

**MINUTES  
SPECIAL MEETING  
GORHAM TOWN BOARD  
JUNE 27, 2007**

The Gorham Town Board held a Special meeting on Wednesday, June 27, 2007 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Glitch and Adam-Anderson, Debbie North, Jeff North, Lloyd North, Will McCoy, Andrew Hoover, John Frank, Glen Quackenbush, , Michele Cutri-Bynoe and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor: None requested.
3. Public Hearing – Local Law #2-2007 – Establishing a Fourth Moratorium on Wind Farms. The Legal Notice was read, the public hearing opened.

Debbie North stated that she would like to see the moratorium adopted so that there would be no lapse between the previous moratorium and the new one.

Supervisor Calabrese stated that if everything goes right, the new wind energy regulations should be in place by September or October.

John Frank continues to be against the moratorium. We are now at about 15 months and asking for another 8 months which is close to two years. He does not think that is satisfactory performance by the Town of Gorham.

Debbie North – with respect to Mr. Frank, we do need to protect ourselves and not let there be a lapse of time when the current moratorium ends and when the law is enacted. We need to protect the land owners, the scenic views, we need to protect the Town and by having the moratorium in place it does not allow a window of opportunity for leases to be signed, things that could be put into place because there is nothing governing them, no parameters. I have attended meetings in Cohocton and seen the hostility there. Had opportunity to ride horse through the Cohocton hills and cannot imagine that they are going to line up the turbines down there through that beautiful land. It saddens me to think that this could possibly happen here. That is why we need to extend the moratorium to protect everyone in the town, the landowners, those who might consider leases and those who would prefer not to have them near their property.

John Frank – I understand you shouldn't have a windmill, but I do not believe that the Town Board or the Town has done their job when it takes 23 months to prepare a local law to regulate wind turbines.

The public hearing was closed.

4. Business:
  - a. Adoption of Local Law #2 – Establishing a Fourth Moratorium on Wind Farms.  
Councilmember Adam-Anderson made a motion to adopt Local Law #2 - 2007.

Councilmember Glitch, if there is no second to the motion then there will be no vote tonight. We could act on it at a future meeting which would delay the process at least another two weeks and would leave a lapse in the moratorium, thus creating a window of opportunity for possible wind turbine application. Fred and Bill have been pretty adamant that they do not like moratoriums, this has gone too far. Mr. Glitch stated that this is a dilemma for him, he doesn't want to support the moratorium, but does not want to further delay the implementation of the wind regulations.

Councilmember Lightfoote stated that he felt the same way. We have been working on this for months with a lot of input from the community. Would hate to lose what we have worked for by leaving an opening. Some of us were not comfortable with the length of the moratorium. We have spent a lot of time discussing the wind energy regulations to be sure that everyone that wanted to be involved was involved.

Councilmember Adam-Anderson further stated that she is not fond of moratoriums either, but we have worked hard on this issue and spent a lot of time on it and we need to move forward and complete it.

Councilmember Glitch seconded the motion to adopt the Local Law establishing a Fourth Moratorium on Wind Farms. Motion carried (3-1)  
Councilmember Adam-Anderson, Glitch and Supervisor Calabrese voted YES;  
Councilmember Lightfoote voted NO. **077-2007**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE  
TOWN OF GORHAM OF LOCAL LAW NO. 2 OF 2007 ENTITLED  
"A LOCAL LAW ESTABLISHING A FOURTH MORATORIUM ON WIND  
FARMS"**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on June 27, 2007, at 7:30 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Establishing a Fourth Moratorium on Wind Farms"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on June 15, 2007 and other notices required to be given by law were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on June 27, 2007, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 2 of 2007, entitled "A Local Law

Establishing a Fourth Moratorium on Wind Farms", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Gorham, and to give due notice of the adoption of said local law to the Secretary of State of New York.

b. Resolution establishing water district extension for Spring Hill Subdivision. The permissive referendum has passed with no petitions being received. The final step is to establish the district extension.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson the following motion to Establish Water District Extension #12, Spring Hill Subdivision was adopted. Motion carried unanimously. (4-0). **078-2007**

**WHEREAS**, the Town Board have upon Resolution adopted on June 27, 2007, approved the establishment of Water District Ext. #12, Spring Hill Subdivision in the Town of Gorham, pursuant to Article 12A of the Town Law, said water district having been approved in accordance with the details in a map, plan and report entitled "Engineer's Report of Proposed Public Water Supply Improvements at Spring Hill Subdivision" last dated January 5, 2007, prepared by McMahan LaRue Associates, P.C., having been filed with the Town Clerk of the Town of Gorham; and

**WHEREAS**, said resolution was subject to a permissive referendum as provided in Section 209-e of the Town Law and, consistent with said statute, notice of said resolution was posted and published by the said Town Clerk setting forth the date of adoption of the Resolution and notifying the public of their opportunity to file a petition and call for a referendum; and

**WHEREAS**, no petition which conforms to the requirements of the Town Law has been filed with the Town Clerk.

**THEREFORE, BE IT ORDERED** that the establishment of the proposed water 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.

5. Informational meeting regarding Wind Farm regulations – Supervisor Calabrese gave brief overview. He stated that this has been a long and painful process, it's been almost 18 months. If you look around the State, many communities have wrestled with this. Regarding the criticism of this Board not being active enough getting this done, if you remember, two years ago we had the Town Hall project, the Planning Board has had a couple of large subdivision projects and other projects when we took this on. We scheduled a trip to Fenner and that took

time to plan and implement. He disputed the argument that we have taken too long. We would all like to have it done quicker, but when you have to take one step at a time, consider public input, etc. Having said that the basis of this zoning law is divided into three categories; residential wecs, commercial wecs and the wind power farm. There are laws governing the residential wecs, the commercial wecs which a farmer is allowed to have two windmills providing he uses a majority of the power and he can sell some back to the grid. The wind mill farm is a little different. That requires a rezoning, also requires acreage and setbacks. It ensures that if somebody comes in to propose a wind farm that he is going to have the additional scrutiny of both the Planning Board and the Town Board for the protection of the people that live in the community. We are not here to make our minds up the way we want the community to be, we are here to do what we think the majority of the community will be happy with. Having said that, this is an informal session, any one can speak one at a time.

Will McCoy had a general question, if you picture the Town of Gorham and the towns around us, what percentage of those towns have regulations that pertain to wind towers. How many have completed development of the laws?

It was stated that probably statewide there may be 20-25 that have completed regulations. Many are in the process now. Supervisor Calabrese has copies of 12-15 laws from around the state that were used for research. He has had these for several months and those are the only ones that do have regulations. It is a relatively small number (there are over 900 towns in the state).

Will McCoy, then we are not out of line with where other municipalities are at this point.

Glenn Quackenbush stated that in Yates County the Town of Benton is the only Town that has regulations and they drew theirs up in six months. Potter is working on regulations as are other Towns. Six months is a short time to do them.

Debbie North – if we were to have a show of hands would there be anyone in this room who has either already contacted a wind power company to draw up a site plan for their property or perhaps been approached by a wind power company and is considering a lease. She's not asking for a show of hands, but would be curious, as an observation if there is anyone in the room who is already considering such.

Supervisor Calabrese would not ask that question, but if anyone wanted to volunteer they could.

John Frank stated that he has been contacted by one company but has not gone any further than that. When you enacted this moratorium you also put a moratorium on major subdivisions and at that time I recommended to at least two Town Board members that you ought to go outside and get some help to get this done in a reasonable amount of time. I don't believe you have gone outside to get anyone to help you, I think that is too bad. There may be some people in the town that want to do something with wind energy. We have a major global warming problem and may inconvenience a lot of us before it is over and I'm not sure that

wind mills or wind turbines are any more of a distraction to the landscape than the utility poles on South Street. Probably not as much. The other comment is that you have a restriction of 300 feet for whatever reason. He did call Empire Wind Energy wondering if that height fit into any plans. They indicated that basically you might as well outlaw wind farms if you are going with 300 feet because today's technology they're not going to come in at that height. Instead of dilly dallying around with this whole issue maybe you go ahead and get the residential and what you call the commercial one done and go ahead and outlaw the others. They are not going to build them because the economics are going to favor going to the next town. That would be another way to look at it, it would simplify the process. I think you're trying to maybe placate everybody and as we all know we cannot placate everybody all the time. His suggestion would be to outlaw windfarms because that is basically what we are doing with the 300 foot restriction.

It was stated that it would be quite a bit of a distraction, you're talking 300 feet versus 50 feet.

Councilmember Glitch stated that if we outlawed them we would have a lawsuit within a matter of minutes. As far as the 300 foot tower, they can apply for a variance.

Supervisor Calabrese stated that we did not write this to outlaw windfarms. We have talked to wind people in different areas and they have said that the new technology coming down the pike does not require 400 foot in many areas. There are new turbines coming that will run on less wind which is another point that is coming. There is nothing to say that this Board cannot reopen and change anything in this regulation if it needs to be.

John Frank stated that why would you, today's technology apparently, this would preclude anyone putting a windfarm in Gorham because the economics favor going elsewhere with the taller technology. At 300 feet you are projecting into the future, he would hope that you would act today what current technology is and if we don't want anything over 300 feet just go ahead and delete it and then tomorrow when the technology changes then put one in for whatever tomorrow's technology is.

Councilmember Glitch stated that he didn't know that anyone on the Board is against wind farms, we just want to make sure it is not a debacle. I was quoted in the paper as saying I would like one in my side yard and got chastised for saying so. I understand your concern, but if you have been approached then you have a financial interest which may put you at a more emotional point in the issue with the technology. If a commercial venture was to come and it was necessary for taller structures, there are ways to get what they need. We are trying to do what's best for everybody and we need to start somewhere. As far as relating to subdivisions, we have been dealing with them for a long time we have a little more experience with that and it should obviously go quicker.

John Frank – effectively, whether you want to agree with it or not, apparently you have basically eliminated windfarms. If that is a decision you want to make that's fine, but realize what you're doing. When you restrict it to 300 feet. For example, if a neighboring Town is less restrictive and they are only going to do one farm they won't even mess around with Gorham.

Councilmember Glitch stated that in that scenario, maybe they wouldn't come to Gorham and as evidenced by the people who have come to previous meetings, it seems they would be very happy if they didn't come to Gorham.

Councilmember Lightfoote asked Mr. Frank about the height requirement. Mr. Frank stated that the two people he listened to, they would need to do experimental studies to find out what the actual wind is. They are finding that there is some variation from the maps.

Supervisor Calabrese stated that the way the regulation is written, you have to have a year long study before you can apply.

Mr. Frank stated that he agreed with that, but what you are effectively doing, whether you want to agree with it or not, is you are effectively eliminating wind turbines from the Town of Gorham. And as Bill said, if most people don't want them, then I guess that is fine. But I'm just pointing out what you're doing and as I look out in the parking lot and not very many of us are driving economical automobiles, I guess we are not really concerned with the energy situation and so on. If we are, we are all going to have some inconvenience whether it be price at the pump, the vehicles we have to drive and live with or whether it be looking at wind turbines or solar panels or some other form of energy coming down the pike.

Councilmember Lightfoote questioned the height of other towers such as Fenner. It was stated that the total height of those was just under 300 feet. We have been looking at structures that are already in place and thought by putting that regulation here we were coming up with a realistic figure that would allow the commercial structures while not becoming massive. Naturally whatever is most efficient in the eyes of someone who is manning these things is what's best for the site. Knowing that there are structures within that limit that do work and are operating now, that is one of the reasons we were comfortable with that 300 foot height.

John Frank stated that maybe the point we are not addressing is that both Fenner and Maple Ridge are basically obsolete technology at this point. My thought on that would be that during the rest of this moratorium you ought to have some more conversations with the companies that do wind power and see where they are today.

Councilmember Glitch stated that after visiting a couple of wind farms and attending sessions at the Association of Towns meeting in New York he felt that the 300 foot height is reasonable.

Councilmember Adam-Anderson mentioned that on the flip side, with the lower height, 300 feet versus 400 feet we have different setbacks from the tower to

the residence. The shadow flicker would need to be reconsidered with the taller tower. We have residences mixed in with agricultural and there are many considerations.

Glen Quackenbush felt that the 300 foot height limit is too short. He also questioned the wind measurement requirement for one year. The purpose of the wind measurement tower is to prove to the financial people that there is enough wind. The developer already knows there is enough wind. The requirement to have it in place for a year is too long.

Supervisor Calabrese stated that they also have to prove to this board that there is enough wind throughout the year. The wind changes with the seasons and we need to be sure that it will be a viable operation.

The length of time to have the wind measurement antennae in place was briefly discussed.

Will McCoy stated that the Town Board is trying to recognize that there are down sides to many many people in the area with a wind farm visually and so on. On the other hand there is a kind of emotional benefit of realizing that this is green power we've got to do something about global warming. The Town Board seems to want to have assurance that this thing is a viable program in all four seasons of the year, that it makes sense and is justified to put this thing up in a particular place. I think the Town Board in its fiduciary duty if you will so that citizens of Gorham will be confident that this is something that is going to go up it's going to be of benefit from an energy point of view and it's worth imposing the cost of views and everything else to the citizens of Gorham to have this occur.

Debbie North stated that the energy that is generated by the wind turbines is sold on a grid. There is no guarantee that anyone in the Town of Gorham will see any benefit any reduction in their NYSEG bill from any turbines that may be placed in the town. As far as green power, if you sign up with NYSEG to have green power with the energy provided to your home is provided by green power, there is an extra charge per month, I believe it's \$7.50. I've seen various studies on how much oil based energy is going to be replaced by wind power and the highest figure is that by 2030 they are saying 17% to 20%. I don't believe you are going to have anyone in the Town of Gorham see a reduction in their energy bills. The bulk of the power will go to the larger metropolitan areas, NY, LA, Chicago. As far as not impacting the quality of life in this town. We have a beautiful area here, the Town Board has worked very hard with the Planning Board and has considered the input of the citizens which up until tonight anything that has been said at these public meetings has not been in favor of wind energy on the grand scale. I am not against wind energy, but am against it impacting the quality of life. If someone can tell me that my energy will go down, I would like to see that, I don't believe that will happen.

Lloyd North – no one has talked about the dairy farms tonight. There are forty nice dairy farms in the Town of Gorham. We have already set the course for the Town of Gorham, we've got a lot of money invested and I don't want to see a

tower beside my farm that is going to disrupt my cows, disrupt my future in which I have invested since 1956. I don't want to see them in my farm. I think you're on the right track, 2000 feet from property lines, and it protects me and what I have invested in my property. You don't have to worry about a cash crop farmer, protecting the corn field or soybean field. We do need protection on the dairy. If we can't have protection then we have all lost. All the dairy farms and Mennonite Community were against that. I can't see that for one or two or three citizens wants to destroy the Town for a wind farm. There is lots of waste land in New York State that could be used for wind turbines and would hurt no one. New York State does not have to come in here and destroy this great town. I do not want a turbine to come in here to destroy what I have worked for since 1956. NYSEG is up for sale to an outside foreign country right now. I don't think they care one hoot about us people.

John Frank, regarding the wind tower that is in the Town that has been there for 30 years. All of the proposals that I have seen there is a guarantee that the cost of taking them down will be there so that should not be an issue. There is probably more value in the scrap than the cost of taking them down. I can't address the dairy farmer other than I have been to Maple Ridge a number of times and their cattle are grazing within 100 to 200 feet of the operating turbines and they do not seem to be having any problem. Maybe we should take a look at that to be sure it isn't a perceived problem.

Glenn Quackenbush stated that Jerry Hoover took some people up to Maple Ridge recently and has a video of deer and cows grazing, pasturing near the towers.

Supervisor Calabrese stated that there certainly are arguments for and against wind farms. We've been through this, visited a farm, viewed videos, reviewed materials, etc. This is what has taken so much time. We have done our homework, whether you agree that we did enough, that is everyone's own opinion, that you are entitled to. We need to get back to the discussion of the document before us tonight.

Lighting was questioned. It must go straight up and be the new method of lighting. It is part of the regulation and will be reviewed during site plan review.

There were no other questions from the audience.

Councilmember Lightfoote talked about the stray voltage issue which can be more detrimental to cows in barns than those out to pasture.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, Supervisor Calabrese is authorized to proceed with the Wind Energy Regulations with the one change on page 11, change to commercial wecs. Motion carried unanimously. (4-0). **079-2007**

Supervisor Calabrese thanked everyone for coming tonight and expressing your opinions and helping us. I would also like to thank the Planning Board and each and every one of you who participated in helping us get this written.

6. Other:

a. Resolution authorizing Town Court to apply for a grant for new furniture for the court office.

Councilmember Glitch moved to authorize the Gorham Town Court to apply for a grant for new office furniture. Councilmember Adam-Anderson seconded the motion that carried unanimously. (4-0). **080-2007**

b. Authorization to make payment of \$82,836.73 to John Danforth Company for work completed on Water Department UV Disinfection.

On the motion by councilmember Adam-Anderson, seconded by Councilmember Lightfoote, authorization is granted to pay \$82,836.73 to John Danforth Company. Motion carried unanimously. (4-0). **081-2007**

c. Supervisor Calabrese mentioned that we will be working on the 2008 budget in the very near future and would like to be sure the Board is in agreement that we start with a 3.5% wage increase. For the last several years we have used the CPI, Consumer Price Index as a guide and plan to continue.

d. Conservation Board – after a brief discussion, a motion was made by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote to adopt the powers and duties for the Conservation Board as follows. Motion carried unanimously. (4-0). **082-2007**

TOWN OF GORHAM  
CONSERVATION BOARD  
POWERS AND DUTIES

By Resolution of the Gorham Town Board on June 27, 2007, the Town of Gorham Conservation Board hereby has the following powers and duties:

- A. Those powers and duties set forth in General Municipal Law 239-y except as modified below.
- B. The Board shall review applications for rezoning, major subdivisions, special use permits, variance requests in agricultural zoned districts or adjacent to agricultural land received by the Town Board, Planning Board or Zoning Board of Appeals, for the use or development of any open area identified in the Open Space Index. These applications would be of limited land disturbance or other activity that::
  - 1. is located on a parent lot or lots that contain five or more acres of land; or

2. would create five or more building lots; or
3. is a Type I action under the New York State Environmental Quality Review Act; or
4. Categories outlined in the Open Space Index
  - a. Agricultural Resources
  - b. Scenic Resources
  - c. Natural Resources
  - d. Cultural and Recreational Resources
  - e. Priority for Protection

C. The Board shall review any other applications that involve land identified in the Open Space Index upon:

1. request of the Town Board; or
2. concurrence of the Chair of the Board and the Chair of the entity receiving the application.

D. The Board shall perform any duties assigned to it by resolution of the Town Board.

E. The Board may request assistance of the Department of Environmental Conservation in the preparation of any report.

#### PROCEDURES APPLICABLE TO REVIEW OF APPLICATIONS

- A. The Chair of the Board shall be notified of all applications pursuant to the provisions above, within five days of receipt of same by the Town of Gorham Planning Department.
- B. The Board, at its option, may decline to perform a formal review on a specific project.
- C. The Board shall have the application by the first of each month and complete its review and shall submit a written report to the referring board at least five working days before their meeting.
- D. Such report shall evaluate the proposed use or development of the open area in the context of the Open Space Index and the land use planning objectives of the town. The report may make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation.

Mission Statement: The Town of Gorham Conservation Board will assist the Town of Gorham in the development of sound open space planning and assure preservation and protection of agricultural, natural, cultural, recreational and scenic resources.

Powers and duties may be amended as necessary by Town Board resolution.

e. On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, the Board went into executive session to discuss a personnel item.

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

12. Adjournment: On the motion of Councilmember Glitch, seconded by Councilmember Lightfoote, the meeting was adjourned at 9:17 PM.

Respectfully submitted,

Nancy Hollenbeck  
Town Clerk