

The regular meeting of the DeRuyter Town Board was held at 7:30PM on the above date in the DeRuyter Central School District Office Building.

Present were Supervisor Degear, Clerk Wightman, Deputy Town Clerk Cirbus, Councilmen Jones, Barnes, Hathaway and Coon, Highway Superintendent Cook, Attorney Matt Neuman and Sandy Wilcox.

Motion by Councilmen Barnes and Jones to accept the minutes of the June 11th meeting as presented. All in favor and carried.

HIGHWAY GARAGE ROOF REPAIR BIDS:

1. Baker Construction	\$2,650.00
2. Reynolds Construction	\$3,630.00
3. GT Contracting	\$4,400.00
4. Goddard Roofing & Siding	\$5,910.00

PUBLIC HEARING:

- Motion by Councilmen Barnes and Hathaway, at 7:48PM, to open the public hearing concerning local law #1 of 2009 entitled a local law to regulate the installation of windmills within the town. All in favor and carried. The local law was reviewed and questions answered. There being no further discussion, the public hearing was closed at 7:59PM.
- The Planning Board has minutes available for Town Board review.
- The SEQR questionnaire was completed and Councilmen Barnes and Jones moved to pass a motion declaring that this action does not have a negative impact. All in favor and carried.

TOWN CLERK'S REPORT:

- The monthly written report was submitted.

HIGHWAY SUPERINTENDENT'S REPORT:

- Dublin Road update.
- Hunt Road – County will do what they can.
- Obtaining estimates for parking lot at Town Hall.
- Found that septic is located on the Water Street side of the Town Hall.

UNFINISHED BUSINESS:

- Discussion of conditions on Hunt Road.

TOWN HALL

- Masonry has been completed.
- Window installation to start soon.
- Waiting on building plans.

MADISON COUNTY UPDATE:

- Madison County Fair

NEW BUSINESS:

- Motion by Councilmen Jones and Hathaway to adopt the following:

45 RESOLVED: WHEREAS, the Justice Court Assistance Program (JCAP) was established in 1999 to provide some State assistance to Town and Village Courts, and;

WHEREAS, the state court systems budget includes \$4.7 million in JCAP funding this fiscal year, and;

WHEREAS, the Town of DeRuyter Court is in desperate need of courtroom renovations, security equipment, furniture and computer equipment;

NOW, THEREFORE BE IT RESOLVED that the DeRuyter Town Board does hereby authorize application to the New York State Justice Court Assistance Program for a 2009 JCAP grant.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Jones and Hathaway to adopt:

#46 RESOLVED: That the Supervisor is hereby authorized to make the following budget transfer:

From: A-1990.4 Contingent, \$1,850.00

To: A-1110.4 Municipal Court Contractual, \$350.00
A-1420.4 Law Contractual, \$1,500.00

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Coon and Hathaway to adopt:

#47 RESOLVED: That this Town Board does hereby adopt Proposed Local Law #1 of 2009 as Local Law #1 of 2009 entitled,

***TOWN OF DE RUYTER
WINDMILL LOCAL LAW***

Be it enacted by the Town Board of the Town of DeRuyter as follows:

Pursuant to Article 2, Section 10 of the Municipal Home Rule Law, this Local Law will regulate and restrict the height, size, location and other features of windmills and will, after reasonable consideration of the character of the Town of DeRuyter and its particular suitability for particular uses, conserve and enhance natural resources and land values and protect the existing properties and environment.

DEFINITIONS

- A. *WINDMILLS – RESIDENTIAL AND/OR COMMERCIAL:* A windmill that provides electrical or mechanical power to an individual residence, operating farm or single commercial enterprise and can be either the primary or a secondary source of energy. Sale or credit of excess electricity to the utility grid is permitted as a tertiary use.
- B. *WINDMILL – INDUSTRIAL:* A windmill, or series of windmills in a facility, whose purpose is to generate electricity that is fed into a power grid for sale.
- C. *WINDMILL HEIGHT:* The total height of a windmill structure, including blades.
- D. *SEVERABILITY:* If any section, paragraph, subdivision or provision of this Local Law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudicated invalid, and all other provisions of this Local Law shall remain valid and effective.
- E. *EFFECTIVE DATE:* All provisions of this local law shall take effect upon filing by the Town Clerk with the Secretary of State of the State of New York.

APPLICATION PROCESS

1. **SPECIAL USE PERMIT REQUIRED:** *A special use permit shall be required for all Residential and/or Commercial Windmills in the Town of DeRuyter. As such, pertinent provisions of the Town of DeRuyter Land Use Regulations will apply. The standards and restrictions applicable to Residential and/or Commercial Windmills as set forth in this Local Law shall supersede any inconsistent provisions that may be otherwise set forth in the existing Land Use Regulations of the Town of DeRuyter.*
2. **SITE PLAN REVIEW:** *A site plan review is required before a building permit may be issued for a residential or commercial windmill.*
3. **SEQRA:** *SEQRA review is required. Developers shall submit the SEQRA long form for evaluation of environmental concerns.*

STANDARDS AND REQUIREMENTS

1. **PLACEMENT:**
 - a. **Height.** *Maximum structure height shall be determined by the Planning Board in the course of its special permit review.*
 - b. **Setbacks.** *The minimum setback distance between each production line wind power electricity generation unit (wind turbine tower) and: all surrounding street and property lines, public street right of way, overhead utility lines, any dwellings, and any other generations units, above- ground transmission facilities, electrical substations and separate meteorological tower facilities, shall be equal to no less than 1.5 times the sum of the proposed structure height plus the rotor radius.*

The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply:

the property line in question

i) separates two properties that are both part of a wind powered electricity generation facility, and

ii) either,

1) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or

2) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area a appropriately restricted.

- c. *No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event*

of failure, and a determination by the Planning Board of appropriate setback distance on the basis of that documentation.

2. ADDITIONAL STANDARDS:

No special use permit shall be granted for wind power electricity generation and/or transmission facilities unless it is determined by the Planning Board that the proposed use meets all of the following criteria, in addition to those general criteria listed in previous section:

- a. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.*
- b. No individual tower facility shall be installed in any location where its proximity with existing broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. The applicant shall submit documentation to this effect from a recognized consultant practicing in this field.*
- c. No individual tower facility shall be installed in any location that would substantially detract from or block the view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way or publicly owned land.*
- d. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of site parcel as those boundaries exist at the time of special permit application.*
- e. No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.*
- f. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.*
- g. All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.*
- h. Procedures acceptable to the Planning Board for emergency shut-down of power generation units shall be established as part of any special permit issued.*
- i. Turbine towers and rotors shall be painted matte white or matte grey or some other non-reflective, unobtrusive color acceptable to the Planning Board. Advertising on the tower or nacelle is prohibited.*
- j. The Codes Enforcement Officer may cause the owner to remove wind generators including all appurtenances thereto, if the facility fails to generate power for two (2) years or more.*

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- The Rounsaville family on Smith Road has received the “Dairy of Distinction” award. Motion by Councilmen Coon and Jones to adopt and send the Rounsavilles the following resolution:

#48 RESOLVED: WHEREAS, dairy farmers work hard every day to make sure we have fresh, great tasting, wholesome milk products, and;

WHEREAS, almost all dairies are family-owned, and as active members of their communities, farm families take pride in preserving the land where they live and work, protecting the air and water they share with neighbors, and providing the best care for their cows—the lifeblood of their business, and;

WHEREAS, established in 1983, the Northeast Dairy Farm Beautification Program recognizes the hard work and dedication of dairy owner / operators, who have attractive, well-kept farms and promote a good dairy industry image, and;

WHEREAS, receipt of the Dairy of Distinction award is a point of pride not only for the recipient but for the whole Town of DeRuyter,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of DeRuyter does hereby congratulate and commend the entire Almon Rounsaville family, 2009 winners of the Dairy of Distinction award.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Coon and Barnes to adopt the following:

#49 RESOLVED: WHEREAS, the roof on the Town Highway garage is in need of repair, and;

WHEREAS, this Town Board developed specifications and advertised for bids to repair said roof, and;

WHEREAS, four (4) bids were received and reviewed,

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the low bid from Baker Construction in the amount of \$2,650.00, contingent upon proof of insurance, and;

BE IT FURTHER RESOLVED, that this Town Board does hereby authorize the Town Supervisor to prepare and sign a contract for this service with Baker Construction.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Jones	Aye
Councilman Barnes	Aye
Councilman Hathaway	Aye
Councilman Coon	Aye

The Clerk declared the foregoing duly carried.

- Motion by Councilmen Coon and Jones to accept the Supervisor's statement. All in favor and carried.
- Motion by Councilmen Coon and Jones to pay the bills as audited:

Abstract # 10011	\$20,041.99
Abstract # 10012	\$24,793.32

All in favor and carried.

- Motion by Councilors Coon and Jones to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman
Town Clerk