

LL 2007-001

REPEALING THE EXEMPTION PROVIDED  
FOR BY REAL PROPERTY TAX LASW  
SECTION 487

## Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County  
 City of Amity  
 Town  
 Village

Local Law No. 1 of the year 2007

A local law Repealing The Exemption Provided by Real Property Tax Law Section 487  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County  
 City of Amity as follows  
 Town  
 Village

**Section 1. Purpose.** Real Property Tax Law section 487 provides for an exemption from taxation for certain solar or wind energy systems or farm waste energy systems, and further provides in sub-section 8 of such section that a county, town, village or school district may by resolution provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system constructed subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later.

**Section 2. Repeal Exemption.** Pursuant to the authority of Real Property Tax Law section 487, sub-section 8 the Town of Amity hereby repeals the exemption from real property taxes granted by Real Property Tax Law section 487, sub-section 2, and related sub-sections.

**Section 3. Separability.** Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 4. Effective Date.** This local law shall become effective immediately upon its filing in the office of the Secretary of State as required by the Municipal Home Rule Law.

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**  
**(1)**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2007 of the ~~(County)(City)(Town)(Village)~~ of Amity was duly passed by the Town Board on September 24, 2007, in accordance with the applicable provisions of law. (Name of Legislative body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No.      of 20     of the ~~(County)(City)(Town)(Village)~~ of      was duly passed by the      on      20    , and was ~~(approved)(not approved)~~      and was deemed duly      (repassed after disapproval) by the      (Elective Chief Executive Officer\*) adopted on 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No.      of 20     of the ~~(County)(City)(Town)(Village)~~ of      was duly passed by the      on 20    , and was ~~(approved)(not approved)~~      (Name of Legislative body) (repassed after disapproval) by the      on 20    . (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on      20    , in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No.      of 20     of the ~~(County)(City)(Town)(Village)~~ of      was duly passed by the      on 20    , and was ~~(approved)(not approved)~~      (Name of Legislative body) (repassed after disapproval) by the      on 20    . Such local (Elective Chief Executive Officer\*)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of     , 20    , in accordance with the applicable provisions of law.

\*      Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20\_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ I \_\_\_\_\_, above.



~~Clerk of the county-legislative body, City, Town or Village Clerk or officer-designated-by-local-legislative-body~~ **JUDY HURD**

(Seal) Date: Sept. 27, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ALLEGANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature David T. Pullen

Town Attorney

Title

County

City

of Amity

Town

Village

Date: October 4, 2007

Returnecv10-2-07



COUNSEL  
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TRACEY E. PARKS  
DIANE M. NEAL

September 25, 2007

Judy Hurd, Town Clerk  
Town of Amity  
1 Schuyler Street  
Belmont, NY 14813

RE: Introductory Local Law No. 1 of 2007 / Repeal RPTL §487  
Our File No. A-4200-007

Dear Judy:

Enclosed are triplicate originals of the above referenced Local Law No. 1 of 2007 entitled "A Local Law Repealing The Exemption Provided by Real Property Tax Law Section 487." Please sign and affix the Town Seal where indicated and return the triplicate originals to our office at your earliest convenience. We have twenty days within which to file the Local Law after its adoption by the Town Board. Attorney Pullen will then sign the Local Law form as Town Attorney, we will forward one original to the State, one to you for filing with your records and retain one for our files.

When we receive the filing receipt from the State we will make a copy for our files and forward the original on to you for your records.

Please contact our office at your convenience should you have any questions about this matter.

Sincerely,

RICHARDSON & PULLEN, P.C.

By Cheryl A. Wickard  
Paralegal

:cw  
Encs.

At a regular meeting of the Town Board of the Town of Amity, County of Allegany, State of New York, held at the Town Hall, 1 Schuyler Street, Belmont, New York, on September 24, 2007 at 7:00 P.M. there were

PRESENT: Joseph C. Zajicek, Supervisor  
Daniel Hunt, Deputy Supervisor  
Jim Cooper, Councilman  
Mark Presutti, Councilman  
Larry Tucker, Councilman

ABSENT:

ALSO PRESENT: Judy Hurd, Town Clerk,

A public hearing was held before the Town Board at 7:15 P.M. to hear all persons interested in the matter of a proposed resolution to approve the adoption of Introductory Local Law No. 1 of 2007, to be identified as Local Law No. 1 of 2007 entitled: "A Local Law Repealing The Exemption Provided by Real Property Tax Law Section 487." The Supervisor explained how the proposed local law would operate and the reasons why the Town Board is considering adopting it. The Board members answered questions from those present for the public hearing. Following the question and answer period the Supervisor declared the public hearing to be closed.

Following the closing of the public hearing the Town Board considered the adoption of the proposed local law for which the public hearing had earlier been held. After considering and addressing all comments, both in opposition and in support of the proposed local law, the Supervisor asked for a motion that the proposed resolution be adopted. The following resolution was offered by Mark Presutti, who moved its adoption, and seconded by Daniel Hunt.

WHEREAS, the Town Board of the Town of Amity believes that it is in the best interest of the Town to adopt a local law to prevent the loss of tax revenues generated by certain solar or wind energy systems or farm waste energy systems located on real property within the Town of Amity, and

WHEREAS, this local law would make it lawful to repeal the exemption provided by Real Property Tax Law Section 487 in the Town of Amity, and

WHEREAS, the said proposed local law shall be effective upon filing as required by law;

WHEREAS, a public hearing has been conducted regarding this local law;

NOW THEREFORE BE IT:

1. RESOLVED AND DETERMINED, that the Town of Amity adopt Local Law No. 1 of 2007 entitled "A Local Law Repealing The Exemption Provided by Real Property Tax Law Section 487" specifically reading as follows:

Introductory Local Law No. 1 of 2007.

A LOCAL LAW REPEALING THE EXEMPTION PROVIDED BY REAL  
PROPERTY TAX LAW SECTION 487.

Be it hereby enacted by the Town Board of the Town of Amity as follows:

**Section 1. Purpose.** Real Property Tax Law section 487 provides for an exemption from taxation for certain solar or wind energy systems or farm waste energy systems, and further provides in sub-section 8 of such section that a county, town, village or school district may by resolution provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system constructed subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later.

**Section 2. Repeal Exemption.** Pursuant to the authority of Real Property Tax Law section 487, sub-section 8 the Town of Amity hereby repeals the exemption from real property taxes granted by Real Property Tax Law section 487, sub-section 2, and related sub-sections.

**Section 3. Separability.** Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 4. Effective Date.** This local law shall become effective immediately upon its filing in the office of the Secretary of State as required by the Municipal Home Rule Law.

The Supervisor asked if there was any further discussion. There being no further discussion the Supervisor put the matter to a roll call vote which resulted as follows:

<u>Joseph C. Zajicek</u>	_____	voting	<u>Yes</u>
<u>Daniel Hunt</u>	_____	voting	<u>Yes</u>
<u>Jim Cooper</u>	_____	voting	<u>Yes</u>
<u>Mark Presutti</u>	_____	voting	<u>Yes</u>
<u>Larry Tucker</u>	_____	voting	<u>Yes</u>

The Supervisor declared the Local Law to be duly adopted and directed the Town Clerk and Special Town Attorney to file the local law with the Department of State as quickly as possible.



STATE OF NEW YORK        }  
                                      } SS.:  
COUNTY OF ALLEGANY     }

I, the undersigned, Judy Hurd, Town Clerk and Collector of the Town of Amity, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the said Town Board including the resolution contained therein, held on September 24, 2007 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
<i>Olean Times Herald</i>	<i>9-10-07</i>

and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of posted notice</u>	<u>Date given</u>
<i>Belmont Town Hall</i>	<i>9-10-07</i>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Amity this date, September ~~25<sup>th</sup>~~, 2007.

TOWN SEAL \_\_\_\_\_  
*Judy Hurd*  
JUDY HURD  
Town Clerk  
Town of Amity

At a regular meeting of the Town Board of the Town of Amity, County of Allegany, State of New York, held at the Town Hall, 1 Schuylers Street, Belmont, New York, on August 20, 2007 at 7:00 P.M. there were

PRESENT: Joseph C. Zajicek, Supervisor  
Daniel Hunt, Deputy Supervisor  
Jim Cooper, Councilman  
Mark Presutti, Councilman  
Larry Tucker, Councilman

ABSENT:

ALSO PRESENT: Judy Hurd, Town Clerk,

---

A draft of proposed Local Law No. 1 of 2007 entitled "A Local Law Repealing The Exemption Provided by Real Property Tax Law Section 487" was presented by Supervisor Joseph C. Zajicek. Special Town Attorney, David T. Pullen, had prepared the draft local law at the request of the Town Board. It was explained that this local law is necessary for the purpose of preventing the loss of tax revenues generated by certain solar or wind energy systems or farm waste energy systems located on real property within the Town of Amity. Following discussion the following resolution was introduced by Mark Presutti, who moved its adoption, and seconded by Daniel Hunt, to wit:

BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Amity accepts and proposes to adopt a local law designated as Introductory Local Law No. 1 of 2007 entitled "A Local Law Repealing The Exemption Provided by Real Property Tax Law Section 487" to prevent the loss of tax revenues generated by certain solar or wind energy systems or farm waste energy systems located on real property within the Town of

A-4200-007

Amity, and that a copy of the proposed local law is annexed hereto and incorporated into this resolution as though set out in full.

2. That a public hearing be held on September 24, 2007, at 7:15 P.M. at the Town Hall, 1 Schuyler Street, Belmont, New York.
3. That the Town Clerk, with the assistance of the Town Attorney, is directed to prepare the legal notice required to be published and to provide such notice for timely publication in the official newspaper.
4. That a copy of such legal notice be posted upon the Town Clerk's bulletin board as required by law.

Following discussion the foregoing resolution was called to a vote which resulted as follows:

AYES	<u>5</u>
NOES	<u>0</u>

The Supervisor then declared the resolution to be adopted and directed the Clerk to proceed to contact the Town Attorney and to complete the publishing and posting as required by law.

TOWN OF AMITY

Introductory Local Law No. 1 of 2007.

A LOCAL LAW REPEALING THE EXEMPTION PROVIDED BY REAL PROPERTY TAX LAW SECTION 487.

Be it hereby enacted by the Town Board of the Town of Amity as follows:

**Section 1. Purpose.** Real Property Tax Law section 487 provides for an exemption from taxation for certain solar or wind energy systems or farm waste energy systems, and further provides in sub-section 8 of such section that a county, town, village or school district may by resolution provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system constructed subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later.

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**Section 3. Separability.** Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 4. Effective Date.** This local law shall become effective immediately upon its filing in the office of the Secretary of State as required by the Municipal Home Rule Law.

STATE OF NEW YORK        }  
                                  } SS.:  
COUNTY OF ALLEGANY    }

I, the undersigned, Judy Hurd, Town Clerk of the Town of Amity, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the said Town Board including the resolution contained therein, held on August 20, 2007 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Olean Times Herald	January 2007


and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of posted notice</u>	<u>Date given</u>
Town Hall/Town Clerk's Bulletin Board	January 2007

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Amity this date, August 21, 2007.

TOWN SEAL

  
JUDY HURD  
Town Clerk  
Town of Amity