

# 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 Bovina

DEC 09 2016

DEPARTMENT OF STATE

Local Law No. 2 of the year 20 16

A local law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Bovina

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. \_\_\_\_\_ of 20 16 of the (County)(City)(Town)(Village) of Bovina was duly passed by the Town Board of the Town of Bovina on 11-15-16 20 16, 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 \_\_\_\_\_ above.

*Catherine Dewitt*

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

Date: November 15, 2016

(Seal)  
NOV 15 2016

**TOWN OF BOVINA**

**LOCAL LAW NO. 2 FOR THE YEAR 2016**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-c**

Be it enacted by the Town Board of the Town of Bovina 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 Bovina pursuant to General Municipal law §3-c, and to allow the Town of Bovina to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 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 General Municipal law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override:** The Town Board of the Town of Bovina, County of Delaware is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**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 judgment 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, 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.

At a Regular Meeting of  
the Town Board of Bovina  
held on November 15, 2016  
at 6:25 pm at the Town  
Community Hall

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF BOVINA**

In the Matter of the Adoption of Local Law No. 2 of 2016 entitled "Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c"

**WHEREAS**, in accordance with subdivision 5 of General Municipal Law §3-c of the State of New York which provides municipalities with the express authorization to override the tax levy limit established in General Municipal Law §3-c by passing a Local Law approved by a vote of at least sixty percent (60%) of the Town Board; and

**WHEREAS**, the proposed Law was presented to the Town Board at least 11 days prior to the Town Board meeting on October 11, 2016 and

**WHEREAS**, the Town Board adopted a resolution on October 11, 2016 scheduling a public hearing on the proposed Law for November 15 2016; and

**WHEREAS**, the public hearing on the proposed Local Law was held on November 15, 2016 at the Town Hall; and

**WHEREAS**, the Town Board reviewed and considered all public comments received on the proposed Law; and

**WHEREAS**, the proposed Law was on file for inspection at the Clerk's office prior the hearing and during the public review process; and

Signed this 15<sup>th</sup> day of November, 2016

Catherine Hewitt  
Catherine Hewitt, Town Clerk

STATE OF NEW YORK        }  
COUNTY OF DELAWARE    }  
TOWN OF BOVINA         }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Bovina at a regular meeting held November 15, 2016, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT

- Molé
- Greenberg
- Hilson
- Rossley
- Stewart-Barnhart

MEMBERS ABSENT

VOTE

- Yea/Nay
- Yea/Nay
- Yea/Nay
- Yea/Nay
- Yea/Nay

Witness my hand and the seal of the Town of Bovina, this 15<sup>th</sup> day of November 2016.

Catherine Hewitt  
CATHERINE HEWITT, TOWN CLERK  
TOWN OF BOVINA

**RESOLUTION OF THE BOVINA TOWN BOARD ACCEPTING PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c AND SCHEDULING PUBLIC HEARING FOR SAME**

**WHEREAS**, on June 24, 2011 the New York State Legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the "General Municipal Law §3-c";

**WHEREAS**, General Municipal Law §3-c expressly authorizes local governments to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the "Bovina Town Board");

**WHEREAS**, the Town's Attorney has prepared a proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c; and

**WHEREAS**, the Town Board has reviewed and modified the proposed Local Law to Override the Tax Levy Limit Established in General Municipal law §3-c; and

**NOW, THEREFORE, BE IT RESOLVED** that the proposed law is ready for consideration by the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Board shall will hold a public hearing for consideration of the Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c on November 16, 2016 at 6:00 pm at the Town Hall; and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized and directed to publish notice of said hearing in the Walton Reporter, and to post copies of such notice in the manner provided by law.

**WHEREUPON**, the Resolution was put to a vote and recorded as follows:

	Aye	Nay
Supervisor Molé	<u>  X  </u>	<u>      </u>
Board Member Marni Greenberg	<u>  X  </u>	<u>      </u>
Board Member Thomas Hilson	<u>  X  </u>	<u>      </u>
Deputy Supervisor Evelyn Stewart-Barnhart	<u>  X  </u>	<u>      </u>
Board Member Mark Rossley	<u>  X  </u>	<u>      </u>

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE  
TOWN BOARD OF BOVINA, DELAWARE COUNTY, NEW YORK:**

The Town of Bovina Local Law to Override the Tax Levy Limit Established in Municipal Law §3-c, being Local Law No. 2 of 2016, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

**WHEREUPON**, the Resolution was put to a vote and recorded as follows:

	Aye	Nay
Supervisor Molé	<u>  X  </u>	<u>      </u>
Board Member Marni Greenberg	<u>  X  </u>	<u>      </u>
Board Member Thomas Hilson	<u>  X  </u>	<u>      </u>
Deputy Supervisor Evelyn Stewart-Barnhart	<u>  X  </u>	<u>      </u>
Board Member Mark Rossley	<u>  X  </u>	<u>      </u>

Signed this 15<sup>th</sup> day of November, 2016

  
Catherine Hewitt, Town Clerk

STATE OF NEW YORK  
DEPARTMENT OF STATE

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

November 28, 2016

Town Clerk  
PO Box 6  
Bovina NY 13740

RE: Town of Bovina

We are returning the enclosed Local Law for the following reason(s):

We already have a Local Law #1 filed in our office for your municipality.

Sincerely

State Records  
(518) 473-2492

enc.



Department  
of State