

REGULAR TOWN BOARD MEETING  
October 17, 2023

A public hearing and the regular board meeting were held October 17, 2023 at the Burke Town Court House.

Roll Call:	Supervisor:	Bill Wood
	Councilman:	Arnold Lobdell
		Tim Crippen
		Jim Otis
		Paddy Wheeler
	Supt. of Highways:	Larry LaPlante
	Town Clerk:	Judy Tavernier
	Bookkeeper:	Linda Trudell
	Code Officer:	Jim Dumont
	Guests:	Lloyd Walfield
		Kyle Johnston
		Craig Dumas
		Greg Perrigo
		John Carr

Supervisor Bill Wood called the public hearing regarding exceeding the Tax Cap to order at 6:00 p.m. There were no public comments. The hearing adjourned at 6:01 p.m. on a motion by Tim Crippen and seconded by Jim Otis. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

The Regular Meeting of the Burke Town Board was held immediately following the public hearing. This Regular Meeting is being voice recorded by the Burke Town Clerk, Judy Tavernier as always. Supervisor Bill Wood called the regular meeting of the Burke Town Board to order at 6:01 p.m. The Pledge of Allegiance to the Flag was said.

Minutes of the September 12, 2023 meeting were read and one correction made. On a motion by Jim Otis and seconded by Tim Crippen, the minutes were accepted as corrected. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye and Bill - aye.

Minutes of the Budget Work Session held September 26, 2023 were read and approved on a motion by Arnold Lobdell and seconded by Paddy Wheeler. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

No Public Comments:

**New Business:**

A. A public hearing was held prior to this meeting regarding exceeding the Tax Cap. Tim Crippen made the motion to accept the new law as **RESOLUTION # 15**. Paddy Wheeler seconded.

Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

B. Craig Dumas and Greg Perrigo presented the request for a 3% increase for the Foothills Ambulance. Currently there are 18 paid employees and 4 volunteers with 8 EMTs and 4 paramedics.

C. Lloyd Walfield and Kyle Johnston represented the Burke Fire Department and also requested a 3% increase. There are currently 17 members of the fire department and all are volunteers.

D. John Carr provided information regarding the heating and air conditioning for the courthouse. The boiler is new and does not need to be replaced. The circulation system is out of balance and the air conditioner is over 30 years old. He gave a verbal estimate of approximately \$25,000 total. After discussion, it was decided that he would put this out for bid. This project is part of the ARPA grant.

E. No bids have been received for dog control. We will run the ad again.

F. Community Bank options were provided. Bill & Linda will evaluate and pursue.

G. Preliminary budget will be discussed at the workshop and date decided for vote.

H. Town Official Training is being offered at Plattsburgh on November 20<sup>th</sup>. \$15.00

- I. Change in affidavit procedure was approved on a motion by Tim Crippen and seconded by Jim Otis. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

**Old Business:**

- A. Brookside PILOT and Host Community are still pending.  
B. A FOIL request was sent to Federal Aviation Administration regarding Dufort airport. Response was shared with the board.  
C. Tim Crippen reported Dow Electric planned to repair pole this week.

No Highway committee report.

Highway Superintendent Report – Still cutting roadsides. Assisted Chateaugay with culverts and numerous ditches. Excavator is working well. Repairs: Radiator and tires on 04 Mac, Hydraulic tank on Ford, and alternator on JD tractor. It was decided that no further repairs will be made to the old Ford Tractor – Run it til it quits. Old excavator will be advertised for bids. Winter schedule starts October 1. Highway Committee will get together about recommendations for old equipment.

Code Officers Report - \$140.00 income last month. Jim Otis made the motion to accept report. Arnold Lobdell seconded. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

Financial Report was reviewed and approved on a motion by Arnold Lobdell and seconded by Tim Crippen.

Roll Call: Arnold - aye, Jim – aye, Tim - aye, Paddy - aye, Bill – aye.

Bank Reconciliation report: Report was accepted on a motion by Arnold Lobdell and seconded by Paddy Wheeler. Roll Call: Arnold - aye, Jim - aye, Tim - aye, Paddy - aye, Bill - aye.

Discussed ARPA funds – Anticipate \$30-35,000 for courthouse update. Balance in ARPA account is \$88,624.31.

No Public Comments.

Bills were paid.

A motion to adjourn at 8:25 p.m. was made by Jim Otis and seconded by Paddy Wheeler. Roll Call: Arnold - aye, Jim – aye, Tim - aye, Paddy - aye, Bill – aye.

Respectfully submitted,



Judy Tavernier, Town Clerk  
Recorded by, Judy Tavernier, Town Clerk

Attachment:

Resolution # 15-2023 – Local Law to Exceed Tax Cap

## 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:)

of BURKE

Local Law No. 3 of the year 20<sup>23</sup>

A local law OVERRIDE THE TAX LEVY LIMIT  
 (Insert Title)  
TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW SECTION 3--C

Be it enacted by the TOWN BOARD of the  
 (Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
 (Select one:)

of BURKE as follows:

SEE ATTACHED.

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

(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. 3 of 2023 of the ~~(County)(City)(Town)(Village)~~ of BURKE was duly passed by the BURKE TOWN BOARD on OCTOBER 17 2023, 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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (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) (Name of Legislative Body) (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.

\* 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.

**(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  
City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of  
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.

*Judy Tavernier*

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

(Seal)

Date: October 17, 2023

## **LOCAL LAW NO. 3 OF 2023**

### **“A Local Law to Override the Tax Levy Limit for Fiscal Year 2024”**

Be it enacted by the Town Board of the Town 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 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.

#### **§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 2024 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 2024, and to adopt a budget for Fiscal Year 2024 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 provided in §27 of the N.Y. Municipal Home Rule.