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DEC 22 2014

Washington County
Real Prop. Tax Serv.

TOWN BOARD OF THE TOWN OF WHITEHALL
COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution # 55 of 2014

Adopted December 17, 2014

Introduced by Councilperson Hollister

Who moved its adoption

Seconded by Councilperson Prefontaine

RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW # 3 OF 2014

BE IT ENACTED BY THE TOWN BOARD AS FOLLOWS:

A LOCAL LAW REPEALING LOCAL LAW # 2 of 1991 CONCERNING TAX EXEMPTIONS FOR QUALIFIED SOLAR AND WIND ENERGY STRUCTURES IN THE TOWN OF WHITEHALL

WHEREAS, it is the intention of the TOWN OF WHITEHALL on this 17th day of December 2014 to repeal Local Law # 2 of 1991 and thereby enable real property tax exemptions for qualified solar and wind energy structures; and

WHEREAS, a notice of public hearing on proposed law was published in the Post Star on December 11, 2014 notifying the date and time of said public hearing on this proposed local law; and

WHEREAS, said public hearing was duly held before the Town Board on December 17, 2014 at 7 PM at the offices of the Town of Whitehall and all parties in attendance were permitted an opportunity to speak on behalf or in opposition to the proposed local law; and

WHEREAS, the proposed adoption of this local law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Whitehall as follows:

RESOLVED, the Town Board, upon due deliberation of the proposed local law finds that the adoption of the same is in best interest of the Town; and

RESOLVED, the local law repealing Local Law # 2 of 1991, thereby permitting the grant of real property tax exemptions for qualified solar and wind structures located in the Town of Whitehall is hereby adopted as Local Law Number 3 of 2014, a copy of which is attached hereto and made a part hereof; and

RESOLVED, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this local law into the minutes of this meeting and file the same with the Office of the Secretary of the State of New York and will take effect immediately.

George S. Armstrong

Town Supervisor, George Armstrong, aye

Farrell Prefontaine

Town Councilperson, Farrell Prefontaine, aye

David K. Hollister

Town Councilperson, David Hollister, aye

Stephanie Safka

Town Councilperson, Stephanie Safka, abstain

John Rozell

Town Councilperson, John Rozell, aye

CERTIFICATION

I, Julie Millett, the duly qualified and acting Town Clerk of the TOWN OF WHITEHALL, New York, do hereby certify that the above resolution was adopted at a board meeting of the TOWN OF WHITEHALL held on December 17, 2014 and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Julie Millett

Julie Millett
Town Clerk

Seal:

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 Whitehall

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Washington County
Real Prop. Tax Serv.

Local Law No. 3 of the year 2014

A local law Local Law Repealing Local Law # 2 of 1991 Concerning Tax Exemptions for Qualified

(Insert Title)

Solar and Wind Energy Structures In The Town of Whitehall.

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

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

of Whitehall

as follows:

See attached Local Law # 3 of 2014.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF WHITEHALL
COUNTY OF WASHINGTON, STATE OF NEW YORK**

LOCAL LAW NUMBER 3 OF 2014

**BE IT ENACTED BY THE TOWN BOARD AS FOLLOWS:
A Local Law Repealing Local Law # 2 of 1991 Concerning Tax Exemptions for
Qualified Solar & Wind Energy Structures in the Town of Whitehall**

BE IT ENACTED, by the Town Board of the TOWN OF WHITEHALL, in the County of Washington, State of New York as follows:

Section 1. Purpose.

The Town Board desires the ability to grant real property tax exemptions for qualified solar and wind structures located in the Town pursuant to Real Property Tax Law Section 487.

Section 2. Repeal Local Law # 2 of 1991 of the Town of Whitehall

Local Law # 2 of 1991 of the Town of Whitehall is hereby repealed in its entirety.

Section 3. EFFECTIVE DATE.

This Local Law shall take effect immediately after filing with the Secretary of State of the State of New York.

(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 2014 of the (County)(City)(Town)(Village) of Town of Whitehall was duly passed by the Town Board on December 17 2014, 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 _____, 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 or town 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 _____ the County of _____ State of New York, having been submitted to the electors at the General Election on 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 1 above.

Julie A. Millett

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

Date: December 17, 2014

(Seal)

RECEIVED

MAY 18 2016

TOWN OF WHITEHALL
PUBLIC HEARING ON 2014 LOCAL LAWS 7:00 PM
REGULAR MEETING TO FOLLOW

Washington County
Real Prop. Tax Serv.

TOWN HALL
57 SKENESBOROUGH DRIVE

December 17, 2014

PRESENT: George Armstrong – Supervisor
Stephanie Safka – Councilperson
John Rozell-Councilperson
David Hollister-Councilperson
Farrell Prefontaine – Councilperson

OTHERS PRESENT: Town Clerk, Julie Millett; Town Highway Superintendent, Louis D. Pratt II; Enforcement Officer, Vernon Scribner; John Millett Jr.; Whitehall Times Reporter, Dan King and Town Attorney, Erika Sellar-Ryan.

Notice of Public Hearing and change of Regular Meeting due to the bad weather posted on Town Hall door and on local channel 16 on 12/10/14.

Original Posting on Local Laws posted in Whitehall Times on 11/27/14 and posted again in the Post Star on December 11, 2014; a copy will be filed with the minutes.

Supervisor opened the Public Hearing on proposed Local Law # 2 of 2014 titled; A Local Law Amending Local Law # 4 of 2006 Providing for Tax Exemptions for Senior Citizens who are Sixty-five Years of Age and Over pursuant to Real Property Tax Law 467 at 7:00 PM. At this time the Supervisor asked if there were any comments from the public on the proposed law. Supervisor explained that this would be moving the exemption of annual income from \$16,000 to \$24,000 on a sliding scale to allow a percentage of exemption from taxation. This new law would be in line with what the county and some other towns allow for exemption. This amount would be around \$4,000 that would be taken away from the seniors and have it spread out over the rest of the taxpayers. There were no public comments so the Supervisor closed the Public Hearing on the law at 7:04 PM.

Supervisor opened the Public Hearing on proposed Local Law # 3 of 2014 titled; A Local Law Repealing Local Law # 2 of 1991 Concerning Tax Exemptions for Qualified Solar and Wind Energy Structures at 7:05 PM. Supervisor explained that back in 1991 this came up and there were two towns; Whitehall and Kingsbury that decided to pass a local law not allowing for this real property tax exemption. Earlier this year, Kingsbury decided to repeal their local law on this. Supervisor stated that since 1991 the emphasis on alternative energy has only increased. He said that Solar City is around and they are trying to get the county to allow 26 acres of solar panels on the property right across from nursing home in Argyle. In the Town of Hartford the fire company has solar panels. They have no money in it and whatever their bill is, they get 25%

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off. Councilperson Rozell wanted to know if this would be for commercial and residential. Erika thinks that it is different under the real property tax law. It would be different if you were to put one on your home versus inviting a company on your property. You are basically telling your assessor to apply what is in the NYS Real Property Law by passing this local law. Erika thinks that if you rent your property for solar power, that company is paying taxes on their profits. So now if you rent to a solar company the value of your property may go from \$10,000 to \$100,000 and you are paying the real property tax on that. This is saying that your taxes by doing this there is an option in the NYS Property Tax Law that would keep your tax assessment at \$10,000 and not taxed on the property's improvement. Councilperson Rozell stated that the Town is not going to get anything out of this. Erika stated that the theory is the more energy we have on the grid, the cheaper the energy. Supervisor asked if there were any other comments from the public. There were none and the Public Hearing was closed at 7:14 PM. At this time Erika discussed the Short Environmental Assessment form for the local law. She went through the form and put in what the project is and that it is subject to the local law. My conclusion after going through the form is that this will not have a negative impact on the environment therefore it is a negative declaration. With this local law you are just removing an obstacle by passing it and creating an incentive, but when someone actually goes to site for one of these facilities, they will have to go through their own state environmental process. Erika asked if anyone wanted to discuss the environmental impacts this law would have at this time. The Supervisor declared at this time that by passing this local law there would be no negative impact on the environment and declare that this is a negative declaration and he signed the SEQRA form.

Supervisor called the Regular Meeting to order at 7:17 PM with Pledge to the Flag and prayer.

Recognition of Visitors: None at this time.

Supervisor read the Local Law # 2 of 2014 titled; A Local Law Amending Local Law # 4 of 2006 Providing for Tax Exemptions for Senior Citizens who are Sixty-five Years of Age and Over Pursuant to Real Property Tax Law 467.

Motion made by Councilperson Prefontaine and seconded by Councilperson Hollister to adopt such local law.

ADOPTED

Ayes 5 Armstrong, Safka, Rozell, Hollister, Prefontaine

Nays 0

Resolution for this law # 54 shall be filed with the minutes, filed with New York State, Office of Real Property, and Town Assessor and in the Resolution Book.

Supervisor read the Local Law # 3 of 2014 titled; A Local Law Repealing Local Law # 2 of 1991 Concerning Tax Exemptions for Qualified Solar and Wind Energy Structures in the Town of Whitehall.

Motion made by Councilperson Hollister and seconded by Councilperson Prefontaine to adopt such local law.

ADOPTED

Ayes 4 Armstrong, Rozell, Hollister, Prefontaine

Recusal 1 Safka

Resolution for this law # 55 shall be filed with the minutes, filed with New York State, Office of Real Property, and Town Assessor and in the Resolution Book.

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TOWN BOARD OF THE TOWN OF WHITEHALL
COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution # 55 of 2014
Adopted December 17, 2014
Introduced by Councilperson Hollister
Who moved its adoption
Seconded by Councilperson Préfontaine

RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW # 3 OF 2014
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George S. Armstrong

Town Supervisor, George Armstrong, aye

Farrell Prefontaine

Town Councilperson, Farrell Prefontaine, aye

David K. Hollister

Town Councilperson, David Hollister, aye

Stephanie Safka

Town Councilperson, Stephanie Safka, abstain

John Rozell

Town Councilperson, John Rozell, aye

CERTIFICATION

I, Julie Millett, the duly qualified and acting Town Clerk of the TOWN OF WHITEHALL, New York, do hereby certify that the above resolution was adopted at a board meeting of the TOWN OF WHITEHALL held on December 17, 2014 and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Julie Millett

Julie Millett
Town Clerk

Seal: