

RESOLUTION TO BE USED BY OFFICERS OF THE TOWN BOARD, TOWN OF MADISON, MADISON COUNTY, STATE OF NEW YORK

WHEREAS, Ronald C. Bono, Town Supervisor of the Town of Madison, Madison County, NY, does hereby make the following resolution, and therefore be it RESOLVED: that on this 1st day of October 2013, I, the above Town Officer, do hereby submit to this Town Board for their consideration and approval, the following resolution:

WHEREAS, It is hereby resolved by the Town Board of The Town of Madison that passage of local law , entitled "WINDPOWER FACILITIES LAW FOR THE TOWN OF MADISON" is considered to be a type 1 direct action by the Town Board under New York State Environmental Quality Review Act, But that negative declaration is hereby issued upon the determination that the action will not result in any significant adverse environmental impact based on the following findings:

1. The proposed local law expands protections of the environment over the current law passed in 2011
2. The generic wind law is not site or project specific, and a site or project specific EIS will be required for projects permitted under the local law

NOW THEREFORE BE IT RESOLVED: That the Board adopts this resolution

Moved for Adoption by: Patricia Bikowsky, Councilperson

Seconded by: Bradley Dixon, Councilperson

Vote of Board:

<u>(AYE)</u>	(NAY) <u>[Signature]</u> , Councilperson
<u>(AYE)</u>	(NAY) <u>G.M. Rente</u> , Councilperson
<u>(AYE)</u>	(NAY) <u>Patricia Bikowsky</u> , Councilperson
<u>(AYE)</u>	(NAY) <u>[Signature]</u> , Councilperson
<u>(AYE)</u>	(NAY) <u>1) Ron Bono</u> , Supervisor



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 2, 2013

William H Getman
Woodman and Getman
130 East Main Street
PO Box 26
Waterville NY 13480-0026

RE: Town of Madison, Local Law 1 2013, filed on November 22, 2013

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) 474-2755

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 Town Village
(Select one.)

of MADISON

Local Law No. 1 of the year 20¹³

A local law FOR WINDPOWER FACILITIES
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of MADISON as follows:

*SEE ATTACHED SHEETS

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 of 2013 of the (County)(City)(Town)(Village) of MADISON was duly passed by the TOWN BOARD on October 1, 2013, 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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on 20 , 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) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____, 20____.
(Elective Chief Executive Officer)*

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.

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 was (approved)(not approved) _____
(Name of Legislative Body)
(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 _____, 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.)

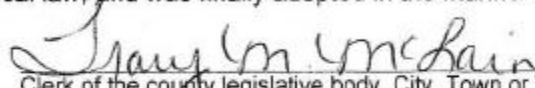
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

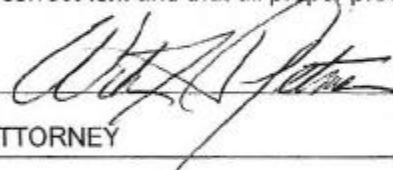
Date: 10/28/13

(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 ONEIDA

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.


Signature
TOWN ATTORNEY
Title

County
City of MADISON
Town
Village

Date: 10/28/13

FINAL

Local Law # 1 of 2013

Filed with the NYS Department of State on 11-22-2013

**WINDPOWER FACILITIES LAW
FOR THE TOWN OF MADISON**

PRIOR LAW REPEALED AND RESCINDED

BE IT HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF
MADISON AS FOLLOWS:

Local Law # 2 of 2011 entitled "Windpower Facility Special Use Permit
Regulations for the Town of Madison" is hereby repealed and rescinded and
replaced in its entirety by this Local Law # 1 of 2013 hereby adopted by the
Town Board of the Town of Madison, which reads in its entirety as follows:

WIND POWER FACILITIES LAW FOR THE TOWN OF MADISON

ARTICLE I. GENERAL PROVISIONS

Section 1.01. Title

This Local Law may be cited as the Wind Power Facilities Law of the Town of
Madison, New York.

Section 1.02. Purpose and Intent

The Town Board of the Town of Madison (the "Town Board") adopts this Local
Law (i) to promote the efficient use of the Town's wind resources, (ii) to
regulate the development, placement and operation of wind power facilities in
order to protect and preserve the health, safety and well-being of persons,
property and environmental resources in the Town of Madison.

Section 1.03. Authority

The Town Board enacts this Wind Power Facilities Law for the Town of Madison by virtue of the authority granted by:

- A. Article IX of the New York State Constitution, Sections 1(a), 2(c)(6) and (10);
- B. New York Statute of Local Governments, Sections 10 (1) and 10 (7);
- C. New York Municipal Home Rule Law, Article 2, Sections 10 (1)(i) and (ii), 10 (1)(a)(6), (11), (12) and (14) and 10 (2)(d)(3);
- D. New York State Town Law, Article 16, Section 271. Section 130, Sections 64 (17-a) and (23); and
- E. New York Real Property Tax Law, Section 487.

Section 1.04. Findings

The Town Board enacted Local Law # 2 of 2012 entitled the "Town of Madison Moratorium on Wind Power Facilities Law" creating a twelve month moratorium on the issuance of permits for the construction of Wind Power Facilities in the Town of Madison, having determined that recent technological advances in the manufacture and construction of turbines made it necessary and advisable to reevaluate the adequacy of then existing local laws. In accordance with said law, the Town of Madison Planning Board (the "Planning Board") appointed an advisory committee (the "Committee") to gather current information and make recommendations to the Planning Board concerning the regulation of Wind Power Facilities in the Town of Madison. The Committee made the following findings, which findings were adopted by the Planning Board and are hereby incorporated into this Local Law as follows:

A. Wind energy is a renewable resource that may be converted to electricity, which, in turn, has the potential to reduce dependence on non-renewable energy sources.

B. There may be various potential adverse impacts and conditions to be considered.

C. Careful regulation and monitoring of the siting, installation, height, distance from populated areas, operation, maintenance, repair and removal of wind power facilities in the Town of Madison is necessary.

D. Background sound levels in rural residential areas of New York State are commonly in the range of 20 dBA to 30 dBA at night. A C-weighted sound determination is needed to minimize the possible effects of low frequency noise.

E. Setbacks will be measured from property lines or residences as the laws dictate.

F. Appropriate road use agreements and financial assurances need to be a part of any plan for the construction and operation of any such facility, because construction of industrial scale wind energy facilities can be disruptive to traffic and destructive to roads.

G. Adequate financial and other assurances are necessary as a condition to permitting, because decommissioning of industrial scale wind energy facilities is complicated and expensive.

H. Since the State of New York has enacted Article X of the Public Service Law that could permit the construction of industrial scale wind energy facilities in the Town, it is necessary to establish reasonable substantive development standards as guidance and benchmarks to be given effect in the State review process.

Section 1.05. Definitions

AGRICULTURAL OR FARM OPERATIONS - the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation and timber processing. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

AMBIENT SOUND- ambient sound encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent Noise events, such as those resulting from aircraft flying over, dogs barking, wind gusts, farm or construction machinery, and the occasional vehicle traveling along a nearby road. It also includes insect and other nearby sounds from birds and animals or people. The nearby and transient events are part of the ambient sound environment but are not to be considered part of the long term Background Sound.

APPLICANT - the entity or individual seeking a Special Permit or a WMT Permit pursuant to this Local Law and any affiliate, developer, builder or operator who may subsequently develop, build or operate a project covered by the provisions of this Local Law

BACKGROUND SOUND - Background Sound is the "residual sound" heard during lulls in the Ambient Sound environment, as defined by the American National Standards Institute ("ANSI") Standard 12.9, Part 2, and represents the quietest 10% of the time during any given hour.

CONSUMER PRICE INDEX - The Consumer Price Index published by the Bureau of Labor Statistics of the US Department of Labor, All Items, U.S. city average, all urban consumers, or any successor or substitute index appropriately adjusted.

EAF - Environmental Assessment Form used in the implementation of the SEQRA, as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

INDUSTRIAL SCALE WIND ENERGY FACILITIES ("ISWEF") – any one or more Wind Energy Conversion Systems, each with a Turbine Height in excess of 250 feet and each producing in excess of 100 kW, designed primarily to deliver electrical power to the grid, together with all access roads, electrical systems, underground collection lines, substations and other components incidental to operation.

NAMEPLATE CAPACITY - the maximum amount of electricity that a WEF could generate under ideal conditions.

NOISE - any unwanted sound. Not all Noise needs to be excessively loud to represent an annoyance or intrusion, thereby becoming unwanted.

NON-PARTICIPATING PROPERTY OWNER - a Property Owner who has no contractual agreement with the Applicant. The fact that an otherwise non-participating property owner consents to a waiver of setback requirements, even if for considerations, shall not make that property owner a participating property owner.

PARTICIPATING PROPERTY OWNER – a Property Owner, all or any portion of whose land or any interest therein is leased, optioned or otherwise encumbered by a contractual agreement with the Applicant or any affiliate of Applicant. The fact that an otherwise non-participating property owner consents to a waiver of setback requirements, even if for considerations, shall not make that property owner a participating property owner.

PILOT AGREEMENT - a contractual agreement between the Town and the Applicant to provide payments in lieu of real property taxes.

PROPERTY LINE - the legally recognized boundary line of a parcel as described in title documents and shown on a survey.

PROPERTY OWNER - the owner or owners of fee simple title to any parcel or parcels of land in the Town of Madison and/or adjacent municipalities.

RESIDENCE - any dwelling for habitation, either seasonally or permanently, by one or more persons. A residence may be part of a multiple dwelling or multipurpose building, and shall include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, and correctional institutions.

ROTOR DIAMETER - the swept diameter of the rotating blades of a WECS.

SEQRA - the New York State Environmental Quality Review Act, Article Eight of the Environmental Conservation Law, and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SITE - the parcel of land on which a proposed WEF is to be located. The Site may be publicly or privately owned by an individual or a group of individuals controlling single or adjacent parcels. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any parcel on which a WEF exists or which is the subject of a written agreement between a Participating Property Owner and an Applicant or entity related to an Applicant.

SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS") – a wind energy facility consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power and is owned and operated by a Property Owner.

SOUND PRESSURE LEVEL - according to the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts, a measure of sound pressure in the atmosphere which can be determined according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11) or other accepted equivalent procedure. Also, the perceived loudness of a sound as expressed in decibels (dB). For example, the A-weighted decibel scale dB(A) represents those frequencies most readily audible to the human ear. The C-weighted decibel scale dB(C) approximates the response of the human ear to low-frequency sounds, and the G-weighted scale dB(G) measures infrasound.

SPECIAL PERMIT - a permit issued to an Applicant to erect and operate a Small WECS or an ISWEF pursuant to this Local Law.

TURBINE HEIGHT - the height of a WEF to its furthest vertical extension above ground level.

WIND DISTRICT (A) – Consist of all land west of the Town of Sangerfield Town Line commencing at the intersection of the Town Line and State Route 20, proceeding west along the centerline of State Route 20 to the intersection of State Route 20 and Center Road, proceeding south along the centerline of Center Road to the intersection of

Stone Road, proceeding east along the centerline of Stone Road to the intersection of Quarterline Road, proceeding south on the centerline of Quarterline Road to the Town of Hamilton Town Line.

WIND DISTRICT (B) – Consist of all land west of the intersection of State Route 20 and Canal Road, proceeding north on the centerline of Canal Road to the intersection of Elm Street, north on the centerline of Elm Street to the intersection of Cole Street, northeast on the centerline of Cole Street to the intersection of Stratford Street, north on the centerline of Stratford Street to the Town of Augusta Town Line.

WIND ENERGY CONVERSION SYSTEM ("WECS") - a machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

WIND ENERGY FACILITY ("WEF") - any Wind Energy Conversion System, Industrial Scale Wind Power Facility, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND MEASUREMENT TOWER ("WMT") - a tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WMT PERMIT - a permit issued to an Applicant to erect a WMT.

Section 1.06 Permits Required

A. No ISWEF or associated WMT may be constructed outside of defined Wind District (A) or Wind District (B).

B. No WEF may be constructed, reconstructed, modified, operated or replaced in the Town of Madison except in accordance with a Special Permit issued pursuant to this Local Law.

C. No WEF for which an application is submitted after the adoption of this local law shall be constructed, reconstructed, modified, operated or replaced in the Town of Madison except pursuant to and in compliance with this Local Law after the issuance of a Special Permit therefore. Existing windmill facilities can replace existing towers and turbines with facilities of similar size and capacity on existing foundations. Any other changes must be reviewed and approved by the Planning Board.

D. No WMT shall be constructed, reconstructed, modified, operated or replaced in the Town of Madison except pursuant to and in compliance with this Local Law after the issuance of a WMT Permit therefore.

E. The Town Board hereby appoints the Planning Board as the government body responsible for (i) the administration of this Local Law, (ii) the review of applications for any and all permits required by this Local Law and (iii) deciding whether or not to approve any application and issue any permit required by this Local Law. Approval of any permit shall be subject to and in accordance with the requirements of this Local Law.

F. Imposition of Conditions - The Planning Board shall have the authority to impose such reasonable conditions and restrictions as may be necessary or advisable to carry out the purpose and intent of this Local Law.

G. Transfer - No sale or other transfer (a "Transfer") of any ISWEF or any Special Permit or WMT Permit issued in connection therewith may occur without the prior approval of the Planning Board, which approval shall be granted upon (i) receipt of proof, acceptable to the Planning Board, both financial and otherwise, of the ability of the transferee or successor to meet all requirements of this Local Law and (ii) written assumption by the transferee or successor of all of the obligations of the transferor under this Local Law. No such Transfer shall relieve the transferor of any liability for the performance of all requirements and obligations set forth in this Local Law. The sale or transfer of more than 30% of the interest of any entity owning such facility or permit shall constitute a Transfer. Notwithstanding anything set forth to the contrary above, the Planning Board shall not be required to approve any Transfer if the transferor shall be in default of any of its obligations under this Local Law at the time of such Transfer. Any Transfer without the approval of the Planning Board shall be null and void and constitute grounds for immediate revocation of the applicable permit.

H. Should any WEF be proposed for siting pursuant to Public Service Law Article X and the regulations promulgated thereunder, no Town road may be crossed, cleared, widened or used in connection with such WEF unless and until a road use agreement providing adequate assurances, including a payment and performance bond, to the Town that any such roads will be maintained, repaired and replaced, as necessary and the Planning Board has reviewed and approved any proposed route.

Section 1.07 Applicability

A. This Local Law shall apply to any WEF operated, modified or constructed after the effective date of this Local Law.

B. Any WEF for which a required permit has been properly issued and upon which substantial construction has occurred prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local Law; provided, however, that:

1. Any such preexisting WEF that does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Local Law prior to recommencing production of energy, unless an extension is granted for good cause after review by the Planning Board.

2. Any WMT existing on the effective date of this Local Law shall be removed no later than twenty four (24) months after said effective date, unless a WMT Permit has been obtained.

**ARTICLE II WIND MEASUREMENT
 TOWERS**

Section 2.01 Purpose and Intent

The purpose of this Article II is to provide standards for WMT. The intent of this Article II is protect to the health, safety and well-being of persons and property in the Town by establishing reasonable requirements for notification and standards for construction and operation.

Section 2.02 Site Assessment

A. It is acknowledged that prior to construction, the Applicant or a related entity will be contacting Property Owners and conducting Site assessments to determine wind speeds and Site feasibility. Installation of a WMT shall be permitted upon the issuance of a WMT Permit.

B. Prior to contacting any Property Owner to obtain access to a potential Site, Applicant shall register its identity, presence and purpose with the Town Clerk at the Town Offices. Such notice shall be placed on the Town's Web Site.

Section 2.03 Applications for WMT Permits

A. An application for a WMT Permit shall include the following:

1. Applicant Information - the name, address and phone number of the Applicant and the name of the contact person, together with that person's phone number and email address. If the Applicant is represented by an agent, the application shall include the name, address and phone number of such agent and the name of the contact person, as well as that person's phone number and email address, together with a letter authorizing said agent to act for the Applicant.
2. Property Owner Information - the name and address of the Property Owner upon whose property a WMT is proposed to be located. The application shall include a copy of a written agreement granting Applicant the right to submit the application and to enter upon the Site to construct a WMT. The written agreement shall identify the Site by tax parcel.
3. A GIS map to scale showing the location of each proposed WMT on the Site, the Property Lines and all roads, Residences and Structures within the setback distance of the proposed WMT.
4. Drawings and specifications for the proposed WMT.
5. A completed EAF.
6. General Municipal Law Section 809-disclosure form.
7. Certification of compliance with Section 2.01 B. above.
8. The application fee set forth in Section 5.02 below.
9. Such additional information as the Planning Board may reasonably request.
10. WMT's used to gather information for ISWEF are restricted to Wind Districts (A) and Wind District (B)

B. The Applicant shall submit seven (7) copies of the application to the Planning Board.

C. The Planning Board shall, within 45 days of receipt of the application, determine if it is complete. No application will be considered until the Planning Board has made a written determination that the application is complete. If the Planning Board deems the application to be incomplete or insufficient, the

the missing information. No additional fee will be required unless the applicant changes the number, size or location of any WMT for which it seeks a WMT Permit.

D. Within thirty (30) days of its receipt of a complete application for a WMT Permit, the Planning Board shall hold at least one public hearing on such application. Notice of the hearing shall be mailed by the Planning Board to any Property Owner whose Property Line is within 500 feet of the proposed WMT and shall publish notice in the official Town newspaper and on the Town's website, and on any other publication deemed appropriate by the Board, not less than ten (10) days prior to such hearing. If any amendment to the application affecting the size, number or location of any WMT shall be submitted to the Planning Board after such public hearing, the Planning Board shall hold a public hearing on the revised application and the foregoing notice requirements shall be complied with in respect to any and all additional public hearings.

E. The Planning Board shall review and take into consideration all comments received from the public, seek any advisable clarification from the Applicant and either approve, approve with conditions or deny the application within thirty (30) days of the date of the public hearing.

Section 2.04 WMT Standards

A. Setback. The distance between a WMT and the nearest Property Line of any Non-Participating Property Owner shall be not less than 1½ x the height.

B. Maximum Height – 200 feet

C. Duration. A WMT Permit may be issued for a period of up to twelve (12) months. If a WMT has not been fully constructed and in operation within six (6) months of the issuance of the WMT Permit, such permit shall expire and be null and void. In such event, the Applicant may apply for a twelve (12) month renewal permit, provided that the information contained in the Applicant's original application remains substantially unchanged. If issued, any such renewal permit shall thereafter expire, without option for renewal, if a

WMT has not been fully-constructed and in operation within six (6) months of the issuance of such renewal permit.

D. Operation. Each WMT shall be maintained and operated in good condition in accordance with the manufacturer's specifications, applicable law and this Local Law. The Applicant shall provide evidence of operation to the Planning Board on semi-annual basis.

E. Removal. Any WMT that remains non-functional or inoperative for a period of twelve (12) consecutive months shall be deemed to have been abandoned and may be dismantled and removed from the Site by order of the Planning Board at the expense of the Applicant.

F. Revocation. The failure of any Applicant or Participating Property Owner to abide by and comply with applicable provisions of this Local Law and with any conditions that may pertain to the issuance of any building permit shall constitute grounds for the revocation of the WMT Permit.

ARTICLE III Small WECS

The purpose of this Article is to provide standards for Small WECS. The intent of this Article is to encourage the development and operation of Small WECS meeting such standards by both residential and commercial Property Owners.

Section 3.02 Applications for Special Permit for Small WECS

A. An application for a Special Permit for a Small WECS shall include the following:

1. Applicant/Property Owner Information - the name, address, phone number and email address (if available) of the Applicant.

2. A GIS map to scale showing the location of each proposed Small WECS on the Site, the Property Lines and all roads and structures within 3,000 feet of the proposed Small WECS.

3. Drawings and specifications for the proposed Small WECS.
4. A completed EAF.
5. General Municipal Law Section 809 disclosure form.
6. The application fee set forth in Section 5.02 below.
7. Such additional information as the Planning Board may reasonably request.

C. Applicant shall submit seven (7) copies of the application to the Planning Board.

D. The Planning Board shall, within 45 days of receipt of the application, determine if it is complete. No application will be considered until the Planning Board has made a written determination that the application is complete. If the Planning Board deems the application to be incomplete or insufficient, the Planning Board shall provide the applicant with a written statement requesting the missing information. No additional fee will be required unless the applicant changes the number, size or location of any Small WECS for which it seeks a Special Permit.

E. Within thirty (30) days of its receipt of a complete application for a Special Permit for a Small WECS, the Planning Board shall hold at least one public hearing on such application. Notice of the hearing shall be mailed by the Planning Board to any Property Owner whose Property Line is within 500 feet of the proposed Small WECS Site and shall publish notice in the official Town newspaper, on the Town's website, and on any other publication deemed appropriate by the Board, not less than 10 days prior to such hearing. If any amendment to the application affecting the size, number or location of any Small WECS shall be submitted to the Planning Board after such public hearing, the Planning Board shall hold a public hearing on the revised application and the foregoing notice requirements with respect to any and all additional public hearings.

F. The Planning Board shall review and take into consideration all comments received from the public, seek any advisable clarification from the Applicant and either approve, approve with conditions or deny the application. The Planning Board, in its discretion and upon receipt of written consent of all Property Owners whose Property lines are within 500 feet of the proposed Small WECS Site, amend, on a case by case basis only, any provision of this Article III.

Section 3.03 Small WECS Standards

A. Setback. The distance between a Small WECS and the nearest Property line of any Non-Participating Property Owner shall be a minimum of two (2) times the Turbine Height.

B Height. The maximum height of a Small WECS shall be 250 feet.

C. Duration. If a Small WECS has been not been fully-constructed and in operation within twelve (12) months of the issuance of the Special Permit, such permit shall expire and be null and void.

D. Operation. All Small WECS shall be maintained and operated in good condition in accordance with the manufacturer's specifications, applicable law and this Local Law.

E. Removal. Any Small WECS that remains non-functional or inoperative for a period of twenty four (24) consecutive months shall be deemed to have been abandoned and by order of the Planning Board, shall be dismantled and removed from the Site at the expense of the Property Owner.

F. Revocation. The failure of any Property Owner to abide by and comply with applicable provisions of this Local Law and with any conditions that may pertain to the issuance of any building permit shall constitute grounds for the revocation of the Special Permit.

G. Agricultural Exemption. The placement of a small WECS on a parcel of not less than 10 acres engaged in agriculture or farm operations, whether or not such farm operations are within an agricultural district, for the generation of electricity to be used primarily in such farm operations, shall be exempt from the regulations of this Local Law.

ARTICLE IV INDUSTRIAL SCALE WIND ENERGY FACILITY

Section 4.01 Intent and Purpose

The purpose of this Article is to establish standards for the siting, construction and operation of any ISWEF in the Town of Madison. The intent of this Article is to protect the health, safety and well-being of persons, property and environmental resources in the Town while simultaneously establishing such standards as are not unreasonable or unduly burdensome in the objective, unbiased opinion of the Planning Board and the Town Board after study, due diligence and serious consideration. It is the further intent of this Article that, in the event an application is submitted to the Public Service Commission in accordance with Article X of the Public Service Law and the regulations promulgated thereunder, the provisions of this Local Law will be given effect.

Section 4.02 Pre-Application Activities

A. It is acknowledged that prior to construction, the Applicant or a related entity will be contacting Property Owners and attempting to negotiate agreements that would permit the Applicant to use a parcel or parcels of such Property Owners' land as potential Sites.

B. Prior to contacting any Property Owner to obtain access to a potential Site, the Applicant shall register its identity, presence and purpose with the Town Clerk at the Town Offices.

C. Construction of ISWEF and associated equipment or structures is restricted to Wind District (A) and Wind District (B)

Section 4.03 Application for Special Permit for Industrial Scale WEF

A. An application for a Special Permit for an ISWEF shall include the following:

1. Applicant Information - the name, address, phone number and email address (if available) of the Applicant. If the Applicant is represented by an agent, the application shall include the name, address and phone number of such agent and the name of the contact person, as well as that person's phone number and email address, together with a letter authorizing said agent to act for the Applicant.

2. Property Owner Information - the name, and address of each Participating Property Owner. The application shall include a copy of a written agreement or recorded memorandum thereof between the Applicant and each such Participating Property Owner, granting the Applicant such rights in the aggregate as may be necessary to fully construct the proposed ISWEF. Each such written agreement shall identify the Site by tax parcel number.

3. A GIS map to scale showing the location of all proposed ISWEF and all components thereof, the Property Lines and all Residences, roads and Structures within 3000 feet of the proposed ISWEF.

4. Drawings and specifications for the proposed ISWEF.

5. A completed EAF containing, among other things, a determination that the application constitutes a Type 1 action under SEQRA.

6. Evidence that the proposed Turbine Height does not exceed the height recommended by the manufacturer of the ISWEF.

7. A line drawing of the electrical components of the ISWEF in sufficient detail to allow for a determination that the manner of installation conforms to any applicable electric code.

8. Sufficiently detailed information demonstrating compliance with the development standards set forth in Section 4.05 below.

9. Written evidence that the electrical utility service provider that serves the proposed Site has been informed of the Applicant's intent to install an interconnected customer-owned electricity generator.

10. A visual analysis of each proposed ISWEF as proposed to be installed from all directions, demonstrating visual impacts. The visual analysts shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen visual prominence.

11. A completed base line Noise study meeting the requirements set forth in Section 4.09 below.

12. General Municipal Law Section 809 disclosure form.
13. The application fee set forth in Section 5.02 below.
14. Such additional information as the Planning Board may reasonably require.
15. Proposed Highway Routes for construction.

Section 4.04 **Application Review Process**

- A. At any regularly-scheduled meeting of the Planning Board, the Applicant may request a pre-application meeting with the Planning Board or with any consultants retained by the Town for application review. The substance and outcome of any such pre-application meeting shall be disclosed at the next meeting of the Planning Board and recorded in the minutes of such meeting.
- B. The Applicant shall enter into an escrow agreement with the Town to fund expenses incurred by the Town in connection with the review of the application.
- C. The Applicant shall submit seven (7) copies of the application to the Planning Board.
- D. The Planning Board shall, within 45 days of receipt of the application, determine if it is complete. No application will be considered until the Planning Board has made a written determination that the application is complete and all of the Applicant's financial obligations to the Town in connection with the application have been met. If the Planning Board deems the application to be incomplete or insufficient, the Planning Board shall provide the Applicant with a written statement requesting the missing information. No additional fee will be required unless Applicant changes the number, size or location of any ISWEF for which it seeks a Special Permit.
- E. Within thirty (30) days of its receipt of a complete application for a Special Permit, the Planning Board shall hold at least one public hearing on such application. Notice shall be published in the Official Town's Newspaper and on the Town's website, not less than 10 days prior to such hearing. If any amendment to the application affecting the size, number or location of any ISWEF or any component of the proposed ISWEF

shall be submitted to the Planning Board after such public hearing, the Planning Board shall hold a public hearing on the revised application and the Applicant shall comply with the foregoing notice requirements with respect to any an all additional public hearings. The public hearing may be combined with public hearings on any environmental impact statement submitted in connection with SEQRA.

F. The Planning Board shall review and take into consideration all comments received from the public and seek any advisable clarification from the Applicant.

G. A full statement of the proposed action for any ISWEF shall be delivered to the Madison County Planning Department if required by New York State General Municipal Law Sections 239-1 and m.

H. All applications for a Special Permit pursuant to this Article IV shall be deemed to be Type 1 actions requiring coordinated review under SEQRA. No generic environmental impact statement submitted in connection with any proposed ISWEF shall be accepted and no public hearing held pursuant to SEQRA shall be scheduled until a complete site-specific environmental impact statement has been submitted to and accepted for review by the Planning Board. The Applicant shall comply with the provisions of SEQRA, including provisions requiring that the Applicant disclose the full scope and number of the planned ISWEF without segmentation with the intention of reducing the perceived magnitude of the proposed ISWEF.

I. Upon receipt of the recommendation of the Madison County Planning Department, if required, the holding of all requisite public hearings, the funding of the escrow agreement described in subsection B above, and the completion of the SEQRA process, the Planning Board shall, within thirty (30) days, approve, approve with conditions, or deny the application and submit its decision to the Town Board for either its veto or its ratification. The Town Board shall provide a written explanation of any reasons for its veto.

Section 4.05 Development Standards

A. Each ISWEF shall comply with the following standards:

1. The maximum Turbine Height shall be 450 feet.
2. All transmission lines and cables shall be located at a minimum depth of four (4) feet underground and identified with appropriate markers. No transmission line or cable shall be located within 150 feet of any Residence or Structure.

3. No television, radio, or other communications antennas may be affixed to or made part of any ISWEF.

4. No advertising of any nature or kind will be permitted on any part of any ISWEF.

5. No ISWEF shall have external lighting unless required by the Federal Aviation Administration ("FAA"). All such required lighting must restrict glare visible from the ground to the maximum possible extent and shall not be lit other than to comply with FAA requirements.

6. The visual impact of any ISWEF must be reduced to the maximum extent possible. All ISWEF shall use tubular towers, shall be finished with a single, non-reflective matte finish, and shall be visually identical.

7. The use of guy wires is prohibited.

8. No ISWEF shall be located along the major existing axis of an existing FCC-licensed microwave communications link where its operation is likely to interfere with the link's operation. If it is determined that an ISWEF is interfering with a microwave path, the operator shall take the necessary corrective action to eliminate the interference, including removal or relocation of the ISWEF. Failure to remedy such interference with existing microwave links within sixty (60) days of learning of the problem shall be grounds for revocation of the Special Permit for the ISWEF that is the cause of the interference.

9. No ISWEF shall be located within 1 1/2 times the Turbine Height of any existing oil or gas transmission pipeline.

10. Solid waste, hazardous waste, construction debris and other by-products of construction or decommissioning shall be promptly removed from any Site and managed in accordance with applicable law. The Site shall be restored as nearly as practicable to the condition it was in prior to construction.

11. Any ISWEF shall be designed, constructed and operated according to applicable standards. Land protected by conservation easements may not be used.

12. Any ISWEF shall strictly comply with all applicable State and Federal wetlands laws and regulations.

13. Storm-water runoff and erosion shall be managed in a manner consistent with or better than applicable State and Federal laws and regulations.

14. Construction of any ISWEF shall be limited to the hours of 7 a.m. to 7 p.m., unless written permission on a case by case basis and for good cause is granted by the Town Planning Board.

15. It is recognized that the vast majority of residents who might be affected by the construction and operation of an ISWEF obtain their water from private wells. Prior to construction, the Applicant shall have the water supply of any Property Owners whose Property Lines are within ½ mile of any ISWEF (unless such Property Owner has signed a waiver of this requirement) tested by an independent reputable company at the expense of the Applicant and the written results of such tests shall be disclosed to the Planning Board and each such Property Owner. Should the water quality of any such Property Owner be adversely affected by construction (blasting or digging) or operation of an ISWEF, the Applicant shall, at the Applicant's expense, restore the water quality to the condition that it was in when initially tested by whatever means necessary, including the drilling of a new well.

16. When reviewing site placement of a proposed ISWEF, the following as well as all pertinent issues shall be considered:

(i) Sitting in such a way as to not restrict solar access on the property of a Non-Participating Property Owner;

(ii) Threats to public health and safety;

(iii) Vibrations;

(iv) The development and use of land, Residences or Structures owned by any Non-Participating Property Owner and its successors;

(v) Improvement of value of land, residence or structures of Non-Participating Property Owners; and

(vi) Other factors deemed appropriate by the Planning Board.

17. Each ISWEF shall be compliant with then applicable IEE standards.

Section 4.06 Required Safety Measures

- A. Each ISWEF shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so that it does not exceed the design limits of the rotor.
- B. The minimum distance between the ground and any part of the rotor or blade system shall be a minimum of (30) feet.
- C. Appropriate warning signs shall be posted. The Town reserves the right to require such additional warning signs as it deems reasonably necessary.
- D. No climbing pegs or tower ladders shall be located closer than twenty (20) feet above the ground.
- E. Any ISWEF shall be designed and constructed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.

Section 4.07 Roads and Traffic

- A. Construction and delivery vehicles for any ISWEF shall use traffic routes established and approved by the Planning Board as a part of the application review process. As a condition to the issuance of a Special Permit, the Town and the Applicant shall enter into a road use agreement specifying approved routes; times and frequency of use; obligations for remediation, maintenance and repair of roads on approved routes and such other items as, in the discretion of the Planning Board, are designed to ensure the safety and well-being of the populace.
- B. The road use agreement shall require the Applicant to post a public improvement bond prior to the issuance of any building permit in an amount, as determined by the Town Board, sufficient to cover the cost of performance of the obligations set forth in the road use agreement. Applicant shall submit its estimate of costs for its remediation, repair, maintenance and restoration obligations to the Planning Board, which estimate shall become the basis for negotiation of such agreement and the amount of the bond.

Section 4.08 Setbacks

- A. Each ISWEF shall be located with the following minimum setbacks, as measured from the center of the ISWEF:

1. Two and one half (2 1/2) times the tip height of the turbine from the Property line of any Non-Participating Property Owner. No minimum setback is required if adjoining property owners are participants.

2. Two and one-half (2.5) times the Turbine Height between each ISWEF and two and one-half (2.5) times the Turbine Height from any Residence.

3. Setbacks from state-identified wetlands shall conform to applicable DEC regulations.

4. One and one half (1 1/2) times the tip height of the turbine from a public highway.

B. Waivers. The Planning Board may grant a waiver for a reduced setback provided that the waiver is consented to by all property owners within the required setback distances provided herein.

Section 4.09 Sound Levels

All ISWEF shall comply and be operated in accordance with the following sound limits and requirements.

A. Audible Sound Limits

Individual wind turbine towers shall be located in relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 40dbA, measured at the boundaries of all the closest parcels that are owned by non-participating owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of the special use permit application.

B. Measurement Standards and Procedures

1. A qualified independent acoustical consultant shall conduct all Noise studies. The acoustical consultant shall be retained by the Town at the expense of the Applicant. The consultant shall be a member of the National Council of Acoustical Consultants (NCAC) with a specialty in environmental noise. The consultant project leader shall be a member of and have Board Certification from the Institute of Noise Control Engineering in the United States.

2. Sound level meters and calibration equipment shall comply with the latest version of the ANSI "American Standard Specifications for General Purpose Sound Level Meters (ANSI Standard 51.4 and S1.4A-1985 (R2006) and shall have been calibrated at a recognized laboratory within one month prior to the initiation of the study. An anemometer shall be used and have a range of at least 1.5 to 6.7 meters per second.

3. Except as specifically noted otherwise, measurements shall be conducted in compliance with the latest versions of ANSI Standard 512,18-1994 and ANSI Standard 51.13-2005.

4. The Applicant shall conduct and submit with its application, a preconstruction Ambient Noise level study at each Residence within one mile of any proposed ISWEF.

5. All tests shall be conducted using both an A-weighting scale (dBA) and a low frequency C-weighting scale (dBC).

6. Tests shall be reflective of seasonal changes in atmospheric and vegetation conditions. Upon completion of the project, a minimum of one set of tests shall be performed during each of the four (4) calendar seasons of the year.

7. All measuring points shall be located in consultation with the Property Owner to ensure that no significant obstruction blocks noise and vibration.

8. Outdoor Noise level measurements shall be taken at five and one half (5.5) feet above the ground and at least fifteen (15) feet from any reflective surface.

9. Duration of measurements shall be minimum of thirty (30) continuous minutes for each criteria at each location.

10. Measurements shall be made when wind levels are less than two (2) meters per second and with appropriate screening for the recording device.

11. Measurements shall be when the WECS Noise is most noticeable, including periods of temperature inversion most commonly occurring at night.

12. Measurements shall be taken at each of the following three (3) time periods: Day 8 AM - 2 pm; Evening 7 PM - 11 PM; and Night 12 Midnight - 4 AM. Wind direction shall be measured to an eight (8) point direction.

13. Each measurement shall be replicated during the same time period over three (3) different days within the same season for a total of nine (9) measurements per location per season. The lowest of the three (3) measurements per time period shall be used. obtained during representative weather conditions

14. For each measurement the following minimum criteria shall be recorded: -Lmax, Leq, L10 and L90 in dBA (Lmax = average Noise level measured; Leq = average NOise level for a given period of time; L10 = Sound level exceeded 10% of the time; and L90 = Sound level exceeded 90% of the time); -Lmax, Leq, L10 and L90 in dBC; -A narrative description of any intermittent noises registered during each measurement; -Wind speed and direction at time of measurement; -Description of weather conditions at time of measurement; and -Description of topography and contours relative to the proposed or actual WECS. -Measurements shall be A-weighted. Tolerance for A-weighted measurements shall be 1 dB for type 1 meter and 2 dB for type 2 meter.

15. A 5 dBA and/or a 5 dBC penalty shall be applied for short duration repetitive Noise or repetitive impulse Noise ("thumping" or "whooshing").

16. A 5 dBA penalty shall be applied for tonal Noise (single or limited frequency Noise associated with mechanical Noise artifacts.

17. For Sites being measured with existing ISWEF, two (2) sets of measurements shall be required: one set with the ISWEF off and one set with the ISWEF running.

18. For nuisance complaints after an ISWEF is operational, the measurement points, season, time and duration of measurements shall be selected in consultation with the affected Property Owner. If requested by the Property Owner, continuous measurements shall be taken for longer periods of time to capture intermittent nuisance Noise patterns.

19. In addition to conducting pre-construction base-line tests, the Applicant shall include, in its prediction analysis, discussions of unique aspects of contours and terrain at the Site and line source Noise predictions (emanating from a line of ISWEF) in addition to the traditional single point source predictions.

20. Any Noise level falling between two (2) whole decibels shall be deemed to be the higher of the two.

C.Enforcement of Noise Standards

In the event that the Town receives complaints about the Noise level of an ISWEF such noise complaint shall be referred to and investigated by the Town Code Enforcement Officer. If the Code Enforcement Officer determines that the complaint is justified he may require the Applicant to conduct tests meeting the standards and requirements set forth in this Section 4.09. Such testing shall be at the sole cost and expense of the applicant. If the limits established in this Section 4.09 are exceeded, then the Applicant, at its sole cost and expense, shall take immediate steps to mitigate the problem. The Town may issue an order to cease operation in the event of the Applicant's failure or inability to mitigate the problem and cause the ISWEF to be operated within the limits established in this Section 4.09.

E. The Planning Board may, in its discretion and upon receipt of written consent of all Participating Property Owners whose property is adjacent to a proposed Site, amend, on a case by case basis only, the provisions of this Section 4.09.

ARTICLE V MISCELLANEOUS

Section 5.01 General Requirements

A. Liability Insurance. The Applicant, at the Applicant's expense, shall obtain and keep in force for the duration of the project, including any decommissioning period, commercial general liability insurance, with limits to be agreed upon by the Town and the Applicant, insuring the Town, its officers, elected and appointed officials and Property Owners against all liability for injury to or death of a person or persons or damage to property arising out of the construction, operation, modification or decommissioning of any WEF. The Applicant shall deliver copies of such policies or certificates evidencing such coverage and the payment of the annual premium therefore to the Town as a condition to the issuance of any building permit and shall cause any insurance company to agree to notify the Town at least Thirty (30) days prior to cancellation or a material change of such insurance. All policies shall be written on an "occurrence" basis, rather than a "claims made" basis and shall be subject to commercially reasonable deductible amounts, not to exceed \$25,000 per occurrence. Said policies shall further contain a provision stating that no act or

omission of the Applicant will affect or limit the obligation of the insurer to pay on behalf of the Town the amount of the loss sustained by, or claim made against the Town. Such policies shall be in form and issued by companies reasonably satisfactory to the Town.

B. Decommissioning Fund. The Applicant shall continuously maintain a financial assurance mechanism, such as a performance bond, for the estimated costs of decommissioning and removing each WECS and the remediation and restoration of all disturbed areas of land to their previous condition and to ensure that no discharge of sediments or other pollutants occurs after decommissioning. The funds must be capable of being made available in a timely fashion and shall not include or be based upon the future value of any scrap. The amount of such bond shall be increased annually on a percentage basis by the percentage increase over the Consumer Price Index for the previous year. Any company issuing a bond shall be reasonably acceptable to the Town and have a Best's rating of at least A- or its equivalent. All decommissioning, removal, remediation and restoration fund requirements shall be fully funded as a condition to the issuance of any permit required pursuant to this Local Law. Removal, remediation and restoration shall include the removal of all above-ground equipment, all foundations, restoration of soil conditions and vegetation consistent and compatible with surrounding vegetation.

C. Inspection. The Applicant, at the Applicant's expense, shall cause each WEF to be inspected at least once every three (3) years for structural and operation integrity by a Licensed Professional Engineer acceptable to the Planning Board. A copy of the inspection report shall be delivered to the Planning Board and the Applicant shall promptly undertake and implement any and all recommendations set forth in the inspection report.

O. Failure to Operate. A WEF shall be maintained in operational condition at all times, subject to reasonable scheduled maintenance requirements and repair outages. Operational condition includes Applicant's obligation to be in compliance with the requirements set forth in Sections 4.09 of this Local Law regarding acceptable Noise levels. If any WEF remains non-functional or inoperative for a period of twelve (12) consecutive months, such WEF shall be

decommissioned, unless granted an extension by the Planning Board. From time to time, Applicant shall provide acceptable evidence of operation to the Planning Board promptly upon receipt of written request therefore.

E. Decommissioning. Any WEF required to be decommissioned hereunder or for which a permit issued pursuant to this Local Law has been revoked, shall be removed from the Site and the Site restored in compliance with the standards set forth in this Local Law within one hundred eighty (180) days of the date on which the WEF is required to be decommissioned pursuant a plan submitted to and approved by the Planning Board. If the Applicant fails to remove the WEF and restore the Site as aforesaid, the Applicant, by its acceptance of any permit issued pursuant to this Local Law, authorizes the Town Board to contract for such removal and restoration and to pay for it out of the decommissioning fund described above. If the fund is insufficient, the Applicant shall be liable for all costs in excess thereof.

F. Violations. If any provision of this Local Law is violated and not cured within thirty (30) days after notice of such violation, such WEF shall be shut down until Applicant demonstrates to the Town Board's satisfaction that it is in compliance and all permits may be revoked. Applicant's obligation to make PILOT payments or any other payments required hereunder or under any contract with any Participating Property Owner shall continue to be paid during any period of non-operation, whether voluntary or non-voluntary. The Town Board or any agent of the Town Board shall have the power to enforce this Local Law. In addition to the foregoing, any person who constructs or operates a WEF in violation of this Local Law or any conditions of any permit issued pursuant to this Local Law or any other local law relating to the construction and operation of any WEF shall be guilty of an offense and subject to a fine and possible imprisonment. The Town may institute a civil proceeding to collect civil penalties in the amount equal to \$2500 per day for each violation. The Town may further exercise any remedy available at law or in equity to enforce the provisions of this Local Law and any conditions attached to the issuance of any permit hereunder.

G. The requirements of this Article 5 may be waived or amended by the Planning Board in connection with any Special Permit application for a Small WECS.

Section 5.02 Fees

The Town Board shall establish by resolution from time to time a schedule of fees for applications and/or inspections.

Section 5.03 Severability

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision of this Local Law or of this Local Law in its entirety.

Section 5.04 Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2013 of the Town of Madison was duly passed by the Town Board on in accordance with the applicable provisions of law.

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 there from and of the whole of such original local law , and was finally adopted in the manner indicated in the above paragraph.

(Seal) Date: _____

STATE OF NEW YORK
COUNTY OF MADISON

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.

_____ Town Attorney

