

Resolution 41 of 2020

**RESOLUTION AUTHORIZING THE ADOPTION
BY THE TOWN OF CLINTON, NEW YORK**

OF LOCAL LAW NO. 1 OF 2020 entitled

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2021”

WHEREAS, on September 10, 2019 a resolution was duly adopted by the Town Board of the Town of Clinton, New York authorizing a public hearing to be held by the Town Board on October 13, 2020, at 6:15 p.m. at the Clinton Town Hall at 1215 Centre Rd, Rhinebeck (Town of Clinton), New York, to hear all interested parties on a proposed Local Law entitled “**A Local Law to Override the Tax Levy Limit for Fiscal Year 2021**”, and

WHEREAS, notice of the public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on the 1st day of October 2020; and

WHEREAS, the public hearing was duly held on the 13th day of October 2020 at 6:15 p.m. at the Clinton Town Hall at 1215 Centre Rd, Rhinebeck (Town of Clinton), New York, 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 having determined that all parties entitled to notice have been duly given notice thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) the Town Board hereby determines that adoption of this proposed Local Law is a Type II action which would not have a significant effect upon the environment; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, with the sole enactment that the proposed law to create a provision to override Chapter 97 (Part A) § 3-C s.5, Laws of New York 2011 concerning the Property Tax Cap of 2% which states:

The Town Board is hereby authorized to override the Tax Levy Limit established pursuant to General Municipal Law Sec. 3-c, for Fiscal Year 2021, and to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec. 3-c. is enacted, so that the Town can pass its 2021 budget.

Now On Motion of Supervisor Oberly duly seconded by Councilman

Now, Therefore Be It Resolved, that the Town Board hereby adopts said **Local Law No. 1 of 2020, entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2021”** a copy of which is attached hereto and made a part of this resolution; and

Be It Further Resolved, that the Town Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York.

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

Supervisor Raymon Oberly	VOTING	AYE
Councilman Chris Juliano	VOTING	AYE
Councilman Michael Whitton	VOTING	AYE
Councilman Dean Michael	VOTING	AYE
Councilman Nancy Cunningham	VOTING	AYE

DATED: Clinton, New York
October 13, 2020



Carol-Jean Mackin, Town Clerk

LOCAL LAW NO. 1 OF 2020

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2021”

Be it enacted by the Town Board of the Town of Clinton as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), 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 2. PURPOSE.

The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Clinton pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

SECTION 3. TAX LEVY LIMIT OVERRIDE. The Town of Clinton Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2021, and to adopt a budget for Fiscal Year 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section 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 said clause, sentence, paragraph, section 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 order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon its filing with the Secretary of State as provided in §27 of the N.Y. Municipal Home Rule.