

A special meeting of the Lysander Town Board was held at 7:00 p.m. on October 28, 2013 at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John A. Salisbury, Supervisor
Melinda Shimer, Councilor
Andrew O. Reeves, Councilor
Russ W. Johnson, Councilor

MEMBERS ABSENT: Arthur C. Levy, Councilor

OTHERS ATTENDING: Anthony Rivizzigno, Town Attorney; David Rahrle, Town Comptroller; Lisa Dell, Town Clerk and two residents.

PUBLIC HEARING
PROPOSED LOCAL LAW #5 of 2013
OVERRIDE TAX LEVY LIMIT

Notice of said Public Hearing was duly published in The Post Standard on October 20, 2013, with same being posted on the Town Clerk's sign board at the Town Hall and on the Town's website on October 18, 2013, for the purpose of hearing all persons for and against the adoption of Local Law No. 5 of 2013, a law to authorize the Town Board to override the tax levy limit by the adoption of a resolution approved by vote of sixty percent of the Town Board.

The Public Hearing was called to order at 7:02 pm.

Supervisor Salisbury asked David Rahrle, Town Comptroller, to explain what the 2 percent tax cap means.

Comptroller Rahrle explained the following:

"It's kind of a misnomer to call it a 2 percent tax cap because the State has determined that this year it is actual 1.66. It's 2 percent or the rate of inflation as calculated by the State of New York. Because they are the ones that give us the rate of 1.66. There's a work sheet that I have to go through because they do allow you to make some adjustments to the previous year's tax levy for certain items such as PILOTS, your PILOT receivables. If you had any cost savings from a transfer of a local government function, which we did have this year because we no longer have the Smokey hollow Fire Protection District. So that affected us to the tune of \$315,000. So when you do the adjustments we are over the 2 percent cap limit by \$901,906. If you adjust out the SHFPD then we would have been over \$586, 545. Meaning obviously that we would have had to try to find a way to reduce our tax levy by that amount to stay under the cap. And in addition to the one of the other reasons why we have the increase is the fact that in the normal budge, which you will see when the budget is released tomorrow, and when you come to the public hearing, that we don't have the fund balance to apply towards this year's budget to bring the tax levy down as we did in previous years. So that coupled with losing the Smokey Hollow Fire Protection District with an increase in our special districts thus we are faced with having to exceed the 2% cap assuming that this passes tonight. If it doesn't pass, then we are going to have to go back to the drawing board and do some cutting."

Supervisor Salisbury that asked the audience if there was anyone wishing to speak for or against the proposed local law.

The following persons spoke:

Chris Patrick, 8243 Ashington Drive, asked what is the percentage increase that you are going for with the \$900,000. What is the percentage? 2.5 percent, 3?

Comptroller Rahrle explained that well it's actually a little distorted number because of the fact that you get to do these adjustments for the PILOTS and the \$300,000. He has not figured out the percentage yet and he will have that at the public hearing.

Mr. Patrick replied that they are overriding the 2 percent limit which is 1.66 so what is your budget going to be. What are you overriding it to?

Comptroller Rahrle replied that the total tax levy is going to be 3.9 million tax levy.

Kevin Rode, Ashington Drive, addressed the Board and explained that Mr. Patrick was asking what percentage over and asked if it is 1.8 percent right now?

Councilor Johnson replied 37.8 percent.

Mr. Rode asked, increase?

Councilor Johnson replied yes.

Mr. Rode asked if the budget is over by 1.9 percent and that is why you have to pass this because the cap is 1.66? Or is it 5 percent compared to 1.66?

Supervisor Salisbury explained that the problem is that the 1.66 is not just looked at as an increase over a year rate. It's a combination of a whole bunch of stuff. We happened to know what the numbers are at this time and it will be going on the website tomorrow. He knows that the tax rate is going up about 37 percent.

Comptroller Rahrle explained that the levy is increasing over 30 percent. But the 30 percent isn't just because of the general fund, part town fund and highway fund. It's also because of the Smokey Hollow Fire Protection District and it's also because of the increase in the special districts which is also calculated in the 2 percent cap number. So when you look at all of those overall it's a 30 percent increase in the tax levy over the 2 percent threshold.

Supervisor Salisbury explained that in the percentage of the 37.8, it does not include special districts. That is only in the general tax rate that is everybody in the Town, the part town rate which is only those residents that live outside the village and highway which is only for those residents who live outside the village. So the analysis of those tax rates from last year to the proposed for this year is a 37.8 percent increase.

Comptroller Rahrle explained that this is two different things as far as the 2 percent cap goes. It's not a cap on your tax rate; it is a 2 percent cap on your tax levy, which are two different things.

Supervisor Salisbury further explained you can have an increase in your tax levy but if you had a big enough increase in your assessed valuation your tax rate could really go down. The Town's assessed valuation went down by about 4 million dollars.

Mr. Patrick said that he is for the Board passing this resolution to maintain the Town to the highest standards.

Jim Stirushnik, Dinglehole Road, addressed the Board and said he is against passing this and that as wealthy as the Town is, we shouldn't need to exceed the legal limit. **Mr. Stirushnik** said that if maintaining the roads is such a problem and a tax burden that new roads should be accepted with endowment for professional maintenance.

The public hearing was closed at 7:12 p.m.

TOWN BOARD COMMENTS

None

SUPERVISOR COMMENTS

None

DEPARTMENT HEAD REPORTS

None

CITIZENS' COMMENTS ON AGENDA ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

ADOPTION OF LOCAL LAW #5 OF 2013

RES. #219/2013 Motion by Reeves, Second by Shimer

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Be it enacted by the Town Board of the Town of Lysander as follows:

§ 1. Purpose

It is the purpose of this local law to permit the Town Board for the Town of Lysander to override the limit on the amount of real property taxes that may be levied pursuant to General Municipal Law § 3-c, and to allow the Town Board 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 2014, which requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c. Such override is necessary and in the best interests of the Town.

§ 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 real property tax levy limit for the coming fiscal year by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

§ 3. Tax Levy Limit Override

The Town Board of the Town of Lysander, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

§ 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.

§ 5. Effective date

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

VOTE:

Supervisor Salisbury	Aye	Councilor Reeves	Aye	Councilor Shimer	Aye
Councilor Johnson	Aye				

All Ayes, Motion Carried and Adopted

RECOGNITION OF CITIZENS:

None

OTHER BUSINESS:

None

ADJOURNMENT:

At 7:14 p.m. Supervisor Salisbury adjourned the meeting.

This is a true and complete recording
of the action taken at this meeting.

Lisa Dell, Town Clerk