

RESOLUTION — ORCHARD PARK CENTRAL SCHOOL DISTRICT

**A RESOLUTION OF
THE ORCHARD PARK CENTRAL SCHOOL DISTRICT
ADOPTING A PARTIAL REAL PROPERTY TAX EXEMPTION
FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS
PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TA LAW**

BE IT RESOLVED by the Board of Education of the Orchard Park Central School District as follows:

WHEREAS, the Board of Education of the Orchard Park Central School District (the “District”) finds and determines that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing a number of communities in the District boundaries and that maintaining effective emergency protection depends on the ability to train and retrain volunteers; and

WHEREAS, the Board of Education finds and determines that it is essential for the District to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies and unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized; and

WHEREAS, The Board of Education further finds and determines that real property tax exemptions are an appropriate way to recognize the personal sacrifices and dedication of those community-spirited men and women who unselfishly give their time and risk their safety to protect their neighbors without compensation; and

WHEREAS, the Board of Education held a public hearing on January 23, 2024 to consider and discuss whether the District should adopt the Volunteer Firefighter/Ambulance Worker Partial Tax Exemption; and

WHEREAS, the purpose of this Resolution is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the New York State Real Property Tax Law.

NOW, THEREFORE, BE IT RESOLVED that the following be adopted for granting a partial Real Property Tax Exemption for volunteer firefighters and emergency medical personal in the District;

BE IT FURTHER RESOLVED that pursuant to the authority granted by Section 466-a of the Real Property Tax Law, the following is adopted for granting Real Property Tax Exemptions for volunteer firefighters and emergency medical personnel in the District:

Section 1. Real Property Tax Exemption.

Real Property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in the District shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for District purposes, exclusive of special assessments.

Section 2. Qualifications.

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance services if:

- (a) The applicant resides in the District and is a member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service which provides service within the District.
- (b) The real property which is the subject of such exemption is the primary residence of the applicant.
- (c) The real property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation, and the remaining portion only shall be entitled to the exemption provided by this Resolution.
- (d) The applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service indicating that the applicant has been an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated volunteer ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

Section 3. Continuation of eligibility requirements.

The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, fire district, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each company, department, or corporation. Annual attestation by such company, district, or corporation is required to maintain this exemption.

Section 4. Twenty-year active members.

Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty years of active service, as defined in Section 3 hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be

granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the District.

Section 5. Un-remarried Surviving Spouses of Volunteers killed in the line of duty.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker

- (a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service who was killed in the line of duty; and
- (b) Such deceased volunteer had been an enrolled member for at least five years; and
- (c) Such deceased volunteer had been receiving the exemption prior to his or her death.

Section 6. Un-remarried Surviving Spouses of Volunteers with at least Twenty Years of Service.

An un-remarried spouse of a volunteer firefighter or volunteer ambulance worker with twenty years of service may receive the real property tax exemption if:

- (a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service.
- (b) Such deceased volunteer had been an enrolled member for at least twenty years.
- (c) Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 7. Application Process.

- (a) Applications for such exemptions shall be filed with the assessor of the appropriate town on or before the taxable status date (March 1st) on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
- (b) The assessor of the town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided by this Resolution.

Section 8. No diminution of current benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who, by reason of such status, is receiving a real property tax exemption benefit under the provisions of the law on the

effective date of this Resolution shall suffer any diminution of such benefit because of the provisions of this Resolution.

This Resolution shall take effective immediately for the 2024-2025 tax year.

Dated February 13, 2024