

RESOLUTION # 10-2024 ADOPTING LOCAL LAW NO. 1 OF 2024

“A Local Law to Override te Tax Levy Limit for Fiscal Year2025”

At a regular meeting of the Town Board of the Town of Burke, Franklin County, New York, held at the Town Hall, 5165 State Route 11, in said Town of Burke, on the 8th day of October, 2024, at 6:00 P.M., there were:

PRESENT: William K. Wood, Timothy Crippen, James Otis, Paddy Wheeler, and Eric Ashlaw.

ABSENT: None

Mr. Eric Ashlaw offered the following resolution and moved its adoption.

WHEREAS, the Town anticipates to adopt a budget for Fiscal Year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law; and

WHEREAS, in furtherance of this the Town Board is considering enacting Local Law No. 1 of 2024 to resolve said issue, titled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2025”;

WHEREAS, a public hearing was held on the 8th day of October, 2024, at which time all persons either for or against the proposed local law were heard;

NOW, THEREFORE, BE IT RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 1 OF 2024

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2025”

Be it enacted by the Town Board of the Ton of Burke as follows:

§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 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.

§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 Burke pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2025 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.

§3. Tax Levy Limit Override.

The Town of Burke Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2025, and to adopt a budget for Fiscal Year 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

§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.

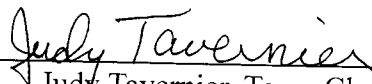
§5. Effective Date.

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

AND BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Seconded by Mr. James Otis and duly put to a vote, which resulted as follows;

<u>5</u>	AYES
<u>0</u>	NAYS



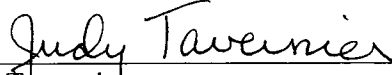
Judy Tavernier, Town Clerk

CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF FRANKLIN)

This is to certify that I, the undersigned, Clerk of the Town of Burke, have compared the foregoing copy of **Resolution Adopting Local Law No. 1 of 2024** with the original now on file in this office and which was passed on this 8th day of October, 2024, with a majority of all members elected to the Town Board voting in favor thereof, and that the same is a correct and true transcript of such original Resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the **TOWN OF BURKE** this 8th day of October, 2024.



Judy Tavernier
Town Clerk
Town of Burke

