

RESOLUTION OF ADOPTION OF A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c FOR 2021

WHEREAS, Board of Trustees of the Village of Dering Harbor have proposed a local law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c for Fiscal Year 2021; and

WHEREAS, a public hearing was held on April 10, 2021; and

WHEREAS, the adoption of said local law is considered to be a Type II action under 6 NYCRR §617.5, SEQRA and will not have a significant adverse impact upon the environment;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 2 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 2 OF 2021

A LOCAL LAW authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c for Fiscal Year 2021.”

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

Section 1. Title, Intent and Purpose.

1.1. Title. The title of this local law shall be the "Tax Levy Limit Override 2021."

1.2. Legislative Authority. This local law is adopted pursuant to New York State General Municipal Law (GML), §3-c(5) that expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of 60% of said governing body

1.3. Purpose. It is the intent of this article to allow the Village of Dering Harbor to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the tax levy limit as defined by General Municipal Law §3-c.

Section 2. Tax Levy Limit Override. The Board of Trustees of the Village of Dering Harbor is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in the GML, §3-c.

Section 3. Repeal. If the Board of Trustees of the Village of Dering Harbor adopts a budget for the fiscal year commencing on June 1, 2021 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 2 of this Local Law is not utilized), the override authority under this local law may be repealed by resolution of the Board of Trustees (to wit, without a public hearing and without any further local law).

Section 4. Authority. The proposed local law is enacted pursuant to General Municipal Law §3-c(5) and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a), 10(1)(ii)(a)(12), and 10(1)(ii)(e)(3).

Section 5. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that after public hearings were held on April 10, 2021, the Board of Trustees of the Village of Dering Harbor at their meeting of April 10, 2021 adopted LOCAL LAW NO. 2 OF 2021 as follows: “A LOCAL LAW authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c for Fiscal Year 2021.”

Copies of the adopted law are on file in the Village Hall, Monday, Wednesday or Friday, from 9:00 a.m. to 12 noon, or by appointment, and on the Village’s website.

BY ORDER OF THE BOARD OF TRUSTEES

VILLAGE OF DERING HARBOR, NEW YORK