

NORMAN L. MASTROMORO

Attorney at Law
500 East Main Street
Suite 4
Little Falls, New York 13365

e-mail: nlm @ ntcnet.com
nljm @ frontier.com

T - 315-823-2324
- 518-883-8340

F - 518-883-8913

June 9, 2016

NYS Department of Taxation and Finance
Building 9
W.A. Harriman Campus
Albany, New York 12227

ATTENTION OFFICE OF COUNSEL

NYS Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

ATTENTION OFFICE OF COUNSEL

Dear Counselors

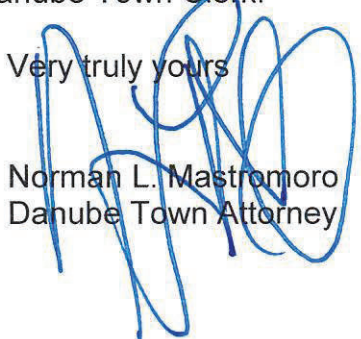
I write as Attorney for the Town of Danube, Herkimer County, in compliance with the requirement of Real Property Tax Law 487(8) directing that a copy of any adopted 'opt out' local law be filed with your offices. Forwarding directly to your attentions appeared to be the most logical manner in which to satisfy this requirement.

Enclosed please find, for each of you and/or your offices, a copy of the local law to be filed today with the Secretary of State by the Danube Town Clerk.

cc Danube Town Clerk

Very truly yours

Norman L. Mastromoro
Danube Town Attorney



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 Danube

Local Law No. 2 of the year 20 16

A local law to opt out of exemptions under Real Property Tax Law 487
(Insert Title)

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

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

of Danube as follows:

As Attached

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

**(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. 2 of 20 16 of
the ~~(County)(City)(Town)(Village)~~ of Danube was duly passed by the
Danube Town Board on June 8 20 16, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
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 _____¹ above.



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

(Seal)

Date: June 9, 2016

LOCAL LAW NO. 2 OF 2016

A Local Law To Opt Out Of Exemptions Under Real Property Tax Law 487

I. FINDINGS. The Danube Town Board finds that to allow an exemption from taxable assessed valuation otherwise provided by Real Property Tax Law 487 for all solar, wind and farm waste energy systems, as defined in such law, is, at this time, not conducive to town financial purposes and that a preclusion of some future exemptions, together with the implementation of a remedy for some exemptions that may have already been granted, should be authorized.

II. FUTURE EXEMPTIONS.

A. Pursuant to the authority of Real Property Tax Law 487(8), future exemptions from taxable assessed valuation for solar, wind, and farm waste energy systems shall be applicable in the Town of Danube only for any such system placed in operation subsequent to the effective date of this local law provided that such system is either not connected to a public utility electrical grid or, if so connected, does not, by design, exceed a rated capacity of more than nine (9) kilowatts..

B. Subsequent to the effective date of this local law there shall be no exemptions from taxable assessed valuation in the Town of Danube for farm waste energy systems that are dedicated solely to the production of a combustible fuel commodity.

III. EXISTING SYSTEMS. Pursuant to the authority of Real Property Tax Law 487(9), the owner of any Town of Danube real property where is situated a solar, wind or farm waste energy system connected to a public utility electrical grid and which system, by design, does not exceed a rated capacity of more than nine (9) kilowatts, or

where is situated a farm waste energy system dedicated solely to the production of a combustible fuel commodity, if placed in operation prior to the effective date of this local law and continues to receive an exemption from taxable assessed valuation previously granted pursuant to Real Property Tax Law 487, is hereby required to enter into a contract for payments in lieu of taxes for the remaining term of a fifteen (15) year period from the date on which the benefits of exemption first became available and effective for such real property.

IV. SUBSEQUENT ILLEGALITY. If any provision of this local law is determined to be illegal and of no force and effect, such determination shall not void the remaining legal provisions thereof.

V. EFFECT. This local law, in accordance with both Section 21 of the Municipal Home Rule Law and Real Property Tax Law 487(8), shall take effect upon its filing with the Secretary of State, the Commissioner of Taxation and Finance, and the President of the New York State Energy Research And Development Authority.