

**Special Town Board Meeting
Wind Energy Moratorium
Gaines, NY June 27, 2006**

PRESENT:	Richard Decarlo -----	Supervisor
	Lorraine Oakley -----	Councilwoman
	James Kirby -----	Councilman
	Bill Lattin -----	Councilman
	David Kast -----	Councilman
	Jean Klatt -----	Town Clerk
	Jonh Gavenda -----	Council

ABSENT: None

OTHERS PRESENT: Lorienda Smith, Chris Watt, Phil McKenna, John Long, and Loretta Long

Supervisor DeCarlo called the meeting to order at 4:30 PM with the Pledge to the Flag.

PRIVILEGE OF THE FLOOR / PUBLIC CONCERNS

None

RESOLUTION 47 - 06

APPROVAL OF MINUTES

On a motion from Councilwoman Oakley, and seconded by Councilwoman Lattin the following resolution was

ADOPTED	Ayes	3	DeCarlo, Oakley, Lattin
	Nays	0	
	Abstain	2	Kast, Kirby

Resolved that the minutes from the June 13, 2006 meeting be approved with the spelling of Gerard Morrisey's name corrected and that Linda Prince was present.

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Supervisor DeCarlo read the following :

ARTICLE II IMPOSITION OF MORATORIUM

Section 201: Imposition of Moratorium

For a period of Three Hundred Sixty Five (365) days after the date of filing this local law with the Department of State, no application or erection of wind energy deriving towers, meteorological towers or transmission facilities may be filed nor will any application be accepted or proceed, with the exception of windmills utilized for irrigation proposes with a constricted height of thirty five (35) feet or less, as well as test towers utilized to determine the viability of the siting of wind energy deriving towers. The height of said test towers is to be set through the application and permit process. The permit granting the construction of said test towers shall limit the life of the test tower to two (2) years measured from the date the permit is granted by the town with the option of extending the life of said test tower. The permit will be contingent upon the filing of a performance bond by the applicant to insure the removal of the tower at the conclusion of the permit period.

The number of test towers shall be limited to a total of four (4) within the Town of Gaines for the period of this moratorium. Permit applicant shall reimburse the town for the administration costs associated with the project.

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RESOLUTION ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2006

Resolution adopted at a meeting of the Gaines Town Board held on the 27th day Of June, 2006, at 4:30 p.m., at which the following were:

PRESENT: Richard A. DeCarlo, Sr., Supervisor
C.W. Lattin, Councilman
Lorraine Oakley, Councilwoman
James Kirby, Councilman
David Kast, Councilman

ABSENT: None

Councilperson Oakley moved the adoption of the following resolution;
Councilperson Lattin seconded the motion;

WHEREAS, Local Law No. 1 of the Year 2006 of the Town of Gaines, Orleans County, New York, being a local law entitled "The Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law", was introduced and placed on the desks and the tables of the members of the Town Board at least seven (7) days prior to final adoption at a special meeting of the Gaines Town Board held on June 27, 2006, and

WHEREAS, said Local Law was referred to the Orleans County Planning Board for review as otherwise required by law, and upon review, the Orleans County Planning Board recommended APPROVAL of said local law; and

WHEREAS, the Town Board conducted a public hearing to consider the adoption of proposed Local Law No. 1 on the 13th day of June, 2006 at 4:30 p.m., at which public hearing all persons wishing to be heard in favor or against said adoption were heard, and

WHEREAS, the Town Board has determined that such action is a "Type 1" action under the provisions of SEAR and authorized the issuance of a Negative Declaration indicating that such action will not result in significant environmental impacts;

WHEREAS, it is now the intent and desire of the Town Board to adopt Local Law No. 1 of the Year 2006, now therefore, be it

RESOVLED, that Local Law No. 1 of the Year 2006 of the Town of Gaines, Orleans County, New York, being a local law entitled "The Town of Gaines Moratorium on Wind Energy Deriving Towers, Meteorological Towers and Transmission Facilities Law," be and the same is hereby adopted.

Upon being put to a vote, the following voted "Aye" in favor of adoption: DeCarlo, Oakley, and Lattin

The following voted "No" in opposition there to:

None

The following abstained:

Dated: June 28, 2006

CERTIFICATION OF CLERK

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss.:
TOWN OF GAINES:

I, JEAN KLATT, Town Clerk of the Town of Gaines, County of Orleans, and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Gaines, on the 28th day of June, 2006 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: June 28, 2006

Town of Gaines

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On a motion from Councilman Lattin, and seconded by Councilwoman Oakley the meeting was adjourned at 5:15 PM.

Sincerely Submitted,

Jean Klatt
Gaines Town Clerk

Councilman Lattin questioned whether 2 years was a long enough period for the test towers to be allowed and Councilwoman Oakley reminded him that there was a clause allowing them to apply for an extension.

Supervisor DeCarlo stated for the record that at the June 13, 2006 meeting Councilmen Kast and Lattin submitted a letter recusing themselves from voting on the Wind Energy Moratorium.

With no further discussion Supervisor DeCarlo read proposed Local Law #1 for 2006.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

A short discussion with the public followed.

RESOLUTION 49 – 06 **WIND ENERGY MORATORIUM**

On a motion from Councilwoman Oakley , and seconded by Councilman Lattin the following resolution was

ADOPTED	Ayes	3	DeCarlo, Oakley, Lattin
	Nays	0	
	Abstain	2	Kast, Kirby