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January 31, 2017

President of the
New York State
Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Re: Filing of Local Law No. 1 of 2017
Town of Friendship, Allegany County
Our File No. F-0600-294

Dear Sir/Madam:

Enclosed is an original of Local Law No. 1 of 2017 entitled "A Local Law to Opt-Out of Real Property Tax Exemption for Solar Energy Systems in the Town of Friendship."

Please process and send us notification of the filing. If you have any questions concerning this matter please contact my office.

Sincerely,

RICHARDSON & PULLEN, P.C.



by David T. Pullen

DTP/cw
Enc.

Division of

Department of State
Uniform Commercial Code
9 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

President of
NYS Energy Research
and Development
Authority
(NYSERDA)

(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 Friendship

Local Law No. 1 of the year 2017

A local law to Opt-Out of Real Property Tax Exemption for Solar Energy Systems in the Town of

(Insert Title)
Friendship

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

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Friendship as follows:

SEE LOCAL LAW TEXT ANNEXED HERETO.

(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. 1 of 2017 of the ~~(County)(City)(Town)(Village)~~ of Friendship was duly passed by the Town Board on January 18, 2017, 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) (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 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 Patricia Schurr

Date: January 30 , 2017

(Seal)

A LOCAL LAW TO OPT-OUT OF REAL PROPERTY TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS IN THE TOWN OF FRIENDSHIP.

SECTION 1. PURPOSE AND INTENT.

It is the intent of the Town Board of the Town of Friendship to opt-out of the tax exemption for solar energy systems. The Town Board believes that solar energy systems are being planned and may be constructed throughout the Town. Such solar energy systems will be eligible for a real property tax exemption under New York State Real Property Tax law. These tax exemptions eliminate the real property tax revenue available to the Town that construction of these solar energy systems would otherwise generate. The New York State Real Property Tax Law allows municipalities to “opt-out” of said tax exemption.

SECTION 2. EXERCISE OF OPT-OUT AUTHORITY.

Pursuant to New York State Real Property Tax Law Section 487(8), the Town Board of the Town of Friendship hereby declares and provides that the exemption provided by RPTL §487 shall not be applicable within its jurisdiction with respect to any Solar Energy System constructed, erected or installed subsequent to the date of this Local Law.

SECTION 3. SUPERSEDE AND REPEAL:

This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent that they may be inconsistent with this Local Law.

SECTION 4. SEVERABILITY:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment of invalidity shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the proceeding in which such judgment shall have been rendered.

SECTION 5. WAIVER OR RESTRICTION:

Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Friendship to further regulate the subject matter of this Local Law.

SECTION 6. FILING:

A copy of this Local Law shall be filed with the State Board of Equalization and Assessment and with the President of the New York State Energy Research and Development Authority (NYSERDA) as is required by law.

SECTION 7. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.