

Established March 7, 1788



May 21, 2018

NYSERDA

ATT: Alicia Barton, President
17 Columbia Circle
Albany, NY 12203-6399

NYS Department of Taxation & Finance
ATT: Office of Counsel
Building 9
W A Harriman Campus
Albany, NY 12227

RE: Correction to LL #2 of 2018 – Nullification and Removal of Property Tax Exemption for Energy Systems for the Town of Shawangunk, Ulster County.

Dear Sir/Madam:

As per the provisions of New York State real Property Tax law, Section 487 (8)a, we are filing with your offices a true copy of Town of Shawangunk, Ulster County, New York, Local Law #2 of 2018.

Very truly yours,

Jane P. Rascoe
Town Clerk

cc: Supervisor John Valk, Jr.
Curt Schoeberl, Sole Assessor
Richard Hoyt, Attorney for the Town

OFFICE OF THE TOWN CLERK

JANE P. RASCOE

TOWN OF SHAWANGUNK

P.O. BOX 247

Wallkill, New York 12589

Telephone (845) 895-2611

FAX (845) 895-2162

WEBSITE www.shawangunk.org

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.

Town of Shawangunk, Ulster County, New York

Local Law No. 2 of the year 2018 entitled "Nullification and Removal of Property Tax Exemption for Energy Systems"

Be it enacted by the TOWN BOARD of the TOWN OF SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:

I, STATEMENT OF PURPOSE

The Town Board of the Town of Shawangunk, Ulster County, New York hereby finds that the fifteen (15) year tax exemption for the increased value of energy systems per NYS Real Property Tax Law (RPTL) Section 487, as amended by Chapter 336 of the 2017 Session Laws of the State of New York, is not in the public interest and shall be nullified and rendered inapplicable by this local law. The Town Board finds further that it is in the public interest of the people of the Town of Shawangunk to assess, levy and collect all taxes for the full value of such systems as determined by the Assessor for the Town in his or her sole discretion.

II. STATEMENT OF AUTHORITY

This local law is authorized by Section 487 (8) (a) of the NYS Real Property Tax Law as well as the relevant provisions of the NYS Municipal Home Rule Law, the Statute of Local Governments, the NYS Constitution, including Article IX Section 2, as well as the general police power vested in the Town of Shawangunk to provide for the welfare of its citizenry.

III. DEFINITIONS

"Energy Systems" shall be as defined in RPTL Section 487, as amended.

IV. EXEMPTION NULLIFICATION AND REMOVAL

The Town of Shawangunk hereby nullifies and removes the fifteen (15) year tax exemption for energy systems as otherwise provided by Section 487 of the RPTL, as

amended. Notwithstanding the provisions of subdivision (2) of Real Property Tax Law Section 487, no real property tax exemption of Town and other local taxes shall be granted to solar energy systems, wind power systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, or electric energy storage equipment and electric energy storage systems.

IV. SEVERABILITY

If any section of subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

The determination by any court of competent jurisdiction that any provision of the within local law is unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provisions contained herein. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

III. EFFECTIVE DATE

This local law shall be effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law for the State of New York.

BE IT ENACTED THIS 3rd DAY OF May, 2018 BY THE TOWN BOARD OF THE
TOWN OF SHAWANGUNK, COUNTY OF PULSTER, STATE OF NEW YORK


JANE P. RASCOE, TOWN CLERK
TOWN OF SHAWANGUNK

(seal)

Established March 7, 1788



May 15, 2018

OFFICE OF THE TOWN CLERK
JANE P. RASCOE
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FAX (845) 895-2162
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ATT: Alicia Barton, President
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RE: LL#2 OF 2018 – Nullification and Removal of Property Tax Exemption for Energy Systems

Dear Sir/Madam:

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Very truly yours,


Jane P. Rascoe
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Town of Shawangunk

Introductory Local Law No. 2 of the year 2018 entitled “Nullification and Removal of Property Tax Exemption for Energy Systems”

Be it enacted by the TOWN BOARD of the TOWN OF SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:

I, STATEMENT OF PURPOSE

The Town Board of the Town of Shawangunk, Ulster County, New York hereby finds that the fifteen (15) year tax exemption for the increased value of energy systems per NYS Real Property Tax Law (RPTL) Section 487, as amended by Chapter 336 of the 2017 Session Laws of the State of New York, is not in the public interest and shall be nullified and rendered inapplicable by this local law. The Town Board finds further that it is in the public interest of the people of the Town of Shawangunk to assess, levy and collect all taxes for the full value of such systems as determined by the Assessor for the Town in his or her sole discretion.

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BE IT ENACTED THIS 3rd DAY OF May, 2018 BY THE TOWN BOARD OF THE
TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK



JANE P. RASCOE, TOWN CLERK
TOWN OF SHAWANGUNK

(seal)