

NYS Local Legislators' Perspective: How to Properly Deal with a Proposed Wind Project

1 – Know your legal obligations.

[NYS *mandates* that local legislators **must** protect the health, safety and welfare of their community, *and* gives Towns the authority to do that (e.g. see [Article IX](#) of the NYS Constitution.)]

2 – The methodology to protect the health, safety and welfare of the community is to pass a well-written local Wind Ordinance.

[The objective of a local wind ordinance is to protect the health, safety and welfare of the community — **not** to exclude wind!]

3 – Can the NYS Article 10 Board simply toss out any parts of a well-written local Wind Ordinance that they don't like?

[NO! The Article 10 Board's authority is very limited. Per the Article 10 authorizing [Statute](#), there are only two (2) conditions where the Article 10 Board can over-rule provisions in a local wind ordinance — and they are very unlikely to occur.]

4 – Before writing a local Wind Ordinance, it is strongly advisable that an objective and comprehensive wind energy local economic impact analysis be done.

[Wind developers promote their project based on one-sided claimed community benefits. The only way that local legislators can make an informed decision, is after ALL the financial pros and cons are thoroughly and objectively [analyzed](#). See this [example](#) of what a good NET local economic report looks like.]

5 – Then pass a well-written protective Wind Ordinance.

[Don't try to reinvent the wheel: good wind laws have already been written. A proper wind law includes [five\(5\) key](#) science-based protective regulations, and each of these also has legal precedents. See [Model Wind Ordinance](#) for suggested words.]