

**MINUTES
SPECIAL MEETING
GORHAM TOWN BOARD
MAY 23, 2007**

The Gorham Town Board held a special meeting on Wednesday, May 23, 2007 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Glitch, Busch and Adam-Anderson, Code Enforcement Officer Freida, Planning Board Chairman Tom Harvey, Debbie North, Jeff North, Lloyd North, Marlin Horst, John Burnett, Will and Margaret Rhoads and Sue Yarger, Acting Secretary.

1. Call to Order/Pledge to the Flag:

2. Supervisor Calabrese explained the format for tonight's meeting. First he talked about the moratorium. If the Board chooses to extend the moratorium on Wind Farms we should be able to set a public hearing at the June 13th meeting for the hearing to be held in July. We are required to send this to the Ontario County Planning Board and the Town of Gorham Planning Board for their recommendations before any action can be taken. We would be able to take action on the Local Law to enact the Moratorium at the time of the public hearing. Supervisor Calabrese also briefly talked about upcoming changes to the Lakefront Overlay District and the Local Law that will be required to enact those changes. We need to move quickly on this so that we can have a public hearing before the Lake Residents leave. Also, at the end of this meeting an Executive Session is planned to discuss pending litigation.

The format for this meeting, we will have privilege of floor then the Town Board, Gordy Freida and Tom Harvey will go over this draft page by page and make any changes that we feel are needed. After we go over it we will open it up to the audience for comment. The document we have before us is from the Planning Board, there will probably be some changes. This is not the final document. Once we get this done either tonight or the next meeting we will have an informational meeting for the public. Once the Town Board is satisfied, we will move forward with a public hearing.

3. Privilege of the Floor:

a. Debbie North questioned if there would be a lapse between the expiration of the current moratorium and enactment of the next. Supervisor Calabrese stated that yes, that is probable, hopefully only a few days.

b. Lloyd North stated that the Town of Gorham has 40 nice dairy farms that are contributing tremendously to the economy. His real concern is that you take careful consideration to protecting the dairy industry in this town. Protect our rights. Banks and real estate industry are concerned with the values of such property if windmills are coming in. We don't need these in a dairy community. Thank you.

4. Wind Energy Draft Review. The document was reviewed page by page. Several suggestions for changes were discussed and will be reviewed or forwarded to Tom.

Page 1, 1st paragraph, delete sentence: " The Town has many large rural lots where the average annual wind speed may be sufficient for the construction of large commercial wind energy systems." This sentence seems unnecessary.

Page 1, Residential WECS – why can't utility company pay an owner for excess power sold back to the grid. This was briefly discussed, why shouldn't an owner be able to receive revenue if it occurs.

G. 2. discussed whether or not WECS should be allowed in the LDO. Will change so that they will be allowed within the AG District only within the LDO.

V.A.8. talked about shadow flicker 10 minutes or 5 minutes. The standard of 5 minutes may be very difficult if not impossible to meet depending on the height of the tower. If the towers are set far enough back from the other properties, it should not be a problem.

Height of towers was discussed at length as well as the impact on neighbors, etc. Not a lot of residential properties will be able to have WECS unless they have very large parcels. Residential and commercial WECS shall be a maximum of 200 feet in height. It was stated that during site plan review it can be required to determine and indicate where and when the shadow flicker will occur. This can be done by an engineer and will be required when necessary.

Whether to rezone to a Wind Farm District or an Industrial/Commercial District was discussed. If rezoned to Industrial or Commercial then all other uses allowed in those districts would be allowed. If you rezone to Wind Farm District then only those uses would apply, would be restricted to wind farms.

Setbacks from property lines, buildings, roads, etc. were discussed. Density was also discussed. If the setbacks are too large, it will pretty much eliminate the possibility of more than one WECS being placed. Whether to "cluster" windmills or require large spaces between them was discussed. The farther the setback the larger the area they may be in. If clustered, they may be in a smaller area. It was also stated that the technology is ever changing in this field, there are other types of windmills out there than the ones we typically are aware of. Also discussed the possibility of so many windmills per acre, or a minimum acreage for a wind farm and place them where it is best as designed by the engineer, etc. and approved by the Planning Board. That would possibly allow for the best use of the parcel. We cannot write a law that wind farms are not allowed, we have got to allow for them some how. Governor Spitzer has proposed that the Wind Energy Bill, they are trying to take away the individual localities rights to regulate any wind energy. There are a lot of people upset about this.

Lighting of the towers was briefly discussed. Would the lights all turn on at the same time or at intervals, etc. The FAA has requirements that would cover this and we cannot change them.

Board members went over every page of the draft document and discussed many items. Various changes were made, a revised draft will be prepared by Mr. Harvey and forwarded to Supervisor Calabrese.

The possibility of stray voltage was discussed. This can have a very large, devastating impact on dairy farms. Windmills do need to be grounded, but is there a way to require additional protection, or monitor if there is stray voltage. Stray voltage can come from a very long distance so setbacks will not really eliminate the possibility. This was discussed at length.

5. Privilege of the floor:

Jeff North talked about shadow flicker and stray voltage. If each tower could be fitted with a monitoring device at least you could tell if there was a problem at a certain time, it would keep a record. Setbacks are a big concern, he noticed an item that needed to be changed. Change was made. He agrees with having a greater distance from a residence, but how do you determine where a house may be placed on a vacant lot. Shouldn't the setback go to the property line and not a residence. This was briefly discussed.

Neighbors will all be notified when ever an application comes before the Town for windmills. That will be the time for residents/property owners to be informed of the intent and discuss any concerns.

Mr. North had other questions that were briefly discussed.

Marlin Horst also expressed concern with stray voltage and the possibility of ruining a dairy farm. Stray voltage can effect milk production and be a cause of mastitis in the cows. Just wants the Town to be aware that there are concerns and the potential for problems in the future.

Debbie North stated that her questions have been pretty much answered this evening.

Supervisor Calabrese stated that he will have the revised draft within the next couple of weeks. Anyone who wants a copy, let us know. If anyone has any comments on the revised draft, if they could put their comments in writing and get them to us before the next meeting it would be greatly appreciated.

6. On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson the Board went into executive session to discuss pending litigation.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the Board returned to regular session. No action was taken in executive session.

7. On the motion by Councilmember Busch, seconded by Councilmember Glitch, the meeting was adjourned at 10:22 PM.

Respectfully submitted,
Nancy Hollenbeck
Town Clerk