

**A LOCAL LAW (1-2023)
AUTHORIZING A PROPERTY TAX LEVY IN EXCESS
OF THE LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-c**

**BE IT ENACTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
BUCHANAN AS FOLLOWS:**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Buchanan to adopt a budget for the fiscal year commencing June 1, 2023 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 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 Board of Trustees of the Village of Buchanan, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 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.

VILLAGE OF BUCHANAN RESOLUTION
AUTHORIZING A LOCAL LAW OVERRIDING
THE PROPERTY TAX LEVY CAP ENACTED
BY THE NEW YORK STATE LEGISLATURE

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, the State Legislature and the Governor enacted legislation that establishes a “property tax levy cap” on the amount that a local government’s property tax levy can increase each year; and

WHEREAS, under this law, the total amount to be raised through property taxes charged on the municipality’s taxable assessed value of property, will be capped at 2 percent or the rate of inflation, whichever is less, with some exceptions; and

WHEREAS, the state legislation provides for local governments to override the cap to protect the Village from unforeseen financial circumstances; and

WHEREAS, state legislation requires that in the event that an override is necessary, the law enabling it must already have been adopted by the Board of Trustees; and

WHEREAS, Local Law Introductory No. 1 of 2023 has been drafted to override the “property tax levy cap” law enacted by State Legislature if necessary; and

WHEREAS, a Public Hearing was held and closed on January 3, 2023.

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law No. 1-2023 to override the “property tax levy cap” law enacted by State Legislature; and

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

Upon Roll Call Vote:

Mayor Theresa Knickerbocker _____

Trustee Anthony Capicotti _____

Trustee Steven Laker _____

Trustee Sean Murray _____

Trustee Daniel Stewart _____

Vote: Resolution carried by a vote of ____ to ____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

I, Cynthia Kempter, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held January 3, 2023.

CYNTHIA KEMPTER, Village Clerk