

TOWN OF CONCORD PUBLIC HEARING
Local Law #5 of 2023: Override Tax Cap

October 5, 2023
6:00 p.m.

PUBLIC HEARING OPENED BY PHILIP DROZD, SUPERVISOR.

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
WILLIAM F. SNYDER, III, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

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

GEORGE DONHAUSER

Supervisor Drozd opened the Public Hearing at 6:00 p.m. Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 21, 2023. The Public Hearing Notice was posted on the signboard at the Town Hall and on the Town's website: townofconcordny.com on September 18, 2023. Supervisor Drozd advised that the Tentative Budget was received by the Town Board at the October 4, 2023 Special Town Board meeting.

Supervisor Drozd began the Public Hearing by reading the proposed Local Law #6 of 2023:

**Local Law No. 5 of the Year 2023
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, 2024 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, 2024 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

This local law shall take effect immediately upon filing with the Secretary of State.

Supervisor Drozd asked if anyone had any questions. There were no questions or comments.

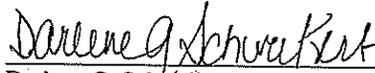
Supervisor Drozd noted that there have been Supervisor Budget work sessions. Every town seems to handle their budgets differently. There is no penalty on the tax cap if the Town does go over the cap.

There will be another Budget Work Session on Thursday, October 12th at 6 p.m. At this time, the tentative budget has \$264,000.00 used out of fund balance. Assessor Martin had provided Supervisor Drozd with the certified statement of average assessed values for the Town and the Village. Supervisor Drozd reminded the members that there is not a taxpayer in town that pays everyone of those special districts.

The Town is looking into changing the budget line title for Special Districts to add User Fee language so that it does not count against the cap.

The Public Hearing remained open until 6:15 p.m.

Motion by Council Member Zittel, seconded by Council Member Drake, to close the hearing at 6:15 p.m. Council Members Drake, Zittel, Snyder & Krzemien: Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk