

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 December 12, 2006. The following were

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

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 December 12, 2006 by Supervisor Hoffman with the Pledge of Allegiance. The following were

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

ABSENT: None

Steve Haywood; Building Inspector, Assessor, Zoning Officer, Ashley McCaslin, Krista Lewis; Williamson High School Asst. Principal, Libby Miller; REACH Coordinator, Phil Dean, Nancy Gowan, Michael Bixby, Eileen Loveman; Sun & Record, and the undersigned Town Clerk were also present.

The Board announced the Town Board meeting of December 26, 2006 has been changed to December 27, 2006 due to the Town Complex being closed for the Christmas holiday.

A notice having been published for a Public Hearing to hear comments for or against proposed Local Law # 3-2006, the amendment to Chapter 68: "Building Construction and Fire Prevention" in the Town of Williamson. Supervisor Hoffman declared the Hearing open at 7:31 PM. Steve Haywood; Building Inspector/Assessor/Zoning Officer reviewed only the changes to the Local Law with the Town Board. He explained the changes were due to the changes the State had made. At the completion of reviewing the changes, comments and questions from The Board, Nancy Gowan, and Mike Bixby. After hearing everyone who wished to speak, the Hearing was closed at 7:42 PM with a motion made by Councilman Warren and seconded by Councilman Orbaker. The motion was carried.

Libby Miller; the REACH program coordinator, Ashley McCaslin; student representative and Krista Lewis; Williamson High School Asst. Principal handed out an update to the program changes pertaining to their goals, the structure of the program, and how they want to reach resources and assets outside the school.

Public Comment: No one wished to comment

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

- a. previous minutes: November 28, 2006
- b. Town Clerk's report for November
- c. pay the Library bills as audited by the Library Board of Trustees:
 vouchers 295 - 313, total \$ 2,969.64
- d. advertise the 2007 Organizational Meeting for Tuesday, January 2, 2007
- e. to accept the following budgetary transfers:

<i>From</i>	<i>Amount</i>	<i>To</i>
<u>General Fund</u>		
A1990.900 Contngncy. Acct	\$200.00	A1660.400 Central Stores Contr. Acct
	\$100.00	A3510.400 Animal Control Contr. Acct
	\$200.00	A8810.400 Cemeteries Contr. Acct
<u>Water Fund</u>		
F8310.421 Ad. Heating/Gas	\$6,000.00	F1440.400 Engineering
<u>Sewer Fund</u>		
SS8120.200 Sewer Lines, Equip	\$6,000.00	SS8120.400 Sewer Lines, Contr Acct.
SS8130.460 Sewer Tr Plnt Cont.	\$1,000.00	SS8130.412 Sewage Tr Plnt Other Chem

The motion was carried.

Councilman Warren made a motion, seconded by Councilman Verno, to approve the expenses for a Community Center survey. The costs for the printing and mailing of these surveys will not exceed \$1,000.00. The motion was carried.

The Williamson Central School Board has also approved spending \$1,000 towards the survey.

The following two quotes were received for janitorial cleaning service at the Town Hall and Court facility.

- Duraclean By Davis - \$150.00 per week
- Distinct Cleaning Enterprise - \$27.00 per week

Councilman Warren made a motion, seconded by Councilman Verno, to hire Distinct Cleaning Enterprise for janitorial cleaning services for the Town Hall and Court. The Town Supervisor is authorized to sign a janitorial cleaning agreement with said company. The cost for these services will be \$25.00 per week. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Orbaker, to adopt the proposed Local Law #2006-2 Chapter 178-27B, "Power Generating Windmills - Commercial Wind Farms". The motion was carried.

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LOCAL LAW #2006-2
Chapter 178-27.2
"POWER GENERATING WINDMILLS – COMMERCIAL WIND FARMS"

§178-27.2-1 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) was 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. This code will leverage the work of NYSERDA to provide the regulation foundation. The wind turbines addressed by this code are the larger scale wind turbines and wind farms which are intended to sell energy directly to power companies or retail users.

§178-27.2-2 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 meeting permit requirements and obtaining site plan approval as defined herein.

§178-27.2-3 Exemptions

Those windmills covered under Williamson Code entitled "Power Generating Windmills – Onsite Use Energy Systems" (Local Law 2005-2).

§178-27.2-4 Wind Systems

A commercial wind energy system shall include the following components:

- 1) Qualified wind generators - evidence of certification by a nationally recognized testing laboratory as meeting the safety and performance of a nationally or internationally recognized testing institution.
- 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 New York State Building Code or other locally adopted code appropriate for the installation location.
- 3) Electrical Components – 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.
- 4) Interconnection – All systems must have an appropriate interconnection agreement with the utility and commercial wind energy system must be installed in compliance with that agreement.

§178-27.2-5 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 Inspector's Office (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).

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(s) on site; proof of applicants' liability insurance; 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, including a completed NYS Environmental Quality Review-Full Environmental Assessment Form. 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.

§178-27.2-6 Site plan standards

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

A. Landscaping and facility features may be requested to achieve visual harmony with the surrounding area. The applicant will provide visual simulation studies for the Planning Board and public review.

B. Property Setback - All wind turbines shall be set back from property lines, public roads, and any preexisting and future structures by at least 1500 feet. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. Leased property can include more than one piece of property and the requirements shall apply to the combined properties. The SCADA (supervisory control and data acquisition) tower-setback shall be at least the height of the SCADA tower (monitors wind turbine operational data from a remote location). An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property setback requirement applicable to that type of building or equipment. The Zoning Board of Appeals may waive setback requirements from adjacent properties if the property owner(s) agree to grant an easement.

C. Noise – The applicant will provide data and simulations to demonstrate the wind turbine project will have demonstrated ability to be within the following sound thresholds:

1) Audible noise due to Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Facility Siting permit.

2) In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of two (2) contiguous one-third octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

3) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard may be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in DBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generating noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbines operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

4) Any noise level falling between two whole decibels shall be the lower of the two.

5) In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be granted by the Planning Board provided that the following have been accomplished:

a. Written consent from the property owners has been obtained stating they are aware of the Wind Energy Facility and noise limitations imposed by this code, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed, and

b. A permanent noise impact easement has been recorded in the (Office of the County Register of Deeds) which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this code may exist on or at the burdened property.

D. Construction and Electrical Codes Interconnection Standards – Commercial wind energy systems including towers shall comply with all applicable state construction and electrical codes. Commercial wind energy systems shall comply with applicable utility, New York State Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

E. FAA Regulations – Commercial wind energy systems including towers shall comply with Federal Aviation Administration requirements, NYS and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. Lights should be of the lowest intensity required. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.

F. Falling Ice – Signage shall be used to warn visitors about the potential danger of falling ice. All commercial wind energy systems within 1000 feet of a public road shall be shut down for the duration of any freezing ice storm.

§178-27.2-7 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 350 feet (\cong 106.6 meters) from the ground to tip of the blade at its highest point.

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 since visually lighting will be required and may be visually disruptive to many Williamson neighborhoods.

C. The minimum distance between the ground and any part of the rotor blade must be 75 feet (\cong 23 meters).

§178-27.2-8 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.

§178-27.2-9 Lighting

A wind turbine shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Lower disturbance level lighting schemes shall be used when recommended by nationally recognized institutions.

§178-27.2-10 Utility service

All power transmission lines from the wind electricity generation facility between towers and to on-site transfer stations shall be underground.

§178-27.2-11 Access road

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

§178-27.2-12 Security provision

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

§178-27.2-13 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 first class 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 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.

§178-27.2-14 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 Code of the Town of Williamson, 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 restrain any violation of this chapter.

§178-27.2-15 Fees/Reimbursement of Expenses

Fees for applications and permits under this chapter shall be established by resolution of the Williamson Town Board. The developer shall reimburse the town for the costs incurred to review and execute a wind turbine project.

§178-27.2-16 Taxes

Wind farm properties shall be assessed and taxed like any other commercial enterprise. However, each taxing agency shall have the right to grant tax incentives and/or exemptions to encourage the use of renewable energy systems such as wind farms.

§178-27.2-17 Validity, savings and severability

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 affect the validity of any other part of this chapter which can be given effect without the part(s) declared void, invalid or unenforceable.

§178-27.2-18 Definitions

Definitions of terms used in this code which are associated with wind power systems may be found the documents in NYSEDA's "Wind Energy Toolkit: Community Resources for Wind Development", located at <http://www.powernaturally.org/Programs/Wind/toolkit.asp>.

§178-27.2-19 Effective date

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

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Councilman Orbaker made a motion, seconded by Councilman Verno, to appoint Dr. Krishna V. Persuad, as the Town of Williamson, Health Officer. His appointment will be for a four year term commencing January 1, 2007 until December 31, 2010. The motion was carried.

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

WHEREAS: The 1996 Medtec Ford Ambulance was declared surplus and an ad was placed with Firetec Apparatus Brokers to sell the ambulance,

WHEREAS: An offer has been received from Life Star Rescue in the amount of \$10,000.00,

NOW, THEREFORE, BE IT RESOLVED: That the Town Board accepts the offer from Life Star Rescue for \$10,000 with a 10% binder, \$1,000.00, fee to be paid to Firetec Apparatus Sales.

Roll call vote on the Resolution was as follows:

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

NAYES: None

The Resolution was declared adopted as amended.

Councilman Verno made a motion, seconded by Councilman Orbaker, to authorize the Town Clerk to advertise in the Sun and Record, issue of December 21, 2006, to receive bids for materials for the watermain replacement project on Ridge Road from Tuckahoe to Poplar, Poplar, Old Ridge and Cottage Streets. Bids will be received until January 19, 2007 at 2:30 PM at which time the bids will be opened and read. The town board reserves the right to reject any and all bids. The motion was carried.

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

WHEREAS: Cadbury Schweppes of Williamson continues to expand their operation in Williamson, providing positive support to the economy of the Town and Wayne County, and

WHEREAS: Since April 1995, the Town of Williamson has established a discounted water rate for Motts for all water used over 36 million gallons per quarter,

NOW, THEREFORE, BE IT RESOLVED: That beginning with the January, 2007 billing, Cadbury will be charged the prevailing water rate for the guaranteed purchase amount of 36 million gallons per quarter at a rate of \$2.80 per thousand, and will receive a discount of .75 per thousand gallons for water used over that amount in the quarter at a rate of \$2.05 per thousand gallons,

BE IT FURTHER RESOLVED: That late charges will be assessed in the amount of 10% on any bill not paid before the penalty period of 30 days after bill date, and

BE IT FURTHER RESOLVED: The aforementioned rates will be in place through the billing of January 1, 2010 unless there is a major emergency affecting the ability of the Town of Williamson to provide water to the plant.

Roll call vote on the Resolution was as follows:

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

NAYES: None

The Resolution was declared adopted.

Public Comment: Phil Dean announced the Drainage Committee meeting has been changed from Monday, December 25, 2006 to Monday, December 18, 2006.

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

<u>Account:</u>	<u>Voucher No.:</u>	<u>Totals:</u>
General Fund	634 through 665	\$ 143,154.46
Youth	110	
Highway Fund	421 through 436	\$ 6,728.59
Water Fund	346 through 360	\$ 289,773.02
Sewer Fund	214 through 225	\$ 102,737.21
<u>Capital Fund H-16</u>	<u>147</u>	<u>\$ 1,216.00</u>
Total:		\$ 543,609.28

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Verno, to enter into Executive Session for discussion regarding a personnel matter at 8:05 PM. The motion was carried.

Councilman Monsees made a motion, seconded by Councilman Orbaker, to return to Open Session at 8:13 PM. The motion was carried.

Councilman Verno made a motion, seconded by Councilman Warren, to adjourn the meeting at 8:14 PM. The motion was carried.

Respectfully Submitted,

Marlene A. Gulick
Town Clerk