

Town of Farmersville

4/18/2000

Bernard E. Schmelz, A.I.C.P.
Department of State
41 State Street
Albany, N.Y. 12231-0001

Dear Mr. Schmelz:

Last night at our Board Meeting, my Supervisor asked me to send this to you. Enclosed please find a copy of a Local Law that we may enact to fight a proposed landfill that wishes to be sited in our town.

The Board wishes for your comments on this piece of legislation and as soon as possible. If you could do this in a week that would be great as time is drawing to a close. If the DEC gives them a permit it will be too late to do anything.

We thank you for your attention to this.

Sincerely,



Susan Holmes
Town Clerk
Town of Farmersville



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STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

April 25, 2000

Ms. Susan Holmes
Town Clerk
Town of Farmersville
8963 Lake Avenue
Franklinville, NY 14737

VIA TELEFAX

Dear Ms. Holmes,

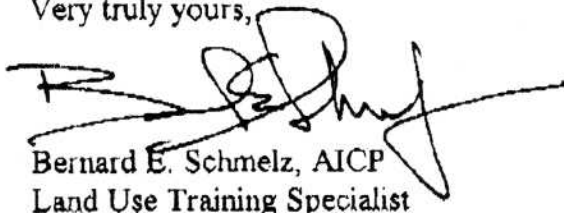
Per your letter of April 18, 2000, we have reviewed the Town of Farmersville proposed Local Law # 1 of 2000 relating to Solid Waste Disposal.

Our counsel's office has determined that under the authority of Town Law §130(6) and the Municipal Home Rule Law §10(2) the Town is authorized to adopt such a local law. However, we do note the fee schedule which has been developed (permit fees and royalty fees) and caution that such fees must bear a reasonable relationship to the cost of administering the permit(s) and may not (legally) simply be used as a revenue producing measure for the community.

We therefore suggest that the local law include a section which analyses the costs related to administering the provisions of the local law and how that bears a reasonable relationship to the fees being charged.

Thank you for the opportunity to be assistance to the Town of Farmersville, and should you have any additional questions, or if we can provide additional assistance, please feel free to call me at 518-473-3355.

Very truly yours,



Bernard E. Schmelz, AICP
Land Use Training Specialist

cc. Harry Willis, Esq., DoS Office of Counsel