

Town of Richmond
8690 Main Street, PO Box 145, Honeoye NY 14471
585-229-5757

July 11, 2024

Principal Clerk
NYS Department of State
Division of Corporations, State Records and
Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231

Dear Madam/Sir,

Enclosed please find Resolution No. 06 2024 37 with Local Law No. 3 for filing for the Town of Richmond.

Thank you for your help in this matter and please call or email me if there are any questions.

Sincerely,



Tracy L. Lortscher
Richmond Town Clerk
(585)229-5757
clerk@townofrichmond.org

**Town of Richmond
Town Board
Resolution 06 2024 37**

RESOLUTION TO SET PUBLIC HEARING TO ADOPT A LOCAL LAW AMENDING THE RICHMOND TOWN CODE AT PART 11, CHAPTER 178, ARTICLE 11 "SOLAR OR WIND ENERGY SYSTEMS" TO REPLACE IT WITH AN ARTICLE STATING THAT ANY ENERGY EXEMPTION SET FORTH IN REAL PROPERTY TAX LAW "87 SHALL NOT BE APPLICABLE WITHIN THE TOWN OF RICHMOND.

WHEREAS, the Town previously opted out of the solar and wind real property tax exemptions set forth in New York Real Property Tax Law ("RPTL") 5487 and the State subsequently amended RPTL 5487 to expand the available real property energy exemptions to include solar or wind energy systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment system, electric energy storage equipment or electric energy storage systems, or fuel-flexible linear generator electric generating systems; and

WHEREAS, the State continues to authorize municipalities to opt out of these exemptions and the Town Board hereby seeks to expand the scope of the Town's opt out to include all energy systems set forth in RPTL 5487, pursuant to RPTL §487(8)(a); and

WHEREAS, the Town Board seeks to amend the Richmond Town Code at Part II "General Legislation," Chapter 178, "Taxation," by replacing Article II "Solar or Wind Energy Systems," in its entirety with a new Article entitled "Opt Out of Real Property Tax Law 5487 Exemption for Certain Energy Systems" and Section 178-1 "No Exemption To Be Granted." stating that all exemptions set forth in RPTL {487 shall not be applicable within the Town of Richmond.

WHEREAS, the Town Board seeks to adopt a local law stating that no exemption under RPTL 5487 shall be applicable within the Town's jurisdiction with respect to any solar or wind energy system or farm waste energy system, 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 and shall hold a Public Hearing to obtain public input; and now, therefore, be it

RESOLVED, that the Town Board of the Town of Richmond will hold a public hearing for the 9th day of July 2024, on or at 7:00 PM, to be held by the Richmond Town Board at the Richmond Town Hall, located at 8690 Main Street, Honeoye, New York. to obtain public input as it considers the following proposed local law to amend the Richmond Town Code at Part II "General Legislation," Chapter 178, "Taxation," by replacing Article II "Solar or Wind Energy Systems," in its entirety with a new Article II entitled "Opt Out of Real Property Tax Law 5487 Exemption for Certain Energy Systems" and Section 178-1 "No Exemptions To Be Granted" stating that all exemptions set forth in RPTL 5487 shall not be applicable within the Town of Richmond:

LOCAL LAW AMENDING THE RICHMOND TOWN CODE AT PART 11, CHAPTER 178, ARTICLE 11 "SOLAR OR WIND ENERGY SYSTEMS" TO REPLACE IT WITH AN ARTICLE STATING THAT ANY ENERGY EXEMPTION SET FORTH IN REAL PROPERTY TAX LAW "87 SHALL NOT BE APPLICABLE WITHIN THE TOWN OF RICHMOND.

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law and §487(8)(a) of New York's Real Property Tax Law ("RPTL").

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 3 -2024 and the purpose of the Local Law is to amend the Richmond Town Code at Part II "General Legislation," Chapter 178, "Taxation," Article II "Solar or Wind Energy Systems" replacing Article II in its entirety with a new Article II entitled "Opt Out of Real Property Tax Law 5487 Exemption for Certain Energy Systems" and Section 178-1 "No Exemptions To Be Granted" stating that all exemptions set forth in RPTL 5487 shall not be applicable within the Town of Richmond.

Section III. Legislative Finding

The Town Board of the Town of Richmond previously opted-out of the Solar, Wind and Farm Waste Energy System exemptions set forth in RPTL "87. RPTL 5487 has been amended to exempt additional equipment and systems and the legislature has authorized municipalities to also elect to "opt-out" of the new exemptions, pursuant to RPTL §487(8)(a). The Town Board determines that it is in the Town's best interest to collect real estate taxes on all energy equipment and systems and that RPTL 487 solar and wind exemptions shall continue to not be applicable within the Town's jurisdiction and exemptions for farm waste energy system, 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 constructed subsequent to the effective date of this Local Law shall also not be applicable within the Town's jurisdiction.

Section IV. Amendment

Richmond Town Code at Part II "General Legislation," Chapter 178, "Taxation," Article II "Solar or Wind Energy Systems," shall be replaced with the following amended Article II:

"**Article II.** Opt Out of Real Property Tax Law "87 Exemption for Certain Energy Systems.

§178-1 No Exemption Granted.

No exemption set forth in 487 of New York's Real Property Tax Law shall be applicable within the jurisdiction of the Town of Richmond, including all exemptions relating to solar or wind energy systems, farm waste energy systems, 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 systems."

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Richmond which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State. A copy of this local law shall also be filed with the Commissioner of New York State's Department of Taxation and Finance and with the President of the New York State Energy Research and Development Authority.

And; it is further

RESOLVED that the Town Clerk advertise for said Public Hearings in a manner consistent with law and provide a copy of the proposed Local Law to the Planning and Zoning Board.

Councilman Barnhoorn moved to wave the reading of the resolution to set a public hearing to adopt a local law amending the Richmond Town code at part II, chapter 178, article II "solar or wind energy systems" to replace it with an article stating that any energy exemption set forth in real property tax law 5487 shall not be applicable within the Town of Richmond. Set the date of July 9th, 2024, at 7:00pm at the Town Hall. .

Councilman Cornish 2nd

Roll Call was performed by Tracy Lortscher, Richmond Town Clerk

Councilman Cornish	Aye
Councilman Barnhoorn	Aye
Councilman Deck	Aye
Councilman Flynn	Aye
Supervisor Marshall	Aye