

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matters being eliminated and do not use initials or underlining to indicate new matter

County

City

Town of Malta

Village

Local Law No. 7 of the year 2008

A local law A local law amending local law number 6 of 2004 (PDD 46), as previously amended by local law number 2 of 2007.

Be it enacted by the Town Board of the

County

City

Town of Malta as follows:

Village

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
SEP 23 2008

MISCELLANEOUS  
& STATE RECORDS

Section I. Title: A local law amending local law number 6 of 2004 (PDD 46), as previously amended by local laws number 2 and 18 of 2007.

Section II.

- A. The text of the following sub-paragraphs, or denoted sections of such sub-paragraphs, shall be replaced in their entirety by the following text:
1. C.2.f. Employment impact. Entities shall provide an expanded employment base to the region, particularly for technically-competent individuals. New employment opportunities created within the District shall be posted at the Town Hall, David R. Meager Community Center, Round Lake Village Hall, Saratoga County Personnel Department and on the internet at a site linked to the Town's web site.
  2. C.2.k. Energy conservation. Entities shall conserve energy to the maximum extent practicable, considering each entity's purpose and mission and commit to pursuing the highest LEED certification practicable and economically feasible. Buildings shall be designed, constructed and operated in substantial accordance with "green building standards." Tools and

equipment will be selected with appropriate consideration given to energy consumption. Employees shall be encouraged to ride share or undertake other forms of travel efficiency with the goal of reducing transportation impacts to the ecosystem. Reference is made to New York State Energy Research and Development Authority, LEED: Leadership in Energy and Environmental Design – [www.nyserda.org](http://www.nyserda.org).

3. C.2.l. Sustainable use of natural resources. To the maximum extent practicable, entities shall plan for and commit to the sustainable use of natural resources, with due consideration given to preservation of critical habitats identified in the SEQRA process, or subsequently identified by the Town Board of the Town of Malta and communicated to the landowner in writing.
4. C.2.s. Manufacturing Activities: All manufacturing uses authorized within the District shall take place entirely within enclosed buildings, except for those facilities or portions of facilities such as chemical bulk, gases (including liquefied cryogenic gases), petroleum, or materials storage/ lay down facilities or electrical substations which are required by code, regulation or good engineering practice to be outside of the manufacturing buildings.
5. The introductory paragraph of N. Security and emergency response planning. Measures shall be taken to protect against terrorism and to secure all hazards in accordance with best available technology and guidance of the accepted industry practices, including but not limited to compliance with 6 C.F.R. Part 27 of the US Department of Homeland Security regulations, NFPA 1600 and/or other law enforcement agencies. Spill response plans, risk management plans and emergency response plans shall be prepared and maintained as required by all local, state and federal laws and regulations, including but not limited to; NYS DEC regulations; U.S. OSHA regulations; US EPA regulations; FHA regulations; and NYS DOT regulations.
6. Appendix B, Owner: Unless otherwise specified, the word “owner” shall refer to the title holder of a particular parcel within the PDD, and the word “Owners” shall refer to all owners of property within the PDD, who shall act through the Landowner’s Association described herein, and whose individual members shall be responsible for the contractual obligations of the Landowner’s Association upon the Association’s default.
7. V.1. If there is a single owner of the land within the District, he,

she or it shall be solely responsible for the management of common areas (e.g., non-Development Areas, roadways, paths). Should the ownership of the District be in more than one person or entity, each owner shall be a member of a landowners' association, the contractual terms (including amendments) of which shall be approved by the Town Board of the Town of Malta, and which terms shall provide for security for the District and for the development and maintenance of common areas (henceforth "Landowners' Association"). No person or entity may acquire real property within the District without becoming a member of the Landowners' Association, and no person or entity may conduct any business activity (including construction) without being a member in good standing of the Landowners' Association. The Landowners' Association's terms shall also provide for the posting of bonds in amounts and forms approved by (and running in favor of) the Town, together with the payment of costs, fees and expenses necessary to provide adequate security and to develop and maintain common areas, and that the Town of Malta and/or any member of the association may enforce the terms of the association. Each member of the Landowners' Association shall be jointly and severally responsible for the contractual obligations of the Association, and the Town of Malta may look to any such member to fulfill the obligations of the Association upon the Association's default. Prior to seeking any owner within the Campus to pay for an obligation of the Landowner's Association, the Town of Malta shall first give written notice of the obligation to the Landowners' Association and its intent to seek payment from a member thereof, and allow 60 days from the date of the letter. The public shall have free and unrestricted access to all paths, trails and walkways during daylight hours. Other language of this paragraph notwithstanding, the Association is not responsible for compliance within Development Area 10.

- B. The following new language or sub-paragraphs shall be added:
1. A new sentence shall be added to the end of sub-paragraph A.(6), which shall read in full: Whenever a specified statute, regulation, published industry standard (e.g., NFPA, ISO) or similar program or provision which is cited herein is superseded, amended or replaced, the new provision shall be fully binding. A reasonable period of time shall be allowed for conformance with a revised industry standard.
  2. A new sub-paragraph (9) shall be added to paragraph A, which

shall read in full: Wherever an entity is required by this legislation, or rule or regulation promulgated hereunder, a copy of a document or thing containing trade secrets, the same shall be provided subject to redaction or other confidentiality protections authorized by applicable law and reasonably satisfactory to said entity.

3. A new sub-paragraph (10) shall be added to paragraph A, which shall read in full: The Town Board of the Town of Malta may adopt by resolution rules and regulations implementing this local law.
  4. The words "the Saratoga County Water Authority," shall be inserted following the words "County of Saratoga" in sub-paragraph M.2.
  5. A new sub-paragraph N(3) shall be added, reading in full: Landowners shall cooperate with the Town in the siting of emergency warning sirens on the landowner's real property where deemed appropriate by the Town.
  6. Appendix B, "Lay-down Facility: An unenclosed area used by construction contractors to stage construction material prior to its use."
  7. The word "Owner" in Paragraph X shall be deleted, and the phrase "Luther Forest Technology Campus Economic Development Corporation or its successor(s)-in-interest" substituted therefore.
- C. A new paragraph DD shall be added, which shall read in full:
- DD. SPECIAL PROVISIONS RELATING TO DEVELOPMENT AREA ONE.** All other language in this local law notwithstanding, the following provisions shall apply only to Development Area One. All non-conflicting provisions of this local law, as amended, shall also control Development Area One.
1. **Definition:**  
Development Area One is defined as that section "1" in Appendix A, Map 1, located within the Town of Malta.
  2. **Sunset Provision:**  
The provisions of this local law (i.e., Paragraph DD to Planned Development District No. 46 adopted May 18, 2004, as amended, henceforth "PDD 46"), shall expire by operation of law on December 31, 2010 unless a building permit for the construction of a Nanotechnology Manufacturing Facility within Development Area One has been issued by that date by the Town of Malta.
  3. **Supplemental Statement of Findings:**  
A *Statement of Findings* dated May 18, 2004, is Appendix E to

PDD 46. It is supplemented by the *Final Supplemental Environmental Impact Statement of Findings* dated August 25, 2008, annexed hereto and incorporated by reference herein, as Appendix F. In the event there is a conflict between the Appendices E and F, Appendix F (the *Supplemental Statement*) shall control.

4. **Industry Requirements Report:**  
Annexed hereto and incorporated herein by reference as Appendix G is the AMD Industry Requirements Report dated July 29, 2008. This replaces in its entirety the 2002 AGI report which was included as Appendix C to the Draft Generic Environmental Impact Statement to PDD 46 with respect to Development Area One.
5. **General Provisions Regarding Environmental Considerations:**  
Paragraph A.5. notwithstanding, all land uses, development, construction and operation of facilities within the Development Area One shall be conducted in accordance with (i) this legislation, (ii) the environmental thresholds and conditions contained in this legislation, including the representative values contained in the Industry Requirements Report (Appendix G), (iii) the May 18, 2004 Statement of Findings (Appendix E), (iv) Final Supplemental Environmental Impact Statement of Findings dated August 25, 2008, (Appendix F), (v) the uses and site plans as approved by the Town Board and the Planning Board, and (vi) any other relevant requirements and conditions of State and Federal environmental laws and permits issued thereunder.
6. **Allowable Uses in Development Area One:**  
Paragraph B.1.a.(1) notwithstanding:
  - a. **Allowable Uses:**
    - i. Nanotechnology manufacturing facilities (up to a maximum of three manufacturing facilities), at least two to be substantially located in the Town of Malta<sup>1</sup>. Each such facility shall be anchored by a primary fabrication building, whose footprint shall not exceed 525,000 square feet (a maximum cleanroom area of

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<sup>1</sup> The Town of Malta cannot authorize or prohibit construction within the Town of Stillwater. The Town of Malta, however, as lead agency for the SEQRA process underlying the within zoning change, has evaluated environmental impacts for the Campus in general, and Development Area I in particular, with a maximum of three nanotechnology manufacturing facilities in the configuration set forth above. Should a material act be taken in violation of this number or configuration of nanotechnology manufacturing facilities anywhere within Development Area I, the Code Enforcement Officer of the Town of Malta or a Court of competent jurisdiction may require that no further construction be made, and/or no further industrial activity take place, until such time as the violation has been cured.

300,000 square feet), and may include associated accessory buildings (separate or contiguous), including but not limited to, support clean room, manufacturing areas, a central utility building, a gas separation facility, data center, other storage and support buildings, and one or more administrative office buildings with associated amenities. Each facility, together with these accessory buildings, shall not exceed a total building footprint of 980,000 square feet.

ii. Public and private utilities.

b. Uses by Special Use Permit: None.

7. Siting Criteria:

Paragraph C.2.c. notwithstanding, entities in Development Area One shall not produce air emissions, vibration, excessive traffic, or other adverse impacts which would be incompatible with the thresholds and limitations set forth in the (i) May 18, 2004 Statement of Findings (Appendix E), (ii) Final Supplemental Environmental Impact Statement of Findings dated August 25, 2008 (Appendix F), (iii) the representative values set forth in the Industry Requirements Report (Appendix G), (iv) and all requirements of Federal, New York State, Saratoga County and Town of Malta law and regulation.

8. Public Trust:

Paragraph C.2.j. notwithstanding: Entities shall consistently exercise and promote the highest standards of organizational integrity and public responsibility. Owners and operators shall meet all applicable governmental standards for air, land and water quality and implement environmental management systems certified to current ISO industry standards. All efforts shall be made to design, operate and maintain a safe facility and to prevent accidents.

9. Environmental Protection:

Paragraph C.2.n. notwithstanding: Entities shall comply with all Local, State, and Federal laws and regulations with respect to discharges into the environment. Furthermore, Entities shall agree to appropriate, relevant, and reasonable measures that go beyond compliance with all applicable local, State, and Federal regulations with respect to discharges into the environment. Such measures shall be incorporated into the project-specific SEQRA Findings Statement dated August 25, 2008, or another appropriate and binding agreement between the Entity and the

Town. Said Entities must, to the maximum extent practicable, continuously reduce potentially harmful discharges into the environment, and continuously seek and use better substitutes with improved economic performance for chemicals that have documented adverse environmental impacts.

10. Air Pollution Control:

All other language in C.2. notwithstanding, the Entity shall comply with all local, state and federal regulations with respect to air emissions. The first phase of development will be below Title V thresholds (i.e., not a Major Source of air pollutants) and will be permitted under a NYSDEC State Facility Permit. Nonetheless, the Semiconductor Operator shall design and implement technology equivalent to Best Available Control Technology (BACT) as described in the Industry Requirements Report and will also develop and implement a Compliance Assurance Monitoring (CAM) Plan which meets the requirements of the provisions of 40 CFR Part 64 in order to demonstrate and confirm continuous compliance with permit limits. Neither BACT nor a Compliance Assurance Monitoring Plan are normally required component of a NYSDEC State Facility Permit and, as such, these actions represent voluntary efforts by the Entity.

11. Tax Abatement Limitations:

Paragraph C.2.p. notwithstanding: There shall be no limitation on the Entity's ability to seek relief from the local share of sales tax for construction materials costs. The Entity retains the right to contest the assessment on its property pursuant to NY Real Property Tax Law §524, and the right to contest such assessment does not constitute 'abatement' as proscribed in this subsection. This provision is not intended to create a presumption as to the merits of any application or proceeding by the Entity to contest its assessment. This section is in no way intended to prevent Entities for seeking favorable tax treatment from the Federal or State governments, so long as such tax treatment does not further reduce tax revenue to the Town of Malta.

12. Tax Alternate PILOT or Tax Sharing Agreements:

Paragraph C.2.q. notwithstanding: The other provisions of this local law notwithstanding, nothing herein shall prohibit entities owning and/or operating businesses in Development Area 1 from entering into a Payment-in-Lieu-of-Taxes (PILOT) agreement providing that PILOT payments (in the amounts required by C.2.q.) be allocated in a specific ratio between the Towns of Malta

and Stillwater, and the Ballston Spa Central School District and Stillwater Central School District. It is the intention of the Town of Malta to enter into such a revenue sharing or PILOT arrangement on a basis of 75% (Malta) to 25% (Stillwater), which arrangement would remain in effect until certificates of occupancy have been issued for Nanotechnology Manufacturing Facilities in Development Area 1 in both the Town of Malta and the Town of Stillwater, that is, until each Town has one such facility. Likewise, in the event Development Area 1 is owned by private entity, it is the intention of the Town of Malta to enter into a tax-sharing or PILOT arrangement with the Town of Stillwater on a basis of 75% (Malta) to 25% (Stillwater), should law permit, until certificates of occupancy have been issued for Nanotechnology Manufacturing Facilities in Development Area 1 in both the Town of Malta and the Town of Stillwater.

13. Environmental Management Plans:

Paragraph C.2.t. notwithstanding: Entities will implement an environmental, health and safety management program consistent with the Industry Requirements Report and will attain ISO 14001 certification for the facility as soon as practicable. Entities will prepare and produce all environmental plans required by local, Federal and State laws. To the extent such plans are required to be submitted or filed with any Federal, State or local government agencies, Entities shall, at the same time as any such submission or filing, provide a copy of such plans to the Town of Malta, subject to confidentiality protections authorized by applicable law reasonably satisfactory to said entities.

14. Environmental Audits:

Paragraph C.2.u. notwithstanding:

a. All entities owning or operating businesses which conduct activities which may have an adverse environmental impact (e.g., produce wastes or emissions possibly dangerous to human health or the natural environment, noise, transportation of volatile or dangerous chemicals or substances), shall operate under an environmental management system, which shall include periodic, independent compliance auditing. As described in the Industry Requirements Report, the Entity conducts compliance audits corporate wide at all of its manufacturing facilities and will continue to implement that auditing program.

b. Paragraph W.6.b. notwithstanding: The Entity has an

environmental auditing policy that requires periodic third party compliance auditing of its operations, as described in the Industry Requirements Report, and which may be reviewed and amended from time to time in the discretion of the Entity. The Entity shall materially comply with its internal environmental auditing policy and all future local, state or federal law or regulations requiring environmental auditing.

- c. The Entity shall contemporaneously provide to the Town of Malta true copies of all reports, records, summaries and conclusions which are provided to NYS Department of Environmental Conservation and US Environmental Protection Agency or any other federal, state or local agency.
- d. The Entity shall contemporaneous provide to the Town of Malta true copies of all permit applications (including supplements or modifications thereof) to federal, state and local agencies, together with copies of all permits issued in response thereto.

15. Campus commercial:

Paragraph C.3.b. notwithstanding, the Entity may provide, by itself or through an agent, a fitness facility for the Entity's primary use.

16. Site Plan and Building Permit Requirements:

Paragraph D.5. notwithstanding: Except as otherwise set forth below, no site preparation, clearing, or grubbing, erection of signs or construction shall be made without the property owner or its designee having applied for and received site plan approval from the Town Planning Board, and without a duly issued Building Permit.

- a. Along with the site plan application, the Entity may apply for and, upon meeting all necessary requirements, receive a Soil Disturbance approval which may permit site preparation, including but not limited to, clearing, grubbing, and excavation and placement of fill. In order to receive the approval, the Entity must submit a Storm Water Pollution Prevention Plan ("SWPPP") pursuant to Article XA of Chapter 167 of the Town Code. The submission shall consist of all requirements contained in Article XA of Chapter 167 of the Town Code, any rules and regulations promulgated by the Town Board hereunder, and SPEDES General Permit (GP-0-08-001) for stormwater discharges from construction activity.
- b. Along with the site plan application, the Entity may apply for

and may receive a Temporary Construction Site Plan approval which will allow the property to be used temporarily for construction-related purposes in order to prepare to commence construction of the permanent structures on site. In order to receive the approval, the Entity must submit an application which complies with any rules and regulations promulgated by the Town Board hereunder, and which fully identifies: the layout of the site during construction; temporary structures, including concrete batch plant, pre-cast plant, temporary offices and sanitary sewer connections; information pertaining to location and type of construction materials stored on site; projected start date and duration; routes for construction vehicles; layout for parking, temporary utility locations and construction; mitigation plan for noise, dust, vibration, construction traffic, lighting and emergency services (including ambulance and fire protection); and any other information or documentation identified by the Planning Board.

- c. During site plan review, the Town Planning Board shall review and may approve site layout, grading and drainage, access, landscaping, circulation, stormwater management, off-street parking, and lighting. Upon receipt of site plan approval, the Entity shall apply for and may be issued a Building Permit to commence activities as set forth in the resolution for site plan approval. The Town Building Department may establish an appropriate process for the issuance of phased Building Permits as deemed necessary to efficiently process and accommodate the needs of the project.
  - d. Nothing in this section shall prohibit selective tree harvesting in Non-Development Areas pursuant to a forestry management plan submitted to the New York State Department of Environmental Conservation and following all instructions of the Department, and subject to approval of the Town of Malta.
17. Paragraph D.7. notwithstanding, an application for site-plan review shall also be subject to the representative values contained in the Industry Requirements Report and the SEIS dated August 4, 2008, incorporated herein by reference.
  18. Paragraph D.8. notwithstanding, where a proposed site plan development presents issues regarding impacts that were not addressed in the (1) GEIS, (2) Findings Statement dated May 18, 2004 (such as impacts from changed or unanticipated

circumstances), (3) representative values contained in the Industry Requirements Report, or (4) Findings Statement of the SEIS dated August 25, 2008, the Town Board or Planning Board may request further information such as a Full Environmental Assessment Form or further explanations to determine the significance of such potential impacts and whether a supplemental EIS, limited to those new issues, may be required.

19. Subdivisions Within Approved Non-residential Development Areas:

Paragraph E.1. notwithstanding, the owner of the parcel may subdivide same for purposes of transfer of ownership or a security interest, upon subdivision review and approval from the Planning Board in accordance with subdivision provisions of the Malta Town Code, reciprocal easements or covenants or similar instruments which run with the land(s) to be subdivided in a form approved by the Town of Malta Building and Planning Department are in place which guarantee ingress and egress to the subdivided premises, for maintenance and financial responsibilities for required amenities (such as parking lots) and common facilities and lands of the Campus (e.g., roads, sidewalks, trails, security), and the transferee has prepaid any fee and signed any agreements necessary to be a member of the Landowners' Association as set forth in paragraph "V". Subdivision within any Development Area will not require owners to comply with setbacks, frontage and greenspace areas. The Town shall ensure adequate access and parking to all subdivided parcels. The Entity may subdivide prior to final site plan approval, provided there is compliance with all other conditions set forth herein.

20. Paragraph F. notwithstanding: The Development Agreement shall be in place prior to the issuance of any approvals or permits by the Town of Malta.

21. Impact Thresholds.

Paragraph G. notwithstanding, all development, use and occupancy of lands within the District shall be within the thresholds, standards, conditions and limitations set forth in Appendix E, Findings Statement the Industry Requirements Report and the Findings Statement of the SEIS dated August 25, 2008.

22. Enforcement and Penalties.

Paragraph H.1. notwithstanding, violation thresholds shall also include those set forth in the Industry Requirements Report and

- the Findings Statement of the SEIS dated August 25, 2008.
23. **Performance Bonds or Letters of Credit.**  
Paragraph I notwithstanding: Bonds or Letters of Credit shall be required as per the Town Code of the Town of Malta in amounts acceptable to the Town Engineers and Town Attorney, and as customarily coordinated by the Building and Planning Department.
  24. **Security and Emergency Response Plan.**  
Paragraph N. 1. notwithstanding, All manufacturing facilities and other facilities required by local, state or federal law, shall prepare and file facility Emergency Response and Hazardous Materials Management Plans with the County Emergency Management Response Agency and Local Emergency responders prior to the issuance of a certificate of occupancy, and shall keep filed plans updated as directed by the same and as needed. Copies of such plans shall be filed with the Town of Malta. There shall be a standing fire, emergency and hazardous materials response brigade in place for each nanotechnology manufacturing facility, prior to a certificate of occupancy being issued. The Entity and the Town will collaborate fully to ensure adequate training and preparation of those resources to provide for the safety of emergency response personnel, the community, and business interests.
  25. **Building Height and Area Requirements:**  
Paragraph R.1. notwithstanding, "building height" shall be as defined in the Malta Town Code (i.e., the second sentence of R.1. shall not apply to Development Area One).
  26. **Mitigation -- Health and Safety:**
    - a. Paragraph W.1.c. notwithstanding: The square footage calculations shall not include the square footage contained within Development Area 1.
    - b. Paragraph W.5.a. notwithstanding: The term "Ancillary Development" includes only development outside of Development Area 1. (See Statement of Findings dated May 18, 2004, at Sections IIIB and M(5).)
    - c. Paragraph W.6.b. notwithstanding: The Entity has an environmental auditing policy that requires periodic third party compliance auditing of its operations, as described in the Industry Requirements Report, and which may be reviewed and amended from time to time in the discretion of the Entity. The Entity shall materially comply with its

internal environmental auditing policy and all future local, state or federal law or regulations requiring environmental auditing.

- d. Paragraph W.(6)(c)[2] shall be replaced with the following language. "As set forth in the SFEIS, dated August 4, 2008."

27. Special provisions controlling construction.

Paragraph Y notwithstanding: The following temporary facilities shall be allowed to service the needs of construction employees, following issuance of a Temporary Construction Site approval under Section DD(16)b., subject to review and approval by the Planning Board for each such use.

- i. Construction Office.
- ii. Temporary Food Service.
- iii. Portable Restrooms.
- iv. Storage Trailers.
- v. Storage Yards.

**Section III. Supersession:** This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statue of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

**Section IV. Inconsistency:** All other local laws and ordinances of the Town of Malta, if any, that are inconsistent with the provisions of this local law are hereby repealed: provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

**Section VI. Savings Clause:** If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section VII. Effective Date:** This local law shall take place immediately upon its filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2008 of the (County)(City)(Town)(Village) of Malta was duly passed by the Malta Town Board on the 25<sup>th</sup> day of August, 2008 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved) (repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ (Elective Chief Executive Officer\*) \_\_\_\_\_ in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted (Elective Chief Executive Officer\*) \_\_\_\_\_ to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to (Elective Chief Executive Officer\*) \_\_\_\_\_ permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county, elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirm majority of the qualified electors of such city voting thereon at the (special)(general) election held \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivision 5 an section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1. \_\_\_\_\_ above.

*Joe E. Sickels*

Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

Date: August 25, 2008

(Seal)

(Certification to be executed by, County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney, of locality.)

STATE OF NEW YORK }  
COUNTY OF SARATOGA }SS:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Thomas W. Peterson*  
Signature -- Thomas W. Peterson

Town of Malta Attorney

Title

County

City

Town of Malta

Village

Date: August 25, 2008