

# 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.)

FILED  
STATE RECORDS

of Newcomb

OCT 11 2016

DEPARTMENT OF STATE

Local Law No. 2 of the year 2016

A local law to override tax levy limit established in General Municipal Law 3-c for the fiscal year 2017.  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Newcomb

as follows:

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

Town of Newcomb

**Local Law No. 2 of the year 2016**

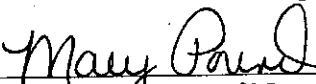
**A local law to override tax levy limit established in General Municipal Law 3-c for fiscal year 2017.**

**Be it enacted by the Town Board of the Town of Newcomb as follows:**

1. Legislative Intent and Need – It is the intent of the 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 2017 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 (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 Municipal Law Section 3-c for the Town of Newcomb for fiscal year 2017 and authorizes the Newcomb Town Board, after completing all required procedures for the adoption of a budget, to adopt a budget for fiscal year 2017 that requires a tax levy that is greater than the tax levy limit calculated for 2017 pursuant to General Municipal Law Section 3-c.
4. Severability – The invalidity of any clause, sentence, paragraph or provision of the Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
5. Effective date – The 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 2017.

I hereby certify that the Local Law No. 2 of 2016 of the Town of Newcomb was duly passed by the Town Board on September 27, 2016, 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 1 above.

  
\_\_\_\_\_  
Town Clerk, Town of Newcomb

Date: September 27, 2016

(Seal)

(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 2016 of the (County)(City)(Town)(Village) of Newcomb was duly passed by the Town Board on September 27, 2016, 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.)**

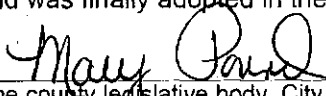
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 above.

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

Date: September 27, 2016

(Seal)

**Resolution Adopting Proposed Local Law No 2 of 2016**  
**Entitled "A Local Law To Override The Tax Levy Limit Established**  
**In General Municipal Law s3-C"**

The following resolution was offered by Councilman Olbert, 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 duly adopted on September 27, 2016, the Town of Newcomb introduced Local Law No. 2 for 2016, entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law s30c"; and

**Be It Resolved** that a Public Hearing was duly held on the 27<sup>th</sup> day of September 2016 at 6:30 p.m. to hear any and all persons concerning the adoption of said local law; and

**Be It Resolved** that the Town of Newcomb Town Board hereby adopts proposed Local Law No. 2 of 2016 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law s3-c," reading and provided as follows:

**"Town of Newcomb Local Law No. 2 of 2016"**

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.**

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 General Municipal Law s3-c, and to allow the Town of Newcomb to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law s3-c.

**Section 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law s3-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 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 2017 and authorizes the Town of Newcomb, after completing all required procedures for the adoption of a budget, to adopt a budget for 2017 that requires a tax levy

that is greater than the tax levy limit calculated for 2017 pursuant to s3-c of the General Municipal Law.

**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 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 this local law or in its application to the person, individual, form 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 Novak, and adopted upon a **sixty percent (60%)** roll call vote as follows:

Ayes: Supervisor Miga, Councilman Bott, Councilman Novak, and Councilman Olbert.

Noes: None

Absent: Councilman Hai.

**TOWN OF NEWCOMB**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED LOCAL LAW NO. 2 OF 2016**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Newcomb, Essex County, New York will meet at the Town Offices of the Town of Newcomb, Essex County, New York located at 5639 State Rt 28N, Newcomb, N.Y., on the 27<sup>th</sup> day of September at 6:30 pm for the purposes of conducting a Public Hearing on introducing proposed Local Law No. 2 of 2016 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law s3-c."

**PLEASE TAKE FURTHER NOTICE** that a said Public Hearing to be held at the time and place set forth above, the Town Board will consider this Local Law and hear all parties interested therein concerning the same.

**PLEASE TAKE FURTHER NOTICE** that a copy of the full text of proposed Local Law No. 2 of 2016 may be obtained upon request from the Town Clerk of the Town of Newcomb.

Dated: September 20, 2016

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Mary Pound, Town Clerk

Town of Newcomb

5639 State Rt. 28N

Newcomb, N.Y. 12852

518-582-3211