TOWN OF COLDEN

LOCAL LAW INTRO. NO. 01-2022

LOCAL LAW 01-2022

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c FOR THE "2023" BUDGET.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF COLDEN 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 Colden, County of Erie pursuant to General Municipal Law Section 3-c, and to allow the Town of Colden, County of Erie 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 "2023" that requires a real property tax levy in excess of the Atax levy limit@ as defined by General Municipal Law Section 3-c.

The Town of Colden is concerned about uncertainties in the existing tax cap law, including how uncertain expenditures mandated by law and uncertain expenditures and revenues controlled by the county and state interact with the tax cap. The Town Board is obligated to prepare a responsible budget, which meets the Town=s mandated obligations and provides beneficial services, while minimizing the tax burden on Town citizens.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to Subdivision 5 of General Municipal Law Section 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 two-thirds (2/3) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Colden, County of Erie is hereby authorized to adopt a budget for the fiscal year "2023" that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

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 circumstances, 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, firm 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.

TOWN OF COLDEN
COLDEN, NEW YORK
RESOLUTION# 2022-09

RESOLUTION APPROVING ADOPTION OF LOCAL LAW IN RELATION TO THE TAX LEVY LIMIT

Excerpt from the minutes of a meeting of the Town Board of the Town of Colden held at the Colden Town Hall, 8812 State Road, Colden, Erie County New York on October 13, 2022 at 7: 00p.m.as follows:

WHEREAS, General Municipal Law Article 2, Section 3-c places a limit upon real property tax levies by local governments, and

WHEREAS, General Municipal Law Section 3-c(5) provides for a local government to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, provided the governing body of such local government first enacts, by a vote of two-thirds (2/3) of the total voting power of such body, a local law to override such limit for such coming fiscal year only, and

WHEREAS, the proposed budget is required to accurately appropriate funds in the operation of the Town with an unprecedented increase in costs such as highway salt, medical coverage, New York State pension costs and others, and

WHEREAS, it is required to adopt a Local Law to override the tax levy prescribed by General Municipal Law Section 3-c, and

WHEREAS, the Town has complied with the provisions of New York Municipal Home Rule Law regarding the requirements for adoption of the Local Law including a Public Hearing.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve and enact Local Law 01-2022 providing for an override of the tax limit prescribed by General Municipal Law Section 3-c for the fiscal year 2023, and be it further

RESOLVED, the Town Clerk is hereby directed to immediately file the Local Law with the New York Secretary of State.

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik.

Duly adopted this 13th day of October, 2022 by the following vote.

On the Vote:
Councilman Dennis Robinson - yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James P. DePasquale – yes

I, Christina M. Kerlin, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of Colden at its regular meeting held on 13th day of October 2022, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the 14th day of October 2022.

Christina M. Kerlin

Christina M. Kerlin
Town Clerk, Town of Colden