

SPECIAL MEETING

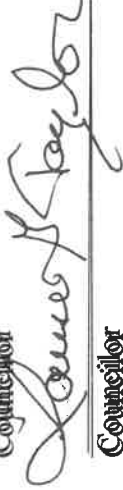
We, the Undersigned, Town Board of the Town of Malone, do hereby call for a Special Meeting, Monday, October 2, 2017 at 9:00 AM for the purpose of reviewing a proposed 487 Exemption Opt Out Law as relates to Commercial Solar Projects and for any other business to be brought before the Board.

PRESENT:


Supervisor


Councilor


Councilor


Councilor


Councilor

ALSO PRESENT:

Deborah A. Hutelins, Clerk
Denice Hudson, Budget Officer

Terry Maguire, Malone
Andrea Stewart, Malone
Martha Weaver, Malone
Dr. Calvin Martin
Russ Kinyon, Franklin County
Candace Gadway, Malone
Josh Davis, Malone Telegram

Supervisor Maneely called the meeting to order at 9:02 AM with a pledge of allegiance to the flag. Proper notice was given. Supervisor Maneely stated the purpose of this meeting to discuss the proposed Town of Malone Real Property Tax Law Section 487 Exemption Opt-Out Law. Supervisor Maneely then read the proposed law as follows:

**TOWN OF MALONE REAL PROPERTY TAX LAW SECTION 487
EXEMPTION OPT-OUT LAW**

Section 1. PURPOSE:

Real Property Tax Law Section 487 provides for an exemption from taxation for certain solar energy systems, wind energy systems or farm waste energy systems, and further provides in sub-section 8 of such section that a town may by local law provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar energy systems, wind energy systems or farm waste energy system constructed subsequent to the effective date of the local law.

Section 2. OPT OUT OF EXEMPTION:

Pursuant to the authority of Real Property Tax Law Section 487, sub-section 8, the Town of Malone hereby opts out of the exemption from real property taxes granted by Real Property Tax Law Section 487, sub-section 2, and related sub-sections, so that no exemptions under the provisions of said Real Property Tax Law shall be applicable to town taxes with respect to solar energy systems, wind energy systems or farm waste energy systems in the Town of Malone.

Section 3. SEPARABILITY:

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 4. REPEALER:

This local law shall supersede all prior local laws, ordinances, rules and regulations of the Town of Malone that may be inconsistent with this local law and any such prior local laws, ordinances, rules and regulations shall be, upon the effective date of this Local Law, null and void.

Section 5. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 5. NUMERICAL/LETTERING DESIGNATIONS:

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of General Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Malone.

Supervisor Maneely then stated that the Public Hearing for this Local Law #2-2017 will be on October 11, 2017 at 5:30 PM.

RESOLUTION 260-2017

On a motion of Supervisor Maneely, seconded by Councilor Scharf, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Scharf, Taylor, Lockwood
Nays 0

Resolved to hold a Public Hearing on October 11, 2017 at 5:30 PM for Local Law #2 – Real Property Tax Law Section 487 Exemption Opt-Out Law.

Councilor Sharf then asked for clarification on the meaning of this tax law. Supervisor Maneely explained that this would allow the Town to opt out on a PILOT Program with a solar company. He further stated that it could be later changed with the cooperation of the IDA. Russ Kinyon stated that NYS law allows for an automatic 15-year property tax exemption for solar wind and farm energy. Communities can opt out of this exemption, however, they would not be able to enter in to PILOTS. The IDA can do a PILOT agreement collectively so the option is not completely lost.

Councilor Lockwood asked about obtaining expert legal advice on this. Supervisor Maneely and Mr. Kinyon stated that they are pursuing this and trying to find the right person. Supervisor Maneely then updated those in attendance of the Solar Project and details of activities to date.

Dr. Calvin Martin discussed a website article he wrote which can be viewed at www.14clay.com. This article explains the Article 10 (Public Service Commission) process and further explains what Geronimo has filed to date and feels it is equivalent to a hostile takeover of 900 acres by filing a letter for Article 10 with the Citing Board in Albany *prior* to the last Town Board Public Hearing on this project. A moratorium and solar energy law banning industrial sized solar project can be passed but the final say comes from this Citing Board. He further discussed the need for an expert lawyer who specializes in Article 10 to represent the Town. He did indicate one item in the Town's favor is the fact that the government does not like taking farm land out of production to put in solar panels; the preference is brown fields (contaminated land useless for farming), a landfill or old parking lot, etc.

Supervisor Maneely then stated that we are presenting the tentative budget today and cautioned that is it just a preliminary budget. At this time Budget Officer Hudson presented as follows: the 2018 Tentative Budget for the Town of Malone was filed on September 29, 2017 in accordance with Section 1062 of NYS Town Law and was filed with the 2017 Exemption Impact Report as required by law. The tentative tax rate for the Village is at \$4.46 (a \$.20 increase from current year) and the Town rate is at \$9.50 (a \$.60 increase from the current year). To assist you with your budgetary decisions, I have provided you with all the taxable totals obtained from the 2017 Final Assessment Roll along with all department salary and contractual requests as submitted. Included in your packet is a copy of the property tax levy limit calculation which shows the Town of Malone allowable levy increase to be \$58,233 from 2017. In order to meet this figure the Tentative Budget must be cut by \$132,079.

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Supervisor Maneely then stated that he proposes a spending freeze of every department from now until the budget is passed. Normal everyday expenditures to operate like stamps, copy paper, etc. will be allowed but anything other than normal daily expenditures must be brought to the appropriate department committee for consideration. All training requests previously approved will be honored.

RESOLUTION 261-2017

On a motion of Supervisor Maneely, seconded by Councilor Lockwood, the following resolution was

ADOPTED Ayes 5 Maneely, Sullivan, Scharf, Taylor, Lockwood
Nays 0

Resolved to approve a spending freeze until the budget is passed for any purchases other than everyday normal business expenses.

At this time the first Budget work session was scheduled for Thursday, October 12, 2017 at 3:00 PM.

ADJOURN:

RESOLUTION 262-2017

With no further business to be brought before the Board and on a motion of Supervisor Maneely, seconded by Councilor Lockwood, the meeting adjourned at 9:30 AM.

RESPECTFULLY SUBMITTED,

DEBORAH A. HUTCHINS, TOWN CLERK