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October 6, 2016

Richard Kaulfuss, Town Supervisor  
Town of Oswego  
2320 County Route 7  
Oswego, NY 13126

Re: Tax Levy Limit Override Local Law for 2017

Dear Rick:

Enclosed please find proposed Local Law No. 1 of 2016 proposing an override of the tax levy limit established in General Municipal Law Section 3-c. Please note that this Local Law must be adopted prior to the adoption of the 2017 Town Budget and is subject to a public hearing on notice of at least five days. The Local Law must be adopted by a 60% majority of the Town Board members present and voting in the affirmative. The Local Law becomes effective upon filing with the New York State Secretary of State. However, I see no harm in adopting the Local Law and at the same meeting, after adoption of the Local Law, adopting the 2017 Town Budget. The budget, of course, does not go into effect until January 1, 2017. The Local Law will be filed immediately after the conclusion of the meeting and on record with the State within one week of its adoption.

Should you have any questions related to this procedure please do not hesitate to contact me.

Sincerely,



Kevin C. Caraccioli

KCC/dnp  
Enclosure

## *Local Law Filing*

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(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 of Oswego  
Town  
Village

Local Law No. 1 of the year 2016

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c.

*(Insert Title)*

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

County  
City of Oswego as follows:  
Town  
Village

### **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 Oswego, County of Oswego pursuant to General Municipal Law § 3-c, and to allow the Town of Oswego, County of Oswego to adopt a town budget for (a) town purposes (b) fire protection districts and (c) and other special or improvement district governed by the Town Board for the Fiscal Year 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 the General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law by a vote of sixty percent (60%) of the Town Board.

**SECTION 3 – TAX LEVY LIMIT OVERRIDE:**

The Town Board of the Town of Oswego, County of Oswego is hereby authorized to adopt a budget for the Fiscal Year 2017 that requires a real property tax levy in excess of the limited specified 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 New York State Department of State.

[END OF LOCAL LAW]

(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 2016 of the Town of Oswego was duly passed by the Town Board on \_\_\_\_\_, in accordance with the applicable provisions of law.

~~**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\_\_\_\_. Such (Elective Chief Executive Officer\*) 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 (Elective Chief Executive Officer\*) local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provision 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.

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 of 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.

\_\_\_\_\_  
Nikki Fowler, Town Clerk

Date: \_\_\_\_\_

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK )  
COUNTY OF OSWEGO )      ss:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Signature      KEVIN C. CARACCIOLI

TOWN ATTORNEY

Title

County  
City of      OSWEGO

Town  
Village

Date: Date: \_\_\_\_\_