

TOWN OF CONCORD PUBLIC HEARING
Local Law #1 of 2020

October 8, 2020
6:45 p.m.

PUBLIC HEARING OPENED BY CLYDE M. DRAKE, SUPERVISOR.

ROLL CALL:

PRESENT: CLYDE M. DRAKE, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
KENNETH ZITTEL, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt
BRIAN F. ATTEA, Town Attorney
CAROLYN ROBINSON, Dog Control Officer
JEFF SINGLETON, Code Enforcement Officer

MAX BORSUK, Springville Journal
REED BRAMAN

GEORGE DONHAUSER

Supervisor Drake opened the Public Hearing at 6:45 p.m. Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Times on September 17, 2020. The Public Hearing Notice was posted on the signboard at the Town Hall and on the Town's website: townofconcordny.com on September 11, 2020.

Supervisor Drake advised that the Tentative Budget was received. At this time, the Town is not over the tax cap but the Board is still working on the Budget. Supervisor Drake noted that this is something the Town has to do in case we do go over the tax cap. If in fact the Town does go over the tax cap, the Town must adopt a local law to override of the tax levy limit established by General Municipal Law §3-C. The Town did this local law last year and did not go the cap. Supervisor Drake noted that he believes that this is the smart thing to do. Supervisor Drake read the local law into the Minutes.

**Local Law No. 1 of the Year 2020
Town of Concord, County of Erie**

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Concord to adopt a budget for the fiscal year commencing January 1, 2020 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 a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Concord, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, 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

Supervisor Drake advised that the general tax cap limit is 1.56% and the Town can get additional credits depending on what was in the prior year. It comes out to be an estimated \$2,093,000. He is fairly sure right now that we won't go over if it were a regular year but this year was not regular. This is just putting the tools in place in case the Town have to go over the cap.

Reed Braman asked what happens if the Town does not use the law. What happens afterwards? Is it repealed? Supervisor Drake noted that it is just remains on the record. Supervisor Drake congratulated Mr. Braman on his recent election to the Village Board of Trustees.

No one wished to address the Board.

Motion by Councilman Snyder, seconded by Councilman Krezmien, to close the hearing at 6:58 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.



Darlene G. Schweikert
Town Clerk