

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of MARBLETOWN

FILED  
STATE RECORDS

NOV 07 2022

Local Law No. 9 of the year 2022

DEPARTMENT OF STATE

A local law A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023  
(Insert Title)

Be it enacted by the of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of MARBLETOWN

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



**TOWN OF MARBLETOWN**

**LOCAL LAW NO. 9 OF 2022**

**“A Local Law to Override the Tax Levy Limit for Fiscal Year 2023”**

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

SECTION 1. AUTHORITY. This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), 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 2. PURPOSE. The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Marbletown pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

SECTION 3. TAX LEVY LIMIT OVERRIDE. The Town of Marbletown Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2023, and to adopt a budget for Fiscal Year 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

SECTION 4. SEVERABILITY If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged 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 said clause, sentence, paragraph, section 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 order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE This local law shall take effect immediately upon its filing with the Secretary of State as provided in §27 of the N.Y. Municipal Home Rule.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2022 of the ~~(County)(City)(Town)(Village)~~ of MARBLETOWN was duly passed by the TOWN BOARD on OCTOBER 18 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

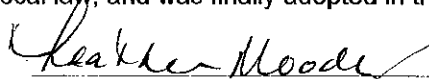
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_ , became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/2/2022

(Seal)

**Effective Date of this Local Law**

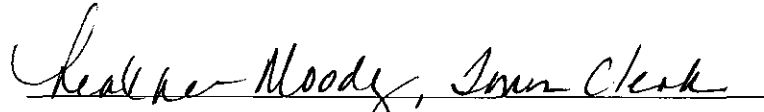
This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

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I hereby certify that the local law annexed hereto, designated as Local Law No. 9 of 2022 of the Town of Marbletown, was duly passed by the Town Board on October 18, 2022 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.

(Seal)

  
\_\_\_\_\_

Heather Moody, Town Clerk

Date: 11/2/2022

STATE OF NEW YORK

COUNTY OF ULSTER



## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on October 4, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Tim Hunt, Don LaFera, Ken Davenport (via Zoom) and Daisy Foote (via Zoom)

**ABSENT:**

The following Resolution was offered by Councilman LaFera and seconded by Councilwoman Foote:

**RESOLUTION #95-2022 ACCEPTING A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023 PURSUANT TO GENERAL MUNICIPAL LAW §3-c FOR COMMENCEMENT OF THE LOCAL LAW ADOPTION PROCESS**

**WHEREAS**, the Town Board has determined that it may be necessary for the Town of Marbletown to exceed the limit on the amount of real property taxes that may be levied by the Town of Marbletown pursuant to General Municipal Law §3-c for fiscal year 2023; and

**BE IT FURTHER RESOLVED**, the Town Supervisor has prepared a proposed local law to override the tax levy limit for fiscal year 2023 pursuant to General Municipal Law §3-c, and the same has been reviewed and approved by the Town Board members.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the proposed local law for the year 2022 entitled "Local Law to Override the Tax Levy Limit for Fiscal Year 2023 pursuant to General Municipal Law §3-c" for commencement of the local law adoption process; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby schedules a public hearing on said local law to be held on October 18, 2022 at the Rondout Municipal Center, 1925 Lucas Ave Cottekill NY 12419 at 6:00 p.m. and that the public hearing be duly noticed by the Town Clerk as required by law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport      Voting Aye

Councilman Lafera      Voting Aye

Councilman Foote      Voting Aye

Councilman Hunt      Voting Aye

Supervisor Parete      Voting Aye

Resolution #95-2022 was thereupon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: October 4, 2022



## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in public session at the Town Hall, 1925 Lucas Ave Cottkill, New York on October 18, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Richard Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Tim Hunt, Don LaFera, Ken Davenport and Daisy Foote

**ABSENT:**

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport:

### **RESOLUTION #102-2022: A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023**

**WHEREAS**, on October 4, 2022, a resolution was duly adopted by the Town Board of the Town of Marbletown, New York authorizing a public hearing to be held by the Town Board on October 18, 2022, at 6:00 p.m. at the Rondout Municipal Center at 1925 Lucas Avenue, Cottkill, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law to Override the Tax Levy Limit for Fiscal Year 2023", and

**WHEREAS**, the public hearing was duly held on the 18th day of October 2022 at 6:00 p.m. at the Rondout Municipal Center at 1925 Lucas Avenue, Cottkill, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board having determined that all parties entitled to notice have been duly given notice thereof; and

**WHEREAS**, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) the Town Board hereby determines that adoption of this proposed Local Law is a Type II action which would not have a significant effect upon the environment; and

**WHEREAS**, That Local Law No. 9 of 2022 Local Law Overriding Tax Levy Limit for 2023 is hereby adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Marbletown Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Marbletown Town Board.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #102-2022 was thereupon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: October 18, 2022