

**RESOLUTION #2016\_\_\_\_\_**

**DECLARATION OF FUTURE INTENT RELATIVE TO MORATORIA AND ANY FUTURE AMENDMENTS OR UPDATES TO WIND FARM LOCAL LAW**

WHEREAS, like all local laws, particularly zoning and land use local laws, codes, and ordinances, the law, industry, safety protocols, engineering, and materials sciences are always changing, such that all laws need periodic review and updating, and the wind law, having been principally drafted in 2008 as based upon the then more robust laws in effect in other towns within New York State, is no exception and it is due for updating and amendments; and

WHEREAS, the Town formed a committee expressly to examine such potential updates and amendments; and

WHEREAS, a dispute and concern has arisen as to whether any such updates or amendments shall, or shall not, apply retroactively to the pending Black Oak Wind Farm developer(s) or project, and such question, as well as any proffered answers, involves potentially complex issues of constitutional, property, regulatory and other law, such that it is important for the Town Board to make its initial intent known, as such intent should help guide the development and implementation processes for any updates and amendments to such local law; and

WHEREAS, in consideration of such legal issues some people proffer what is proposed as a solution, the same being a moratorium prohibiting development of wind towers and related facilities until such law is updated and amended, but in the legislative judgment of the Town Board such a proffered solution does not solve or diminish the issues, but potentially or actually adds to the legal issues and complexities presented, and again it is important for the Town Board to make its initial intent known in respect of moratoria; and

WHEREAS, upon due consideration and deliberation thereupon by the Town Board of the Town of Enfield, and as now determined in the legislative judgment and capacity of the Town Board, BE IT RESOLVED AS FOLLOWS:

1. The Town Board declares its intent that future amendments to the wind farm local law would generally not be retroactively applied to the existing developer and project.
2. The Town Board has no current intent to entertain or adopt a moratorium upon wind farm or tower development given an adequate local law, a robust SEQRA review process, and in consideration of many other factors duly informing such legislative judgments.