

**RE: County of Steuben, Local Law No. 4, 2008, filed on June 25, 2008**

**(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** of STEUBEN
- Town**
- Village**

**Local Law No.** FOUR **of the year 20** 08

**A local law** AUTHORIZING THE LEASE OF A PORTION OF THE STEUBEN COUNTY LANDFILL  
*(Insert Title)*  
TOGETHER WITH LANDFILL GAS ASSIGNMENTS AND OTHER REQUISITE  
DOCUMENTATION FOR SUCH PURPOSES TO IMPLEMENT A LANDFILL GAS TO  
ENERGY PROJECT AT SAID LANDFILL.

**Be it enacted by the** LEGISLATURE **of the**  
*(Name of Legislative Body)*

- County**
- City** of STEUBEN **as follows:**
- Town**
- Village**

**SECTION 1. LEGISLATIVE INTENT:**

The County of Steuben owns and operates solid waste facilities located at the Turnpike Road in the Town of Bath. It is the intent of this Local Law to authorize the execution of a lease or leases, gas assignments and such other requisite documentation, hereafter "contracts", with a developer as may be necessary and desirable to develop a landfill gas utilization project at said landfill facilities.

**SECTION 2. DEFINITIONS:**

- (a) "County" means the County of Steuben.
- (b) "Preferred Developer" means a municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.
- (c) "Project" means the recovery of gas generated at the Steuben County Landfill for utilization as an energy product as resource therefrom as well as any ancillary uses, such as, but not limited to utilization of waste heat.

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

### SECTION 3. AUTHORIZATION TO CONTRACT:

Notwithstanding the provisions of any other law, general, special or local relating to the length, duration and terms of contracts which a municipality may enter into, the County may enter into a contract or contracts with any preferred developer, upon such terms and conditions as may be agreed upon, for the Project or for landfill gas recovery, for a period not to exceed twenty-five years. Said contract or contracts with a Preferred Developer for the project shall be approved by resolution or other legalizing act of this Legislature. Award of any such contracts may be made upon an evaluation of proposals submitted in response to a request for proposals and need not be made pursuant to General Municipal Law Sections 103 or 120-w.

The County may make such contracts awarded to any responsible Preferred Developer selected pursuant to this subparagraph based on a determination by the County that the selected proposal is most responsive to the request for proposals and may negotiate with any proposer for Preferred Developer status.

### SECTION 4. EFFECTIVE DATE:

This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

(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. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable (Name of Legislative Body) provisions of law.~~

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. FOUR of 20 08 of the (County)~~(City)(Town)(Village)~~ of STEBEN was duly passed by the LEGISLATURE on April 28 20 08, and was (approved)~~(not approved)~~ (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local (Elective Chief Executive Officer\*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of June 20 20 08, 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 4, above.



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

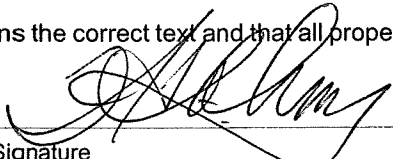
(Seal)

Date: June 20, 2008

(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 STEUBEN

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  
COUNTY ATTORNEY  
Title

County  
~~City~~ of STEUBEN  
~~Town~~  
~~Village~~

Date: June 20, 2008