

TOWN OF SEWARD NEW YORK

795 Lowe Road, Cobleskill New York 12043
Phone (518) 234-2292 Fax (518) 234-3451
townofseward@verizon.net

January 6, 2021

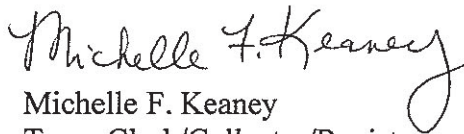
Doreen M. Harris, CEO
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203

Ms. Harris,

Enclosed for your records, please find a copy of the Local Law#5 of 2020 for the Town of Seward titled: "Opting out of Real Property Tax Law 487.

Should you have any questions regarding this document, you can contact the town at the address and phone number listed above.

Sincerely,


Michelle F. Keaney
Town Clerk/Collector/Registrar
Town of Seward

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

December 22, 2020

Town Clerk
Town of Seward
95 Lowe Road, Ste. 1
Cobleskill NY 12043

RE: Town of Seward, Local Law 5 2020, filed on December 15 2020

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

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 Seward

Local Law No. 5 of the year 20²⁰

A local law OPTING OUT OF REAL PROPERTY TAX LAW SECTION 487
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

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

of SEWARD as follows:

SEE ATTACHED PAGE FOR TEXT OF LOCAL LAW #5 of 2020

(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. 5 of 2020 of the (County)(City)(Town)(Village) of SEWARD was duly passed by the _____ on December 7 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.)

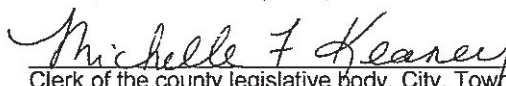
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

(Seal)

Date: 12/08/2020

Town of Seward
Local Law #5 of 2020
Opting Out of Real Property Tax Law § 487

A local law pursuant to New York State Real Property Tax Law § 487 (8)(a) Opting Out of New York State Real Property Tax Law §487 exemptions for Real Property which includes any Solar Energy System, Wind Energy, Farm to Waste Energy System Projects, micro hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system or any other renewable system.

Section I.

The purpose of this Town of Seward Local Law #5 of 2020 is to opt out of real property tax exemption provided by NYS Real Property Tax Law ("RPTL") § 487 in order to capture tax revenues from the development of solar energy systems, wind energy systems, farm waste energy systems, micro hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator generating systems, or any other renewable energy system. By opting out, these types of facilities will no longer be exempt from real property taxation, will be placed as taxable on the assessment rolls of the Town, will generate tax revenue, and be treated equally with other non-exempt commercial properties within the Town.

Section II.

No exemption under RPTL § 487 shall be applicable within the Town of Seward's jurisdiction with respect to solar energy systems, wind energy systems and farm waste energy systems, micro hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment or electric energy storage systems or fuel-flexible linear generator electric generating systems or any other renewable energy system.

Section III.

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

Section IV.

This local law is enacted pursuant to the authority granted by RPTL § 487(8), as well as the New York State Municipal Home Rule Law ("MHRL"), with the procedural provisions of the MHRL controlling. To the extent that this local law is inconsistent with RPTL § 487, this local law shall supersede those laws.

Section V.

Any and all prior Resolutions, Local Laws, rules and regulations of the Town which may be inconsistent or conflict with the provisions of this Local Law are hereby repealed to the extent of such conflict or inconsistency.

Section VI.

This law shall be effective immediately upon filing with the New York Secretary of State.

Sections VII.

In accordance with RPTL § 487(8)(a), the Town Clerk shall file this local law with the Commissioner of the New York State Department of Tax and Finance and with the President of the New York State Energy Research and Development Authority.