

November 12, 2018

D) Resolution #83 To adopt a Local Law of the year 2018

Supervisor Lanzetta proposes the following:

Councilman Molinelli offered the following resolution, which was seconded by Councilman Koenig, who moved its adoption:

WHEREAS, a local law was introduced entitled Local Law No. 6 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 155-32.2 OF THE TOWN CODE, "SOLAR ENERGY", TO ADD A NEW SUBDIVISION M. TO EFFECT THE OPT-OUT FROM THE REAL PROPERTY TAX EXEMPTION PROVISIONS FOUND WITHIN SECTION 487(2) OF THE REAL PROPERTY TAX LAW ("RPTL") FOR SOLAR FARMS, WIND ENERGY FACILITIES, FARM WASTE ENERGY SYSTEMS, MICRO-HYDROELECTRIC ENERGY SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY STORAGE SYSTEMS; and

WHEREAS, a public hearing in relation to said local law was held on November 12, 2018 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law as corrected has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Section 155-32.2 of Town Code of the Town of Marlborough is hereby amended to add a new Subdivision M. reading as follows:

M. Notwithstanding the provisions of RPTL Section 487(2), the Town of Marlborough provides that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January 1, 1991 or the effective date of this local law, whichever is later, and/or that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell generating system, micro-combined heat and power generating system or energy electric storage equipment or electric energy storage system constructed subsequent to January 1, 2018 or the effective date of this local law, whichever is later.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

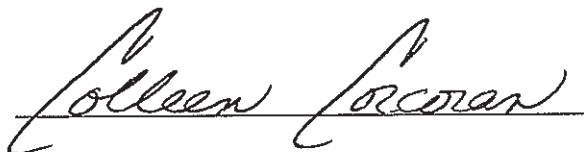
RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State

of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of Marlborough that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York
November 12, 2018

A handwritten signature in cursive script, reading "Colleen Corcoran", written over a horizontal line.