

## Public Hearing, Town Of Otto

A Public Hearing of the town board of the Town of Otto, Cattaraugus County and the State of New York was held at the Otto Town Hall, 8842 Otto- East Otto Road, Cattaraugus, NY on the 19th day of January 2021.

**Present:** Ron Wasmund .. Town Supervisor  
Marlene Gregory .. Councilmember  
Brenda Mallaber .. Councilmember  
Paul Stang .. Councilmember  
Kevin Walker .. Councilmember via zoom meeting  
Trisha Priest .. Town Clerk  
Robert Barber Jr. .. Highway Superintendent

Supervisor Wasmund called the Public Hearing to order at 6:45pm with a quorum present.

The Purpose of this public hearing is to discuss local law 2021-1 to opt out of Real Property Tax Law Section 487.

The Otto Town Clerk certifies that the public hearing notice was published in the Springville Journal and posted at the Town Hall .

### RESOLUTION 2021-3

#### Local Law 2021-1

BE IT ENACTED by the Town Board of the Town of Otto of the County of Cattaraugus as follows:

#### Section 1

The purpose of this local law is to opt out of Real Property Tax Law Section 487 to capture tax revenues from the development of solar energy facilities and to ensure that such facilities are treated equally with other commercial properties within the Town of Otto.

#### Section 2

- A. No exemption under Real Property Tax Law Section 487 shall be applicable to Town of Otto taxes with respect to any solar or wind energy system or farm waste energy system.
- B. No exemption Real Property Tax Law Section 487 shall be applicable to Town of Otto taxes with respect to any micro-hydroelectric energy system, fuel electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

#### Section 3

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phase of the aforementioned sections, as declared by valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phase, which shall remain in full force and effect.

#### Section 4

To the extent that this local law is inconsistent with Real Property Tax Law Section 487 it shall supersede those laws.

#### Section 5

Any and all prior Resolutions, Local Laws, rules and regulations of the Town of Otto which may be inconsistent or conflict with the provisions of this law are hereby repealed to the extent of such conflict of inconsistency.

#### Section 6

- A. This law shall be effective immediately upon filing with the Secretary of State.
- B. In accordance with RPTL 487 (8) a. the Town of Otto shall file this local law with the Commissioner of New York State Department of Tax and Finance and with the president of the New York State Energy Research and Development Authority.

With everyone having the opportunity to speak, no one appeared wishing to speak for or against this proposed new local law 2021-01 Supervisor Wasmund closed the public hearing at 7:00pm.

The next board meeting will be held on January 19, 2021 7PM at the Otto Town Hall.

Respectfully Submitted,

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Trisha Priest, Town Clerk