
IN THE MATTER
Of
OVERRIDING THE PROPERTY TAX CAP
IN THE TOWN OF MANLIUS FOR FISCAL
YEAR 2023

LOCAL LAW 2022-__
ENACTING LOCAL LAW

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 28th of September 2022, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

| | |
|------------------------|------------|
| John T. Deer | Supervisor |
| Sara Bollinger | Councilor |
| Elaine Denton | Councilor |
| Alissa Italiano | Councilor |
| Katelyn M. Kriesel | Councilor |
| William Nicholson | Councilor |
| Heather Allison Waters | Councilor |

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2022-__ , amending Article XI of Chapter 134 (“Taxation”) to override the tax levy limit established by General Municipal Law Section 3-c (the “Property Tax Cap”);

**LOCAL LAW 2022 - ___, A LOCAL LAW AMENDING
CHAPTER 134 ARTICLE XI, TAX LEVY LIMIT
OVERRIDE OF THE CODE OF THE TOWN OF MANLIUS:**

Be it enacted by the Town Board of the Town of Manlius, Onondaga County, New York 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 Manlius County of Onondaga pursuant to General Municipal Law § 3-c, and to allow the Town of Manlius, County of Onondaga to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2019 and 2020 and 2021 and 2022 *and 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 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

The Town Board of the Town of Manlius County of Onondaga is hereby authorized to adopt a budget for the fiscal year 2020 and 2021 and 2022 and *2023** that requires a real property tax levy in excess of the limit specified 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 law shall take effect immediately upon filing with the Secretary of State.

* Added Language

WHEREAS, the Town Board is in the midst of the Town Budget review process for 2023 and cannot determine, with certainty, that it will be within the property tax cap, especially because the special district calculations have not been completed and concerns related to State mandated costs like pension and other costs like health insurance that the Town does not control;

WHEREAS, if the Town is above the property tax cap when all the final calculations have been completed, it would be subject to penalties by the State of New York;

WHEREAS, on September 28, 2022, the Town Board held a public hearing for Local Law 2022-____, at which time the public was offered the opportunity to speak for and/or against the Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, hereby enacts Local Law 2022-____; and
be it

FURTHER RESOLVED, that the Town Clerk shall file Local Law 2022 -____ with the NYS Secretary of State within 20 days of the adoption of this Local Law.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 28th day of September 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 28th day of September 2022.

DATED: _____, 2022
Fayetteville, New York

Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York