

# 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 Smithville, New York

Local Law No. 1 of the year 2014

A local law Overriding Two Percent Real Property Tax Levy for Budgetary Year 2015  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Smithville, New York as follows:

The Town Board of the Town of Smithville located in the County of Chenango, State of New York adopts this local law with the intent and purpose to override the two percent (2%) annual budgetary real property tax levy increase limit imposed by General Municipal Law section 3-C for the budgetary year 2015.

(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 2014 of the (County)(City)(Town)(Village) of Town of Smithville was duly passed by the Town Board on September 15, 2014, 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 \_\_\_\_\_ and was (approved)(not approved) on \_\_\_\_\_ 20\_\_\_\_, and was (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

**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 \_\_\_\_\_ and was (approved)(not approved) on \_\_\_\_\_ 20\_\_\_\_, and was (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(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 \_\_\_\_\_ and was (approved)(not approved) on \_\_\_\_\_ 20\_\_\_\_, and was (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 1 above.

*Alison B. Owens*  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: September 16, 2014

(Seal)

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2014,  
A LOCAL LAW OVERRIDING TWO PERCENT REAL PROPERTY TAX LEVY LIMIT  
FOR BUDGETARY YEAR 2015

At a regular meeting of the Town Board of the Town of Smithville held on the 15<sup>th</sup> day of September, 2014 at 6:30 o'clock P.M. at the Town Hall and due and proper prior public notice of said meeting having been given and said meeting having been publically held at which a quorum was present in attendance and participating thereat throughout, there were:

Present:	<u>Fred Heisler Jr.</u>	<u>Thomas Pollard</u>
	<u>Karl Ludwig</u>	<u>Robert Whitmore</u>
	<u>John Cammarata</u>	_____
Absent:	_____	_____

Mr. Fred Heisler Jr. moved the following resolution for adoption:

WHEREAS, the Town Board has caused to be drafted and introduced for legislative action proposed Local Law No. 1 of 2014, entitled a local law "Overriding Two Percent Real Property Tax Levy Limit For Budgetary Year 2015" which local law if enacted would allow the amount of real property taxes levied by or on behalf of the Town for the budgetary year 2015 to exceed the real property tax levy cap imposed by General Municipal Law section 3-C; and

WHEREAS, the Town Board has heretofore authorized the scheduling and holding of a public hearing on the said proposed Local Law No. 1 of 2014 and directing the Town Clerk to cause publication of a notice of said public hearing in the Town's official newspaper; and

WHEREAS, following publication of notice in the Town's official newspaper the Town Board on April 24, 2014 did hold a public hearing on said proposed Local Law No.1 of 2014 at which public hearing all interested persons were afforded the opportunity to voice theft view and express theft opinion regarding whether the Town Board should enact proposed Local Law No. 1 of 2014; and

WHEREAS, the Town Board has duly considered all input received by it at said public hearing and has discussed and deliberated whether it is in the best interests of the taxpayers and residents of the Town of Smithville to enact proposed Local Law No. 1 of 2014; and

WHEREAS, the enactment of proposed Local Law No. 1 of 2014 is authorized by General Municipal Law section 3-c, subsection 5 but only upon the approving vote of at least sixty percent (60%) of the total voting power of the members of the Town Board.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Local Law No. 1 of 2014 entitled a local law "Overriding Two Percent Real Property Tax Levy Limit for Budgetary Year 2015" is hereby adopted and enacted.

Mr. Karl Ludwig seconded the resolution and after discussion same was put to a vote with the following results:

AYES:	<u>Fred Heisler Jr.</u>	<u>Thomas Pollard</u>
	<u>Karl Ludwig</u>	<u>Robert Whitmore</u>
	<u>John Cammarata</u>	_____
NOES:	_____	_____
Abstentions:	_____	_____

The foregoing resolution having received at least a sixty percent (60%) approving vote of the total voting power of the town board was declared by the Supervisor to be adopted and Local Law No. 1 of 2014 enacted.

The Town Clerk is hereby directed to certify and immediately file said Local Law with the New York Department of State.

CERTIFICATION

Alison B. Owens, Town Clerk of the Town of Smithville, do hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted at a public meeting of the Town Board of the Town of Smithville, duly called, publicly noticed and regularly held on the 15<sup>th</sup> day of September, 2014, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk this 16<sup>th</sup> day of September, 2014.

Alison B. Owens  
Alison B. Owens  
Town Clerk, Town of Smithville

# Town of Smithville

## Local Law 1 of 2014

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C

Be it enacted by the Town Board of the Town of Smithville 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 Smithville pursuant to General Municipal Law § 3-c, and to allow the Town of Smithville to adopt a budget for the fiscal year 2015 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 cap by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

### Section 3. Tax Levy Limit Override

The Town Board of the Town of Smithville, County of Chenango is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §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 circumstance, 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.

## Local Law Filing

### Section 2. Legislative Authority

This Local Law is enacted pursuant to the power and authority granted to the Town Board of the Town of Smithville as contained in the Municipal Home Rule Law, the Town Law and General Municipal Law section 3-C, subsection 5.

### Section 3. Override of Real Property Tax Cap Limit Authorized

For the annual budgetary year 2015, commencing January 1, 2015 and ending December 31, 2015, the annual amount of real property taxes that shall be levied by or on behalf of the Town of Smithville for year 2015 budgetary purposes is hereby authorized to exceed the real property tax levy limit cap imposed by General Municipal Law section 3-C.

### Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Department of State.



LCI  
20 OCT 2014

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

September 23, 2014

Town Clerk  
PO Box 217  
5385 State Hwy 41  
Smithville NY 13841-9217

SEP 29 2014

**RE: Town of Smithville, Local Law 1 2014, filed on September 23, 2014**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755