

## **RESOLUTION 1: Amicas Brief**

### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ANCRAM TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK**

**Date: JULY 18, 2013**

**WHEREAS**, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

**WHEREAS**, the Town of Ulysses filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

**WHEREAS**, the Town of ANCRAM joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

**WHEREAS**, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

**WHEREAS**, the Norse Energy Corporation and the Cooperstown Holstein Association (“Appellants”) recently filed motions for leave to appeal each decision to the Court of Appeals – the State’s highest court; and

**WHEREAS**, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

**WHEREAS**, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses’ amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of ANCRAM hereby determines that it is in the public interest of the citizens of the Town

to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.

2. The Town of ANCRAM hereby authorizes and directs the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town/Village/City as the Supervisor/Mayor deems necessary or appropriate to carry into effect the foregoing resolution.

3. The Town Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

DATE ADOPTED July 18, 2013