

Bedford Hills, New York  
December 4, 2012

A public hearing to consider an override of the 2% property tax cap was held by the Town Board of the Town of Bedford on December 4, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 7:00 P.M. by Supervisor Roberts.

**Present:** Lee V. A. Roberts : Supervisor  
Peter Chryssos : Councilman  
Francis Corcoran : Councilman  
Chris Burdick : Councilman  
David Gabrielson : Councilman

Lisbeth Fumagalli : Town Clerk  
Joel H. Sachs : Town Attorney  
William Heidepriem : Supt. of Recreation and Parks  
Amy Pectol : Receiver of Taxes  
Harry Girdlestone : Assessor  
Edward Ritter : Comptroller  
Kevin Winn : Commissioner of Public Works  
William Hayes : Chief of Police  
Joan Gallagher : Director of Personnel  
Jeffrey Osterman : Town Planner

and approximately thirteen (13) resident/observers.

Proof of Publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on November 16, 2012.

Mrs. Roberts read a letter from a Town of Bedford resident against overriding the tax cap.

Mrs. Roberts opened the floor to public comment and there was none.

Mr. Burdick made a motion to override the tax cap and Mr. Chryssos seconded the motion.

The Board discussed overriding the tax cap. Mrs. Roberts pointed out there was no need to enact the legislation as the budget was coming in under the tax cap. Mr. Chryssos felt that the tax cap should be overridden as he would like to see the Town government be able to manage their own finances. Mr. Gabrielson expressed his agreement with the points made by Mr. Chryssos.

Mr. Burdick withdrew his motion.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following legislation was **DENIED**

Ayes: Chryssos, Gabrielson  
Nays: Roberts, Corcoran, Burdick  
Absent: None

**BE IT ENACTED** by the Town Board of the Town of Bedford as follows:

**A local law to override the tax levy limit established in General Municipal Law 3-c**

**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 Bedford and by certain Special Districts within the Town of Bedford pursuant to General Municipal Law §3-c, and to allow the Town of Bedford and certain Special Districts within the Town of Bedford to adopt budgets for the fiscal year 2013 that require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

It is the determination of the Town Board of the Town of Bedford that the property tax cap enacted by the State Legislature in 2011 is unfair to the residents of the Town of Bedford and

certain Special Districts in the Town of Bedford and would severely curtail the ability of the Town of Bedford and certain Special Districts within the Town of Bedford to provide necessary services to Town residents. It also is the determination of the Bedford Town Board that to meet the dates by which the 2013 budget must by State law be adopted, the Town Board requires the flexibility which this local law would provide. Thus, it is in the best interests of the Town of Bedford and certain Special Districts in the Town of Bedford and its residents, that the within Local Law be enacted.

**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 cap for the Town of Bedford and Special Districts located within the Town of Bedford 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 Bedford, County of Westchester is hereby authorized to adopt a budget for the Town of Bedford for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Bedford Village Park District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Bedford Hills Park District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Katonah Park Special District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Cedar Downs Water District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Consolidated Water District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Bedford Farms Water District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Bedford, County of Westchester is hereby authorized to adopt a budget for the Old Post Road Water District for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed 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 adjudicated 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**

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This local law shall take effect immediately, retroactive to the date it was adopted, upon filing with the Secretary of State.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the Town Board does hereby close the public hearing to consider an override of the state mandated 2% tax cap.

There being no further discussion the hearing was adjourned at 7:19 pm.

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Lisbeth Fumagalli, Town Clerk