

Resolution of the Town of Farmersville

Francis Pete Lounsbury, Supervisor

Members of the Town Council: Donna Vickman | Pamela Tilton | Mark Heberling | Richard Westfall

Clerk: Bridget Holmes

DATE: 1/16/2020

RESOLUTION NUMBER: 3

YEAR: 2020

MOVED BY: Mark Heberling SECOND BY: Donna Vickman

TITLE: Resolution Recognizing Local Law 3 – 2019 entitled the Wind Energy Facilities Law of the Town of Farmersville is void and invalid and affirming that Local Law 1 of 2009 remains in full force and effect;

WHEREAS, the Farmersville Town Board (hereinafter "Town") passed the Wind Energy Facilities Law of the Town of Farmersville Local law 3 of 2019 (hereinafter "the Law") on August 19, 2019 and filed the same with the New York State Department of State on August 28, 2019; and

WHEREAS, Local Law 3 – 2019 was adopted in violation of several statutorily required provisions, specifically section 20 of the municipal home rule law, section 239-m of the general municipal law, article 18 of the general municipal law, and the public service law; specifically:

The Town Board failed to refer its proposed action for review to the Cattaraugus County Planning Board as required by GML § 239-m;

The Town Board failed to hold a public hearing on 2019 Wind Law as required by N.Y. Town Law § 130;

The Town Board members failed to provide copies of the Local Law in its final form prior to the vote on the Law on or at the desks of the members for seven or ten days in advance via mailing pursuant to Municipal Home Rule Law § 20(d); now therefore be it

RESOLVED, that the Town of Farmersville hereby recognizes that Local Law 3 – 2019 entitled the Wind Energy Facilities Law of Farmersville was adopted illegally absent the procedural requirements of Section 239-m of the General Municipal Law, Section 20 of the Municipal Home Rule Law, the Public Service Law, and Article 18 of the General Municipal Law; and be it further

RESOLVED, that Local Law 3 – 2019 entitled the Wind Energy Facilities Law of Farmersville is void and is of no legal effect; and further that as a result of Local Law 3 – 2019 being void, that Local Law 1 of 2009 entitled "Town of Farmersville Wind Energy Facilities Conversion Law ("2009 Law") is in effect (a copy of which is attached hereto as Exhibit B).

The resolution as stated above is hereby adopted by a majority vote of the Town of Farmersville Town Board at an official meeting held on the 6th day of January in the year 2020, the ayes and nays take and recorded below:

yes Francis Pete Lounsbury, Supervisor

yes Donna Vickman, Councilmember

no Pamela Tilton, Councilmember

yes Mark Heberling, Councilmember

no Richard Westfall, Councilmember

CERTIFIED: Bridget Holmes
Bridget Holmes, Clerk
Town of Farmersville