

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

Local Law No. 2 of the year 2015

A local law LOCAL LAW #2 OF THE YEAR 2105, TO REPEAL LOCAL LAW #1 OF 2014, ADOPTED
(Insert Title)
BY THE TOWN OF SMITHVILLE BY RESOLUTION #32/2104 TO OVERRIDE THE TWO
PERCENT REAL PROPERTY TAX LEVY FOR BUDGETARY YEAR 2015

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

County City Town Village
(Select one.)

of SMITHVILLE

as follows:

LOCAL LAW #1 OF 2014 OF THE TOWN OF SMITHVILLE IS HEREBY REPEALED AND OF NO FUTURE FORCE OR EFFECT.

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

(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. 2 of 2015 of the (County)(City)(Town)(Village) of TOWN OF SMITHVILLE was duly passed by the TOWN BOARD on SEPT. 8 2015, 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) (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 _____ on _____ 20____, and was (approved)(not approved) (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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

Alison B. Owens

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

Date:

Sept. 11, 2015

(Seal)

Excerpt from Minutes of the Smithville Town Board
September 8, 2015
PUBLIC HEARING FOR LOCAL LAW # 2, 2015
REPEALING LOCAL LAW # 1, 2014

RESOLUTION #39(2015): ADOPT LOCAL LAW # 2, 2015 REPEALING LOCAL LAW # 1, 2014, AND REINSTATING THE TAX CAP LIMITS OF GENERAL MUNICIPAL LAW SS 3-C, pending approval of wording by the Town Attorney.

WHEREAS on September 15, 2014, the Town Board adopted a local law to override tax cap limits set forth in GML SS 3-C and due to other NYS legislation allowing certain limited tax refunds under stated conditions, one of which is that no tax cap override may be in place at the time of adoption of a final budget for 2016, the Town Board has decided to repeal Local Law # 1 of 2014, the tax cap override local law; and

WHEREAS, a Public Hearing was held at the Town of Smithville Community Center, 5285 State Hwy 41 Smithville Flats NY on Sept. 8, 2015 at 6:30pm to consider the adoption of proposed Local Law # 2 of 2015, and all persons interested therein were duly heard and all evidences were taken; and

WHEREAS, since this action is a Type II SEQRA action for which no environmental review is required, and upon due consideration thereupon, the Town Board of the Town of Smithville has hereby

RESOLVED that Local Law # 2 of 2015 be and hereby is approved and adopted in the form as presented and in such form "be it so enacted" and it is further

RESOLVED that in accord with SS 21 of the Municipal Home Rule Law, the final adopted version of this Local Law shall be presented to the Supervisor for approval, and it is further

RESOLVED that upon such approval by the Supervisor and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law SS 27.

This Resolution was so moved by Councilman Pollard, 2nd by Councilman Ludwig, with a roll call vote as follows:

Councilman Cammarata	Aye	Councilman Pollard	aye
Councilman Whitmore	Aye	Councilman Ludwig	aye
Supervisor Heisler	Aye		

Accordingly the foregoing Resolution was approved, carried and duly adopted on September 8, 2015.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

September 17, 2015

Town Clerk
PO Box 217
5282 State Hwy 41
Smithville Flats NY 13841-0217

RE: Town of Smithville, Local Law 2 2015, filed on September 17, 2015

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.

Sincerely,
State Records and Law Bureau
(518) 473-2492

RECEIVED

SEP 24 2015

Town of Smithville



Department
of State