

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
JUNE 13, 2007**

The Gorham Town Board held a regular meeting on Wednesday, June 13, 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, Assessor Davey, Acting Chief Water/Waste Water Erb, Highway Superintendent Ayers, Debbie North, Will and Margaret Rhoads, Tom Harvey, Michele Cutri-Bynoe and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor: Will Rhoads thanked the Town Board and the Planning Board for all the effort that has been put into the windmill regulations. He is really encouraged when folks take the time to get things done in advance and be prepared. Thank you to all who were involved. He added that he would like the Board to consider residential applications in the LDO as well.
3. Public Hearing – Water District #1, Extension #13, Deep Run Subdivision. The legal notice was published in the official newspaper of the Town. The public hearing opened. There were no comments from the public. The public hearing was closed.
4. Approval of minutes of the 5/2, 5/9, 5/23/07. On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, the minutes were approved. Motion carried unanimously. (5-0) **066-2007**
5. Reports of Town Officials
 - a. Water/Waste Water Plants - Written report is on file. Briefly talked about repairs to the Lake to Lake Road Booster Station.
 - b. Highway Superintendent - Written report is on file. Bids were received June 1, 2007 for the purchase of one new 10' flex wing rotary mower and one new 6' rotary mower as follows: Coryn Farm Supply - \$8922.50; Monroe Tractor - \$9753; Lakeland Equipment - \$7947; Ontrac Equipment - \$10,180.02.

Motion was made by Councilmember Glitch, seconded by Councilmember Busch to accept the low bid by Lakeland Equipment for purchase of two mowers per bid specifications in the amount of \$7947.00. Motion carried unanimously. (5-0). **067-2007**
 - c. Zoning – Written report is on file.
 - d. Assessor – Written report is on file. Mr. Davey explained the change in ag assessment. The drastic increase in ag ceiling values which basically

took a big chunk out of exemptions for agricultural land and the Governor has decided to, because of the big jump there was a consensus at the state level that they would cap future increases at 10%. But then at the last minute they decided that they would cap this year's increase at 10% so we wouldn't see such a drastic swing. The best way they could figure to accomplish this since the final assessment roll has already been printed and legally we are unable to change that, is to do a mass correction of errors and probably they will print new rolls with corrected ag exemptions on them. The effect that this will have is the ag ceilings will only go up 10% as opposed to 34%. It does give the ag land a little bit of a break compared to what it was going to be, but somebody is still going to have to pay so there will be a shift back to the rest of the property types on the roll. This all throws us for a loop, because we have already sent impact notices this year which was prescribed by the State, if there was an assessment change, small raises, indication was that there would be either a decrease in actual taxes paid or only a slight increase. Well, that is not going to be the case anymore. I'm sure that we will have some repercussions, even though the impact notices were estimates and the actual numbers are never the same, there will be people who will let us know. The Board of Assessment Review will act on the correction of errors in July, this is in every town in the state.

e. Town Clerk – written report on file.

f. Supervisor – written report on file. Most of the items in the Supervisor's report will be addressed later in the agenda.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (5-0) **068-2007**

6. Communications: correspondence is on file.

7. Audit of Bills:

Abstract #4	A	180-238	\$17,423.11
	B	182-235	5,754.67
	SL	208	618.00
	DB	102-128	141,798.00
	SW1	91-120	17,845.65
	SS	27-34	18,645.04
	HD	45	2,423.13
	HM	42	15,171.00
	HN	46	6,359.53
	HP	47	550.00
	HV	43,44,48	31,887.47

On the motion by Councilmember Busch seconded by Councilmember Adam-Anderson, the bills were audited and approved for payment. Motion carried. (5-0). **069-2007**

8. Business:

a. WD#1, Ext#13, Deep Run Subdivision

1. Determination of Significance Resolution: Board members reviewed the Environmental Assessment Form and made a determination of non-significance. Motion made by Councilmember Adam-Anderson, seconded by Councilmember Glitch, carried unanimously. (5-0). **070-2007**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE
DEEP RUN EXTENSION #13 TO THE GORHAM WATER DISTRICT #1**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Arnold E. Carmichael, P.E. & Associates map, plan and report entitled "Engineer's Report Deep Run Subdivision Section III & IV & More To Deep Run Extension #13 to the Gorham Water District #1" dated March 13, 2007; the June 13, 2007, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

2. Resolution to approve creation of the Deep Run Extension #13 to Gorham Water District #1. On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson, the following resolution approving creation of the extension was unanimously approved. (5-0). **071-2007**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM
APPROVING CREATION OF THE
DEEP RUN EXTENSION #13 TO THE GORHAM WATER DISTRICT #1**

WHEREAS, a written Petition dated May 2, 2007, has been presented and filed with the Town Clerk of the Town of Gorham, Ontario County, New York, requesting establishment of the Deep Run Extension #13 to the Gorham Water District #1 ("District") with boundaries as described in a Map, Plan and Report relating to the establishment of the District, attached hereto as Exhibit 1, and the Map, Plan and Report, dated March 13, 2007, was prepared by Arnold E. Carmichael, P.E. & Associates in a manner and such detail as has been determined by this Town Board to be sufficient and has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on May 9, 2007, reciting the filing of said Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the fact that the Map, Plan and Report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying June 13, 2007, at 7:30 p.m., at the Town of Gorham Town Hall, 4736 South Street, Gorham, New York, as the place where this Town Board would meet and consider said Map, Plan and Report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

WHEREAS, the hearing on said matter was duly held by said Town Board on June 13, 2007, at the Gorham Town Hall, at which all interested persons desiring to be heard were heard; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of this District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, upon the evidence given at said public hearing, be it RESOLVED as follows:

1. That said Petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
2. The Order Calling Public Hearing was duly published in the Town's official newspaper on May 27, 2007 and duly posted on the Town's official sign

board on May 15, 2007, all as required by law and is otherwise sufficient;

3. All of the property owners within the proposed District are benefited thereby;

4. All of the property and property owners benefited are included within the limits of the proposed District;

5. It is in the public interest to establish said District;

6. The proposed expenses for on-going maintenance and capital improvements, as set forth in the Map, Plan and Report referred to herein, be and are hereby approved;

7. The costs and expenses of the proposed on-going construction and on-going maintenance and improvements associated with said District be assessed, levied and collected from the several lots and parcels of land within said District for such purpose in the same manner and at the same time as other Town charges, except as otherwise provided by law, all pursuant to Section 202(3) of the Town Law and in accordance with the ad valorem charge basis as outlined in the Map, Plan and Report referred to herein;

8. That the establishment of the District, as set forth in said Map, Plan and Report, be and hereby is approved; that the improvements therein mentioned be constructed by the Petitioner; and such District shall be bounded and described as set forth in Exhibit 1 attached hereto and made a part hereof; and be it further resolved

9. That the Town Board members execute the Order Establishing this District and that the Town Clerk be, and hereby is, authorized and directed to file a certified copy of the Order Establishing the District in the Office of the Clerk of the County of Ontario and in the office of the State Department of Audit and Control at Albany, New York.

3. Resolution Order Establishing the District. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the following resolution was adopted, carried unanimously. (5-0). **072-2007**

At a regular meeting of the Town Board of the Town of Gorham, in the County of Ontario, New York, held at the Town Hall of the Town of Gorham on June 13, 2007.

PRESENT: Town of Gorham
Richard Calabrese, Supervisor
William Glitch , Councilperson
Allyson Adam Anderson, Councilperson

Frederick Lightfoote, Councilperson
Anthony Busch, Councilperson

In the Matter

of the

ORDER ESTABLISHING THE
DISTRICT

Creation of the Deep Run Extension #13 to the
Gorham Water District #1 in the Town of
Gorham, County of Ontario, New York.

WHEREAS, the Town Board has, upon Resolution adopted on June 13, 2007, approved the establishment of the Deep Run Extension #13 to the Gorham Water District #1, pursuant to Article 12 of the Town Law, said district having been approved in accordance with the details in a map, plan and report entitled "Engineer's Report Deep Run Subdivision Section III & IV & More To Deep Run Extension #13 to the Gorham Water District #1" dated March 13, 2007, prepared by Arnold E. Carmichael, P.E. & Associates, having been filed with the Town Clerk of the Town of Gorham.

THEREFORE, BE IT ORDERED that the establishment of the proposed district as set forth in said map, plan and report be approved in accordance with the provisions of the Resolution attached hereto as Exhibit A and that the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this Order in the Office of the Clerk of the County of Ontario and a certified copy thereof with the State Comptroller, within ten (10) days after the adoption of this Order.

b. Wind Energy – 5/24/07 draft. The draft document was reviewed page by page. Supervisor Calabrese prepared and handed out suggested changes to the document. These were reviewed and discussed as were other changes. Tom Harvey made the changes to the document as discussed and will e-mail the corrected document tomorrow. It was suggested that a section regarding density be added to the document, such as 10 per 100 acres. This would give flexibility to a developer with placement.

The difference between db and dba with regard to the noise levels was discussed. Will Rhoads spoke very eloquently to this issue. Tom Harvey reiterated Mr. Rhoads comments later in the meeting. It was agreed that both db and dba data will need to be provided with commercial wecs applications.

Debbie North thanked the Board for all the work they have done on this proposed regulation. It is also nice to have Mr. and Mrs. Rhoades here with their additional comments

Supervisor Calabrese suggested that we schedule an informational meeting on June 27th, 2007 at 7:30 PM at the Town Hall. This will be an opportunity for any comments before we send the document to the Attorney to be written into local law format.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch, the next meeting of the Gorham Town Board will be June 27, 2007 at 7:30 PM. This will be an informational meeting regarding the draft Wind energy regulations. Motion carried unanimously. (5-0). **073-2007**

1. Moratorium on Wind Energy – Local Law #2-2007. Boardmembers briefly discussed the need for the continued moratorium. We are very close to having a document that we can present to the public for adoption, but it will take at least two to four months to get it in legal form, hold the required public hearing and have it adopted and become effective. If the moratorium is adopted, it can be rescinded as soon as the Wind Energy regulations are in place.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson the following resolution was adopted setting a public hearing on Local Law #2 of 2007, 4th Moratorium on Wind Energy. Motion carried by a 4-1 vote. Councilmember Glitch voted Nay; Supervisor Calabrese, Councilmembers Lightfoote, Adam-Anderson and Busch voted Yes. (4-1) **074-2007**

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW ENTITLED "A LOCAL LAW ESTABLISHING A FOURTH MORATORIUM ON WIND FARMS"

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Establishing a Fourth Moratorium on Wind Farms"; and

WHEREAS, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law; and

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board.

NOW, THEREFORE, be it first

RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing on this proposed local law to be held on June 27, 2007, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that the Town Clerk be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Gorham sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Gorham for its consideration.

c. Amendments to Zoning Ordinance – Draft document was reviewed. Page 3 d. change 10% to 50%. Page 4. B. second to last sentence change provide to provision. VIII. H. finish paragraph from above. Page 5, first paragraph change provide to provisions. Changes were discussed at length.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, these amendments will be forwarded to Jeff Graff for his review and preparation for the local law procedure. Motion carried unanimously.

(5-0).

075-2007

d. Conservation Board Local Law - A draft of the powers and duties of the Conservation Board was provided in Board members packets. All agreed to send this on to the Attorney so that it can be put into proper form.

e. Drainage Districts – When a new subdivision comes in they will need to form a drainage district. We would set up a repair reserve fund with the formation of the district, it must be per unit, not ad valorem. The Highway Superintendent would be in charge of the drainage system. He would have the authority to either hire a contractor to perform the work or he could have his staff do the work and charge back the district for the costs of maintenance. Therefore, the Town of Gorham would not take ownership of any swales or ponds or other drainage areas. The Town would be responsible to see that the maintenance is accomplished, but would not be the owners. Supervisor Calabrese will draw up a resolution to that effect to be brought back to this Board for action. The Planning Board will then have that guideline to follow as a Town policy.

9. Other:

a. Election – Supervisor Calabrese stated that there are four positions up for election this year, Supervisor, two Councilmembers and one Justice. The

officials in those four positions will be seeking re-election. Supervisor Calabrese stated that he would like to remain Supervisor for at least two more years.

b. Speed Limit South Street – Supervisor Calabrese stated that a few years ago we rezoned a portion of South Street, extended the Hamlet Residential district. It might be a good idea to relocate the 35 mph signs farther out to accommodate the new residences. The procedure is to request that the Ontario County Department of Public Works take a look at it and respond.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, authorization is granted to send a letter to Bill Wright requesting a study of the speed limit on portion of South Street with request that the mileage sign be moved farther away from the Hamlet. Motion carried unanimously. (5-0)

076-2007

c. Subdivision Preliminary Plans – Mr. Freida stated that we had a subdivision that had water and sewer and the Planning Board made the distinction of only County curb cut being available. The concern is that before preliminary subdivision is granted on any subdivision, minor or major, that all of those things are in place and approved as appropriate in writing. If it is a County Road, the County gives us a letter; if it's the State we need a letter from the State; water and sewer need to be approved by the appropriate departments, Town or County. Our Access Management Plan addresses roads and curb cuts. In the future we need to make sure all of those things are done in writing, water, sewer, curb cuts, etc. before preliminary approval is granted.

d. Montebello SEQR – The Town Board has received correspondence from the Planning Board requesting that they to be lead agency in the SEQR review of Montebello Estates Subdivision. Does the Town Board have any concerns with that or a desire to be lead agency? Boardmembers unanimously agreed to let the Planning Board retain lead agency status on the Montebello project.

e. July Meeting – Supervisor Calabrese informed those in attendance that he may not be available for the July 11th meeting. He will be in Albany that day (a one day trip). Deputy Supervisor Adam-Anderson will be able to run the meeting if necessary.

10. Set next meeting date: June 27, 2007 at 7:30 PM. Special meeting and public information meeting regarding wind energy.

11. Privilege of the Floor: None requested.

12. Adjournment: On the motion of Councilmember Busch, seconded by Councilmember Glitch, the meeting was adjourned at 9:12 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk