

TOWN OF NEWCOMB

OCT 26 2015

Local Law No. 1 of 2015

DEPARTMENT OF STATE

**A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2016**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEWCOMB,  
ESSEX COUNTY, NEW YORK, AS FOLLOWS:**

1. **Legislative Intent and Need** - 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 Newcomb pursuant to New York General Municipal Law Section 3-c, and to allow the Newcomb Town Board to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.
2. **Authority** – This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorized 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 total voting power of the Town Board.
3. **Tax Levy Limit Override and Budget Authorization** – The Town Board hereby overrides the tax levy limit under New York General Municipal Law Section 3-c for the Town of Newcomb for fiscal year 2016 and authorizes the Newcomb Town Board, after completing all required procedures for the adoption of a budget, to adopt a budget for fiscal year 2016 that requires a tax levy that is greater than the tax levy limit calculated for 2016 pursuant to General Municipal Law Section 3-c.
4. **Severability** – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
5. **Effective date** – This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply only to the Town's budget for fiscal year 2016.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2015 of the Town of Newcomb was duly passed by the Newcomb Town Board on October 13, 2015, in accordance with the applicable provisions of law.

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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

Mary Paul  
Town Clerk, Town of Newcomb

Date: 10-13-15

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Essex

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Mary Paul  
Signature

Town Clerk  
Title

County  
City of Newcomb  
Town  
Village

Date: 10-13-15

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 1 OF 2015 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW s3-C"**

The following resolution was offered by Councilman Hai, who moved its adoption

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, by Resolution No. 1 duly adopted on October 13, 2015, the Town of Newcomb introduced Local Law No. 1 for 2015, entitled "A Local Law to Override the Tax Levy Limit established in General Municipal Law s3-c"; and

**BE IT RESOLVED**, that a Public Hearing was duly held on the 13<sup>th</sup> day of October 2015 at 6:30 pm to hear any and all persons concerning the adoption of said local law, and

**BE IT FURTHER RESOLVED**, that the Town of Newcomb Town Board hereby adopts proposed Local Law No. 1 of 2015 entitled "Local Law No. 1 – A Local to Override the Tax Levy Limit Established in General Municipal Law s3-c", reading and providing as follows:

**TOWN OF NEWCOMB LOCAL LAW NO. 1 OF 2015"**

A Local Law To Override the Tax Levy Limit Established in General Municipal Law s3-c.

**BE IT ENACTED**, by the Town of Newcomb Town Board as follows:

**Section 1. Legislative Intent.**

Its 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 Newcomb pursuant to General Municipal Law s3-c, and to allow the Town of Newcomb to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law s3-c.

**Section 2. Authority**

The local law is adopted pursuant to subdivision 5 of General Municipal Law s3-c, which expressly authorized 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 3. Tax Levy Limit Override – Budget Authorization.**

The Town Board of the Town of Newcomb hereby overrides the tax levy limit for the Town of Newcomb for 2016 and authorized the Town of Newcomb, after completing all required procedures for the adoption of a budget, to adopt a budget for 2015 that requires a tax levy that is greater than the tax levy limit calculated for 2016 pursuant to s3-c of the General Municipal Law.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of the 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 judgement 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 the local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

### **Section 5. Effective Date.**

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

This resolution was duly seconded by Councilman Helms and adopted upon a Sixty Percent roll call vote as follows:

AYES: 4 votes  
NOES: 0 votes  
ABSENT: 1 vote

907297

**WARREN COUNTY AFFIDAVIT**

STATE OF NEW YORK:

County of Warren, ss:

Donna Morehouse being duly sworn,

says that (s)he is an authorized designee for Lee Enterprises, publishers of THE POST-STAR, a daily newspaper published in Glens Falls, Warren County, State of New York, and that the printed notice attached hereto was cut from the said POST-STAR, and that the said notice was published therein, namely

Town of Newcomb

October 7, 2015

Signed this 7 day of October, 2015

Donna M. Morehouse

Sworn to before me this 7 day of Oct, 2015

**BRIAN J. CORCORAN**  
Notary Public - State of New York  
No. 01CO6133976  
Qualified in Saratoga County  
My Commission Expires September 19, 2017

**NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C FOR TOWN OF NEWCOMB FISCAL YEAR 2016**  
NOTICE IS HEREBY GIVEN that the Newcomb Town Board will hold a public hearing on 13th day of October 2015 beginning at 1:30 p.m. at the town Hall, Newcomb, New York, concerning proposed Local Law No. 11 of 2015. Proposed Local Law No. 11 overrides the tax levy limit under New York General Municipal Law Section 3-c for the Town of Newcomb for fiscal year 2016 and authorized the Newcomb Town Board after completing all required procedures for the adoption of a budget to adopt a budget for fiscal year 2016 that requires a tax levy that is greater than the tax levy limit calculated for 2016 pursuant to General Municipal Law Section 3-c.  
A copy of the proposed Local Law is on file in the Town Clerk's Office.  
**PLEASE TAKE FURTHER NOTICE** that all interested parties will be heard at this time and place.  
Dated: October 5, 2015  
Mary Pound, Town Clerk, Town of Newcomb  
**PUB: OCTOBER 7, 2015**