and Board Member Resource Library.** Chapter 20 of the Code of the Town of Irondequoit, pertaining to ethics, is amended to add a new section, Section 20-8, as follows, and renumbering the subsequent sections accordingly:

§ 20-8. Annual Training of Town Board Members and Town Board Member resource library.

A. Individuals elected or appointed to the Town Board of the Town of Irondequoit shall participate in training regarding their legal, fiduciary, financial and ethical responsibilities as Town Board members within one year of election or appointment to the Town Board. Town Board members shall participate in continuing training, at least once each year, to remain informed of best practices relating to the effective oversight of the governance, management, and financial activities of the Town and to adhere to the highest standards of responsible governance.

B. There shall be established in the Town Hall of the Town of Irondequoit a Town Board Member resource library, in any suitable location, consisting of such books, materials, treatises, documents, records, videos, or any other such information, as may be helpful to the Members of the Town Board in the performance of their duties. The Town Board may appropriate such funds as necessary to establish and continue the resource library pursuant to provisions of the Town Law, General Municipal Law, or other law as may apply.

**Section 7. Decorum.** Section 36-1 of the Code of the Town of Irondequoit, pertaining to the of meetings, is amended by striking the matter shown in brackets and strikethrough font, and adding the matter shown in bold underscored font, to read as follows:

§ 36-1 Supervisor to preside; Chair; quorum, **decorum.**

**A.** Pursuant to § 63 of the Town Law, as amended or changed, “The supervisor, when present, shall preside at the meetings of the town board. In the absence of the supervisor, the other members shall designate one of their members to act as temporary chairman. A majority of the board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the town board.”

**B. The Supervisor or temporary chairperson shall maintain decorum of meetings of the Town Board in accordance with Robert's Rules of Order, with such exceptions as provided by applicable law or as he or she may reasonably determine necessary for the expeditious, civil, decorous, and transparent conduct of meetings.**

**C. Members of the Town Board will at all times endeavor to deliberate with courtesy, respect, and civility toward each other and all other persons, and shall endeavor to refrain from engaging in personal attacks.**

**Section 8. Severability.** The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**Section 9. Effective Date.** This local law shall be effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.