

Wesley Laraway
Supervisor
Renee Schmidt
Clerk/Treasurer
Steve Kowalski
Highway Superintendent

TOWN OF MIDDLEBURGH

Middleburgh, NY 12122
(518) 827-5100
Fax: (518) 827-7444

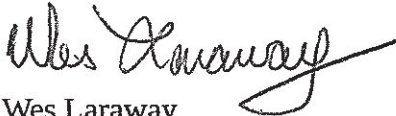
Steve Hendrickson
Gerald Coppolo
Michael Wilkens
John Youmans
Town Council Members
Michael Guntert
Town Justice

08/23/2021

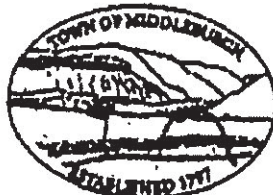
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Please be advised that the Town of Middleburgh would like to file a copy of the enclosed Local Law #1-2020, in support of the county resolutions for Opting Out of Real Property Tax Law Section 487 with your agency.

Sincerely,



Wes Laraway
Town of Middleburgh Supervisor



"The Town of Middleburgh is the Heart of New York."

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.

STATE RECORDS

DEC 14 2020

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of

Middleburgh

DEPARTMENT OF STATE

Local Law No.

1

of the year 20 20

A local law

(Insert Title)

Opting out of Real Property Tax Law
Section 487

Be it enacted by the

Town Board

of the

(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of

Middleburgh

as follows:

See Attached Page 7 for Text of
Local Law

(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 2020 of the ~~(County)(City)(Town)(Village)~~ of Middleburgh was duly passed by the Town Board on September 12, 2020, 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.)

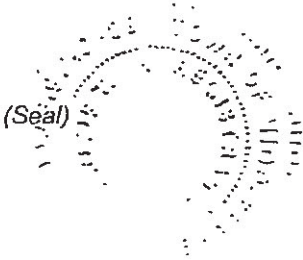
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

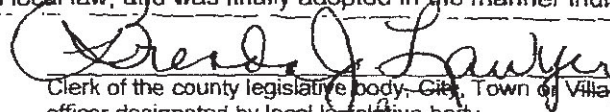
6. (County local law concerning adoption of Charter.)

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 _____ above.




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

Date: 12/02/2020

**LOCAL LAW #2-2020 OPTING OUT OF REAL PROPERTY TAX LAW
SECTION 487**

SECTION 1: LEGISLATIVE INTENT

The purpose of this local law is to opt out of New York Real Property Tax Law #487, which section provides an exemption from real property taxes for certain energy systems which the Town can remove by local law.

SECTION 2: REMOVAL OF EXEMPTION

A) No tax exemption made available by New York Real Property Tax Law #487 shall be applicable within the jurisdiction of Town of Middleburgh Taxes with respect to any solar or wind energy system or farm waste energy system or any other renewable energy source constructed subsequent to the effective date of the Local Law.

B) No tax exemption under New York Real Property Tax Law #487 shall be applicable within the jurisdiction of the Town of Middleburgh 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, or fuel-flexible linear generator electric generating system or any other renewable energy stem constructed subsequent to the effective date of this local law.

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 unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provisions, or phrase, which shall remain in full force and effect.

SECTION 4:

This local law is enacted pursuant to the authority granted by Real Property Tax Law #487(8), as well as the NYS Municipal Home Rule Law("MHRL"), with the procedural provisions of the or MHRL controlling, to the extent that this local law is inconsistent with Real Property Tax Law #487, or any other laws or regulations, this local law 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 Town of Middleburgh shall file this local law with the Commissioner of New York State Department of Tax and Finance and with the President of the New York State Energy Research and Development Authority.

**Town Clerk, Brenda Lawyer
Town of Middleburgh**

Brenda J. Lawyer
12/7/2020

