

TOWN OF EATON
TOWN BOARD RESOLUTION No. 2025-
DATE JANUARY 14TH 2025
TOWN OF EATON LOCAL LAW NO. 1 OF 2025

("A Local Law Amending Article 1 of Chapter 170 of the Town of Eaton Code Titled 'Senior Citizen Exemption'")

The following resolution was offered by Councilmember Golley, who moved its adoption, seconded by Councilmember Hilts, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 1-2025, "A Local Law Amending Article 1 of Chapter 170 of the Town of Eaton Code Titled 'Senior Citizen Exemption'" was presented and introduced at a regular meeting of the Town Board of the Town of Eaton held on December 10, 2024; and

WHEREAS, a public hearing was held on such proposed local law on this 14th day of January, 2025, by the Town Board of the Town of Eaton and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Eaton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of Local Law No. 1-2025 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Local Law No. 1-2025.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Eaton, Madison County, New York, does hereby enact Local Law No. A-2025 as Local Law No. 1-2025 as follows:

**“TOWN OF EATON
LOCAL LAW NO. 1 OF 2025**

**A LOCAL LAW AMENDING ARTICLE 1 OF CHAPTER 170 OF THE TOWN OF
EATON CODE TITLED “SENIOR CITIZEN EXEMPTION”**

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

SECTION 1. LEGISLATIVE INTENT & PURPOSE

The Town Board of the Town of Eaton being ever mindful of its responsibility and obligation to provide for the welfare and financial independence of the senior citizens of the Town who have made a vital contribution to the growth, development and progress of the community, intends by the enactment of this Local Law to provide protection for limited income senior citizen homeowners from the increased cost of living.

The purpose of this Local Law is to amend the current Article 1 of Chapter 170 of the Code of the Town of Eaton to update the exemption from taxation in accordance with the criteria set forth in New York State Real Property Tax Law § 467.

SECTION 2. AUTHORITY

This local law is enacted pursuant to Section 10 of New York’s Municipal Home Rule Law and New York Real Property Tax Law § 467.

**SECTION 3. AMENDMENT OF CHAPTER 170 ARTICLE 1 OF THE TOWN OF
EATON CODE**

The existing Article 1, “Senior Citizen Exemption”, of Chapter 170, “Taxation,” of the Code of the Town of Eaton shall be repealed in its entirety and replaced by a new Article 1, with the same title, “Senior Tax Exemption,” which shall read in its entirety as follows:

“170-1 Exemption Granted; Amounts

- A. Real property in the Town of Eaton owned by one or more persons, each of whom is 65 years of age or over, or real property owned by spouses or by siblings as defined by Real Property Tax Law § 467, one of whom is 65 years of age or over, shall be exempt from taxation by the Town to an extent as set forth in Subsection B of this Section based on their income. Such exemption shall also apply to real property in which a person(s) holds a legal life estate, or which is held in trust solely for the benefit of a person(s) if such person(s) would otherwise be eligible for the exemption were such person(s) the owner(s) of such real property.
- B. A graduated tax exemption shall be allowed in accordance with the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
Less than or equal to \$26,000.00	50%
More than \$26,000.00 but less than \$27,000.00	45%
\$27,000.00 or more but less than \$28,000.00	40%
\$ 28,000.00 or more but less than \$29,000.00	35%
\$29,000.00 or more but less than \$ 29,900.00	30%
\$29,900.00 or more but less than \$30,800.00	25%
\$30,800.00 or more but less than \$31,700.00	20%
\$31,700.00 or more but less than \$32,600.00	15%
\$32,600.00 or more but less than \$33,500.00	10%
\$33,500.00 or more but less than \$34,400.00	5%

170-2 Income Qualifications

- A. The “applicable income tax year” as used herein shall mean the second most recent calendar year.
- B. The term “income” as used herein shall mean the “adjusted gross income” for federal income tax purposes as reported on the applicant’s federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions to Real Property Tax Law § 467(3)(iv); provided that if no such return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have been so reported if such a return had been filed; and provided further, that when determining income for purpose of this Section, the following conditions shall be applicable:
 - (1) any social security benefits not included in such federal adjusted gross income shall be considered income;
 - (2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant’s federal adjusted gross income shall be considered income and shall not be excluded;

- (3) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income;
- (4) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:
 - a. the net amount of loss reported on federal Schedule C, D, E or F shall not exceed three thousand dollars (\$3,000.00) per schedule,
 - b. the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000.00), and
 - c. the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000.00).

C. No exemption shall be granted:

- (1) If the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum provided in Section 170-1 of this Local Law; or
- (2) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed sub sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation or abandonment, in which case only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

170-3 Compatibility with Real Property Tax Law § 467

The right to said exemption set forth in this Article, the procedures for application therefor and the restrictions and limitations thereon shall be as set forth in this Article in accordance with the terms, procedures, restrictions and limitations set forth in the Real Property Tax Law § 467. The exemption, the procedures for application therefor and the restrictions and limitations thereon as set forth in Real Property Tax Law § 467, as amended, and as from time to time shall be amended, are hereby incorporated by reference into this Article. If any provisions of this Article are in conflict with those set forth in Real Property Tax Law § 467, Real Property Tax Law § 467 shall be controlling.

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order of judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Verne	Councilor	Voted	Yes/No
Jean Hills	Councilor	Voted	Yes/No
Stephen Dickerson	Councilor	Voted	Yes/No
Jeff Golley	Councilor	Voted	Yes/No
Joseph Wicks	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: January 14, 2025

CERTIFICATION

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Clerk of the Town of Eaton, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of January 14, 2025.

DEAN CURTIS, Town Clerk

(SEAL)