



Office of the Legislature

MONTGOMERY
COUNTY NY
Made of Something Stronger

Cheryl A Reese
Clerk of the Legislature

April 11, 2018

NYSERDA
Allcia Barton, President
17 Columbia Circle
Albany, NY 12203

Dear Ms. Barton:

Attached please find a copy Local Law 2 of 2018 – A LOCAL LAW OPTING OUT OF REAL PROPERTY TAX LAW that was filed with the Department of State.

A certified copy of the resolution passed by the Montgomery County Legislature is also attached.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl A. Reese".

Cheryl A. Reese
Clerk of the Legislature

COPY

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 ☐ Town ☐ Village
(Select one.)

of Montgomery

Local Law No. 2 of the year 2018

A local law OPTING OUT OF REAL PROPERTY TAX LAW § 487
(Insert Title)

Be it enacted by the Montgomery County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one.)

of Montgomery as follows:

"A Local Law Opting Out of Real Property Tax Law § 487" Be it enacted by the Montgomery County Legislature as follows:

Section 1:

The purpose of this local law is to opt out of Real Property Tax Law § 487.

Section 2:

a.) No exemption under Real Property Tax Law § 487 shall be applicable to Montgomery County taxes with respect to any solar or wind energy system or farm waste energy system.

b.) No exemption under Real Property Tax Law § 487 shall be applicable to Montgomery County taxes with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

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

Montgomery County

**Local Law 2 of 2018 – A LOCAL LAW OPTING OUT OF REAL PROPERTY TAX LAW
§ 487**

Section 3:

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4:

To the extent that this local law is inconsistent with Real Property Tax Law § 487, Local Law 3 of 2016 or any other laws or regulations it shall supersede those laws.

Section 5:

- a.) This law shall be effective immediately upon filing with the Secretary of State.
- b.) In accordance with RPTL 487 (8) a., the County shall file this local law with the Commissioner of the New York State Department of Tax and Finance and with the president of the New York State Energy Research and Development Authority.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. 2 of 2018 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Montgomery County Legislature on March 27 2018, and was (approved)(not approved) (repassed after disapproval) by the County Executive (Elective Chief Executive Officer*) and was deemed duly adopted on April 11 2018, 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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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, 2 above.

Cheryl A. Reese

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

April 11, 2018

(Seal)



Office of the Legislature

MONTGOMERY
COUNTY^{NY}
Made of Something Stronger

Cheryl A Reese
Clerk of the Legislature

STATE OF NEW YORK)
 ss
COUNTY OF MONTGOMERY)

I, Cheryl A. Reese, Clerk of the Montgomery County Legislature, Montgomery County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of Resolution Number 62 of 2018 with the original on file in my office and that the same is a true and complete copy thereof.

WITNESS my hand and official seal of the Montgomery County Legislature of Montgomery County, New York, this 11th day of April, 2018.

A handwritten signature in cursive script that reads "Cheryl A. Reese".

Cheryl A. Reese
Clerk of the Legislature
Montgomery County, New York



RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW B OF 2018 (LOCAL LAW 2) - A LOCAL LAW OPTING OUT OF REAL PROPERTY TAX LAW § 487

Resolution by Legislator: Pepe

Seconded by: Wilson

RESOLVED, that Introductory Local Law No. B of 2018 (Local Law 2) entitled "A Local Law Opting Out of Real Property Tax Law " hereby is adopted and is incorporated as follows:

"A Local Law Opting Out of Real Property Tax Law § 487" Be it enacted by the Montgomery County Legislature as follows:

Section 1:

The purpose of this local law is to opt out of Real Property Tax Law § 487.

Section 2:

a.) No exemption under Real Property Tax Law § 487 shall be applicable to Montgomery County taxes with respect to any solar or wind energy system or farm waste energy system.

b.) No exemption under Real Property Tax Law § 487 shall be applicable to Montgomery County taxes with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

Section 3:

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4:

To the extent that this local law is inconsistent with Real Property Tax Law § 487, Local Law 3 of 2016 or any other laws or regulations it shall supersede those laws.

Section 5:

a.) This law shall be effective immediately upon filing with the Secretary of State.

b.) In accordance with RPTL 487 (8) a., the County shall file this local law with the Commissioner of the New York State Department of Tax and Finance and with the president of the New York State Energy Research and Development Authority.

RESOLUTION VOTE, passed with Aye(9). (3/27/2018)

Statement of Legislative and Financial Impact:

I. Nature of Request:

RESOLUTION ADOPTING A LOCAL LAW OPTING OUT OF REAL PROPERTY TAX LAW § 487

II. Justification:

The County has started to experience an influx of Solar Energy Facilities and it is the intent of the County to capture tax revenues from the development of such facilities and to ensure that these facilities are treated equally with other commercially taxed properties within the County.

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the authority to exercise all powers of local legislation in relation to enacting, amending or rescinding local laws.

IV. Financial Impact:

Will potentially result in an increase in tax revenue to the County.

cc: County Clerk
County Treasurer

Voting Record

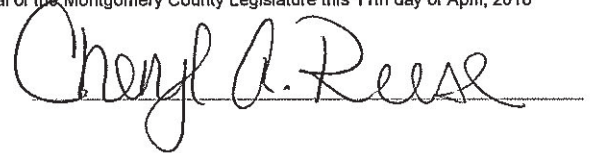
Kelly	(R)	Yes
Sweet	(R)	Yes
Dimond	(D)	Yes
Headwell, Jr.	(R)	Yes
Wilson	(R)	Yes
Duchessi	(D)	Yes
Pepe	(R)	Yes
Isabel	(D)	Yes
Purtell	(D)	Yes

STATE OF NEW YORK County of Montgomery ss.:

This is to certify that I, the Undersigned, Clerk Of The Montgomery County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Montgomery County Legislature on the 27th day of March, 2018, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have set my hand and the official seal of the Montgomery County Legislature this 11th day of April, 2018

Totals:	Aye:	9
	Nay:	0
	Abstained:	0
	Absent:	0



This resolution was approved by the County Executive and was enacted on 4/11/2018