

TOWN OF CONSTANTIA
MINUTES-PUBLIC HEARING - TOWN BOARD –October 15, 2013
7:00pm Constantia Town Hall

Present: Charles Gilkey – Supervisor
Richard Colesante, John Metzger, Thomas Moran, Frank Tomaino – Council Members
Clare Haynes – Town Clerk
Warren Bader - Town Attorney

Others Present: Wayne Woolridge - Highway Superintendent

CALL TO ORDER:

At 7:02pm Mr. Gilkey called the public hearing for proposed local law 3-2013 to order.

PURPOSE:

This public hearing is to hear comments on proposed local law 3 of 2013 to A Local Law overriding the tax levy limit established in General Municipal Law § 3-C in the town of Constantia.

LOCAL LAW:

Mr. Gilkey explained that the town's budget is not over the tax levy limit. This local law should be put into place in case there are any unexpected costs to the town. A version of this local law will be required to be passed annually.

Mr. Gilkey read the resolution dated, September 25, 2013 and the following proposed Local Law:

**TOWN OF CONSTANTIA
PROPOSED LOCAL LAW NO. 3 of 2013**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C IN THE
TOWN OF CONSTANTIA**

Be it enacted by the Town Board of the Town of Constantia 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 Constantia, County of Oswego pursuant to General Municipal Law § 3-c, and to allow the Town of Constantia to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2014, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law § 3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the 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 a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Constantia, County of Oswego, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

PUBLIC COMMENT:

Mr. Young - Dakin Road - Will you be overriding the tax cap? Answer: This local law will be for the 2014 budget year, the town did not pass a local law for the 2013 budget. At this point the 2014 budget is under

the tax cap levy by \$14. If the town were to need to amend the budget for any reason, this law would need to be in place for the town to make changes.

SEQR:

Short form SEQR was read by Mr. Gilkey

MOTION TO CLOSE:

With no further questions, at 7:22 pm Mr. Moran made the motion to close the public hearing, seconded by Mr. Metzger.

Carried: Moran - Yes Tomaino - Yes Colesante - Yes Metzger - Yes Gilkey - Yes