

**LOCAL LAW FILING**

New York State Department of State  
 Division of Corporations, State Records and Uniform Commercial Code  
 One Commerce Plaza, 99 Washington Avenue  
 Albany, NY 12231-0001

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(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 of Phelps**  
 Village

Local Law No. **1** of the year **2022**

**A local law to override the tax levy limit established in General Municipal Law §3-c**  
 (Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County  
 City

**Town** of **Phelps**  
 Village

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 Phelps, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of Phelps 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 "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 a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Phelps, County of Ontario, 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 §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 the 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 judgment or order shall be rendered.

#### Section 5: Effective Date

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

(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. 1 of 2022 of the **Town of Phelps** was duly passed by the Phelps Town Board on February 14, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>1</sup>.)

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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. 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)(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.

<sup>1</sup> 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.)**

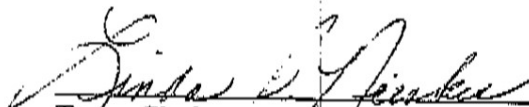
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2005 of the City of \_\_\_\_\_ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of 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 1, above.

  
\_\_\_\_\_  
Town Clerk

Date: 2/17/2022

(Seal)

22-6

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF PHELPS OF LOCAL LAW NO. 1 OF 2022 TAX CAP**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Phelps for a public hearing to be held by said Town Board on February 14, 2022, at 7:00 p.m. at Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Phelps, on February 1, 2022, and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on February 14, 2022, at 7:00 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, 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 of the Town of Phelps, after due deliberation, finds it in the best interest of the Town of Phelps to adopt said Local Law.

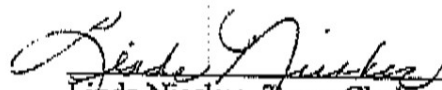
**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Phelps hereby adopts said Local Law No. 1 of 2022, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Phelps, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on February 14, 2022, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Norman Teed	<u>X</u>	<u>—</u>
Bill Wellman	<u>—</u>	<u>X</u>
Ronald Allen	<u>X</u>	<u>—</u>
Kent Ridley	<u>X</u>	<u>—</u>
John Duchesneau	<u>—</u>	<u>X</u>

Dated: February 14, 2022

  
Linda Nieskes, Town Clerk

SEAL

22-7  
**RESOLUTION  
LOCAL LAW #1, 2022**

**WHEREAS**, the Town Board of the Town of Phelps is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

**WHEREAS**, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Phelps, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Phelps, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

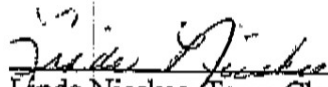
**WHEREAS**, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Phelps, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2023 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on February 14, 2022, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Norman Teed	<u>X</u>	—
Bill Wellman	<u>X</u>	—
Ron Allen	<u>X</u>	—
Kent Ridley	<u>X</u>	—
John Duchesneau	<u>X</u>	—

Dated: February 14,2022

  
Linda Nieskes, Town Clerk

SEAL

**TOWN OF PHELPS**  
**2022 SPECIAL DISTRICT SUMMARY**

**SEWER DISTRICT**

**WATER DISTRICT 1 – WD401 WHITE RD**

**WATER DISTRICT 2 – WD402 RT. 96/488**

**WATER FEE – WF402 RT. 96/488**

**WATER DISTRICT 3 – WD403 ORLEANS**

**WATER FEE – WF403 ORLEANS**

**WATER DISTRICT 4 – WD404 SPAFFORD RD.**

**WATER FEE – WF404 – SPAFFORD RD.**

**WATER DISTRICT 5 – WD405 MELVIN HILL RD.**

**WATER FEE – WF405 – MELVIN HILL RD.**

**WATER DISTRICT 6 – WD406 MELVIN HILL EXT. 1**

**WATER FEE - WF406 MELVIN HILL EXT. 1**

**WATER DISTRICT 7 – WD407 PELIS RD.**

**WATER FEE – WF407 PELIS RD.**

**WATER DISTRICT 8 – WD408 ORLEANS WATER DISTRICT,  
EXT. 1**

**WATER FEE – WF408 ORLEANS, EXT. 1**

**WATER DISTRICT**

**WATER DISTRICT 9 – WD409 RT. 14 WATER DISTRICT**

**PHELPS FIRE PROTECTION**

**CLIFTON SPRINGS FIRE PROTECTION**

**OAKS CORNERS FIRE PROTECTION**

**AG DISTRICT #6**

**AG DISTRICT #8**