

**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: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_ YEAR: \_\_\_\_\_

MOVED BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_

TITLE: **Resolution Opposing the Governor’s Proposed Amendment known as the “Accelerated Renewable Energy Growth and Community Benefit Act” as included in the State Budget Replacing the Public Service Commission Article 10 Siting Board Process for Renewable Energy Facilities;**

**WHEREAS**, New York State is a Home Rule State; and

**WHEREAS**, per the New York State Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community; and

**WHEREAS**, on February 21, 2020, Governor Cuomo proposed the “Accelerated Renewable Energy Growth and Community Benefit Act” in his 30-day amendments to his budget submitted to the State Assembly and State Senate; and

**WHEREAS**, this amendment could be passed with the Budget by April 1<sup>st</sup>, 2020, replacing the current Article 10 process with a method for siting renewable energy projects that provides for limited public participation and limited transparency; and

**WHEREAS**, there is considerable evidence that onshore industrial wind energy projects will be a net economic liability to New York State host communities; and

**WHEREAS**, there is considerable evidence that onshore industrial wind energy projects will result in adverse health effect to some citizens of New York State host communities; and

**WHEREAS**, there is considerable evidence that industrial wind energy projects will cause extensive ecosystem damage to onshore New York State host communities; and

**WHEREAS**, under the Budget Amendment, once an application is submitted, a new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete, and, if ORES fails to decide within 60 days, the application is deemed complete; and

**WHEREAS**, once an application is deemed complete, ORES has 12 months to decide whether to approve the project and, if ORES fails to decide within 12 months, the application is approved; and

**WHEREAS**, the Budget Amendment authorizes the State to make state lands “shovel-ready” and available for construction of renewable energy projects; and

**WHEREAS**, each of these proposed changes preempt New York State municipalities’ home rule authority as provided in the New York State Constitution; now therefore be it

**RESOLVED**, that the Town of Farmersville Town Board opposes the Governor’s proposed amendment known as the “Accelerated Renewable Energy Growth and Community Benefit Act” as included in the State Budget and formally requests that this Budget Amendment be withdrawn prior to its final adoption by the State Legislature, urges the State Legislature to respect the Home Rule Authority of local governments as provided in the New York State Constitution, and respects local governments ability to defend our authority to regulate renewable energy projects as the citizens of our communities demand, and be it further

**RESOLVED**, that a certified copy of this Resolution be sent to Governor Andrew Cuomo, Senator George Borello, Assemblyman Joseph Giglio, the Cattaraugus County Legislature, the New York State Association of Towns and the Cattaraugus County Town Supervisors Association.

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 9<sup>th</sup> day of March in the year 2020, the ayes and nays take and recorded below:

\_\_\_\_\_ Francis Pete Lounsbury, Supervisor

\_\_\_\_\_ Donna Vickman, Councilmember

\_\_\_\_\_ Pamela Tilton, Councilmember

\_\_\_\_\_ Mark Heberling, Councilmember

\_\_\_\_\_ Richard Westfall, Councilmember

**CERTIFIED:**

\_\_\_\_\_  
Bridget Holmes, Clerk  
Town of Farmersville