

**Resolution #83, 2012**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LUMBERLAND TO  
APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING  
MUNICIPAL HOME RULE PENDING BEFORE NEW YORK STATE APPELLATE  
COURTS**

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 have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has 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 municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State 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 for that matter—is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town Board hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.
2. The Town Board does hereby authorize and direct 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 as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

MOTION BY: Councilman Joseph Carr

SECOND BY: Councilman Jay Shafer

VOTE: 5 - 0

ADOPTED BY THE TOWN BOARD OF THE TOWN OF LUMBERLAND  
VIRGINIA V. HORN  
TOWN CLERK

MAY 9, 2012