



RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 2 OF 2022

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on May 11, 2022 at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law to schedule a special election for qualified electors to vote on whether or not to approve Local Law 2 of 2021, adopted by the Town Board of the Town of Gorham on December 22, 2021 entitled "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on May 25th, 2022 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on June 8th, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 2 of 2022, entitled, "A Local Law to Schedule a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law 2 of 2021, Adopted by the Town Board of the Town of Gorham on December 22, 2021 and Entitled "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Gorham and to give due notice of the adoption of this local law to the Secretary of State of New York.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on June 8th, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	_____	_____
Brian S. Case	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____

Dated: June 8th, 2022

Darby L. Perrotte, Town Clerk

SEAL

DRAFT

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Gorham
Village

Local Law No. **2** of the year **2022**

A Local Law to Schedule a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law 2 of 2021, Adopted by the Town Board of the Town of Gorham on December 22, 2021 and Entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Gorham
Village

as follows:

Section 1. Legislative Intent

It is the intent of this local law to schedule a special election for qualified electors to vote on whether or not to approve Local Law 2 of 2021, adopted by the Town Board of the Town of Gorham on December 22, 2021 and entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” due to said local law being subject to a permissive referendum and a petition, calling for a referendum to held at a special election on the question of whether or not said local law shall be approved, having been filed in the Town Clerk’s office on February 5, 2022 and found by the Town Clerk to be in compliance with all requirements of law.

Section 2. Authority

Municipal Home Rule Law § 24 requires the question of whether or not to approve a local law that is the subject of a permissive referendum to be held at a special election if a petition calling for a referendum be filed with the Town Clerk in the manner and within the time period called for in Municipal Home Rule Law § 24 and provided said petition request and the legislative body adopt

a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The aforesaid petition did request that this question be submitted at a special election.

Section 3. Special Election

A. A Special Election of the qualified electors of the Town of Gorham is hereby authorized and directed to be held on the 9th day of August, 2022 between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purpose of voting by ballot on the proposition hereinafter set forth.

B. The Notice of such Special Election shall be substantially by the following form.

**LEGAL NOTICE OF SPECIAL TOWN ELECTION
ON PROPOSITION OF WHETHER TO APPROVE
LOCAL LAW 2 OF 2021 ENTITLED
“A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES
AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW
ARTICLE 4”**

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN, that a Special Election of the qualified electors of the Town of Gorham (County of Ontario, State of New York) will be held on the 9th day of August, 2022 at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York. Said polling place will be kept open between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purposes of voting by ballot upon the following proposition:

PROPOSITION NO. 1

“Shall the action of the Town Board of the Town of Gorham in approving Local Law 2 of 2021 entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” be approved?”

C. All of the qualified electors of the Town of Gorham shall be qualified to vote at such special election.

D. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Town’s official newspaper, such publication to be at least 10 days prior to the date of such Special Election, and by posting on the Town’s official sign board a copy of such notice at least ten (10) days before such special election.

E. The following individuals, who have been previously designated as election inspectors and ballot clerks for general election purposes, are hereby designed to act for this special election as election inspectors and ballot clerks as indicated below:

Sharon Gage, Bonita Hampton, Donald Sloth and Linda Kuhl

F. The Town Clerk is hereby ordered and directed to prepare printed ballots including absentee ballots in sufficient quantity for use at said Special Election, and also to prepare for the use of the election officials the necessary oaths and certificates of election, and also to procure and deliver to such election office any and all necessary paraphernalia for the proper conduct of such election.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__.~~ Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__.~~ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2022, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Town Clerk

(Seal)

Date: _____

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Gorham
Village

Local Law No. 2 of the year 2022

A Local Law to Schedule a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law 2 of 2021, Adopted by the Town Board of the Town of Gorham on December 22, 2021 and Entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Gorham
Village

as follows:

Section 1. Legislative Intent

It is the intent of this local law to schedule a special election for qualified electors to vote on whether or not to approve Local Law 2 of 2021, adopted by the Town Board of the Town of Gorham on December 22, 2021 and entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” due to said local law being subject to a permissive referendum and a petition, calling for a referendum to held at a special election on the question of whether or not said local law shall be approved, having been filed in the Town Clerk’s office on February 5, 2022 and found by the Town Clerk to be in compliance with all requirements of law.

Section 2. Authority

Municipal Home Rule Law § 24 requires the question of whether or not to approve a local law that is the subject of a permissive referendum to be held at a special election if a petition calling for a referendum be filed with the Town Clerk in the manner and within the time period called for in Municipal Home Rule Law § 24 and provided said petition request and the legislative body adopt

a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The aforesaid petition did request that this question be submitted at a special election.

Section 3. Special Election

A. A Special Election of the qualified electors of the Town of Gorham is hereby authorized and directed to be held on the 9th day of August, 2022 between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purpose of voting by ballot on the proposition hereinafter set forth.

B. The Notice of such Special Election shall be substantially by the following form.

**LEGAL NOTICE OF SPECIAL TOWN ELECTION
ON PROPOSITION OF WHETHER TO APPROVE
LOCAL LAW 2 OF 2021 ENTITLED
“A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES
AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW
ARTICLE 4”**

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN, that a Special Election of the qualified electors of the Town of Gorham (County of Ontario, State of New York) will be held on the 9th day of August, 2022 at the Gorham Fire Company, 4676 Kearney Road Stanley NY (Town of Gorham) and at the Crystal Beach Fire Department 4468 State Route 364 Canandaigua NY (Town of Gorham). Said polling places will be kept open between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purposes of voting by ballot upon the following proposition:

PROPOSITION NO. 1

“Shall the action of the Town Board of the Town of Gorham in approving Local Law 2 of 2021 entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4” be approved?”

C. All of the qualified electors of the Town of Gorham shall be qualified to vote at such special election.

D. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Town’s official newspaper, such publication to be at least 10 days prior to the date of such Special Election, and by posting on the Town’s official sign board a copy of such notice at least ten (10) days before such special election.

E. The following individuals, who have been previously designated as election inspectors and ballot clerks for general election purposes, are hereby designed to act for this special election as election inspectors and ballot clerks as indicated below:

Sharon Gage, Bonita Hampton, Donald Sloth and Linda Kuhl

F. The Town Clerk is hereby ordered and directed to prepare printed ballots including absentee ballots in sufficient quantity for use at said Special Election, and also to prepare for the use of the election officials the necessary oaths and certificates of election, and also to procure and deliver to such election office any and all necessary paraphernalia for the proper conduct of such election.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only),

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__.~~ Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the Town of Gorham was duly passed by the Town Board on _____, 2022, ~~and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__.~~ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2022, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Town Clerk

(Seal)

Date: _____

DRAFT

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 3 OF 2022 ENTITLED "A LOCAL LAW ESTABLISHING A MORATORIUM ON SOLAR FARMS"

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on May 11, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Establishing a Moratorium on Solar Farms"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on May 25th, 2022 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on June 8th, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 3 of 2022, entitled "A Local Law Establishing a Moratorium on Solar Farms", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Gorham, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on June 8th, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	_____	_____
Brian S. Case	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____

Dated: June 8th, 2022

Darby L. Perrotte, Town Clerk

SEAL

DRAFT

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Gorham
Village

Local Law No. **3** of the year **2022**

A local law **"Establishing a Moratorium on Solar Farms"**
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
Town of Gorham as follows:
Village

Section 1. STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Gorham to have sufficient time to review existing laws pertaining to solar farms and to recommend modifications to those laws or new laws regarding solar farms. This review is in accordance with the Town of Gorham Comprehensive Plan.

The Town Board is concerned that approval of solar farms, under the existing laws, may not support the best uses for lands within the Town of Gorham.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all solar farms that might affect lands within the Town of Gorham. This will afford the Town sufficient time to review the Town Code and, if determined to be necessary, amend pertinent sections of the Town's Code or draft new provisions to the Town Code.

Based on the foregoing, the Town Board wants to ensure that any solar farms are reviewed under the new regulations and not under the existing laws.

Section 2. DEFINITIONS

- A. TOWN: Town of Gorham, Ontario County, New York
- B. TOWN BOARD: Town of Gorham Town Board
- C. PLANNING BOARD: Town of Gorham Planning Board
- D. ZONING BOARD OF APPEALS: Town of Gorham Zoning Board of Appeals
- E. CODE ENFORCEMENT OFFICER: Town of Gorham Code Enforcement Officer
- F. SOLAR FARM: A solar collection system intended to provide energy for use off site, for example intended to provide electricity to be sold back to the local electric utility company.

Section 3. MORATORIUM.

- A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar farm anywhere within the Town.
- B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for solar farms nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application that includes a solar farm as part of the application; except that reviews of existing special use permits that are required to come regularly before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to an existing solar farm.
- E. Pursuant to this moratorium, the Code Enforcement Officer shall not issue Building Permits or Certificates of Occupancy for any solar farm anywhere within the Town.
- F. Pursuant to this moratorium, the Zoning Board of Appeals shall not review, process or grant any applications for variances that involve the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any solar farm.

Section 4. PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of this Local Law, shall be subject to:

1. A penalty in the amount of \$250.00 for each day that such violation shall exist; and
2. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 5. VARIANCES

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Town of Gorham Zoning Local Law to seek relief from the restrictions of this local law.

Section 6. VALIDITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of one (1) year from the date of such filing.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

DRAFT

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A
PROPOSED LOCAL LAW ENTITLED
“A LOCAL LAW ESTABLISHING A MORATORIUM ON SOLAR FARMS”**

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Establishing a Moratorium on Solar Farms"; and

WHEREAS, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law; and

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (36) ("adoption of a moratorium on land development or construction"), thereby requiring no further action by the Town Board.

NOW, THEREFORE, RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on June 8, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York; and be it further

RESOLVED, that the Town Clerk be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the aforesaid Notice of Public Hearing and a copy of the proposed Local Law on the Town of Gorham sign board and to take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Gorham for its consideration.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on May 11, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	_____	_____
Brian S. Case	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____

Dated: _____, 2022

Darby Perrotte, Town Clerk

SEAL

DRAFT

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 13, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Gorham sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Gorham for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on June 8th, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	_____	_____
Brian S. Case	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____

Dated: June 8th, 2022

Darby L.Perrotte, Town Clerk

SEAL

FILING LOCAL LAW

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Gorham
Village

Local Law No. 4 of the year 2022

A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City

Town of Gorham
Village

as follows:

Section 1. Legislative Intent

It is the intent of this local law to give the town board and the town's other public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town's videoconferencing policy and the authority granted in Public Officers Law §103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the town board to adopt a local law giving the town board and the town's other public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions, as may be set by resolution of the Town Board, are met.

Section 3. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of New York State Town Law requires, in part, that “All meetings of the town board shall be held within the town”. To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to so participate from locations that are not within the town.

Section 4. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance, the Town Board of the Town of Gorham hereby authorizes members of the town board and all members of the town’s other public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town’s videoconferencing policy, which shall be adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present.

Section 5: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6: Effective date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2022 of the **Town of Gorham** was duly passed by the Gorham Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

Town of Gorham
Darby L. Perrotte, Town Clerk
P.O. Box 224
4736 South Street
Gorham, New York 14461
585-526-6317 ext. 1

STATE OF NEW YORK
COUNTY OF ONTARIO
TOWN OF GORHAM

I Darby L. Perrotte, Town Clerk of the Town of Gorham, Ontario County, New York, DO HEREBY CERTIFY as follows:

1. The Gorham Town Board held a meeting on June 8, 2022 at 7:00pm and Minutes of said meeting will be duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Town Board.

2. I have compared the following resolution with said Minutes and said Resolution is a true copy of said resolution:

WHEREAS the Town Board of the Town of Gorham met on June 8, 2022

WHEREAS the Town Supervisor made available the Judges balance sheets and checkbooks for the year 2021

RESOLVE that the Town Board did examine these items to the best of their ability,

RESOLVE that a copy of this resolution be sent to NYS Office of Court Administration, Joan Casazza, Internal Control Liason, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castle-on-Hudson, NY 12033

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Board who attended said meeting.

4. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 5112 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the official seal of the Town of Gorham, this 8th day of June, 2022.

Darby L. Perrotte, Town Clerk
Town of Gorham, New York

S E A L