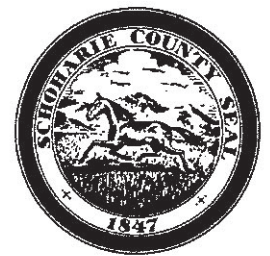


STATE OF NEW YORK
TOWN OF WRIGHT

105A Factory Street
GALLUPVILLE, NY 12073
TELEPHONE (518) 872-9726
FAX (518) 872-2137



June 23, 2017

NYSERDA
President & CEO
17 Columbia Circle
Albany, NY 12203

Dear President,

Attached you will find the new Town Law #01-2017 which was finalized and adopted at our June 12, 2017 Town Board meeting in accordance with the applicable provisions of law. As requested we are filing this new law with you for your records.

Please feel free to contact me if you should have any questions or need anything further.

Sincerely,

Lisa DeCarlo
Wright Town Clerk

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 WRIGHT

Local Law No. 01 of the year 20 17

A local law Solar, Wind or Farm Waste Energy System Payments in Lieu of Taxes Law
(Insert Title)

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

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

of WRIGHT as follows:

(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. 01 of 2017 of the ~~(County)(City)~~(Town)(Village) of WRIGHT was duly passed by the THE TOWN BARD on JUNE 12 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 _____ 2017, 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 (Elective Chief Executive Officer*)
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.)

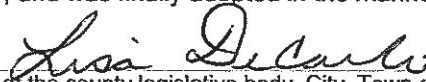
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: June 23, 2017

(Seal)

**TOWN OF WRIGHT
LOCAL LAW NO. 1 - 2017
SOLAR, WIND OR FARM WASTE ENERGY
SYSTEM PAYMENTS IN LIEU OF TAXES LAW**

Resolved, and be it enacted by the Town Board of the Town of Wright, New York,
as follows:

SECTION 1. TITLE

This Local Law shall be known and may be cited as the "Solar, Wind or Farm Waste Energy System Payments in Lieu of Taxes Law".

SECTION 2. INTENT.

1. The Town of Wright recognizes that solar, wind and farm waste energy are clean, readily available and renewable energy sources. It further recognizes that energy generated from solar, wind and farm waste energy systems can be used to offset energy demand on the grid where excess power is generated.
2. The Town of Wright has determined that comprehensive regulations regarding the development of solar, wind and farm waste energy systems are necessary to protect the interests of the Town, its residents and its businesses. This local law aims to accommodate solar, wind and farm waste energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install such systems. This local law is intended to promote the effective and efficient use of solar, wind and farm waste energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the Town of Wright Comprehensive Plan, to uphold the public health, safety and welfare, and to ensure that such systems

will not have a significant adverse impact on the environment, aesthetic qualities and character of the Town.

SECTION 3. DEFINITIONS.

As used in this Section:

- a. "Solar or wind energy system" - an arrangement or combination of solar or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar or wind energy and its conversation, storage, protection and distribution.
- b. "Farm waste energy system" - an arrangement or combination of farm waste electric generating equipment or other materials, hardware or equipment necessary to the process by which agricultural waste biogas is produced, collected, stored, cleaned, and converted into forms of energy such as thermal, electrical, mechanical or chemical and by which the biogas and converted energy are distributed on-site. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling or insulation system of a building.
- c. "PILOT" - payments in lieu of taxes.
- d. "RPTL" - New York State Real Property Tax Law.
- e. "Commercial Installation" - a system that produces energy for off site use.

SECTION 4. NOTIFICATION REQUIREMENTS

- a. Any owner or developer of a solar, wind or farm waste energy system that meets the requirements under RPTL Section 487 must notify the

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- e. "Commercial Installation" - a system that produces energy for off site use.

SECTION 4. NOTIFICATION REQUIREMENTS

- a. Any owner or developer of a solar, wind or farm waste energy system that meets the requirements under RPTL Section 487 must notify the

Town of Wright Supervisor, with copies of the notification sent to the Town of Wright Planning Board, via certified mail of its intent to construct a solar, wind or farm waste energy system

- b. The Town of Wright shall have sixty (60) days from receipt of the written notification by the Town of Wright Supervisor to notify the owner or developer of its intent to require a contract for payments in lieu of taxes.

SECTION 5. PILOT SCHEDULE

- a. The PILOT schedule for commercial installation solar, wind or farm waste energy systems shall adhere to RPTL Section 487.
- b. The annual payments under the PILOT shall not exceed the amounts that would otherwise be payable but for the exemption under RPTL Section 487.
- c. All PILOT payments payable to the Town of Wright shall be assessed, billed and collected by the Town of Wright Supervisor.

SECTION 6. EXEMPTIONS

- a. Residential and agricultural properties shall receive full property tax exemptions from the increase in the assessed value attributable to the installation of the system for the full fifteen (15) year exemption period set forth in RPTL Section 487 unless the law changes regarding tax exempt status.
- b. Commercial installation systems are NOT eligible for exemption.

SECTION 7. PILOT APPORTIONMENT

All commercial installation systems will be subject to a PILOT agreement to be put

into place by the Town, and the PILOT proceeds will be shared by each taxing district on a pro-rated amount based upon their percentage of tax payments prior to the installation (ex: 50% school, 30% county, 20% town).

SECTION 8. APPLICATION OF PILOT SCHEDULE

The PILOT will be for fifteen (15) years. The first year, the PILOT payment will be 50% of what the tax liability would have been if there was no exemption. (Example: If the total combined annual tax bills on a \$105,000 parcel are \$5,000, then the PILOT payment for year 1 will be \$2,500. The revenue will be divided among the taxing districts as described above, i.e., school 50%, county 30%, town 20%). PILOT payments shall increase by 5% each year for years 2 through 15 (compounded). (In this case, at the end of the PILOT, the final PILOT payment in year 15 would be \$4,950.)

SECTION 9. LATE PAYMENTS

- a. If the first month's payment required by a PILOT Agreement is not made when due, a late payment penalty equal to five per cent (5%) of the amount due shall be assessed.
- b. Thereafter, a late payment penalty of one percent (1%) per month for each month, or part thereof, that the payment due hereunder is delinquent beyond the first month together with interest to the extent permitted by law, at the rate of: (1) one percent (1%) per month, or (2) the rate per annum of which would be payable if such amount were delinquent taxes, until so paid in full shall be assessed.

SECTION 10. EFFECTIVE DATE

- a. This local law shall take effect immediately upon filing with the Secretary of State.

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SECTION 10. EFFECTIVE DATE

- a. This local law shall take effect immediately upon filing with the Secretary of State.

- b. In accordance with RPTL Section 487, the Town 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.

SECTION 11. SEVERABILITY.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that clause, phrase or portion of this Ordinance shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining clause, phrases or portions hereof.

SECTION 12. APPLICATION.

The Town Board of the Town of Wright has enacted this Ordinance pursuant to its authority under New York Town Law Section 130.