

# DIMATTEO & ROACH

## ATTORNEYS AT LAW

DAVID M. DIMATTEO, ESQ.  
MICHELLE A. HOYT, ESQ.

DAVID M. ROACH, ESQ.  
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May 29, 2018

Alice Calmes, Clerk  
Town of Darien  
10569 Allegany Road  
Darien Center, New York 14040

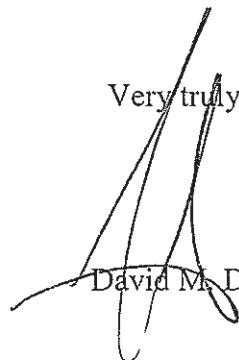
**Re: Local Law No. 1 of 2018**

Dear Ms. Calmes:

Enclosed herein for your records, please find copy of Local Law No. 1 of the year 2018 entitled "Town of Darien Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law" together with a copy of the filing receipt from the Secretary of State dated the 28th day of February 2018.

Should you have any questions, or need anything further, please do not hesitate to contact my office.

Very truly yours,



David M. DiMatteo

DMD/jh

Enclosures

# Local Law Filing

York State Department of State  
99 Washington Avenue, Albany, NY 12231

New

(Use this form to file 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 of Darien

Village

FILED  
STATE RECORDS

FEB 28 2018

DEF. SECRETARY OF STATE

Local Law No. 1 of the year 2018

A local law entitled, "Town of Darien Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law"

Be it enacted by the Town Board of the

County

City of Darien as follows:

Town

Village

As set forth in the attached page(s).

(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 2018 of the ~~(County)(City)(Town)(Village)~~ of Darien was duly passed by the Town Board on February 7, 2018 in accordance with the applicable 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 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 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 \_\_\_\_\_, as was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_. 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 \_\_\_\_\_, 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 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 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 countywide 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 revisions 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 majority of the qualified elector 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 unit voting as said general election, became operative.

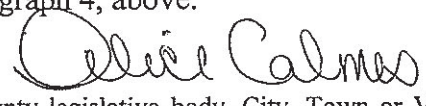
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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, as was finally adopted in the manner indicated in paragraph 4, above.

(SEAL)

Clerk

Alice Calmes

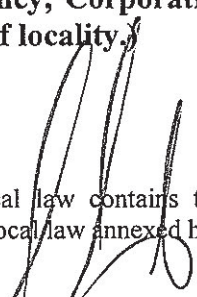
  
Clerk of the ~~County legislative body~~, City, Town or Village

Date: February 16, 2018

(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 GENESEE

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

  
\_\_\_\_\_  
Signature

Attorney

County

City of Darien

Town

Village

Date: 2/20/18

**TOWN OF DARIEN**  
**A PROPOSED LOCAL LAW ENTITLED,**  
**"TOWN OF DARIEN SOLAR, WIND, AND FARM WASTE ENERGY SYSTEMS**  
**REAL PROPERTY TAX EXEMPTION OPTING OUT LAW"**

**BE IT ENACTED** by the Town Board of the Town of Darien, Genesee County, New York as follows:

**SECTION I.            AUTHORITY**

The Town Board of the Town of Darien enacts this local law under the authority granted by New York Municipal Home Rule Law, §10.

**SECTION II.          LEGISLATIVE PURPOSE AND INTENT**

The intent of this Local Law is to allow the Town of Darien to opt out of solar, wind, and farm energy systems real property tax exemptions pursuant to Subdivision 8 of §487 of the Real Property Tax Law.

**SECTION III.        TITLE**

This local law shall be known as "Town of Darien Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law."

**SECTION IV.        ENACTMENT**

The Town Board of Darien shall not permit any exemption within its jurisdiction pursuant to §487 of the Real Property Tax Law of the State of New York with respect to any solar, wind, or farm waste energy systems constructed subsequent to the effective date of this Local Law.

**SECTION V.         SEPARABILITY**

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

**SECTION VI.        INCONSISTENCY**

All resolutions, ordinances or local laws or portions thereof of the Town of Darien not consistent with this ordinance, in whole or in part, shall be repealed.

**SECTION VIII.      EFFECTIVE DATE**

This local law shall become effective upon the filing with the New York State Department of State.