

April 10, 2019

A Public Hearing for the Board of Trustees regarding Proposed Local Law No. 04 of 2019 was held on the above date at 8:00 pm.

Present: Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Deputy Village Treasurer Kathleen M. Mack, Police Commissioner Stephen G. McAllister and Clerk to the Village Justice Donald E. Phillips

Purpose: To consider the enactment of a local law known as Local Law No. 04 of 2019, entitled: "A local law authorizing the Village Board to override the tax cap imposed by the State of New York."

Trustee Fitzgerald offered Resolution No. 2019-91 reserving decision on Local Law No. 04 of 2019 and to close the public hearing.

The Resolution was seconded by Trustee Pombonyo and adopted on roll call as follows:

Trustee Fitzgerald	- Aye
Trustee Pombonyo	- Aye
Trustee Cheng	- Aye
Trustee Chiara	- Aye
Mayor Longobardi	- Aye

The hearing was closed at 8:06 pm.

A copy of the transcript and a copy of the legal notice of public hearing is attached and made a part of these minutes.

Susan E. Walsh
Village Clerk

LEGAL NOTICE

**NOTICE OF PUBLIC
HEARING OF THE
INCORPORATED VILLAGE
OF FLORAL PARK
LOCAL LAW NO. 4
OF 2019**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Code of the Incorporated Village of Floral Park ("Village") and the Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Village Hall, One Floral Boulevard, Floral Park on the 10th day of April, 2019 at 8:00 pm in the evening of that day to consider enactment of a local law entitled: "A Local Law authorizing the Village Board to override the tax cap imposed by the State of New York."

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

DATED: Floral Park, New York

March 27, 2019

**BY ORDER OF THE BOARD
OF TRUSTEES
VILLAGE OF FLORAL
PARK, NEW YORK
SUSAN E. WALSH
VILLAGE CLERK**

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
April 10, 2019
8:00 p.m.

P R E S E N T:

- | | |
|----------------------|----------------------|
| DOMINICK LONGOBARDI, | MAYOR |
| KEVIN M. FITZGERALD, | DEPUTY MAYOR/TRUSTEE |
| ARCHIE T. CHENG, | TRUSTEE |
| DR. LYNN POMBONYO, | TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |

ALSO PRESENT:

- GERARD M. BAMBRICK, Village Administrator
- SUSAN E. WALSH, Village Clerk
- STEPHEN SIWINSKI, Supt. Building Department
- STEPHEN MCALLISTER, Police Commissioner
- KEVIN GINNANE, Deputy Supt. Public Works

Catherine P. Murphy
Court Reporter

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1 MAYOR LONGOBARDI: If we can ask everyone
2 to please rise and join us for the Pledge of
3 Allegiance.

4 (Pledge of Allegiance said.)

5 MAYOR LONGOBARDI: Good evening everyone.
6 Thank you very much for being here. Tonight is
7 the Village Budget Meeting. But first, we will
8 be looking at a local law to override the tax
9 cap imposed by the State of New York.

10 For that purpose, I will ask our Village
11 Administrator, Gerard Bambrick, to move forward
12 with that.

13 MR. BAMBRICK: Thank you, Mayor. Legal
14 Notice. Notice of Public Hearing of the
15 Incorporated Village of Floral Park Local Law
16 Number 4 of 2019.

17 Please Take Notice that pursuant to
18 Article 9 of the New York State Constitution,
19 the provisions of the Code of the Incorporated
20 Village of Floral Park and the Municipal Home
21 Rule Law of the State of New York, as amended,
22 a public hearing will be held in the Village
23 Hall, One Floral Boulevard, Floral Park, New
24 York on the 10th day of April, 2019 at 8:00
25 p.m. in the evening of that day to consider

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1 enactment of a local law entitled: "A Local
2 Law authorizing the Village Board to override
3 the tax cap imposed by the State of New York."

4 This local law shall take effect
5 immediately upon its filing with the Secretary
6 of State. Dated Floral Park, New York, March
7 27, 2019 by Order of the Board of Trustees
8 Village of Floral Park, New York, Susan E.
9 Walsh, Village Clerk.

10 MAYOR LONGOBARDI: Thank you. I would
11 like to announce that the Board had previously
12 adopted a negative declaration meaning that the
13 proposed local law has no significant impact
14 upon the environment.

15 I would also like to read the legislative
16 intent. It is the intent of this Local Law to
17 allow the Incorporated Village of Floral Park
18 to adopt the budget for the fiscal year
19 commencing 2019 that requires a real property
20 tax levy in excess of the tax levy limit as
21 defined by the General Municipal Law Section
22 3-C. Which this year is 2 percent.

23 Outstanding issues remain unresolved by the
24 State of New York including the definition of
25 levy, mechanics of placing any excess levy in

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1 reserve in the constitutionality of the law as
2 it applies to debt and the imposition of
3 penalties in writing from mathematical errors
4 in calculating the levy in accordance with New
5 York State Law.

6 At this time, I would ask if any of the
7 Board have any comments on this? If not, I
8 will open it up to our residents.

9 MR. BAMBRICK: I was going to make a
10 statement. This is Village's eighth proposed
11 budget of the New York State tax cap that
12 started to effect us since 2012/2013 fiscal
13 year. By now, most of you are familiar with
14 what is generally referred to as the two
15 percent tax cap. However, there are many
16 factors that go into categorizing that tax cap.
17 These factors vary from year to year.

18 First, the tax cap is not 2 percent. It
19 is either 2 percent or the rate of inflation,
20 whichever is lower. For instance, last year's
21 tax cap actually was two percent. The year
22 before that it was 1.15 five percent and in
23 2016/2017 fiscal year, it was 0.12 percent.
24 Also, the tax cap can vary based on a number of
25 factors that actually can vary village by

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1 village.

2 For the coming fiscal year in 2019/2020,
3 the New York State tax levy cap for Floral Park
4 is 2.33 percent and the proposed levy increase
5 of 2.29 intended budget is set just below the
6 tax cap.

7 As said before, the second distinction is
8 the tax cap is a cap on tax levy. It is not a
9 tax cap on the tax rate or overall budget. The
10 distinction rate between tax levy and tax rate.
11 The tax levy is the total amount the Village
12 needs to raise by taxes on all residents and
13 businesses in the village after taken into
14 consideration all of the sources of revenue.

15 Tax rate is something different. Tax rate
16 refers to the actual amount you pay on the tax
17 bill, based on the assessed value of your
18 individual property. The tax rate increased
19 for 2019/2020 is actually lower than the tax
20 levy increase for this coming year because the
21 Village's total assessed values of all taxable
22 properties within the Village, both commercial
23 and residential, grew during the last year due,
24 in part, to increased new construction and
25 building improvements within the Village.

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1 Because the total assessed value of all taxable
2 properties increased, the tax rate increase of
3 1.76 percent below the tax levy increase.

4 Pursuant to New York State tax cap law,
5 the tax cap is calculated by last year's tax
6 levy and then multiply that by what New York
7 assigns as a tax base growth factor. The tax
8 base growth factor is essentially the tax base
9 factors assigned regarding percentage
10 attributable to the growth and total value of
11 real estate in the Village due to development.
12 As most of us know, Floral Park is basically
13 already fully developed. There is not a lot of
14 space for extra development and most years
15 prior to now, the tax base growth factor has
16 been zero. Within in the past few years
17 though, we had development of new homes on
18 Cisney Avenue and new homes on Irving, new
19 apartments and restaurant in Koenig's. So,
20 basically new development.

21 Although Floral Park tax base is usually
22 assigned zero, this year the state assigns the
23 village a tax base growth factor of 1.0021.
24 That's not enormous, but it is a slight
25 increase. Also benefited this year by the fact

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1 that the pilot payment in lieu of taxes on 15
2 Verbena expired. That amount is then added to
3 the tax base and that also increased the
4 overall amount.

5 So, based on those calculations, the tax
6 levy provides \$25,512,428 that's still between
7 the tax caps that are left 2.33 percent
8 increase over last year's tax levy. The
9 proposed tax levy in the tentative budget is
10 \$25,501,921 is below the amount that represents
11 the tax levy increase of 2.29 percent, as I
12 said earlier.

13 I wanted to give an explanation in case
14 there's confusion for the 2 percent tax cap.

15 MAYOR LONGOBARDI: And I thank you very
16 much. Now, at this time, I open the floor if
17 anyone, this is on Local Law 4 to override the
18 tax cap? Again this -- we're in the middle of
19 the public hearing for the Local Law to
20 override the tax cap. The budget hearing will
21 immediately follow this, but if anyone has any
22 comments right now in regards to this Local Law
23 that will allow the Village to override the tax
24 cap for this year, we will ask you to please
25 come up now and make any comments you would

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1 like to make.

2 Hearing none, we will go to the Board one
3 more time to see if anyone else has any
4 comments? With that, I will ask for a motion
5 to close the public hearing and reserve
6 decision.

7 TRUSTEE FITZGERALD: So moved.

8 TRUSTEE POMBONYO: Second.

9 MAYOR LONGOBARDI: Mr. Bambrick, will you
10 please poll the Board.

11 MR. BAMBRICK: Trustee Fitzgerald?

12 TRUSTEE FITZGERALD: Aye.

13 MR. BAMBRICK: Trustee Pombonyo?

14 TRUSTEE POMBONYO: Aye.

15 MR. BAMBRICK: Trustee Cheng?

16 TRUSTEE CHENG: Aye.

17 MR. BAMBRICK: Trustee Chiara?

18 TRUSTEE CHIARA: Aye.

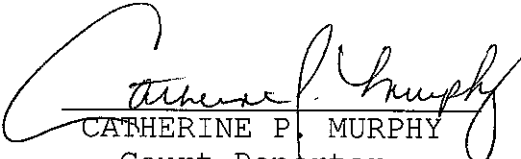
19 MR. BAMBRICK: And mayor Longobardi?

20 MAYOR LONGOBARDI: Aye. Thank you very
21 much, ladies and gentlemen. That concludes
22 that public hearing. We will go right to the
23 public hearing for the budget. I want to thank
24 everybody for being here tonight. As I have
25 said, in the local law, it gives us the ability

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to override the tax cap. The budget being pro-based as not override the tax cap, but it also again gives us the ability to do that should something arise that will cause the budget between now and when it is filed to adopt it so that if we have some type of issue and we have to do that, we are set to do that.

Certified to be a true and accurate transcript of the proceedings.


CATHERINE P. MURPHY
Court Reporter