

TOWN OF CONSTANTIA
MINUTES –PUBLIC HEARING – June 21, 2022
7:00 pm Constantia Town Hall

Present: Frank Tomaino - Supervisor
Ronald Chapman, Richard Colesante, John Metzger, Thomas Moran – Council Members
Clare Haynes – Town Clerk
Warren Bader - Town Attorney

CALL TO ORDER:

At 7:00 pm Mr. Tomaino called the public hearing to order with the pledge of allegiance.

PURPOSE:

The purpose of this public hearing is to hear any and all comments on proposed Local Law B-2022, A Local Law to Opt Out of Real Property Tax Law Exemptions for Wind and Solar Energy Systems.

The following proposed local law was read into the minutes by Attorney Bader:

TOWN OF CONSTANTIA LOCAL LAW NO. B OF 2022
("A Local Law Opting Out of the Real Property Tax Law Exemption for
Solar and Wind Energy Systems Pursuant to Real Property Tax Law 487)

The following resolution was offered by Councilor Colesante, who moved its adoption, seconded by Councilor Moran, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2022, "A Local Law Opting Out of the Real Property Tax Law Exemption for Solar and Wind Energy Systems Pursuant to Real Property Tax Law §487," was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on June 6, 2022; and

WHEREAS, a public hearing was held on such proposed local law on June 21, 2022, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the enactment of Proposed Local Law No. B-2022 has previously been determined to be an Unlisted Action, the Board declared itself to be Lead Agency and issued a Negative Declaration for purposes of SEQRA; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2022.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. B-2022 as Local Law No. 2-2022 as follows:

**"TOWN OF CONSTANTIA
LOCAL LAW NO. 2-2022**

**A LOCAL LAW OPTING OUT OF THE REAL PROPERTY TAX
EXEMPTION FOR SOLAR AND WIND ENERGY SYSTEMS
PURSUANT TO REAL PROPERTY TAX LAW §487**

Be it enacted by the Town of Constantia Town Board, as follows:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

It is the intent of the Town Board of the Town of Constantia to opt-out of the real property tax exemption for wind and solar energy systems within the jurisdiction and geographic boundaries of the Town of Constantia. The Town has received multiple applications for solar energy systems to be located within the Town and additional applications are anticipated in the future. These systems are eligible for a real property tax exemption under New York State Real Property Tax Law which would otherwise eliminate real property tax revenue generated for the Town from these systems. New York State Real Property Tax Law authorizes municipalities to opt-out of the real property tax exemption for solar and wind systems provided the municipality enacts a local law "opting out" of the tax exemption. In accordance with Real Property Tax Law §487, it is the intent of this Local Law that the Town of Constantia opt-out of the real property tax exemption for solar and wind energy systems.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to New York Real Property Tax Law §487(8), the New York State Constitution, and New York Municipal Home Rule Law §10.

SECTION 3. OPTING OUT OF THE TAX EXEMPTION FOR SOLAR AND WIND ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW §487

Pursuant to and consistent with New York State Real Property Tax Law §487(8) the Town of Constantia Town Board hereby declares that solar and wind energy systems shall not be exempt from real property taxes within the jurisdiction and geographic boundaries of the Town of Constantia.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. FILING

Pursuant to New York Real Property Tax Law §487(8), following the enactment of this Local Law a copy of this Local Law shall be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority (NYSERDA).

SECTION 6. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.”

ADJOURN:

With no public comment, at 7:15 pm Mr. Metzger made the motion to close the public hearing, seconded by Mr. Colesante.

Carried: Moran – Yes Chapman – Yes Colesante – Yes Metzger – Yes Tomaino – Yes