



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

RESOLUTION NO. 76 of 2018

RE: ADOPTING A LOCAL LAW OF THE TOWN OF AMENIA, NEW YORK, TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2019 ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Amenia introducing proposed Local Law No. X of 2018, entitled “Local Law No. X of the Year 2018, to Override the Tax Levy Limit for Fiscal Year 2019 Established in General Municipal Law § 3-c.”; and

WHEREAS, the Public Hearing was duly advertised in the Millerton News, the official newspaper of the Town; and

WHEREAS, the Public Hearing was held on November 1, 2018, 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 determined that the proposed Local Law was not subject to Environmental Review; and

WHEREAS, the Town Board of the Town of Amenia after due deliberation finds that it is in the best interest of the Town to adopt said Local Law; now, therefore, be it

RESOLVED, that the Town Board of the Town of Amenia hereby adopts Local Law No. X of 2018 entitled “Local Law No. X of the Year 2018, to Override the Tax Levy Limit for Fiscal Year 2019 Established in General Municipal Law § 3-c.”, a copy of which is attached hereto and made a part hereof.

Motion made by Perotti ; Seconded by Somogyi

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

| | |
|----------------------|-----|
| Supervisor Perotti | Aye |
| Councilwoman Doyle | Aye |
| Councilman Gutierrez | Aye |
| Councilman Morris | Aye |
| Councilwoman Somogyi | Aye |

Dated: Amenia, New York
November 1, 2018


DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA TOWN BOARD

4988 Route 22, AMENIA, NY 12501
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TOWN OF AMENIA **Local Law No. x of 2018**

A Local Law of the Town of Amenia, New York to Override the Tax Levy Limit for Fiscal Year 2019 as Established in General Municipal Law § 3-c.

BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section-I: TITLE.

This Local Law shall be known and cited as Town of Amenia “Local Law No. x of the Year 2018, to Override the Tax Levy Limit for Fiscal Year 2019 Established in General Municipal Law § 3-c.”

Section II: LEGISLATIVE INTENT.

The Town Board acknowledges that it is vitally important to use the taxes of the Town of Amenia in a fiscally responsible manner and to minimize the tax levy in accordance with reasonably projected revenues, especially in economically hard times. The Town Board is reviewing the proposed budget for the Fiscal Year 2019, taking into account the appropriation requests of the various Town Department Heads, the realistic costs of providing governmental services, while at the same time acknowledging reasonably projected revenues and the financial position of the Town. In view of the foregoing, the Town Board has determined that the expenses in the Fiscal Year 2019 Budget are projected to increase while the revenues are projected not to increase sufficiently enough to pay for the increased expenses, which, in turn, will require a tax levy increase that is greater than that allowed by General Municipal Law § 3-c. While the Town Board intends to cut expenses where possible, it also acknowledges that basic government services need to be provided and the infrastructure of the Town must be maintained.

The Town Board hereby determines that a tax levy increase in excess of the General Municipal Law § 3-c limit of 2% or, the rate of inflation as determined by the New York State Comptroller’s Office, may be required because projected expenditures are in excess of the permitted tax limit increase as determined by the New York State Comptroller’s Office pursuant to General Municipal Law § 3-c.

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 Amenia, Dutchess County, New York, pursuant to General Municipal Law § 3-c subdivision 5, and to allow the Town of Amenia, Dutchess County, New York, to adopt a budget for Town purposes and any improvement districts for fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section III: 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 vote of sixty percent (60%) of the Town Board.

Section IV: TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Amenia, County of Dutchess, is hereby authorized to adopt a budget for fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

Section V: SEVERABILITY.

- A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.
- C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Amenia that this Local Law would have been

adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section VI: NUMBERING FOR CODIFICATION.

It is the intention of the Town of Amenia and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Amenia, that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word "Local Law" shall be changed to "Chapter", "Section" or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code effected thereby.

Section VII: EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.