



**Benjamin E. Wisniewski, Esq.**  
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**Via Email to (mark.boylan@geneseeny.gov)**

February 23, 2026

Genesee County  
Attn: County Attorney Mark S. Boylan, Esq.  
7 Main Street  
Batavia, NY 14020

**RE: Alabama Solar Joint Representation Conflict Counseling Letter and Waiver Acknowledgement**

Genesee County has requested that Wisniewski Law PLLC represent the Town of Alabama, the Town of Oakfield, the Town of Batavia, and Genesee County (collectively the “Joint Clients”), in the Office of Renewable Energy Siting and Electric Transmission (“ORES”) proceeding on the Application of Alabama Solar Park LLC, Matter No. 24-03016 (the “Proceeding”), related to the proposed 130 mw Alabama Solar Park energy facility (the “Solar Project”).

Under the New York Rules of Professional Conduct (the "Rules"), specifically Rule 1.7, concurrent representation of multiple clients in the same matter creates a potential conflict of interest if there is a significant risk that the representation of one client will be materially limited by responsibilities to the other, or if the clients have differing interests.

Although the interests of the Joint Clients appear to be fully aligned with regard to their opposition to the Solar Project, municipal entities are separate legal persons, and their interests could potentially diverge during the course of the Proceeding. Examples of possible future differences include:

1. Differing views on litigation strategy, information requests, or settlement terms;
2. One Town benefiting from a resolution (e.g., a particular settlement or host community agreement allocation) that disadvantages the other;
3. Allocation of attorneys' fees between the Towns; or

4. Emergence of facts or claims that make one Town's position adverse to the other's.

Concerning my communication with the Joint Clients, in a joint representation, information shared with me by one of the Joint Clients generally cannot be withheld from the other Joint clients if relevant and material to the representation.

If an actual conflict arises that prevents continued joint representation, I may be required to withdraw from representing any or all of the Joint Clients, potentially requiring each to obtain new counsel at additional expense and possible delay.

Despite these risks, I reasonably believe that I can provide competent and diligent representation to each and every Joint Client at this time, the representation is not prohibited by law, and it does not involve the assertion of a claim by one client against the other in this proceeding before ORES.

To proceed with joint representation, each Joint Client must give informed consent, confirmed in writing, after full explanation of the material risks and reasonably available alternatives (such as each Town and the County retaining separate counsel). By signing below Genesee County confirms that:

1. Attorney Benjamin E. Wisniewski, Esq. has explained the nature of the potential conflict, the material risks described above, and the reasonably available alternatives.
2. The County understands those risks and alternatives.
3. The County consents to Wisniewski Law PLLC's concurrent representation of Genesee County, and the Towns of Alabama, Oakfield, and Batavia in the Proceeding, notwithstanding the potential for differing interests or future adversity.
4. The County agrees that information shared in the joint representation may be disclosed between the three Towns and the County as necessary for the representation.
5. The County acknowledges that, should an irreconcilable conflict arise, my withdrawal from some or all representations may become necessary.

This consent applies only to the current known circumstances in the Proceeding and does not waive future conflicts that may arise in unrelated matters.

Please indicate your consent by signing and returning a copy of this letter, along with the accompanying engagement letter. If you have any questions or wish to discuss this further before consenting, please contact me immediately. You are encouraged to consult independent counsel such as the town or county attorney regarding this decision.

Be well,

  
Benjamin E. Wisniewski, Esq.

**I have read the above, understand the risks and implications of joint representation, and hereby give informed consent to the concurrent representation described.**

\_\_\_\_\_ Date: \_\_\_\_\_  
Genesee County

By: \_\_\_\_\_