

SUPREME COURT
STATE OF NEW YORK COUNTY OF STEUBEN

In the Matter of the Application of the SIERRA CLUB;
PEOPLE FOR A HEALTHY ENVIRONMENT, INC.;
COALITION TO PROTECT NEW YORK; JOHN
MARVIN; THERESE FINNERAN; MICHAEL
FINNERAN; VIRGINIA HAUFF; and JEAN WOSINKSI,

Petitioners,

For a Judgment under Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

THE VILLAGE OF PAINTED POST; PAINTED POST
DEVELOPMENT, LLC; SWEPI, LP; and the
WELLSBORO AND CORNING RAILROAD, LLC,

Respondents.

AFFIDAVIT IN SUPPORT OF
RESPONDENTS' MOTION
TO DISMISS AND/OR FOR
SUMMARY JUDGMENT,
AND IN OPPOSITION TO
THE PETITION

Index No.: 2012-0810

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

ANNE NAMES, being duly sworn deposes and says:

1. I am the Clerk-Treasurer for the Village of Painted Post New York (the "Village") and I have held this position since 2010, prior to that time I served as the Village's Deputy Clerk beginning in 2008. I submit this affidavit in support of Respondents' motion to dismiss and/or for summary judgment, and in opposition to the Petition. The statements in this affidavit are based upon my knowledge, including my direct knowledge of the matters set forth herein and my review of pertinent documents including those submitted as part of the Administrative Record in this matter.

2. On February 23, 2012, pursuant to a meeting of the Board of Trustees for Village of Painted Post, I duly filed the following documents in the Village Clerk's Office in Painted Post New York located at 261 Steuben Street, Painted Post, New York 14870 including:

i. Resolution Negative Declaration-Village of Painted Post Lease by Painted Post Development LLC; and

ii. Resolution of the Village of Painted Post for the Proposed Surplus Water Supply Agreement.

3. Each of the foregoing documents was filed in accordance with applicable law on February 23, 2012. As such each of the resolutions was in full effect on and authorized on February 23, 2012.

4. The February 23, 2012 Village Board of Trustees meeting by which the foregoing resolutions were enacted and filed was lawfully noticed in accordance with applicable law.

WHEREFORE, it is respectfully requested that this Court grant Respondents' motion and dismiss the Petition in its entirety, together with such other and further relief as this Court shall deem just and proper.

Anne Names
ANNE NAMES

Sworn to before me
this 1st day of August, 2012.

MJP
Notary Public

MUNESH PATEL
Notary Public, State of New York
No. 02PA6109397
Qualified in Ontario County
Commission Expires May 10, 2010