

**LOCAL LAW #1 OF THE YEAR 2012
TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW § 3-C**

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Fayette to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy 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 the General Municipal Law § 3-C, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of Fayette is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-C.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.

Moved by Councilman Maybury and seconded by Councilman Trout to approve Local Law #1 - 2012 "To Override the Tax Levy Limit Established in General Municipal Law 3-C:. Carried 5 to 0.

**A RESOLUTION TO INTRODUCE LOCAL LAW #1 OF THE
YEAR 2012 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW § 3-C**

WHEREAS, the Fayette Town Board has been made aware of passage by the State legislature § 3-C of the New York State General Municipal Law (GML), and

WHEREAS, § 3-C GML provides for a “tax cap” on tax levies by municipalities without placing a similar “cap” on unfunded mandates imposed upon municipalities by the State, and

WHEREAS, Required Town expenditures, including those for such unfunded mandates continue to rise at a rate in excess of the cap imposed under § 3-C GML,

NOW, therefore, be it

RESOLVED, That Local Law #1 of 2012 entitled “A Local Law To Override The Tax Levy Limit Established In General Municipal Law § 3-C” be, and the same is hereby introduced before the Town Board of The Town of Fayette, New York, to read in substantially the following form:

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circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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AND BE IT FURTHER

RESOLVED that copies of the aforesaid proposed local law be laid upon the desks of each member of the Town Board for the Town of Fayette; and, be it further

RESOLVED that the Town board hold a public hearing on said proposed Local Law at the Fayette Town Hall, 1439 Yellow Tavern Road, Waterloo, New York at or about 6:45 p.m. on September 13, 2012; and, be it further

RESOLVED that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspaper of the Town of Fayette at least five (5) days prior thereto; and, be it further

RESOLVED that the Clerk to the Board provide notice of this resolution to any adjacent municipalities at least ten (10) days prior to the public hearing and to the Seneca County Planning Board at the Planning and Community Development Department.