

PUBLIC HEARING – OCTOBER 26, 2011

The Public Hearing of the Town Board of St. Armand was held on the above date at the Town Hall, Bloomingdale, NY.

PRESENT: Supervisor Joyce W. Morency, Councilmen Samuel A. Grimone, Earl J. Dakin, Jr., Thomas C. Jones, and Charles Whitson, Jr. Town Clerk Cynthia A. Woodson. Town Accountant Mike Kilroy.

GUESTS: Sandy Hayes, Dr. and Mrs. Merkel, Nancy Heath, Donna Bramer, Carol Techman, and Adirondacks Daily Enterprise Reporter Chris Knight.

Supervisor Morency called the Public Hearing to order at 6:02 P.M.

The Pledge of Allegiance was led by Councilman Grimone.

The reading of the Public Notice was waived by motion from Councilman Jones and seconded by Councilman Whitson.

PUBLIC NOTICE
TOWN OF ST. ARMAND
NOTICE OF PUBLIC HEARING
PROPOSED LOCAL LAW NO. 2 OF 2011

PLEASE TAKE NOTICE that the Town Board of the Town of St. Armand, New York, will meet at the Town Hall, 1702 NYS Rt. 3, Bloomingdale, New York, on the 26th day of October, 2011, at 6:00 p.m. for the purpose of conducting a Public Hearing on introducing proposed Local Law No. 2 of 2011 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law s3-C".

PLEASE TAKE FURTHER NOTICE that at said Public Hearing to be held at the time and place set forth above, the Town Board will consider this Local Law and hear all parties interested therein concerning the same.

PLEASE TAKE FURTHER NOTICE that a copy of the full text of proposed Local Law No. 2 of 2011 may be obtained upon request from the Town Clerk of the Town of St. Armand.

PLEASE TAKE FURTHER NOTICE there will be a Special Board meeting immediately following the Public Hearing for the purpose of possible adoption of said Local Law and any other business to come before the Town Board, including 2012 Budget Workshop of Town Board Members.

Dated Oct. 17, 2011 and (Oct. 24, 2011 by Supervisor Morency)

Cynthia A. Woodson

Town Clerk

Town of St. Armand

1702 NYS Route 3

Town Hall

Bloomingdale, NY 12913

(518) 891-3189

Pub.: Oct. 19, 20, 25, 2011

2 % CAP OVERRIDE

Supervisor Morency stated that she has worked hard to keep its annual budgets tight, and still below the 2 percent cap. She stated that passing a resolution to override the 2 percent cap will help in the future as it will protect the town board if they go over the cap, and not be penalized later with the State. There are several mandates that the State imposes on the local governments that have to be done.

Supervisor Morency asked Dr. and Mrs. Merkel if they have questions. Dr. Merkel stated that he has concerns that the override will be abused in the future. Mrs. Ann Merkel stated that she has concerns about the property taxes and doesn't want them to go up anymore. Councilman Grimone stated that he understands their concerns and that it doesn't prevent future town boards from raising the tax levies above 2 percent. He stated that if things have to be done, then things have to be done. Nancy Heath asked if

this law will always be on the books. Councilman Grimone stated no, this will have to be done every year if they need to override the 2 percent cap.

Sandy Hayes stated that after reviewing the local law, it is only showing that it is good for the year 2012, and if the budget is below the 2 percent cap; why have a local law to override the cap. Supervisor Morency said she thought this local law would be good for five years. Town Accountant Mike Kilroy said that the local law is only good for the year 2012, and it would have to be considered every year if the town thinks it may exceed the 2% cap. Sandy Hayes asked the town board not to consider adopting the local law. Supervisor Morency asked her board to adopt the local law.

Supervisor Morency asked if there were any more questions, and being none, Councilman Grimone, seconded by Councilman Whitson, closed the Public Hearing at 6:54 p.m.

SPECIAL BOARD MEETING

Supervisor Morency opened the Special Board meeting to order at 6:55 p.m.

Supervisor Morency asked for a Resolution to adopt the proposed Local Law No. 2 of 2011 to override the tax levy limit established in General Municipal Law s3-c.

RESOLUTION NO. 90

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 2 OF 20121 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW s3-C"

The following resolution was offered by Supervisor Morency, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, by Resolution No. 90 duly adopted on October 26, 2011 the Town of St. Armand introduced Local Law No. 2 for 2011, entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law s3-c"; and

WHEREAS, the Local Law was mistakenly enumerated as Local Law No. 1 of 2011 when, in fact, it should have been enumerated as Local Law No. 2 of 2011; and this Local Law shall be known as Local Law No. 2 of 2011, entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law s3-c"; and

WHEREAS, a Public Hearing was duly held on the 26th day of October, 2011 at 6:00 p.m. to hear any and all persons concerning the adoption of said Local Law.

BE IT RESOLVED, that the Town of St. Armand Town Board hereby adopts proposed Local Law No. 2 of 2011 entitled "Local Law No. 2 of 2011 – A Local Law To Override the Tax Levy Limit Established in General Municipal Law s3-c", reading and providing as follows:

"TOWN OF ST. ARMAND LOCAL LAW NO. 2 OF 2011'

A Local Law To Override the Tax Levy Limit Established in General Municipal Law s3-c.

BE IT ENACTED, by the Town of St. Armand Town Board 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 St. Armand pursuant to General Municipal Law s3-c, and to allow the Town of St. Armand to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law s3-c.

Section 2. Authority.

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law s3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local

Law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override – Budget Authorization.

The Town Board of the Town of St. Armand hereby overrides the tax levy limit for the Town of St. Armand for 2012 and authorizes the Town of St. Armand, after completing all required procedures for the adoption of a budget, to adopt a budget for 2012 that requires a tax levy that is greater than the tax levy limit calculated for 2012 pursuant to s3-c of the General Municipal Law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law of 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.

This motion was not seconded by any board members, and upon a SIXTY PERCENT roll call vote as follows shows the motion failed.

AYES: 1 votes – Supervisor Morency
NOES: 4 votes – All Board Members
ABSENT: 0 votes

Dated October 26, 2011

Cynthia A. Woodson
St. Armand Town Clerk

BUDGET WORKSHOP

Supervisor Morency said she supports the 5 percent raises for the highway workers, as they are hard workers. Councilman Whitson said he is not in favor of 5 percent for the men; maybe 2 or 3 percent. He said that the pay raises for the highway men he is not against it, but to reduce the amount, and any of the others who put in for raises should be put with the men's. Councilman Grimone stated that he cannot vote for the 5 percent raises. He named several people who should also get the raise. Councilman Dakin stated he would not vote for a 5 percent raise for anyone; suggest 2 percent for everyone; if there is a raise then it should be across the board for those who asked. Councilman Jones said it is an insult to only offer 2 percent; thinks everyone should get 5 percent.

Supervisor Morency asked the board members to set a date for the Public Hearing on the budget. It was decided to meet on November 10 at 6:00 p.m. Immediately following will be the Special Board Meeting to adopt the budget.

END OF MEETING

A motion was made by Councilman Grimone, and seconded by Supervisor Morency to adjourn the meeting at 8:05 p.m.

I, Cynthia A. Woodson, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Public Hearing and Special Board meeting.

Cynthia A. Woodson
St. Armand Town Clerk