

A Worksession of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Court Room at 7:00 PM on September 13, 2005. The following were

PRESENT: Supervisor James D. Hoffman
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Charles R. Monsees
Councilman Anthony Verno

ABSENT: None

The Board reviewed bills for payment.

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Court Room following the worksession and was called to order at 7:30 PM on September 13, 2005 by Supervisor Hoffman with the Pledge of Allegiance. The following were

PRESENT: Supervisor James D. Hoffman
Councilman G. Elliott Warren
Councilman Gary Orbaker
Councilman Charles R. Monsees
Councilman Anthony Verno

ABSENT: None

David Frohlich, John Ferrante, David Feindel, Kevin Schulte, David LeRoy, Phil Dean, Steve Haywood; Assessor/Bldg. Inspector, Donald Johnson; IAO, Robert Hilbert; IAO, Mike Schaffron; P.E., Wilma Young, and the undersigned Town Clerk were also present.

A notice having been published for a Public Hearing to hear comments for or against proposed Local Law # 2-2005, for the "Power Generating Windmills – On-Site Use Wind Energy Systems" in the Town of Williamson. After David Feindel explaining the intent of the proposed Local Law, Supervisor Hoffman declared the Hearing open at 7:31 PM. Questions and comments were heard from Wilma Young, John Ferrante, David Frohlich, and Kevin Schulte. Other surrounding towns have looked at what Williamson has put together to use in their towns. Everyone thanked the Planning Board for their time and effort in creating this Local Law. After hearing everyone who wished to comment or ask questions, the Hearing was closed at 7:40 PM with a motion made by Supervisor Hoffman, seconded by Councilman Orbaker. The motion was carried.

Steve Haywood introduced Donald Johnson and Robert Hilbert with Appraisal Consultants. Mr. Hilbert and Mr. Johnson presented to The Board a proposal to provide reassessment consulting services to the Town for the 2007 assessment roll. He explained each of the services that they would provide and their qualifications. The total cost for the project presented would be \$79,000. To have digital pictures of every improved property [approximately 2,600 to 2,700], it will cost an additional \$20,000.

A notice having been published for a Public Hearing for the purpose of "Purchasing two High Lift Pumps for the Water Treatment Plant through a Bond", Supervisor Hoffman declared the Hearing open at 8:03 PM. Mike Schaffron explained the project. The cost for the high lift pumps is \$200,000 with allowance for contingencies. The bond would be for fifteen years, and the interest at this time is 4.5% and budgeting for 5.5%. The cost per year would be approximately \$20,000. Councilman Verno reminded everyone that this project may not have to be bonded but be taken out of the Water Reserve Fund. It was recommended that The Board do the preliminary process of bonding the project just in case there was not enough money in the Water Reserve Fund. As no one wished to comment, the Hearing was closed at 8:10 PM with a motion made by Councilman Warren and seconded by Councilman Orbaker. The motion was carried.

Mike Schaffron informed The Board he had received written approval from the NYS Department of Health to go ahead with the project to replace the watermain on East Townline Road. The Town should be receiving the notification shortly. He also mentioned the inspection and report of the two million gallon reservoir tank has been completed and would be coming in soon. The report shows the tank to be in better condition than what was earlier thought.

Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Warren, to accept the Consent Agenda containing the following items:

- a. previous minutes: August 23, 2005
- b. presentation of the Town Clerk's report
- c. accept the Supervisor's report for August, 2005
- b. pay the Library bills as audited by the Library Board of Trustees:
vouchers , total \$
- c. to accept the following budgetary transfers:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
<u>A-GENERAL FUND</u>		
A1990.900 Contingency	\$ 300.00	A1420.400 Attn-Con.
A1460.400 SARA/Rec-Contr	500.00	A1460.100 SARA/Rec-Pers srvc
A1990.900 Contingency	25.00	A8020.400 Planning-Contr
<u>DA-HIGHWAY</u>		
DA5110.400Gen Repairs-Contr	20,000.00	DA5112.400 Improve-Contr
DA5142.400 Snow Remov-Contr	15,000.00	DA5112.400 Improve-Contr
DA5130.400 Machinery-Contr	500.00	DA5140.400 Misc-Contr
<u>F-WATER FUND</u>		
F8340.200 Trans/Dist-Equip	1,000.00	F8340.415 Trans/Dist-Srvc Sup
F8340.200 Trans/Dist-Equip	5,000.00	F8340.416 Trans/Dist-Wat Mn Rep
<u>SS-SEWER FUND</u>		
SS8120.421 Sewer lines-Elect-Lines	5,000.00	SS8120.400 Sewer Lines-Contr
SS8120.421 Sewer lines-Elect-Lines	500.00	SS8120.440 Sewer Lines-Veh Maint

The motion was carried.

Councilman Orbaker presented the following Resolution and moved its adoption. It was seconded by Councilman Monsees.

WHEREAS: The Williamson Town Board hereby appoints a citizen committee to advise the Town Board on economic matters. The role of this committee is advisory. The Town Board is not delegating its authority nor authorizing the spending of public monies, and

WHEREAS: To carry out this mission, the EDT is expected to identify both short and long-term economic trends, highlight economic opportunities and provide long term direction for sound, economic growth in Williamson, and

WHEREAS: Appointed to the Economic Development Team (EDT) are:

Dave Frohlich	Economic Development Coordinator, Chairman
Maria Ehresman	Superintendent of Williamson Central Schools
Craig Logan	Principal, BOCES
Gary Orbaker	Councilman, Town Board Liaison
Wilma Young	Media, Agriculture
Jim Verbridge	KM Davies
Bill Herbert	Scientist, Xerox Corporation
Jim Fischette	Cadbury Schwepps
Nancy Jordan	President, Williamson Chamber of Commerce
Jack Grow	Attorney
Dave Feindel	Chairman, Planning Board, and

WHEREAS: Dave Frohlich is designated as Chairperson of the Committee, as such, he will schedule and conduct quarterly meetings. It is anticipated that he will report to the Town Board on a semi-annual basis on the progress and activities of the EDT.

NOW, THEREFORE, BE IT RESOLVED: Membership in the EDT should be reviewed annually commencing at the end of 2006 and can be changed by Town Board resolution.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman
Councilman Warren
Councilman Orbaker
Councilman Monsees
Councilman Verno

NAYES: None

The Resolution was declared adopted.

The Town Clerk presented the 2006 Tentative Budget to the Town Board.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to authorize the Town Supervisor to sign an agreement with B.P. Donegan, Inc. for bonding of the High Lift pumps at a cost of 8,000.00 contingent on bonding the project. The motion was carried.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Warren.

BOND RESOLUTION DATED SEPTEMBER 13, 2005,
AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN
OF WILLIAMSON TO FINANCE WATER SYSTEM CAPITAL
IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE
ISSUANCE OF BOND ANTICIPATION NOTES IN
CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS
FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS
IN CONNECTION THEREWITH.

WHEREAS, the Town of Williamson Water District is a Water District of the Town of Williamson, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on September 13, 2005, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law;

WHEREAS, the Town has duly complied with the requirements of the State Environmental Quality Review Act and the applicable regulations thereunder of the State of New York ("SEQRA") with respect to the purpose hereinafter described and the financing therefore, has completed its environmental review and on August 23, 2005, duly found the purpose to be a type II action under SEQRA which will not include the potential for a significant environmental impact and such purpose is not subject to any further environmental review under SEQRA; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF WILLIAMSON, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Williamson shall undertake the acquisition and construction of water improvements for the Town of Williamson Water District, consisting of the purchase of two High Lift Pumps at the Water Treatment Plant, (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$200,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$200,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by any amount that may be expended for such purpose from the existing capital reserve fund, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued

pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Williamson.

Section 7. The faith and credit of the Town of Williamson, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all

the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Williamson together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman
Councilman Warren
Councilman Orbaker
Councilman Monsees
Councilman Verno

NAYES: None

The Resolution was declared adopted.

Supervisor Hoffman presented the following Resolution and moved its adoption. It was seconded by Councilman Verno.

WHEREAS: The Town Charge Card was obtained when Thomas Wetherell was Town Supervisor listing him as the primary cardholder, and his term of office ended in January, 2004, and

WHEREAS: The bank requires the Town declare a new primary cardholder, so that he can be removed as the primary holder,

NOW, THEREFORE, BE IT RESOLVED: That the Town Board of the Town of Williamson appoint the Williamson Town Clerk, Marlene Gulick as the primary cardholder.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman
Councilman Warren
Councilman Orbaker
Councilman Monsees
Councilman Verno

NAYES: None

The Resolution was declared adopted.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to authorize the Town Supervisor to sign an agreement with EBS Benefit Solutions for the services provided for the Town's Flexible Spending Account. The cost for these services will be \$275.00 per year annual fee and an additional \$50.00 per month. The motion was carried.

Councilman Warren made a motion, seconded by Councilman Monsees, to authorize the Town Clerk to advertise in the Sun & Record issues of September 22nd and October 6th, 2005 for nominations for the Diann Roffe award. Nominations will be accepted until Friday, November 4, 2005. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Verno, to authorize the Town Clerk to advertise in the Sun & Record issue of October 6, 2005 that the Town Offices will be closed on Monday, October 10, 2005 for the Columbus Day Holiday. The motion was carried.

Councilman Warren informed The Board, another dug out at the Park has been completed.

Councilman Monsees made a motion, seconded by Councilman Orbaker, to authorize the Assessor, Steve Haywood to attend a seven hour National USPAP Update Course. The course will be held on October 7th, 2005 at the Genesee Community College in Batavia. The registration fee is \$125.00 with all other necessary and actual expenses to be a Town charge. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Verno, to accept the Union Contract for 2005-2008 containing the agreed upon changes. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Warren, to adopt the proposed Local Law #2, 2005 – Power Generating Windmills – On-Site Use Wind Energy Systems. The motion was carried.

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LOCAL LAW # 2005-2

Chapter 178-27A: POWER GENERATING WINDMILLS – ON-SITE USE WIND ENERGY SYSTEMS

§178-27A-1. Intent and Purpose:

The state of New York has enacted programs to encourage the prudent use of wind as an abundant, renewable and non-polluting source of energy. The New York State Energy Research and Development Authority (NYSERDA) is established to develop programs that encourage a sustainable market for quality end use wind systems.

The purpose of this Local Law is to support and enable the use of wind energy-deriving towers (hereafter referred to as *wind turbines*) while providing reasonable controls to protect the health, safety, and general welfare of residents in the Town of Williamson. All wind generating tower applications will require a special use permit and include a public hearing. This code will leverage the work of NYSERDA to provide the regulation foundation. The wind turbines addressed by this code are primarily intended to supply on-site consumed electrical power needs to displace that provided by a public utility. Net-metering does this where the electric meter runs in reverse when more power is being generated than being used.

The much larger scale wind turbines and wind farms intended to sell energy directly to power companies or retail users are not included in this code and will be covered independently.

§178-27A-2. Permits required.

No person, firm or corporation, being the owner or occupant of any land or premise within the Town of Williamson, shall use or permit the use of said land or premises for the construction of a tower for energy-deriving purposes without obtaining a permit and site plan approval as defined herein.

§178-27A-3. Exemptions.

A. None.

§178-27A-4. Limitation of the number of wind turbines per lot.

The number of wind turbines shall be limited to the number required for on-site energy consumption.

§178-27A-5. Wind Systems.

The small wind energy system shall include the following components:

- 1) Qualified wind generators – listed on the NYSERDA list of Qualified Wind Generators which gives consideration to 1) evidence of certification by a nationally recognized testing laboratory as meeting the safety and performance of a nationally or internationally recognized testing institution, or 2) provides evidence acceptable to NYSERDA.
- 2) Wind generators must not be mounted on any pre-existing structure without engineering analysis showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer demonstrating that the tower and foundation meets or exceeds requirements to withstand the most stringent wind load conditions for structures as set forth in the Building Code of New York State or other locally adopted code appropriate for the installation location.
- 3) Conversion electronics, Inverters – certified as meeting the requirements of IEEE Standard 929-2000 and UL 1741, with preference to those listed on New York State Public Service Commission’s list of eligible or type tested inverters. Inverters not listed may be used if the wind system receives an appropriate interconnection agreement from the utility and the installation meets NYS’s Standard Interconnection Requirements.
- 4) Other Electrical Components – All other electrical components of the systems such as charge controllers, batteries, wiring, and metering equipment must be certified as meeting the requirements of any relevant national and state codes and standards.
- 5) Interconnection – All applicants proposing grid-connected systems must provide evidence that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. When required, systems must meet NYS’s Standard Interconnection Requirements. Off-grid systems shall be exempt from this requirement.
- 6) Installers – NYSERDA maintains a list of Program Eligible Installers, which depends on education, training and experience to maintain their listing. The use of installers from NYSERDA list is strongly recommended in the interest of safety.

§178-27A-6. Permit application.

- A. All applications for a wind turbines permit and site plan approval shall be by written application on forms provided by the Town of Williamson Building Department (see section 178-19 Site plan requirements) and subject to a special use permit issued by the Zoning Board of Appeals (see section 178-20- Standards applicable to all special uses). Per Article VI, Special Uses.
- B. In addition to the requirements of section 178-19, each application for a wind turbine shall be accompanied by a complete plan, prepared by a professional engineer licensed by the state of New York, drawn to scale, showing the location of the tower on site; a landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features including size and type of plant material; a drawing

of applicant's and adjacent parcels showing existing structures; dimensions and size of various structural components of the tower's construction; design data which shall indicate the basis of design; soil type at construction site; and certification that the tower was designed to withstand wind load requirements for structures as set forth in the Building Code of New York State.

- C. The system shall comply with all applicable state and federal regulations including Federal Aviation Administration and state/federal environmental requirements. A completed NYS Environmental Quality Review-Full Environmental Assessment Form shall be included. The Williamson Planning Board will act as lead agency for this SEQR review.
- D. All applications for the construction of a tower to be used to derive energy will be referred to the Planning Board for site plan approval under the procedures set forth in Chapter 178 of the code of the Town of Williamson. In granting site plan approval, the Planning Board may impose other conditions and restrictions deemed necessary for the maintenance, safety of such towers and/or to preserve and protect the character of the neighborhood and health, safety and welfare of the community.

§178-27A-7. Site plan standards.

Prior to issuance of final site plan approval the following requirements shall be complied with:

- A. Towers shall typically be located or placed in rear yards.
- B. Guy wires and anchors for towers shall be located no closer than ten feet from any property line. Additionally, all guy wires must be marked and clearly visible to a height of 10 feet above the guy wire anchors.
- C. Neutral paint colors may be required to achieve visual harmony with the surrounding area.
- D. All wind turbines shall be set back from property lines, public roads, power lines, and any preexisting and future structures by a distance at least equal to the height of the tower plus blade length plus 25 feet. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Zoning Board of Appeals may waive setback requirements from adjacent properties if the property owner agrees to grant an easement binding on the current and future owners.

§178-27A-8. Noise level.

The level of noise produced during wind turbine operation shall not exceed the ambient nighttime level at any neighboring residential structure and 10 DBA above ambient measured at the property line, except during short-term events such as utility outages and severe windstorms. The applicant must provide evidence that the installation will meet these noise requirements.

Applicants may apply for exemptions from this requirement with written authorization from the pertinent building owner(s) and tenants, if applicable.

§178-27A-9. Height limitations.

- A. It is recognized that wind turbines require greater heights to reach elevations with wind currents reasonably adequate to generate energy. Towers used solely for energy-deriving purposes shall not exceed a total height of 50 meters (\cong 164 feet) from the ground to the top of the tower (center of hub), provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
- B. If the proposed site is near an airport, seaplane base, or military flight zone, wind turbines must meet all Federal Aviation Administration requirements. Wind turbines exceeding 200 feet or penetrating FAA designated air space near airports will be strongly discouraged.
- C. The minimum distance between the ground and any part of the rotor blade must be 30 feet (\cong 9.2 meters).

§178-27A-10. Energy shutdown/safety.

- A. Applicant shall post an emergency telephone number so that the appropriate people may be contacted should any wind turbine need immediate attention. This telephone number shall be clearly visible on a permanent structure(s) or post(s) located outside the fall zone of the tower. The location should be convenient and readily noticeable to someone likely to detect a problem (example: adjacent to a public way).
- B. No wind turbine shall be permitted which lacks automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or enclosed shelter.
- C. Energy towers shall have lightning protection.

§178-27A-11. Lighting.

A wind turbine shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).

§178-27A-12. Utility service.

All power lines from the wind turbines to on-site interconnection equipment shall be underground.

§178-27A-13. Access road.

Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way so that it allows for passage of emergency vehicles in the event of an emergency.

§178-27A-14. Security provision.

The wind turbine design shall not readily climbable by the public for a minimum height of 15 feet from the ground.

§178-27A-15. Decommission.

The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the wind turbines. This letter of intent shall be filed with the building inspector prior to the issuance of a building permit. The owner shall remove the obsolete or unused wind turbines and accessory structures within one year of such notification, or sooner to address an unsafe condition. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations shall be a violation of this local law and the cost of removing the wind energy deriving towers and accessory structures shall be placed as a lien on the property owner's tax bill.

§178-27A-16. Public hearings.

No action shall be taken by the Zoning Board of Appeals to issue a special use permit, by the Planning Board to issue preliminary site plan approval nor the Zoning Board of Appeals to grant use and area variance until

after public notice and hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Williamson at least five days before the date set for a public hearing and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying by certified mail all property owners of record within 300 feet of the outside perimeter or boundary line of property involved in the preliminary application of the time, date and place of such public hearing by mail at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property records of the Town Assessor or at the property address. At least seven days prior to such hearing the applicant shall file with the board his/her affidavit verification of mailing such notice. Failure of property owners to receive such notice shall not be deemed a jurisdictional defect.

§178-27A-17. Enforcement; penalties for offenses.

- A. Any violation of this chapter of any order, requirement decision or determination issued by the Building Inspector, his/her agent or designee pursuant to this chapter is hereby declared to be an offense. Such offenses may incur punishments covered in the Williamson Town Code, Part I, Chapter I, General Provisions, Article II, Penalties for Offenses.
- B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding to prevent, correct or restraint any violation of this chapter.

§178-27A-18. Fees.

Fees for applications and permits under this chapter shall be established by the resolution of the Williamson Town Board.

§178-27A-19. Validity, savings and severability.

- A. Should any section, paragraph, sentence, clause, word, part or provision of this chapter be declared void, invalid or unenforceable for any reason, such declaration shall not effect the validity of any other part of this chapter which can be given effect without the part(s) declared void, invalid or unenforceable.
- B. Except as contained in this local law, Local Law No. 2 for 2004 establishing a moratorium on electrical generating wind towers shall remain in effect.

§178-27A-20. Effective date.

This chapter shall take effect immediately upon filing with the Secretary of State.

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Councilman Verno made a motion, seconded by Councilman Orbaker, to adopt the proposed Local Law #3, 2005 – Temporary Moratorium on Building, Assembling and Installation of Commercial Operated Power Generating Windmills. The motion was carried.

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**LOCAL LAW # 2005-3
TEMPORARY MORATORIUM ON BUILDING, ASSEMBLING AND INSTALLATION
OF COMMERCIAL OPERATED POWER GENERATING WINDMILLS**

SECTION 1. Purpose.

(a) It is the purpose of this law to prevent and avoid serious detrimental environmental, planning and economic concerns for a reasonable period of time in order to effectuate solutions to those serious and detrimental conditions which threaten the Town of Williamson by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the town to resolve and lessen such threats to health, safety and welfare of the citizens of the Town of Williamson. It is also the purpose of this law to allow the Town of Williamson a reasonable period of time in order to study the varying issues and effects of power generated windmills within the Town.

(b) It is the further purpose of this law to enable the Town of Williamson to cease building, assembling and installation of power generating windmills for a reasonable period of time pending:

- (1) the completion of a plan for regulating the building, assembling and installation of power generating windmills;
- (2) the adoption of a local law and/or other ordinances necessary to effectuate that plan by the Town of Williamson;
- (3) it is understood that this moratorium is a Type II Action under the State Environmental Quality Review Act (SEQRA) and as such SEQRA does not apply to moratoria.

(c) It is the further purpose of this law to fulfill the Town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare and safety of the citizens of the Town of Williamson, and in particular, to protect the value, use and enjoyment of property in the Town, to prohibit the building and installation of power generating windmills until the Town Board has instituted and completed proceedings on recommendations for adoption of the building, assembling and installation of power generating windmills and any other necessary ordinances or amendments to the ordinances of the Town of Williamson.

SECTION 2. Imposition of Moratorium and Duration.

(a) For a period of six (6) months from and after the adoption date of this law, no new commercially operated power generating windmills (as defined in subsection Section 2(b)) may be built or installed within the Town of Williamson.

(b) A commercially operated power generating windmill shall be defined as a mill or machine usually acting on oblique vanes or sails that radiate from a horizontal shaft powered by a renewable energy system that converts the energy found in sunlight, wind, falling water, waves, geothermal heat, or biomass into a form readily usable as heat or electricity, which is then sold off-site.

SECTION 3. Enforcement.

(a) In the event of a violation or attempted violation of this local law, the Town may seek a court order preventing such violation or an order requiring removal and/or disassembly of any power generating windmill in violation of this local law.

(b) In the event the Town is successful in its proceedings against an offender, then the Town shall be entitled to recover from such offender the costs of the enforcement proceeding including attorneys fees, costs and disbursements.

SECTION 4. Validity.

(a) If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

SECTION 5. Effective Date.

(a) This law shall take effect immediately upon filing with the Secretary of State and terminate in one year from date of filing.

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Councilman Monsees made a motion, seconded by Councilman Orbaker, to accept the resignation from Robert Bills, Highway Department. His last day of work will be October 14, 2005. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Monsees, to advertise in the Sun & Record issue of September 15, 2005 to receive applications for a Light Equipment Operator for the Highway Department.. All applicants must have a clean CDL license and pass a pre-employment drug test. Applications can be obtained from the Town Clerk’s office and will be accepted until September 22, 2005 at 4:00 PM. The motion was carried.

Public Comment: Dave Frohlich reminded everyone the Chamber of Commerce members will meet at Harbec, Inc. on Route 104 in the Town of Ontario to check out their wind mill on September 26, 2005 and there will be an Open House for “Renew New York” promotion being held at the RIT campus on October 4, 2005. There will be a lot of information on alternative energy sources presented. Wilma Young inquired about fuel costs and how it was impacting the Town.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to pay the following bills as audited:

Account:	Voucher No.:	Totals:
General Fund	434 through 473	\$ 11,560.83
Youth	69 through 70	
Highway Fund	252 through 271	\$112,628.49
Water Fund	251 through 266	\$ 33,491.48
Sewer District No. 1	165 through 176	\$ 6,531.12
Lighting District	8	\$ 3,298.62
<u>Capital Improv. H-16</u>	<u>123</u>	<u>\$ 3,082.31</u>
Total:		\$170,592.85

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Orbaker, to enter into Executive Session for discussion regarding personnel at 8:30 PM. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Orbaker, to return to Open Session at 9:01 PM. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Monsees, to adjourn the meeting at 9:02 PM. The motion was carried.

Respectfully Submitted,

Marlene A. Gulick
Town Clerk