

**BOARD OF SUPERVISORS  
WAYNE COUNTY**

**RESOLUTION NO. 141-05: ADOPT LOCAL LAW AUTHORIZING THE EXEMPTION OF THE R.E. GINNA NUCLEAR POWER PLANT, LLC FROM TAXATION AND AUTHORIZING THE COUNTY OF WAYNE TO ENTER INTO A PAYMENT IN-LIEU OF TAXES AGREEMENT.**

Mr. Lyon presented the following:

WHEREAS, A local law exempting R.E. Ginna Nuclear Power Plant, LLC from taxation and authorizing the County of Wayne to enter into a Payment In-Lieu of Taxes Agreement was presented to the Board of Supervisors on January 18, 2005; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on February 15, 2005, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE - STATE OF NEW YORK  
LOCAL LAW NO. 3-2005**

A local law exempting R.E. Ginna Nuclear Power Plant, LLC from taxation and authorizing the County of Wayne to enter into a Payment In-Lieu of Taxes Agreement.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

- Section 1. Section 485 and 490 of the Real Property Tax Law of the State of New York allow the County of Wayne (the "County") to exempt nuclear power electric generating facilities located within the County from taxation, special *ad valorem* levies, and special assessments imposed by the County.
- Section 2. R.E. Ginna Nuclear Power Plant, LLC ("Company") is the owner of the R.E. Ginna Nuclear Power Plant ("Plant").
- Section 3. The Plant has a nameplate rated capacity of 495 megawatts contains real property located in the County and identified on the Town of Ontario tax rolls as Tax Parcel SBL #62119-00-620947, Tax Parcel SBL #62119-00-850424, Tax Parcel SBL #62119-00-426493, and Tax Parcel SBL #62119-00-315465, and includes, without limitation, cooling facilities that extend or may extend into Lake Ontario, any equipment used in generating electricity using nuclear power, equipment leading from the Nuclear Facility to the point of interconnections with the electric transmission system, and property that is or becomes located on the land, but shall not include any equipment in the electric transmission system or any property owned by RG&E.
- Section 4. Pursuant to Real Property Tax Law Section 485, the County is permitted to enter into payment in-lieu of taxes agreements with the owners of such nuclear powered electric generating facilities providing for payments in-lieu of taxes to be made for no longer than the period during which any such facility is exempt from taxation pursuant to said Section 485 and the Local Law.
- Section 5. The County to the fullest extent permitted by Real Property Tax Law Sections 485 and 490 hereby exempts the Plant from taxation, special *ad valorem* levies, and special assessments proposed by the County commencing January 1, 2005.
- Section 6. The County is authorized to enter into a Payment In-Lieu of Taxes Agreement with the Company, Wayne Central School District, and the Town of Ontario with respect to the Plant which will provide for said payment in-lieu of taxes.
- Section 7. This local law shall be filed with the Office of the Clerk of the County as required by law, the Clerks of the Town of Ontario and the Wayne Central School District, and the New York State Board of Real Property Services within thirty (30) days of the adoption thereof.
- Section 8. This local law shall take effect immediately upon the date it is filed in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Mr. Colvin moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, all Supervisors voted Aye. Absent - Supervisors DeSanto and Pascarella. The Chairman declared the Resolution adopted.

Clerk of the Board of Supervisors,  
County of Wayne

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a session held on the 15th day of February 2005 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 15th day of February 2005.

\_\_\_\_\_ Clerk