

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 Augusta

Local Law No. 3 of the year 20 21

A local law "Town of Augusta Solar and Wind Energy Systems Real Property
(Insert Title)
Tax Exemption Opting Out Law"

Be it enacted by the Town Board of the
(Name of Legislative Body)

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

of Augusta as follows:

** See Attached

(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. 3 of 20 21 of the (County)(City)(~~Town~~)(Village) of Augusta was duly passed by the Town Board on February 17, 2021, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

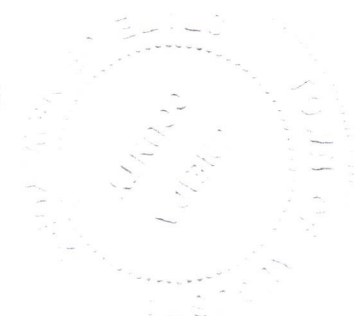
6. (County local law concerning adoption of Charter.)

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.

(Seal)



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

Date:

February 19, 2021

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW
3 OF 2021 OF THE TOWN OF AUGUSTA ENTITLED, "OPTING
OUT OF REAL PROPERTY TAX EXEMPTION FOR SOLAR, WIND
ENERGY SYSTEMS PER REAL PROPERTY TAX LAW 487"**

WHEREAS; all Board Members, having due notice of said meeting, and pursuant to Article 7 104 of Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law, and

WHEREAS; Section 487 of the New York State Real Property Tax Law allows for an exemption of any increase in value due to the construction of a solar and wind energy systems and, to date, County Assessment has found that the installation of small-scale residential and commercial solar systems has not had any effect of property value upon resale; and

WHEREAS; New York State does not make provision for the Town to distinguish between small-scale residential and large-scale commercial power generation facilities for the purpose of this exemption, and while the Town wishes to encourage the development of clean, alternative means of producing energy on a large scale, it recognizes that this priority must be balanced with the pressing fiscal needs of local governments and schools; and

WHEREAS; a decision to opt-out of the Section 487 exemption may be reconsidered and exemption restored by the Town at its discretion at any time in the future; and

WHEREAS; the Town Board of the Town of Augusta is considering a local law that will add language to specially address this particular issue; and

WHEREAS; a Notice of Public Hearing was duly published on the Town's official newspaper and said public hearing was held FEBRUARY 17, 2021 At which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS; the Town Board of the Town of August feels it is in the best interests of the Town of Augusta to adopt this law.

WHEREFORE BE IT RESOLVED; that the Town Board of the Town of Augusta feels it is in the best interests of the Town of Augusta to adopt Local Law No. __ of 202__ entitled, "Town of Augusta Solar and Wind Energy Systems Real Property Tax Exemption Opting Out Law" and be it

FUTHER RESOLVED, that THE Town Clerk be and she hereby is directed to enter the adoption of said law in the minutes of said meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

**TOWN OF AUGUSTA
A PROPOSED LOCAL LAW ENTITLED
"TOWN OF AUGUSTA SOLAR AND WIND ENERGY SYSTEMS REAL
PROPERTY TAX EXEMPTION OPTING OUT LAW"**

BE IT ENACTED BY THE Town Board of the Town of August , Oneida County, New York as follow:

SECTION I. AUTHORITY

The Town Board of the Town of Augusta enacts this local law under the authority granted by New York Municipal Home Rule Law 10

SECTION II. LEGISLATIVE PURPOSE AND INTENT

The intent of this local law is to allow the town of Augusta to opt out of a solar and wind energy systems real property tax exemptions pursuant to Subdivision 8 of 487 of the Real Property Tax Law.

SECTION III. TITLE

This local law shall be known as "Town of Augusta Solar and Wind Energy Systems Real Property Tax Exemption Opting Out Law"

SECTION IV. ENACTMENT

The Town Board of Augusta shall not permit any exemption within its jurisdiction pursuant to 487 of the Real Property Tax Law of the State of New York with respect to any solar, or wind systems constructed subsequent to the effective date of this Local Law.

SECTION V. SEPARABILITY

In the event that any word, phrase or part of this local law shall be declares unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not affect the remainder of said local law which shall remain in full force and effect.

SECTION VI. INCONSISTENCY

All resolutions, ordinances or local laws or portions thereof of the Town of Augusta not consistent with this ordinance, in whole or part, shall be repealed.

SECTION VII. EFFECTIVE DATE

This local law shall become effective upon the filing with the New York State Department of State

The Town Board of the Town of Augusta held a public hearing on FEBRUARY 17, 2021 at 5:30 pm. The Town Board held a special meeting at the Town Hall 185 Main Street Oriskany Falls NY 13425 on the 17 day of FEB 2021 commencing at 6 pm at which time and place the following members were:

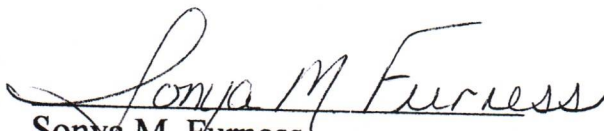
Present Suzanne Collins Supervisor	Aye <u>X</u>	Nay <u> </u>
James Dowd Councilman	Aye <u>X</u>	Nay <u> </u>
Travis Wright Councilman	Aye <u>X</u>	Nay <u> </u>
Mark Russell Councilman	Aye <u>X</u>	Nay <u> </u>
Charles Peck Councilman	Aye <u>X</u>	Nay <u> </u>

Certification

I, Sonya M. Furness, Town Clerk of the Town of Augusta, do hereby certify that the above resolution was adopted at a special meeting of the Town Board of the Town of Augusta held on FEBRUARY 17, 2021 and it is on file and of record, and that said resolution had not been altered, amended or revoked and it is in full force and effect.

SEAL




Sonya M. Furness

Be it enacted this 17th day of February, 2021 by the Town Board of the Town of Augusta, Oneida County, New York, to be effective upon filing with the Secretary of State.

Suzanne Collins, Supervisor

Suzanne M Collins

James Dowd, Councilman

James W Dowd

Charles Peck, Councilman

Ch

Mark Russell, Councilman

Mark Russell

Travis Wright, Councilman

Travis Wright

SEAL



ATTEST

Sonya M. Furness

Sonya M. Furness, Town Clerk

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

March 2, 2021

Sonya M. Furness.
Town Clerk
185 N Main Street, PO Box 686
Oriskany Falls NY 13425

**RE: Town of Augusta, Local Law 2, 3, 4, 5 2021, filed on February 25,
2021**

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