

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

August 25, 2021

Robert J Fitzsimmons
Fitzsimmons & Mills PC
44 Broad Street
Kinderhook NY 12106

RE: Village of Philmont, Local Law 1 2021, filed on August 19, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

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lj@fitzsimmonsandmills.com

AFFIDAVIT OF PUBLICATION
Hudson Register Star

State of New York,

County of Columbia,

The undersigned is the authorized designee of **Alec Johnson**, the publisher of **Hudson Register Star**, a **Daily** Newspaper published in **Columbia** County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

July 30, 2021

This newspaper has been designated by the County Clerk of **Columbia** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



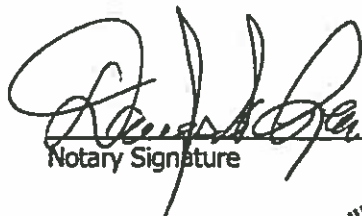
Signature

Eliot T. Putnam

Printed Name

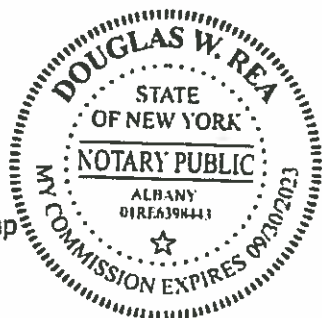
Subscribed and sworn to before me,

This 09 day of August 2021



Notary Signature

Notary Public Stamp



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lj@fitzsimmonsandmills.com

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NOTICE OF PUBLIC HEARING VILLAGE OF PHILMONT PLEASE TAKE NOTICE that the Village Board of the Village of Philmont will hold a public hearing on Monday, August 9, 2021, at 7:00 pm at the Philmont Village Hall, 124 Main St., Philmont, New York, to consider the following: Local Law No. 1 of the year 2021 – A local law amending Article IX, Chapter 160 of the Code of the Village of Philmont adding provisions for a local energy code for the Village of Philmont, adopting the NYStretch Energy Code 2020. All persons interested are invited to attend. A complete copy of the text of the proposed local law is available at the office of the Philmont Village Clerk during normal business hours. DATED: July 27, 2021 s/Patricia DeLong, Philmont Village Clerk

Local Law Filing

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

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

~~County~~
~~City~~ of Philmont
~~Town~~
Village

Local Law No. X of the year 2021

A local law amending the Village of Philmont Code, Article IX, Chapter 160
(Insert Title)
adding provisions for a local energy code for the Village of Philmont

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Philmont as follows:
~~Town~~
Village

Section 1. Legislative Intent

The Village Board of the Village of Philmont seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, will become effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed Code Amendment seeks to modify the Village of Philmont Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

Section 2. Amendment

The Village of Philmont Code, Article IX, Chapter 160-36(6) is amended to read as follows:

Energy Code shall mean the Energy Conservation Construction Code of New York State (ECCCNYS) as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as "NYStretch"), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch.

The Village of Philmont Code, Article IX, Chapter 160-51 is added to read as follows:

160-51 Adoption of the NYStretch Energy Code 2020

Effective October 1, 2021, the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as "NYStretch"), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch, in the Village of Philmont.

Section 3. Authority

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 4. Severability

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date

This local law shall take effect upon filing with the Secretary of State [i.e., within 30 days of adoption of NYStretch] pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

(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. _____ of 2021 of the Village of Philmont was duly passed by the Village Board on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~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 disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 disapproval) by the _____ on _____, 20____. Such local law was submitted 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting 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 (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, _____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 chairman 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 affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county 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.



Patricia DeLong, Village Clerk

Date: 8/9/21

(Seal)