

**A Town Board Meeting of the Town of Owasco was held on October 14, 2010 at 6:00 PM in the Owasco Town Hall with the following members present:**

**PRESENT:**

**Councilperson, Tony Gucciardi**  
**Councilperson, Terrence Lattimore**  
**Councilperson, Edward Wagner**  
**Supervisor, John J. Klink**  
**Councilperson, Gino Alberici**

**ABSENT:**

**OTHERS PRESENT: Robert Shaw Town Clerk, Rick Galbato Town Attorney, Patrick Doyle Code Enforcement Officer and Jack Gilfus.**

**CALL TO ORDER: 6:00 PM**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**Resolution 10-173approval of Town Board Agenda for October 14, 2010.**

**Motion by Councilperson Gucciardi Second Councilperson Lattimore**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**APPROVAL OF MINUTES:**

**Resolution 10-174 approval of Town Board Minutes for October 4, 2010.**

**Motion by Councilperson Alberici Second Councilperson Wagner**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**PUBLIC PARTICIPATION:**

**CONTINUATION OF PUBLIC HEARING: Local Law No. 5 of 2010 Wind Energy Conversion Systems**

**Start: 6:02 PM**

**Resolution 10-175 to close Local law No. 5 Public Hearing.**

**Motion by Councilperson Wagner Second Councilperson Alberici**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	



**Resolution 10-178 to approve SEQR determination for Local Law No. 5 of 2010**

**A Resolution to Issue a Determination of Environmental Significance for Local Law No. 5 of 2010 for Wind Energy Conversion Systems.**

**WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and**

**WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 5 of 2010 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and**

**WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and**

**WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and**

**BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 5 of 2010 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.**

**BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.**

**Motion by Councilperson Wagner Second Councilperson Alberici**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**Resolution 10-179 A Resolution of the Town Board for the adoption and enactment of Local Law No. 5 of 2010 For Wind Energy Conversion Systems.**

**WHEREAS, a Resolution was adopted by the Town Board on July 8, 2010 introducing proposed Local Law No. 5 of 2010 and said Resolution established a public hearing relating thereto; and**

**WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on August 2, 2010, and proof of such publication has been filed with the Town Clerk, and**

**WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall, and**

**WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on August 12, 2010, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law and said Public Hearing was left open and continued on September 9, 2010 and on this date October 14, 2010; and**

**WHEREAS, by email dated August 18, 2010 from Beth Bowman, Deputy Town Clerk to Geoff Milz of the Cayuga County Department of Planning and Economic Development, pursuant to General**

Municipal Law Section 239 l and m, the Town forwarded the proposed Local Law No. 5 of 2010 for comment; and

WHEREAS, by letter dated September 17, 2010 and Cayuga County Planning NYS GML Section 239 L, M and N Referral Report Form Final Determination dated September 16, 2010 from Geoff Milz of the Cayuga County Department of Planning and Economic Development, the Cayuga County Planning Board recommended approving the proposed action without change, but with comments; and

WHEREAS, by email from Town Clerk Robert Shaw dated August 18, 2010 the Town pursuant to Town Law Section 264 sent the proposed Local Law to the Clerks of the Towns of Fleming, Skaneateles, Niles, Sennett, Scipio, County of Cayuga and City of Auburn;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 5 of 2010.

WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 5 of 2010 For Wind Energy Conversion Systems set forth below:

**LOCAL LAW NO. 5 OF THE YEAR 2010**

**LOCAL LAW NO. 5 OF 2010 FOR WIND ENERGY CONVERSION SYSTEMS**

Section 150-20(B) Table of Use Regulations of the Owasco Town Code is hereby amended to add the following:

Principal Uses	Districts		
	AR	R	L
Wind Energy Conversion Systems			
Wind generator, subject to the following	SP	SP	SP
Such structure shall not be located in any front yard or side yard. Such structure shall not be located closer than the total height of the WECS to any property line.			

Article IV Use Regulations of the Owasco Town Code is hereby amended to add the following:

**§ 150-20.5. WIND ENERGY CONVERSION SYSTEMS.**

**Purpose.**

The Town Board of the Town of Owasco adopts this chapter to promote the effective and efficient use of wind energy conversion systems (WECS) and to regulate the placement of wind energy conversion systems so that the public health and safety will not be jeopardized.

**Findings.**

**A. The Town Board of the Town of Owasco finds and declares that wind energy is an abundant, renewable and nonpolluting energy resource of the town and that its conversion to electricity will reduce our dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.**

**B. The Town Board of the Town of Owasco further finds and declares that:**

**(1) Wind turbines that convert wind energy to electricity are currently available on a commercial and residential basis from many manufacturers.**

**(2) The generation of electricity from properly sited wind turbines can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users.**

**(3) Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health and safety of neighboring property owners and the general public.**

**Definitions.**

**As used in this chapter, the following terms shall have the meanings indicated:**

**OVERSPEED CONTROL -- A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.**

**SITE -- The plot of land where the WECS is to be placed.**

**SWEPT AREA -- The largest area of the WECS that extracts energy from the wind stream. In a conventional propeller-type WECS, there is a direct relationship between swept area and the rotor diameter.**

**TOTAL HEIGHT -- The height of the tower and the furthest vertical extension of the WECS measured from the finished grade.**

**WIND ENERGY CONVERSION SYSTEM -- A machine that converts the kinetic energy in the wind into a usable form of mechanical or electrical energy (is commonly known as a "wind turbine" or "windmill.") The WECS includes all parts of the system except the tower and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.**

**Special permit required.**

**A. Installation. Installation of wind energy conversion systems shall require the granting of a special permit in accordance with 150-62**

**Requirements.**

**Wind energy conversion systems shall be permitted in all zoning districts, subject to the following requirements:**

**A. WECS size shall be limited to a maximum of 2KW in the Lakeshore and Residential districts.**

**B. Building Permit application for wind energy conversion system shall be accompanied by a site plan drawn in sufficient detail to clearly describe the following.**

**(1) Property lines and physical dimensions of the site.**

**(2) Location, approximate dimensions and types of existing structures and uses on site.**

**(3) Location and elevation of the proposed WECS.**

**(4) Location of all aboveground utility lines on site or within one radius of the TOTAL HEIGHT of the WECS.**

**(5) Location and size of structures and trees above 35 feet within a five-hundred-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.**

**(6) Show the zoning designation of immediate and adjacent sites.**

**(7) Include make, model, picture and manufacturer's specifications, including noise rating in decibels.**

**C. General provisions. Installation of all wind energy conversion systems shall comply with the following requirements:**

**(1) WECS size. This chapter covers all WECS.**

**(2) Compliance with Uniform Building Code.**

**(a) Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.**

**(b) Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a New York State registered professional engineer for compliance with the seismic and structural design provisions of the New York State Fire Prevention and Building Code.**

**(3) Compliance with National Electrical Code.**

**(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind conversion system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.**

**(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.**

**(4) Rotor safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a New York State registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory.**

**(5) The WECS shall be set back from the property line and structures at least the TOTAL HEIGHT of the WECS. In cluster setups the distance between WECS shall be three times the length of the longest blade.**

**(6) Tower access. Towers should have either:**

**(a) Tower-climbing apparatus located no closer than 12 feet from the ground;**

**(b) A locked anti-climb device installed on the tower; or**

**(c) The tower shall be completely enclosed with a door that can be locked, or**

**(d) Be completely free of any climbing apparatus.**

**(e) If the above protective devices are absent than the tower will be protected by a fence at least six feet high.**

**(7) Noise. The WECS shall meet the requirements of any existing noise ordinance of the Town of Owasco.**

**(8) Electromagnetic interference. The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a Code Enforcement Officer that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.**

**(9) Signs. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.**

**(10) Height. Maximum TOTAL HEIGHT of the WECS shall be 35 feet in the Lakeshore and Residential Districts.**

**(11) Abatement. If a wind energy conversion system or systems are not maintained in operational condition for a period of one year and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The Town of Owasco reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the Town of Owasco determines that the WECS or its tower has been abandoned and poses a safety hazard, the system shall be removed within 45 days of written notice to the owner operator of the system.**

**(12) Liability insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all time. Said policy shall provide a minimum of \$300,000.00 property and personal liability coverage.**

**(13) Lighting of tower. Lighting of the tower and the WECS for aircraft and helicopter will conform to FAA standards for height, wattage and color.**

**(14). SEQR review must be completed.**

**(15) All power transmission lines from WECS and tower to any building or other structure shall be located underground.**

**(16). No television, radio or other communication antenna may be affixed or otherwise made a part of a WECS or tower.**

**Penalties for offenses.**

**Any person who violates any provision of this chapter shall be guilty of a violation and subject to a fine of not more than \$250, imprisonment not to exceed 15 days, or both such fine and imprisonment.**

**Effective Date.**

**This Local Law shall become effective upon filing with the Secretary of State.**

**Motion by Councilperson Gucciardi Second Councilperson Lattimore**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**Resolution 10-180 to approve SEQR determination for Local Law No. 7 of 2010**

**A Resolution to Issue a Determination of Environmental Significance for Local Law No. 7 of 2010 For Burning Open.**

**WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and**

**WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 7 of 2010 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and**

**WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and**

**WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and**

**BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 7 of 2010 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.**

**BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.**

**Motion by Councilperson Wagner Second Councilperson Alberici**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**Resolution 10-181 A Resolution of the Town Board for the adoption and enactment of Local Law No. 7 of 2010 Burning, Open.**

**WHEREAS, a Resolution was adopted by the Town Board on July 8, 2010 introducing proposed Local Law No. 7 of 2010 and said Resolution established a public hearing relating thereto; and**

**WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on October 5, 2010, and proof of such publication has been filed with the Town Clerk, and**

**WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall, and**

**WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, October 14, 2010, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law; and**

**WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 7 of 2010.**



**WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;**

**NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,**

**RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 7 of 2010 Burning, Open set forth below:**

**LOCAL LAW NO. 7 OF THE YEAR 2010**

**Chapter 56 Burning, Open**

**§ 56-1. Burning of certain items prohibited.**

No person shall burn or allow or permit to be burned any brush, lumber, paper products, plastic, tires, chemicals, trash, garbage, refuse, wood, household trash or other related items in the Town of Owasco.

**§ 56-2. Exception for outdoor grills, fireplaces and enclosed incinerators.**

Nothing contained herein, however, shall prevent the operation of outdoor grills or fireplaces for the preparation of food or the burning of paper in an enclosed incinerator or small recreational fires not exceeding thirty inches (30") in diameter and no closer than fifteen feet (15') to any structure, provided that only untreated wood is used and that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. All permitted open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such to minimize adverse effects and not create a health hazard or a visibility hazard on roadways or neighboring properties. All permitted open burning shall be conducted in compliance with New York State Law and Regulations. In the L Lakeshore District, recreational fires shall not be conducted less than ten (10) feet from the water level of Owasco Lake and shall be contained in a manner which prevents the leaching of ashes and other materials into the lake. All ashes shall be properly disposed of on a regular basis through trash collection, composting, or spreading on a lawn or garden as natural fertilizer.

**§ 56-3. Burning by Superintendent of Highways and Fire District.**

The Town Board may authorize the Superintendent of Highways or the Fire District to burn structures, provided that all permits required by the Health Department or the New York State Department of Environmental Conservation are obtained and complied with.

**§ 56-4 Outdoor Wood-Fired Furnaces**

An outdoor wood-fired furnace shall be defined as any accessory device designed and intended to heat a building and/or the building's hot water system through the burning of wood, located outside the building and/or water system it is intended to heat.

No person shall install, use or maintain an outdoor wood-fired furnace in the R Residential or L Lakeshore district as defined in Chapter 150 Zoning of the Town of Owasco Code.

Notwithstanding Section 56-1, an outdoor wood-fired furnace may be installed and used in the AR Agricultural Residential District as defined in Chapter 150 Zoning of the Town of Owasco Code only in accordance with the following provisions:

1. The outdoor wood-fired furnace shall not be used to burn any prohibited materials listed in Section 56.1. Only natural untreated wood shall be burned in the outdoor wood-fired furnace.
2. The outdoor wood-fired furnace shall be located on a lot containing a minimum of 5 acres and shall be located at least 100 feet from the nearest property line and no less than 200 feet from existing structures located on adjacent lots.
3. The outdoor wood-fired furnace shall be installed, operated, and maintained in strict compliance with the manufacturer's specifications pertaining to installation, operation, and maintenance and a permit shall be obtained from the Town of Owasco prior to the installation of the outdoor wood-fired furnace.

4. The outdoor wood-fired furnace must be tested and demonstrated to meet the current United States Environmental Protection Agency (EPA) emission standards for such a device, and certification of approval from the EPA must be provided to the town of Owasco.

**§ 56-5. Penalties for offenses.**

Any person who shall violate this chapter is guilty of a violation pursuant to the Penal Law of the State of New York and shall be punishable by a fine not exceeding \$250 or by imprisonment not to exceed 15 days, or both such fine and imprisonment. Each week's continued violation of this chapter shall constitute a separate additional violation.

Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

**Motion by Councilperson Alberici Second Councilperson Lattimore**

Roll call vote:	<u>Councilperson Alberici</u> <u>Yes</u>	<u>Councilperson Gucciardi</u> <u>Yes</u>
	<u>Councilperson Lattimore</u> <u>Yes</u>	<u>Councilperson Wagner</u> <u>Yes</u>
	<u>Supervisor Klink</u> <u>Yes</u>	

**OTHER:**

**AUDIT AND PAYMENT OF CLAIMS:**

**Resolution 10-182 authorizing the audit and payment of the following claims:**

**General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 10-016 adopted January 14, 2010, all in accordance with the attached abstract of claims.**

**ABSTRACT # 10 2010 Vouchers 598 – 672 in the amount of \$376,146.69**

**Motion by Councilperson Alberici Second Councilperson Lattimore**

Roll call vote:	<u>Councilperson Alberici</u> <u>Yes</u>	<u>Councilperson Gucciardi</u> <u>Yes</u>
	<u>Councilperson Lattimore</u> <u>Yes</u>	<u>Councilperson Wagner</u> <u>Yes</u>
	<u>Supervisor Klink</u> <u>Yes</u>	

**Resolution 10- 183 to adjourn to executive session at 7:20 P. M. to discuss personnel issues. Contract negotiations and possible litigation.**

**Motion by Councilperson Wagner; Second Councilperson Alberici.**

Roll call vote:	<u>Councilperson Alberici</u> <u>Yes</u>	<u>Councilperson Gucciardi</u> <u>Yes</u>
	<u>Councilperson Lattimore</u> <u>Yes</u>	<u>Councilperson Wagner</u> <u>Yes</u>
	<u>Supervisor Klink</u> <u>Yes</u>	

**Resolution 10-184 to return from executive session at 8:02 P. M.**

**Motion by Councilperson Wagner; Second Councilperson Alberici.**

Roll call vote:	<u>Councilperson Alberici</u> <u>Yes</u>	<u>Councilperson Gucciardi</u> <u>Yes</u>
	<u>Councilperson Lattimore</u> <u>Yes</u>	<u>Councilperson Wagner</u> <u>Yes</u>
	<u>Supervisor Klink</u> <u>Yes</u>	

**ADJOURNMENT:**

**Resolution 10-185 to adjourn the meeting:**

**Motion by Councilperson Alberici Second Councilperson Wagner**

<b>Roll call vote:</b>	<b>Councilperson Alberici <u>Yes</u></b>	<b>Councilperson Gucciardi <u>Yes</u></b>
	<b>Councilperson Lattimore <u>Yes</u></b>	<b>Councilperson Wagner <u>Yes</u></b>
	<b>Supervisor Klink <u>Yes</u></b>	

**Meeting adjourned at 8:03 P.M.**

**Robert A. Shaw Town Clerk**