

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – NOVEMBER 4, 2024 @ 6:00 PM

Via In-Person

Board Members Present: Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Kevin Everly, Councilperson Jeffrey Coleman, Councilperson David Shipman

Board Members Absent: None.

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk

Guests:

Ray Bunce; Spencer, NY

Andrew Fagan; Waverly, NY

The meeting was called to order at 6:00 pm by Supervisor Donald Foster.

Pledge of Allegiance

New Business

1. Public Hearing on Preliminary Budget at 6:00 PM

Proof of Notice having been furnished, **motion** to go into public hearing at 6:00 PM made by Councilperson Kevin Everly, seconded by Councilperson Mike Rice. All in favor.

No discussion.

All persons desiring to be heard, having been heard, the Hearing terminated at 6:03 PM made by Councilperson Kevin Everly, seconded by Councilperson Jeff Coleman. All in favor.

Town Clerk Richards-McCarty is asking the board to consider paying her deputy at the rate given by the Budget Officer of \$18.84/hour, at her current schedule of 27 hours per week, but for the full year. Currently, the budgeted amount of \$25,540 does not cover the deputy's hours for the entire year and thus she would be mandated to take unpaid leave time. The Town Clerk suggested a deduction of \$400 out of her A1330.1 (Tax Collection Personal Services) and transfer that amount to A1410.12 (Town Clerk Deputy Personal Services) to help offset the difference.

Motion to move \$400 out of A1330.1 (Tax Collection Personal Services) and transfer to A1410.12 (Town Clerk Deputy Personal Services) made by Councilperson Kevin Everly, seconded by Councilperson Jeff Coleman.

Roll Call Vote:

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|-----------------|---------|
| Mike Rice | Aye |
| Kevin Everly | Aye |
| Donald Foster | Abstain |
| Jeffrey Coleman | Aye |
| Dave Shipman | Aye |

2. Public Hearing on Local Law #1-2024 to Override Tax Levy Limit at 6:15 PM

Proof of Notice having been furnished, **motion** to go into public hearing at 6:15 PM made by Councilperson Mike Rice, seconded by Councilperson Jeff Coleman. All in favor.

Supervisor Foster explained the details of the tax cap override to resident Andrew Fagan. Mr. Fagan asked for a copy of the Preliminary Budget in which the Town Clerk assisted with that.

All persons desiring to be heard, having been heard, the Hearing terminated at 6:20 PM made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

3. Resolution to Enact Local Law #1 to Override the Tax Levy Limit

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 11/04/2024

RESOLUTION NO 40-2024

ADOPT LOCAL LAW NO. 1 OF 2024 – OVERRIDE
THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW 3-C

WHEREAS, the Town of Barton wishes to enact a local law to allow the Town of Barton to override the tax levy limit established in General Municipal Law § 3-c for the year commencing January 1, 2025; and

WHEREAS, Local Law No. 1 of 2024 To Override the Tax Levy Limit Established in General Municipal Law 3-c, thereof in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been held on November 4, 2024, at 6:15 PM before the Town of Barton Town Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE upon a motion by Councilperson Kevin Everly, seconded by Councilperson Dave Shipman and carried; therefore, be it

RESOLVED,

LOCAL LAW NO. 1 OF 2024

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BARTON, A LOCAL LAW OF THE TOWN OF BARTON, COUNTY OF TIOGA, STATE OF NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-c.

Section 1. Legislative Intent.

It is the intent of this local law to allow the Town of Barton to adopt a budget for the fiscal year commencing January 1, 2025 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 Town Board of the Town of Barton, New York, County of Tioga is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 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 adoption, publication and filing with the Secretary of State.

Roll Call Vote:

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|-----------------|-----|
| Mike Rice | Aye |
| Kevin Everly | Aye |
| Donald Foster | Aye |
| Jeffrey Coleman | Aye |
| Dave Shipman | Aye |

4. Resolution to Adopt Final Budget for 2025

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 11/04/2024

RESOLUTION NO 41-2024

ADOPT FINAL BUDGET FOR 2025

WHEREAS, per Town Law § 108, the Town Board of the Town of Barton held a public hearing on the preliminary budget on Monday, November 4, 2024 at 6:00 PM; and

WHEREAS, The Town of Barton Town Board needs to approve a final budget in a timely manner; and

NOW THEREFORE upon a motion by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman and carried; therefore, be it

RESOLVED, the Town of Barton Town Board approves any and all changes made to the Preliminary Budget; and be it further

RESOLVED, that on this day, November 4, 2024, the Town Board of the Town of Barton adopts the Town Budget for Fiscal Year 2025; and be it further

RESOLVED, the Town of Barton Budgeted Personnel Services and Hourly Rates set forth in the budget be adopted effective January 1, 2025.

Roll Call Vote:

Mike Rice Aye

Kevin Everly Aye

Donald Foster Aye

Jeffrey Coleman Aye

Dave Shipman Aye

Motion to adjourn meeting at 6:24 PM made by Councilperson Kevin Everly, seconded by Councilperson Mike Rice. All in favor.

Respectfully submitted,

Arrah Richards-McCarty

Town of Barton Town Clerk