

**MINUTES
REGULAR MEETING AND PUBLIC HEARING
GORHAM TOWN BOARD
AUGUST 8, 2007**

The Gorham Town Board held a regular meeting and public hearing on Wednesday, August 8, 2007 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Glitch, Busch and Adam-Anderson, Code Enforcement Officer Freida, Assessor Davey, Acting Chief Water/Waste Water Erb, Highway Superintendent Ayers, Michele Cutri-Bynoe, Joan Busch, John Fuller, Stephen & Hollis Trude, Judith Hall, Ed Pease, Jim Pease, Lloyd North, Debbie North, Lloyd Newswanger, Hank Reynders, Marlin Horst, Woody Daugherty, Tom Bay, Eugene Bauer, Bob Gusciora, David Ringler, Jeff North, Justin Martin, Peter Virkler and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag: Supervisor Calabrese explained the procedure for tonight's meeting. The Public Hearing will be first. After that we will have privilege of the floor and residents may ask questions. About a year and a half ago this Board began reviewing information on wind energy systems. We broke it down into three categories; residential wind mills, commercial and industrial or wind farms. In that year and a half we have had numerous meetings, informational meetings, public speakers, have visited a wind farm. We have come up with a document for wind energy. Right now in the Town of Gorham you cannot have a structure for a wind generating device because our current laws do not allow any structure over 35 feet. By allowing wind energy systems, we have to integrate it into our zoning.

It was questioned whether silo's were included in the height restriction. No they are not included. Silo's fall under New York State Agriculture and Markets Law, the Town cannot regulate them.

The Public Hearing is your opportunity to comment on the proposed local law as it is written. You can make suggestions and comments. We do not answer questions or discuss or debate the document during the public hearing. It is an opportunity for public comment. After the public hearing is closed we will have privilege of the floor and will allow questions.

2. Public Hearing: Local Law #3 – Amend Chapter 31 (Zoning Ordinance) as it pertains to wind energy facilities. The legal notice was read, the public hearing opened.

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Gorham on the 8th day of August, 2007, at 7:30 p.m., at the Gorham Town Hall, 4736 South Street, Gorham, New York 14461, regarding the adoption of a Local Law of the Town of Gorham for the year 2007, which would amend the Town Zoning Ordinance as it pertains to Wind Energy Facilities. This local law would amend the following sections of the Town Zoning Ordinance: definitions, designation of zoning districts, regulations pertaining to the LDO – Limited Development Overlay District, regulations pertaining to the AG – Agricultural District, regulations pertaining to

the HR – Hamlet Residential District, regulations pertaining to the RR – Rural Residential District, regulations pertaining to the HC – Hamlet Commercial District and regulations pertaining to the I - Industrial District,.

This local law would add new sections to the Town Zoning Ordinance that establish regulations pertaining to: wind farms and wind energy conversion systems and commercial wind energy conversion systems.

Any resident of the Town of Gorham shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Gorham Town Hall, 4736 South Street, Gorham, New York 14461.

Supervisor Calabrese added that there will be no action on this law tonight. As required, the document has been referred to the Ontario County Planning Board for its review. Their meeting is also tonight. We must wait until we receive their determination before any action is taken. It is anticipated that we will discuss this again at the September 12th meeting. If any changes are to be made, there may be a work shop meeting on the 26th of September.

Ed Pease – questioned the 2,000 foot setback from property lines for commercial windmills. Seems like way too much. Maybe we should wait and see what some of our neighbors are going to do.

Supervisor Calabrese explained that the 2,000 feet is outside of the district. In order to have more than two commercial windmills you have to establish an overlay district. That can include beyond the parcels that you want to put the windmill facilities on to meet the 2000 feet. The idea of that was to be able to take a large area and have a facility and still protect the neighbors. The setback is 2,000 feet from the district boundary line.

Residents would request a rezoning to allow wind energy facilities, say ten parcels are included. That would become a Wind Farm District, the setbacks would be from the edges of that newly created district.

Mr. Pease stated that the height limit of 300 feet is not enough. It seems that commercial ventures need more height.

Jim Pease – were there any engineers brought into this? Supervisor Calabrese stated that no, but we did research many other laws and information. We did not hire an engineer.

Steve Trude, Cohocton: Stated how proud of Gorham he is about this potential law. We have made a lot of mistakes down in Cohocton, one of the reasons I am here tonight is to observe what you are doing here for my own information, but also to pass on some information, some of the mistakes that we made in Cohocton, NY. You can have a 400 foot wind tower, 1,500 feet from his recliner. They put out 106 decibels of noise and not only that, they are using 1,000 feet of my property for part of the danger zone. Because of the fact that they did not put in the proper setbacks from my property line which is very important. The Cohocton Wind Mill Law says that they can put a tower 100 feet

over the height of the tower from my property line. Therefore there are two setbacks. We have had a PHD Physicist from Rutgers University do mathematic equations on how far parts of the blade can be thrown if lightning is to hit it, or if ice does build up on the blade it can come off in a sheet as large as a windshield and how far it can be thrown. What I wanted to let you know, the distance between the 520 feet, because the proposed towers are 420 feet high, and 100 feet over that is 520 feet, so the distance between the 520 feet from my property line and the 1500 feet from my recliner is all in the danger zone and all on my property and I am legally liable for my next door neighbor's industrial wind turbine. We don't feel that that is fair and we are challenging the law. However, I think that the 2000 foot setback from a property line is a very good setback, and also by having a 300 foot capacity tower, there are all kinds of new towers being developed by the minute, this is the new hot thing. I think you are protecting yourselves and I think you are protecting your Town. Thank you.

John Fuller – can you clarify what the LDO is? It's around the lake right? Do you have a map showing that? It was stated that yes, we have maps, they are located in the Building Department, they are part of the Zoning Ordinance.

Bob Gusciora – I think that the 300 feet is too much. I have driven around the country and seen many many wind farms. They are ugly. We have a pretty town, its beautiful. I think we should do what the Tahitians have done and allow no structures taller than palm trees (in our case no taller than our trees). These windmills sound good, but they are mechanical monsters. The viability/reliability of them is not yet established. As far as energy production in the whole scheme of things, in my view, it's like spitting in the wind. The country and society have to do something totally different, not wind farms; solar energy coal, back to coal, nuclear, whatever. But this is just throwing darts at the wall. The main point is the height, it is a very critical factor, and I'm not even talking about the damage you can get from ice or from broken blades, or whatever. Just the visual part of it is going to make a mess unless you stay below the trees, and you can technically do that, they don't want to,...

Peter Virkler - We all use energy, electricity and the thought that we should make this commercially unviable of an area for someone to come in and develop electricity here, it seems like a selfish attitude. If we are going to use electricity we have to be part of generating it. To make something commercially unviable simply because we don't really want it seems pretty selfish.

Jake Martin – I have a lot of new neighbors, I don't know if you folks are aware of that, but we zoned in two new developments just north of me, eventually I'll have 800 new neighbors. Think that's almost the size of Crystal Beach. I'd like to put up some towers on my farm over there. I'd like to sell electricity to those 800 new neighbors that your Zoning and Planning Board encouraged to come in and build all these new houses. I don't know if they like my cows or they don't like my cows, I haven't heard that yet. But we are all

buying into the ethanol scheme, I just saw today that the ethanol scheme out in western New York is now folding up big time. They are not going to build that building right away. But the one in Romulus is supposedly going full blast. Those of you people who believe in alternate power through ethanol are selling yourselves down the drain. The corn market will go up for a while and of course it is dropping right now. I think wind energy is here to stay, I've read articles encouraged by Governor Schwarzenegger in California, in a wine magazine about a year ago an article was put in to encourage all the small wineries out there to develop their own wind energy to be independent. California probably has areas where wind is greater than it is in certain areas in New York State. I agree with the young man on the other side that if we sell ourselves short on this energy business right now, I think we are not looking toward the future. I heard mention of more nuclear plants and that sort of thing as I understand it, Ginna plant is about to double in size and we are going to have a lot more atomic energy available, but I think we can do this renewable source, I think it's going to be clean energy and it's going to be a lot better. I'd like to put up at least six windmills right next to all my new neighbors down there just so that they see that we are in favor of the energy as much as I am in favor of having 800 people next to me. I sympathize with you people in Cohocton you're not going to have that many new neighbors quickly, but I am. As generous as this town was to bring in new neighbors, I would like to see them not be negative on wind power.

Debbie North – Wind turbines are not going to make good neighbors, unlike those 800 homes that have been proposed and/or added in the East Lake Road area. I would be interest to see what those 800 new neighbors would think about the possibility of shadow flicker for 15 to 20 minutes in the morning and 15 to 20 minutes in the evening. What the new neighbors would think about a constant 45 decibel level of noise as they sit on their back decks drinking a glass of wine trying to watch the sunset or enjoying their coffee in the morning. I wonder what the new neighbors would think about the constant flow of construction vehicles that it is going to require, the slow down in traffic. The people on East Lake Road already complain about nights like tonight when there is a concert at the Shell. How many thousands of cars are going to be slowing traffic down in that area of Canandaigua. Wind turbines are not going to make good neighbors.

Marlin Horst – feels that the Town of Gorham has something in place right here and we should stick with what we have.

Lloyd North- seconded Mr. Horst's comments.

Jeff North – I am proud of the ones who have come down to the meetings, we have worked hard, we have had a lot of give and take back and forth, we have come up with a plan that we thought we all could live with all the way around, be comfortable. It does protect some places, it does allow many, 300 feet is not an outrageously low figure, it does protect, new technology is coming down because I have seen where these jumbo turbines do not hold up to the stress and they are

thinking of lowering them because of the stress factor on the size of them. I think we are headed in the right path and think we should stay there and stick with what we have.

David Ringler – if farmers on both sides of me wanted these and I didn't want them, they're going to put the wires right across my farm? What about the farm exemptions?

No. Easements or a right of way would need to be granted by the property owner, otherwise his property cannot be used. These will have nothing to do with farming, it is an industrial operation. If you do have a commercial facility on your land you will be assessed accordingly. If you sign on with a wind energy company, you need to be very careful that they give you money to cover everything. There is a lot of money involved that they do not tell you about all at once.

Supervisor Calabrese stated that as far as he knows the wind energy facility is not considered a public utility.

Hank Reynders – Clarification, if you are allowed one at 100 feet on a residential area, in an ag area it could be considered commercial up to 200 feet? And you said they could have two turbines. If those two turbines or one turbine was placed in an area that is currently designated agriculture because it is used, again under that definition it is solely for the use of the people on that farm, then it would not change your agricultural designation and your assessment adjustment. Once you go to a wind farm then it becomes industrial. If you sell or lease your property for a wind farm then it is going to place you into a different category where you have to consider the costs that you may have to incur because it is no longer an agricultural endeavor it is an industrial endeavor. But you can build one or two of these for your own use and it doesn't change your ag exemption.

Supervisor Calabrese stated that if you put up a wind tower, I am sure the Assessor will assess the value of the tower. It will not change the Ag designation.

Tom Bay – I know in today's world we need regulations. I myself would hate to see wind powers regulated out of the Town of Gorham. I know we need another energy source and maybe this is it.

Supervisor Calabrese stated that despite what you may read in the paper and despite what some people think this Board is not going to outlaw or do away with wind energy. That was not the purpose of a year and a half endeavor on this and it will not be the purpose of it. All agreed.

Councilmember Glitch stated that we did not want to get caught with our pants down (without a regulation)

Supervisor Calabrese stated that he was elated that people came to this meeting.

John and Marian Fladd were unable to attend this meeting but called and wanted their opinion noted. They are in favor of wind energy.

Lloyd Newswanger – thinks wind energy would be a good alternative if it would reduce the cost of electricity. The wind always blows and we might as well use it. With the flicker and ice throws, the cows are all in the barn, can't see it, some days the sun shines, some days it doesn't, you can't control mother nature.

Supervisor Calabrese – you can control the placement of the wind towers to minimize the impacts and that is what we have tried to do in the regulations.

Ed Pease – we have no residue, no left overs, nothing that we are going to have to tunnel somewhere in some mountain. Using the different energies, this is probably the purest energy that we can use. We may have to go a long ways to harness it, but what else can we be sure of that we aren't diluting the earth. We're digging holes in this earth and in Florida where they have the phosphate mines there are hundreds of acres where there is just nothing. They've got it now where they can't get a full quality phosphate. All they have now is what they have to get for fertilizer. Industrial grade tends to come from South America. When I went to school down there in 1946 they said the phosphate would last essentially forever, there was so much of it. Well, these natural resources are disappearing, the wind will always be there and that's something that we aren't going to deteriorate. They may not have the best way of harnessing it at this point, but we need it.

Woody Daugherty – Technology marches forward every day. I am all for it. It's going to happen.

Jeff North – they say that wind energy is really great, but we need to stop and think how it's going to get there and how its going to be supported. These towers weigh approximately 120 tons, 80 ton of that is the main part on top of the tower, the gear box and rotors. In order to support this you need a hole in the ground 40 feet deep and at least 30 to 40 feet wide. When you start digging these holes and pouring them full of concrete, something is going to get disturbed when you get many of them, ground water, people's wells. There are a lot of other things to look at besides something in the sky something has to be down in the ground to support that amount of weight in the wind. There is more to it than just we're going to harness the wind. You also have to look at what's going to be down in the ground

Jake Martin – in answer to that, many years ago in Seneca County we had no choice when they put all of the atomic weapons in, the concrete walls underground, etc. That was all put in back in the 40's and 50's. It hasn't changed Seneca County at all.

The public hearing was closed at 8:07 PM

3. Privilege of the floor:

Debbie North **Mr. Supervisor, Board Members:**

Thank you. Thank you for addressing the wind energy issue with caution and prudence.

Thank you for listening to our concerns and questions. Thank you for asking questions and providing answers.

Your professionalism and commitment to the people you represent is admirable and a testament to how local government should be run. We appreciate your efforts on our behalf, and you have earned our respect as a result of your conscientious efforts.

Gorham is a place of beauty, peace and quiet. We have some of the most productive farmland in all of New York State, and we thank you for recognizing the value in that farmland, our livestock, and our livelihoods by protecting it through the proposed law.

The Energy Information Administration (EIA) of the U.S. Department of Energy projects that wind's share of electricity production will be less than one percent in 2030. Conservation of our existing resources and exploration into bio-fuels and solar energy offers a kinder, gentler, less intrusive approach to the green energy issue.

Wind power will not cure global warming. Wind power will not replace the heavy duty tractors and trucks needed for our day to day farming operations.

Dr. David Van Tassel of the Land Institute in Kansas has stated, and I quote: "Environmentalists place too much faith in solutions that are centralized and high-tech. Large projects such as... wind farms go on the cheapest land and among the most powerless people.

If the ranchers and farmers courted by wind companies care about climate change and pollution, they will tell urban environmentalists to first put turbines... in their own backyards.

We should not let wind power's "green" image trick us into abandoning the principle that some places... should be saved for their own sake. We should reject the argument that everything must be "useful", that every place and aspect of life should be commercialized." **

Many of us have sat through meetings for months now to come up with a law that is fair to those who wish to maintain our quality of life while offering opportunity, within parameters, to those residents who wish to explore leases with wind companies. For those who will be installing turbines for family or business use, may you have much smaller electric bills!

You will note that I have not used the term "wind farm". Turbines are not agricultural, they are industrial. The leaseholders and corporate wind companies are the only benefactors of this "cash crop", not you and I, the neighboring residents. I will also not use the term "windmill" - windmills are located where Dutch children play among the tulips.

The law as proposed is a good law. I recommend that this Board take action and enact the law in its current form.

Thank you once again for proving that small town government can make a big impact.

I would like to close with a favorite quote. It was written by a real cowboy, so I will paraphrase just a bit for the farmers here tonight: **The (farmer) knew his**

life had a purpose. It was a gift from God. To be steward of the land, livestock, and the people he loved." ***

Deborah S. North, Town of Gorham resident for 26 years

Sources:

** Prairie Writers Circle, March 25, 2004 (www.landinstitute.org)

***Rocco Wachman, Arizona Cowboy College and CMT's Cowboy U

Steve Trude – Again congratulated the Town on a good law. However, you have one little problem coming up. I am sure that you are familiar with Article 10 that they are working on in Albany right now. The legislature is working to take the power away from the Towns to site industrial wind facilities anyplace that they deem necessary. Judy had a meeting yesterday with Senator Winters and was talking about Article 10 and said they had a ways to go yet and it probably won't happen this year. But they are working on Article 10 and if that happens, all of New York State will be in trouble due to the fact that they will take the power away from the Towns and they will put facilities probably where the best wind is first and then work back

Supervisor Calabrese stated to tandem on your comments, I am very familiar with Article 10 and as it is written right now and it could be changed at a moments notice to do what you say, but as it is written now, the towns and counties that do have a wind energy ordinance or zoning in force, that will be part of the State's law. They can override it, but at least they will have to consider what the local law is. I have written letters to the State regarding Article 10, my personal opinion, I do not believe that the State should be involved in controlling the destiny of a local municipality and that is what they are trying to do. Now, you take a nuclear plant, that is a little bit different, you can't put a nuclear plant in the Town of Gorham otherwise you would defile the water in Canandaigua Lake.

Hank- I too read the Daily Messenger where the comment was made by an individual who is in the business that well if it is 300 feet you are legislating out the possibility for commercial wind facilities. I believe like in anything else that if it's 300 feet and if wind technology is the way to go, just as they probably took the first turbine from 600 feet to 400 feet, these people through research and development will find an equitable and efficient way to create wind energy with a 300 foot turbine rather than say that it is impossible. If it is really something that can be done you can look at industry throughout the US, whenever there was a need to improve gas mileage or consumption or whatever, people found a way to do it. People who build wind farms will find a way to do it. You are not disregarding or by law eliminating wind farms in Gorham, you are basically saying if you want to come you can, but you need to do it under these ground rules and I think you should be lauded for that. I don't think there is any problem, no one is being prevented from coming. As far as from an economic perspective saying that I'm going to put up a windmill and its going to cost me less for energy. I think you need to look at the economic trade off, what is your upfront cost and how many years will it take you to pay back that cost. Particularly if you are going to do it for your own individual use. Economically I can't see where a windmill or two is

going to be a big payback versus what you pay to NYSEG and a wind farm is not going to be a windfall for us other than for the person who is leasing the land and they are going to get their money from the company. The company is going to sell that energy to the grid. We in fact are not going to see a reduction in our electric bills, they will sell, it will probably be more expensive initially than what we are currently paying or what the grid is paying. I don't think there is a big economic advantage. If someone says there is, I would like to see the numbers. The capital investment up front, it takes years to get that money back.

4. Approval of minutes of the 6/27/07, and 7/11/07 meetings. On the motion by Councilmember Adam-Anderson seconded by Councilmember Busch, the minutes were approved. Motion carried unanimously. (4-0) **090-2007**

5. Reports of Town Officials

a. Water/Waste Water Plants - Written report is on file. Replaced two line valves last week. We have eight more to do next year.

b. Highway Superintendent - Written report is on file. Mr. Ayers stated that they are scheduled to pave Twitchell Road next week. Green Road from Route 364 to County Road #1 was recycled last year and has not set properly. Mr. Ayers has had discussions with Suit-Kote and their engineers, etc. and they have agreed to re do the road at no cost to the Town. If they can't get it done by the end of August, we will wait until next year.

c. Zoning - Written report is on file. The new pickup truck for the Building Department has arrived. Mr. Freida stated that he will clean up the old one. Mr. Erb stated that he would like to keep that truck in place of the 1996 Ford Ranger that used to belong to the Assessor's Office. The 96 is having problems and is old. There is still a lot of use left in Gordy's old truck. The Water Department will pay the difference between the value of the 2000 truck and the sale price of the 1996.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch a motion was made to keep the 2000 Ford pick up (Building Department) and transfer it to the Water Department. The 1996 Ford Ranger is to be sold. Motion carried unanimously. (4-0) **091-2007**

d. Assessor - Written report is on file. The equalization rate is at 100% again. Great Job.

e. Town Clerk - written report on file. Town Clerk Hollenbeck asked if the Board wanted to continue the Transfer Station permitting procedure the same as in years past. It is time to order new stickers for 2008. All agreed that it has been working well and should continue as it has.

f. Supervisor - written report on file. Supervisor Calabrese commended everyone for getting their part of the budget process done on time. All information from Department Heads was received on time. We are about 98% done with the Budget.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **092-2007**

6. Communications: correspondence is on file.

7. Audit of Bills:

Abstract #4 A	289-327	\$18,858.31
B	289-327	17,980.25
SL	319	618.00
DB	149-168	70,974.34
SW1	147-166	13,989.40
SS	40-46	3,383.60
HM	52	3,930.00
HN	53	5,116.13
HC	54	1,948.00

On the motion by Councilmember Glitch seconded by Councilmember Busch, the bills were audited and approved for payment. Motion carried. (4-0).

093-2007

8. Business:

a. Wind Energy Local Law discussion. This Local Law is being reviewed by the Ontario County Planning Board this same day. Action by Gorham can be taken after the OCPB determination. The next meeting to discuss this topic will be September 12, 2007.

Councilmember Adam-Anderson thanked everyone for their participation and comments. We tried very diligently to write the regulations so that they would not infringe on peoples enjoyment of their property or their neighbors property and on the same token keep in mind the folks, it may only be a handful who will be having the industrial windmills. The 300 foot height seems to be a fair number, if we need to go up or down, that can be addressed.

Councilmember Glitch – there are pros and cons to everything. The wind energy is just another example of that. I think that realistically you are going to have to get a good number of landowners agreeing to lease to a company before they're going to put a "wind farm" in the Town of Gorham. There has been an awful lot of negative opinion as far as whether people want them. I think that by the time they get here and talk to the people I don't think there will be enough people who want to lease the land and I think down the road I don't think it will be the disaster that the naysayers are saying its going to be. I could be wrong. I think eventually it is going to be a non issue. I think 300 feet eventually will be a

ridiculous height and they will only need 200 feet. None of us want to ruin the Town and we are trying the best we can and I appreciate everyone coming to our meetings.

Councilmember Busch – I think as the newest member of the Board, I came on in January, so I can't speak prior to that, the Board took some criticism for putting moratoriums in place, the other alternative to not having a moratorium was to have a wide open unregulated situation as far as wind farm development and I think the Board rightly so, said we want the time, we need the time to come up with a road map. What you have in your hands is really a road map, it doesn't answer every question, nothing could ever answer every question. The technology is constantly changing. There are problems with the systems now, there will probably be problems with the new generation that comes out etcetera. We are trying to develop a road map here that I think everybody should feel comfortable with so that if you are a person who owns a large amount of land and wants to lease land for a commercial wind farm operation, the guidelines are there for doing that. If you have an agricultural operation and you want to use wind power to help supplement your electrical needs on the farm, that is possible and the map is there for doing that. And if you are a homeowner who wants a smaller windmill type operation, 100 foot tower or whatever it is that is there too. It is a road map, it does not answer every single question, but it gives you as residents of the Town some feeling that there is control in place, some feeling of what is going to happen and obviously if someone wants to build a 400 foot tower and there is a justifiable reason they can apply for a variance for doing that, there are mechanics in place for doing that. I am quite pleased with this ordinance that we have here now because I think it balances all interests. It doesn't solve it for one group and not for another. It balances for all interests and that is very important.

Supervisor Calabrese stated that this has been a long ride and he thanked everybody for participating. Not everybody is going to have what they think ought to be the right way, but there was some give and take over the last year. There were some people who didn't want windmills, didn't think they were good for Gorham. I believe that this ordinance will at least get us started so that at least if someone wants to do something, they can. As Mr. Busch said, if there is an obstacle in the ordinance, they can go to the Town Zoning Board and apply for a variance, granted you have to have a hardship; if that doesn't work they can always come back to the Town Board. Anybody can come to the Town Board and ask for a change in our local laws. We have to make sure that the Town's neighborhoods are protected. This is the reason for rules and regulations. As much we don't like rules and regulations, they are necessary.

b. Local Law #4 – Amend Chapter 31, Zoning Ordinance. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch the following resolution was adopted to set a public hearing on September 12, 2007 at 7:30 PM. Motion carried unanimously. (4-0). **094-2007**

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 31 (ZONING ORDINANCE) OF THE TOWN OF GORHAM MUNICIPAL CODE"

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 Amending Chapter 31 (Zoning Ordinance) of the Town of Gorham Municipal Code" 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,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 12, 2007, 2007, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that this local law is referred to the Town Planning Board for report thereon, in accordance with §31.7 B. of the Town Zoning Code; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers 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 this Local Law before the Town Board of the Town of Gorham for its consideration.

c. Sewer Plant Driveway – Supervisor Calabrese went over the estimate for the paving of the roadway to the Sewer Plant. The total cost would be about \$12,000 if we can get the County to help us. Mr. Ayers stated that he contacted the County and they are willing to provide the paving, Gorham would provide the materials. Supervisor Calabrese proposed to take \$7500 from the Sewer Budget and the rest out of Parks and Recreation. All agreed.

On the motion by Councilmember Busch, seconded by Councilmember Glitch approval was granted to proceed with the Sewer Plant roadway paving and fund it through the Sewer Budget and Parks and Recreation Budget. Motion carried unanimously. (4-0). **095-2007**

d. Water Capital – Supervisor Calabrese provided a chart of Water Capital Projects from 2008 to 2018. What he is proposing for the budget for next year, historically we have had \$80,000 going into Water Capital annually. It has been used to pay off the mortgage, used to do capital projects such as painting water tanks, we rebuilt the pumping station over a couple of years, put in the UV system

and of course we have not increased the amount at all. Last year's taxes, that \$80,000 represented twenty three cents per \$1,000 of assessed value. As you can see by the charts, if some day we're going to put in a new water tank and there will also be projects that will need to be done, I feel that we should increase the amount going into the reserve to \$100,000 next year and the following years \$120,000. that would give you by the year 2015, \$740,000; or at today's rate it would give you \$426,000. Granted part of that money will be used for projects over that time period. Going to the \$120,000 we would need to raise the tax to about \$.35 per thousand. I just wanted you all to be aware of this. We will discuss it more at a future meeting.

e. Adopt Resolution for Storm Water Drainage Districts for new subdivisions. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch the following resolution was adopted.

Where as the Town of Gorham needs to have special drainage districts set up for new minor and major subdivision development

Where as the cost of repair and maintenance will be born by the homeowner,
Resolve that said drainage districts shall be set up by the developer before final approvals of lots

Resolve that the tax levy amount will be established by the Town Board each year and each homeowner will be billed in accordance with the benefit method.

Resolve that a reserve fund be established for repair of said district with a minimum balance set by the Town Board.

Resolve that the Highway Superintendent will over see the repair of said district and will charge the cost against the reserve, whether he uses his own department or hires outside contractors.

Motion carried unanimously. (4-0).

096-2007

f. Assessor Appointment – The Town of Seneca has terminated the CAP Agreement with the Town of Gorham. They have also declined to reappoint Mr. Davey as Assessor. Mr. Davey has done a great job, Seneca has decided to make some internal changes. Assessor appointments are six years in length, this is a State regulation. Supervisor Calabrese stated that he would like a motion to reappoint Mr. Davey to a six year term as Town of Gorham Assessor contingent upon a satisfactory compensation package.

Councilmember Busch moved to appoint Dirk Davey to a six year term as Assessor to the Town of Gorham. Councilmember Adam-Anderson seconded the motion that carried unanimously (4-0).

097-2007

9. Other

a. The new truck has been received for the Building Department.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch, the Board duly adopted a Resolution authorizing the transfer of \$11,126 from the Part Town Equipment Reserve for purchase of a 2008 Ford Ranger Pickup Truck for the Town of Gorham Building Department; and that such Resolution is SUBJECT TO A PERMISSIVE REFERENDUM PURSUANT TO ARTICLE 7 OF THE TOWN LAW OF THE STATE OF NEW YORK.

Motion carried unanimously (4-0)

098-2007

b. Councilmember Glitch mentioned that there was a problem at the Group Home on Maple Avenue. Apparently a resident left the facility and sat on the porch of a neighbor's home and was seen sitting in the roadway to the facility. Councilmember Adam-Anderson and Supervisor Calabrese have been in contact with the home owner and the staff at the group home and have hopefully resolved the problem.

10. Set next meeting date: September 5, 2007 (Budget Workshop); September 12th (Regular Meeting and Public Hearing), both at 7:30 PM.

11. Privilege of the Floor: None requested.

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

Respectfully submitted,

Nancy Hollenbeck
Town Clerk