

At a special meeting of the Town Board of the Town of Almond, County of Allegany, State of New York, held at the Almond Municipal Building located at 1 Marvin Lane, Almond, New York, on October 30, 2018 at 6:00 P.M. there were

PRESENT: Larry Perry, Deputy Supervisor/Councilperson  
Jo-Anne Freeland, Councilperson  
Bryan Snyder, Councilperson  
Daniel Hegarty, Councilperson

ABSENT: Dawn A. Wildrick-Cole, Supervisor

ALSO PRESENT: Michelle Stevens, Town Clerk  
David T. Pullen, Esq., Town Attorney

A public hearing was held before the Town Board at 6:00 P.M. to hear all persons interested in the matter of the adoption of the Introductory Local Law No. 1 of 2018 entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c" for the purpose of enabling the Town Board to adopt a budget for 2019 that exceeds the 2018 real property tax levy by more than 2.25%. Town Attorney David T. Pullen, Esq. explained how the proposed local law would operate and the reasons why the Town Board is considering adopting it. The Board members answered questions from those present for the public hearing. The Deputy Supervisor declared the public hearing to be closed.

Following the close of the public hearing the Town Board considered the adoption of the proposed local law for which the public hearing had earlier been held. There being no comments in opposition to the adoption of the Introductory Local Law No. 1 of 2018 entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c" the Deputy Supervisor asked for a resolution that the proposed local law be adopted. The following resolution was made by Daniel Hegarty, who moved its adoption, and seconded by Bryan Snyder, to wit:

WHEREAS, the Town Board of the Town of Almond, Allegany County, State of New York, has determined that the adoption of this local law is necessary for the purpose of enabling the Town Board to adopt a budget for 2019 that exceeds the 2018 real property tax levy by more than 2.25%; and

WHEREAS, the Town Board of the Town of Almond desires to adopt a budget for fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law Section 3-c;

NOW, THEREFORE, be it resolved that the Town of Almond adopt Local Law No. 1 of 2018 entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c" which local law shall provide 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 Almond, pursuant to General Municipal Law §3-c, and to allow the Town of Almond to adopt a budget for fiscal year 2019 that requires a tax levy increase 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 Almond, County of Allegany, State of New York, is hereby authorized to adopt a budget for fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c. This override is necessary to deal with the following increased costs:

- a. cash outlay required for the building of a salt shed;
- b. cash outlay required for purchase of brine equipment and materials sufficient to be self-sufficient in providing brine;
- c. to offset increased operating costs that impact critical and necessary operations of the Town of Almond; and
- d. to provide funding for equipment reserve.

**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 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, 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 pursuant to Section 27 of the Municipal Home Rule Law.

The Deputy Supervisor asked if there was any further discussion. There being no further discussion the Deputy Supervisor put the matter to a roll call vote which resulted as follows:

<u>Dawn A. Wildrick-Cole</u>	voting <u>ABSENT</u>
<u>Larry Perry</u>	voting <u>AYE</u>
<u>Jo-Anne Freeland</u>	voting <u>AYE</u>
<u>Daniel Hegarty</u>	voting <u>AYE</u>
<u>Bryan Snyder</u>	voting <u>AYE</u>

The Deputy Supervisor declared the Local Law to be duly adopted and directed the Town Clerk and Town Attorney to file the local law with the Department of State as quickly as possible.

STATE OF NEW YORK            }  
  } SS.:  
COUNTY OF ALLEGANY        }

I, the undersigned, Michelle Stevens, Town Clerk of the Town of Almond, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the special meeting of the said Town Board including the resolution contained therein, held on October 30, 2018, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
The Hornell Evening Tribune	Oct. 21, 2018

and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of posted notice</u>	<u>Date given</u>
Town Clerk Bulletin Board	Oct. 19, 2018
Post Office	<u>Oct. 19, 2018</u>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Almond, on October, 30, 2018.

TOWN SEAL

Michelle Stevens  
Town Clerk  
Town of Almond