

At the workshop meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, October 26, 2020 at 6:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: Neil Milliken
Councilmember: Ron Allison
Councilmember: Albert Lucarelli
Councilmember: Thomas Milliken
Councilmember: Scott Bush- absent

Others present
Town Clerk- Tammy Stein
Attorney- Scott Moore

The Town Board discussed the recent Covid-19 outbreaks and procedures for the Town Hall

The Town Board discussed the A and DB Account Budget

Resolution #136-20

Accept Local Law 2-2020, Override Tax Levy

By Mr. Lucarelli

Seconded by Mr. T. Milliken

Whereas a resolution was duly adopted by the Town Board of the Town of Elmira for a public hearing to be held by said Board on October 20, 2020 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY to hear all interested parties on proposed Local Law 2-2020 Override the Tax Levy Limit established in General Municipal Law §3-c; and

Whereas a notice of said public hearing was duly advertised in the Star Gazette, the official newspaper of the Town of Elmira on October 9,2020; and

WHEREAS said public hearing was duly held on October 20,2020 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY and all parties in attendance were permitted an opportunity to speak on behalf or in opposition of said proposed Local Law, or any part thereof and

WHEREAS, the Town Board of the Town of Elmira after due deliberation finds it in the best interest of the Town to adopt the said Local Law;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Elmira hereby adopts Local Law 2-2020 Override the Tax Levy Limit established in General Municipal Law §3-c; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law book of the Town of Elmira and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Override the Tax Levy Limit Established in General Municipal Law §3-c

Be it enacted by the Town Board of the Town of Elmira 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 Elmira pursuant to General Municipal Law §3-c, and to allow the Town of Elmira to adopt a budget for the fiscal year 2021 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 authorized the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Elmira, County of Chemung is hereby authorized to adopt a budget for the fiscal year 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 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 shall take effect immediately upon filing with the Secretary of State.

Aye-T. Milliken, Allison, Lucarelli, N. Milliken

No- None

On a motion by Mr. Allison and seconded by Mr. Lucarelli the budget workshop was adjourned at 6:55 P.M., All were in favor.

Tammy Stein, Deputy Town Clerk