

Resolution #195 Approve Local Law #2 of 2012 to Override the 2% Tax Cap

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2012 ENTITLED “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C”

The following resolution was offered by Councilwoman Phibbs, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, by Resolution No. 195 duly adopted on November 8, 2012 the Town of Schroon introduced Local Law No. 2 for 2012, entitled “A “A Local To Override the Tax Levy Limit Established in General Municipal Law §3-c””; and

BE IT RESOLVED, that a Public Hearing was duly held on the 8th day of November, 2012 at 5:00 o’clock in the forenoon to hear any and all persons concerning the adoption of said local law; and

BE IT FURTHER RESOLVED that the Town of Schroon Town Board hereby adopts proposed Local Law No. 2 of 2012 entitled “Local Law No. 2 - A Local To Override the Tax Levy Limit Established in General Municipal Law §3-c”, reading and providing as follows:

“TOWN OF SCHROON LOCAL LAW NO. 2 OF 2012”

A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c.

BE IT ENACTED, by the Town of Schroon Town Board as follows:

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Schroon pursuant to General Municipal Law §3-c, and to allow the Town of Schroon to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override - Budget Authorization.

The Town Board of the Town of Schroon hereby overrides the tax levy limit for the Town of Schroon for 2013 and authorizes the Town of Schroon, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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, form or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

This resolution was duly seconded by Councilwoman Wood, and adopted upon a **SIXTY PERCENT** roll call vote as follows:

AYES: 4 votes
NOES: 1 votes
ABSENT: 0 votes
Supervisor Marnell aye
Councilman Friedman aye
Councilwoman Phibbs aye
Councilwoman Wood aye
Councilman Sage no

STATE OF NEW YORK)
COUNTY OF ESSEX)

I, Patricia J. Savarie, Clerk of the Town Board of the Town of Schroon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Board at a meeting duly called and held at the Town Hall on November 8, 2012, by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Schroon, Essex County, New York this 9th day of November 2012.

Patricia J. Savarie
Town Clerk

