

The regular meeting of the DeRuyter Town Board was held at 7:30pm on the above date in the Conference Room of the Town Hall, 735 Utica Street, DeRuyter, NY.

Present were Supervisor Degear, Clerk Wightman, Councilmen Jones, Hathaway, Coon and Barnes, Highway Superintendent Cook, Henry & Martha Conway from the Madison County Courier and Eugene Selden.

Motion by Councilmen Barnes and Jones to accept the minutes of the September 8th meeting as presented. All in favor and carried.

TOWN CLERK'S REPORT:

- The monthly written report was submitted.

HIGHWAY SUPERINTENDENT'S REPORT:

- Almost all of the season's sand has been hauled in.
- Ditching done.
- Marked trees to be taken down.
- Moved into new building.
- The DeRuyter Farm and Garden truck is empty. The remaining items have been declared surplus.
- Pole barn has been patched.
- Remaining items in old garage need to be sorted.

UNFINISHED BUSINESS:

- Deputy Clerk/Collector position was discussed. Judy Brown has been appointed to the position of Deputy Town Clerk/Collector and Deputy Registrar by the Town Clerk (pursuant to Sec. 30(10) of the Town Law).

NEW BUSINESS:

- Public Hearing concerning proposed local law #1 of 2011. Motion by Councilmen Barnes and Hathaway to open the public hearing at 7:40PM. All in favor and carried. There being no one present to speak in favor or against said proposed local law, motion by Councilmen Jones and Hathaway to close the public hearing at 7:42PM. All in favor and carried.
- The State Environmental Quality Review (SEQR) Short Environmental Assessment Form was reviewed. Motion by Councilmen Barnes and Jones stating that upon review of proposed local law # 1 of 2011, review of page 1 of the SEQR form, and other hearings and deliberations among the Board, a finding is hereby made that the enactment of the Local Law #1 of 2011 will not result in any significant adverse environmental impacts and therefore a negative declaration is hereby made under SEQR. All in favor and carried.

There being no further deliberations or discussions, motion by Councilmen Barnes and Jones to adopt:

#53 RESOLVED: That this Town Board does hereby enact Local Law #1 of 2011 as

**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 DeRuyter pursuant to General Municipal Law §3-c, and to allow the Town of DeRuyter to adopt a budget for the fiscal year 2012 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 Override

The Town Board of the Town of DeRuyter, County of Madison is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise proscribed 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.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

Following further discussion, motion by Councilmen Barnes and Hathaway to adopt:

A resolution to override the tax levy limit established in General Municipal Law 3-c

#54 RESOLVED:

Whereas, the Town of DeRuyter has carefully controlled costs and kept property taxes to a minimum in previous years by employing means including the use of un-expended fund balance for tax rate stabilization; and

Whereas, New York State passed into law a property tax levy limit requiring municipalities to maintain a tax levy increase of 2% for fiscal year 2012; and

Whereas, the property tax levy limit forces the continued use of high levels of un-expended fund balance that will significantly harm the financial stability of the Town of DeRuyter in future years; and

Whereas, the Preliminary 2012 Town of DeRuyter budget includes a significant increase to the tax levy above and beyond the 2% allowable under law resulting in an estimated tax rate of \$2.1556 per thousand for the Town Outside Village properties (a decrease of \$0.0043 from 2011) and an estimated tax rate of \$2.3271 per thousand for Town Inside Village properties (an increase of \$0.0212 from 2011); and

Whereas, this resolution 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 resolution approved by vote of sixty percent (60%) of the town board;

Now Therefore be it Resolved that the Town Board of the Town of DeRuyter, County of Madison is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Be It Further Resolved that this resolution be sent to Assemblyman William Magee and Senator David Valesky as evidence that local government in the Town of DeRuyter has always and continues to be fiscally responsible to the property tax payers and that the property tax levy limit has only resulted in an undue burden of added procedure and legal costs in the adoption of the Town budget.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Jones	Aye

The Clerk declared the foregoing duly carried.

- Highway Tank for Highway Garage was discussed. Motion by Councilmen Barnes and Coon to purchase a fuel tank as part of the new highway garage project as per resolution #42 of 2011. All in favor and carried.
- Open House at the new Highway Garage will be held Saturday, October 15th from 10AM to noon.
- Supervisor Degear read an article from the Madison County Courier written by Madison County Board of Supervisor Chairman John Becker concerning Medicaid issues.
- Discussion of the closing of the DeRuyter Rural Health Center. The facility is scheduled to close in March. Supervisor Degear has organized a meeting with the CEO of Family Health, the DeRuyter Village Mayor, the Town of Cuyler Supervisor and the Cortland County Legislator for the area.
- Following a discussion, motion by Councilmen Jones and Coon to fund flu shots for the Highway Department personnel. All in favor and carried.
- There is a possibility that there might be a band for highway departments on the new 911 system.
- Motion by Councilmen Coon and Jones to accept, with regret, the resignation of Jackie Rice, our Town Hall cleaner, effective October 28, 2011. All in favor and carried.
- Motion by Councilmen Barnes and Jones to accept the Supervisor's statement. All in favor and carried.
- Motion by Councilmen Coon and Hathaway to pay the bills as audited:

Abstract # 1017	\$25,827.14
Abstract # 1018	\$22,205.29

All in favor and carried.

- Motion by Councilmen Jones and Barnes to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman
 Town Clerk