

TOWN OF HUMBOLDT
CHAPTER 17
WIND ENERGY FACILITY LICENSE ORDINANCE

TOWN OF HUMBOLDT

WIND ENERGY FACILITY LICENSE ORDINANCE

1. TITLE AND AUTHORITY

This Ordinance shall be known, cited and referred to as: the Town of Humboldt Wind Energy Facility License Ordinance. The Town of Humboldt, by its Town Board, pursuant to Sections 60.22, 60.10(2)(c), 60.61, 66.0401 and 66.0403 of the Wisconsin Statutes, hereby enacts the following Ordinance.

2. DEFINITIONS

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

- 2.1 FAA shall mean the Federal Aviation Administration.
- 2.2 Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
- 2.3 Large Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Large Wind Turbine for purposes of this Ordinance if it both has a Total Height greater than 170 feet and nameplate capacity of greater than 100 kilowatts.
- 2.4 Licensee shall mean and include both the owners and operators of the Wind Energy Facility.
- 2.5 Licensors shall mean the Town of Humboldt.
- 2.6 MET Tower shall mean a meteorological tower used for the measurement of wind speed.
- 2.7 PSC shall mean the State of Wisconsin Public Service Commission.
- 2.8 Public shall mean and include the Licensee, the citizens and invitees of the Town of Humboldt and those individuals and entities whose health or safety may be affected by the installation and operation of the licensed Wind Energy Facility.
- 2.9 Small Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Small Wind Turbine for purposes of this Ordinance if it both has a Total Height less than 170 feet and name plate capacity of 100 kilowatts or less.
- 2.10 Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.

- 2.11 Town shall mean Town of Humboldt, Brown County, Wisconsin.
- 2.12 Town Board shall mean Town of Humboldt Town Board.
- 2.13 Wind Energy Facility shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, whose main purposes are to supply electricity to the site and/or to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility.
- 2.14 Wind Energy Facility Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this Ordinance.
- 2.15 Wind Turbine, Wind Turbines shall mean one (or more) Small Wind Turbine or Large Wind Turbine, or both as the case may be.

3. PURPOSE

The purpose of the Ordinance is to provide a regulatory scheme for the construction, operation and protection of Wind Energy Facilities in the Town of Humboldt, subject to reasonable restrictions, which will protect the health and safety of the Public while not significantly increasing the cost or significantly decreasing the efficiency of Wind Energy facilities. The Town Board recognizes that the Town can provide local assistance to state and federal agencies charged with protecting the health, safety and welfare of the Public. Because Humboldt is a primary agricultural area, the Town must often undertake added responsibility, given the limited number of county, state and federal agents assigned to the Town, and the added risks and responsibility accruing from the large amount of livestock farms and wildlife in the community.

4. SCOPE AND ADMINISTRATIVE REMEDY

The Town intends at all times to regulate in accord with all state and federal statutes and regulations governing the subject of this Ordinance. Any determination as to the issuance or non-issuance of a license or provision of this Ordinance considered excessive or unreasonable by an applicant or other interested party shall be submitted to arbitration conducted by the PSC or any other state or federal agency or subdivision with jurisdiction over the subject of this Ordinance. The PSC or other agency shall select the arbiter. The arbiter may be a single or group of PSC or other agency commissioners or employees. Any PSC or other arbiter ruling as to any provision(s) of this Ordinance, which either repeals or recreates a provision hereof, shall be deemed to be an amendment hereto. No court action shall be commenced until or unless this and any other available administrative remedies have been exhausted.

5. **REGULATORY FRAMEWORK**

5.1 **COMPREHENSIVE PLANS**

Wind Energy Facilities shall be constructed in areas consistent with the 2006 Town of Humboldt Comprehensive Plan including any succeeding amendment(s) or revision(s) thereto.

5.2 **ZONING**

Wind Energy Facilities utilizing any Large Wind Turbines may be constructed in areas that are zoned A-1 Agricultural. Wind Energy Facilities utilizing only Small Wind Turbines may be constructed in areas that are zoned A-1 Agricultural and I-1 Limited Industrial. (See the official zoning map for the Town of Humboldt.)

5.3 **PRINCIPAL OR ACCESSORY USE**

Wind Energy Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

5.4 **REQUIRED RECORDKEEPING**

- 5.4.1 The Licensee shall keep at its principal place of business, all of the following records and information (hereinafter "Documents"): (1) all permit applications and other Documents regarding any permit(s) or license sought or obtained regarding the Wind Energy Facility; (2) all inspection and testing records; (3) all repair and maintenance records; (4) all complaints, claims, incidents, occurrences which give rise to any type of insurance claim; (5) all operational interruptions or disruptions; (6) all specifications, drawings, manuals, designs, and other Documents containing information regarding the Wind Energy Facility Wind Turbines, ancillary equipment and interconnecting cables, wires and apparatus; and (7) all utility interconnection applications, agreements and other Documents regarding the Wind Energy Facility and its interconnecting utility.
- 5.4.2 Here the term "Documents" as used in this Section 5 and elsewhere in this Ordinance is used in the broadest possible sense and refers to any form of reproducible information, communication or data storage however produced or reproduced or reproducible. This definition includes, but is not limited to: agreements, books, calculations, charts, computer printouts, computer stored or generated data, contracts, data compilations from which information can be obtained, data sheets, data processing cards, dairies, drawings, forms, graphs, handwritten notes, indexes, letters, memoranda, pamphlets, photographs, reports, studies, tapes, quotes, estimates, proposals, and working papers. Any Document that contains any comment, notation, addition, signature, insertion or marking of

any kind, so that it is different from the original, is a separate Document and must be retained in the records of the Licensee.

5.5 AUTHORIZATION/DISCLOSURE OF RECORDS AND INFORMATION

Upon receiving the grant of a license pursuant to this Ordinance, and for the entire term of the license, including any renewal thereof, the Licensee thereupon shall at all times be deemed to have authorized and consented to the Town Board or its authorized agent inspecting, copying or procuring photocopies, duplicates or other reproductions, of all Documents constituting records of the Wind Energy Facility as that term is defined in Section 5.4 of this Ordinance. The Licensee shall fully cooperate with the Town Board or its designated representative in this regard and shall make all such records available to the Town Board via its designated representative within a reasonable time of the request for same, not to exceed a period of seven (7) days from the date of such request, except that the time period may be extended by mutual agreement between the Town Board and the Licensee. Further, upon submitting an application for a license, the Licensee thereby authorizes and requests that the interconnecting utility furnish to the Town Board or its legal representative, upon the Town's request, complete information concerning the Wind Energy Facility, including without limitation all information as may be contained in the records of the interconnecting utility. This authorization includes the Licensee's continuing consent to fully authorize the interconnecting utility to allow the Town Board or its legal representative to inspect, copy, or procure photocopies, duplicates or other reproductions, of all Documents in the interconnecting utility's possession relevant to the Wind Energy Facility or containing any information with regard thereto. The Licensee hereby requests that the interconnecting utility cooperate with the Town Board or its legal representative in this regard, and the Licensee does hereby release the interconnecting utility from any and all legal responsibility or liability that may arise from the interconnecting utility's acts of disclosure to the Town Board or its legal representative.

6. APPLICABILITY

The requirements of this Ordinance shall apply to all Wind Energy Facilities proposed after the effective date of this Ordinance. Wind Energy Facilities for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing Wind Energy Facility which does not provide energy for a continuous period of six (6) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, all modifications or alterations to an existing Wind Energy Facility including, but not limited to, the replacement or addition of any Wind Turbine or ancillary equipment shall only be affected in full compliance with this Ordinance.

7. WIND ENERGY FACILITY SITING PERMIT

A permit shall be required for the construction and operation of a Wind Energy Facility in the Town of Humboldt. The ten (10) year permit fee shall be \$100. No person shall engage in the construction or operation of a Wind Energy Facility without a license or permit therefore, as provided by this Section.

- 7.1 The words "license" and-"permit," as used throughout this Ordinance, shall be interchangeable.
- 7.2 The Town Board may issue a Wind Energy Facility license, subject to the standards established by this Ordinance, pursuant to the following procedure. The Licensee shall submit the application fee of \$300, which shall accompany a written application containing: the name(s), mailing address(es) and telephone number(s) of the proposed Licensee(s) and a description of the proposed facility site. If the proposed Licensee is an entity, then the names, addresses and telephone numbers of all equity holders, officers, registered and authorized agents shall be provided upon the application. Appropriate supporting documents and maps shall be filed with the application. The application and all supporting documents shall be submitted to the Town Clerk along with four complete and legible copies of the application and all supporting documents. The original and one of the copies shall be retained by the Clerk to enable free public access to the documentation submitted. The other three copies of the documentation shall be disseminated to the Town Chairman and the Town Supervisors respectively.
- 7.3 The following information shall be provided by the applicant:
- 7.3.1 A statement describing the general character, features and timetable for completion of construction and the commencement of operation of the intended development;
 - 7.3.2 A general development plan showing: the tract boundaries and a statement of the total acreage of the tract, significant physical features of the tract, and zoning districts on and within 400 feet adjacent to the proposed project as depicted on an accurate map of the project area drawn to scale no less than 1/16th inch equals one foot, showing the nature, use and character of abutting properties, prepared by a registered surveyor;
 - 7.3.3 A construction plan;
 - 7.3.4 An operations plan;
 - 7.3.5 An equipment maintenance plan;
 - 7.3.6 The specifications concerning the Wind Turbines to be installed upon the site and the specifications concerning any ancillary equipment utilized to operate, monitor and control the Wind Turbines and the interconnection of the Wind Energy Facility to the utility grid system;
 - 7.3.7 The certified statement required pursuant to §8.67;
 - 7.3.8 A general outline of the organizational structure of the entity(ies) that will own and operate the Wind Energy Facility;
 - 7.3.9 An economic feasibility and impact statement concerning the Wind Energy Facility; and

7.3.10 The proposed Licensee's mailing address and information concerning the financial responsibility of the proposed Licensee of the Wind Energy Facility.

7.4 The Town Board shall commence a public hearing concerning the application for license not more than fifty (50) days following the Clerk 's receipt of a complete application. The public hearing and decision concerning the grant or denial of a permit shall be concluded not more than ninety (90) days following the commencement of the hearing, unless such time is extended by agreement between the applicant and the Town Board. In the absence of an extension of time, if no decision is issued within ninety (90) days of the commencement of the public hearing, then the application shall be deemed denied.

8. **GENERAL REQUIREMENTS FOR WIND ENERGY FACILITIES**

8.1 **VISUAL APPEARANCE; LIGHTING; POWERLINES**

8.1.1 Wind Turbines shall be painted a non-reflective, non-obtrusive color.

8.1.2 At Wind Energy Facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility to the natural setting and then existing environment.

8.1.3 Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

8.1.4 Wind Turbines shall not be used for displaying any advertising except for reasonable identification (including the current telephone number) of the manufacturer of the Wind Turbine or operator of the Wind Energy Facility.

8.1.5 Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

8.2 **SETBACKS**

The following setbacks and separation requirements shall apply to all Wind Turbines; provided, however, that the Town Board may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby.

8.2.1 Inhabited structures: Each Wind Turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance not less than the greater of (a) two (2) times its Total Height or (b) four hundred (400) feet.

8.2.2 Property lines: Each Wind Turbine shall be set back from the nearest property line a distance not less than 1.5 times its Total Height, unless appropriate easements

are secured from adjacent property owners, or other acceptable mitigation is approved by the Town Board.

- 8.2.3 Public Roads: Each Wind Turbine shall be set back from the nearest public road a distance not less than 1.5 times its Total Height, determined at the nearest boundary of the right-of-way for such public road.
- 8.2.4 Communication and electrical lines: Each Wind Turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance not less than 1.5 times its Total Height, determined from the nearest existing power line or telephone line.

8.3 SOUND LEVELS AND MEASUREMENT

- 8.3.1 Audible sound due to Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing or being constructed pursuant to a building permit on the date of approval of any Wind Energy Facility Siting Permit.
- 8.3.2 In the event audible sound due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the audible sound due to Wind Energy Facility operations shall not exceed forty-five (45) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing or being constructed pursuant to a building permit on the date of approval of any Wind Energy Facility Siting Permit. A steady pure tone is defined to exist if the sound level of any one-third (1/3) octave band exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.
- 8.3.3 If the ambient sound level (exclusive of the Wind Energy Facility) exceeds the applicable standards given above, the applicable standards shall be adjusted to equal the ambient sound level. The ambient sound level shall equal the L10 sound level for full spectrum sound, expressed in dBA. For steady pure tones, the ambient sound level shall equal the L10 sound level of the one-third (1/3) octave band that exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time, expressed in dB.
- 8.3.4 Ambient sound levels and audible sound due to Wind Energy Facility operations shall be measured at the property line of affected existing residences, schools, hospitals, churches and public libraries (including those being constructed pursuant to a building permit as of the date of approval of the Wind Energy Facility permit). Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone.
- 8.3.5 In the event audible sound due to Wind Energy Facility operations exceed the audible sound standards listed above, a waiver to said standards may be granted by the Town Board provided that the following has been accomplished:

- a) Written consent from all affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the audible sound standards imposed by this Ordinance, and that consent is granted to allow sound levels to exceed the audible sound standards otherwise allowed; and
- b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement has been recorded in the Office of the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of audible sound standards permitted by this Ordinance may exist on or at the burdened property.

8.4 MINIMUM GROUND CLEARANCE

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

8.5 SIGNAL INTERFERENCE

The applicant shall include in the original plan and thereafter at all times during the period of licensure the Licensee shall utilize the best available feasible practices, techniques and devices to minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any Wind Energy Facility.

8.6 SAFETY

- 8.6.1 All wiring between Wind Turbines and the Wind Energy Facility substation shall be underground.
- 8.6.2 Wind Turbine towers shall not be climbable up to 15 feet above ground level.
- 8.6.3 All access doors to Wind Turbine towers and electrical equipment shall be lockable.
- 8.6.4 Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy Facility entrances.
- 8.6.5 The design, construction and operation of the Wind Energy Facility shall be in full compliance with all federal and state law, including but not limited to, Wisconsin Administrative Code PSC 119, the Wisconsin Electrical Safety Code, and the requirements of the interconnecting utility. As to the design, construction and operation of the Wind Energy Facility, the applicant, its successors and assigns shall engage in the best current practice to assure the safety and protect the health of the Public.

- 8.6.6 The Licensee shall engage in regular inspections and testing of the Wind Energy Facility to protect the safety and health of the Public. Inspection and testing records shall be created and kept as required in Section 5.4 hereinabove. As a continuing condition of the licensure of the Wind Energy Facility, all modifications, repairs or replacements to the operating procedures, Wind Turbines and ancillary equipment shall be conducted by the Licensee in accord with the best then current health and safety practices as to the equipment and operation of the Wind Energy Facility. By accepting and retaining the Wind Energy Facility license, the Licensee shall at all times during such licensure, be deemed to have certified that the aforesaid continuing condition has at all times been fully satisfied.
- 8.6.7 As a condition to approval of the applicant's permit and the initial licensure of the Wind Energy Facility, the applicant shall obtain and present a written certified statement issued by an engineer of the interconnecting utility or other licensed qualified engineering firm stating that the Wind Energy Facility site plan, equipment to be installed and operating plan provide safeguards for the health and safety of the applicant, the applicant's employees and agents and the Public which are consistent with the best current reasonably available practice(s) to protect the safety and health of the Public, and exemplify the best current health and safety practices as to the design, construction, equipment and operation of the Wind Energy Facility.
- 8.6.8 The Licensee shall obtain written verification from the interconnecting utility that the protective equipment settings and anti-islanding testing, including all anti-islanding and power quality protective systems, have been examined, tested and certified as suitable for approval and interconnection of the Wind Energy Facility to the interconnecting utility consistent with protection of the health and safety of the Public as provided in PSC 119.
- 8.6.9 The Licensee shall be required to cease operations for the duration of any Emergency. "Emergency" here shall mean a proven condition or situation that presents an imminent threat of danger to the health and safety of the Public or a significant threat of fire or other catastrophic damage to property.

8.7 INSURANCE REQUIREMENT

The Licensee shall insure the Wind Energy Facility with first party coverage and obtain third party insurance against liability arising out of the construction and operation of the Wind Energy Facility. The Licensee shall annually file a certificate of insurance with the Town Clerk. Failure to timely provide this annual certificate of insurance is a violation of this Ordinance and may subject the Licensee to suspension or revocation of the permit and forfeitures provided at Section 9.4 of this Ordinance. The liability limit under the third-party coverage shall be not less than one million dollars (\$1,000,000.00).

9. LICENSE TERM, RENEWAL, SUSPENSION, REVOCATION, FORFEITURES

9.1 INITIAL TERM

The initial license term shall be for a period of ten (10) years from the date of licensure.

9.2 RENEWAL

The license granted pursuant to this Ordinance may be renewed at the request of the Licensee for an additional ten (10) years, provided that the application for renewal shall be submitted to the Town Board not less than six (6) months prior to the expiration of the current license for the Wind Energy Facility. The Town Board shall conduct a public hearing concerning any license renewal request. Any license renewal request shall include the Licensee's consent and agreement to upgrade the Wind Energy Facility equipment, monitoring or testing systems and operational practices related to public health and safety, to the current best utility practices.

9.3 SUSPENSION/REVOCATION

The license granted pursuant to this Ordinance may be suspended or revoked by the Town Board, but only after notice and opportunity for hearing. The determination as to any dispute arising under this Section shall be made pursuant to a hearing before the Town Board. The hearing shall be a due process hearing conducted upon not less than ten (10) days' prior written notice delivered by regular mail to the Licensee's mailing address contained in the original application. The Licensee has the continuing duty to provide the Town Clerk with the Licensee's current mailing address. The hearing shall be commenced and may be adjourned and conducted in multiple proceedings until such time as all of the relevant evidence has been presented. The Town Board shall make written findings of fact and issue its written decision within ten (10) days of the conclusion of the hearing.

9.4 FORFEITURE FOR VIOLATION OF ORDINANCE

In addition to the suspension or revocation of the license provided hereinabove, any person who: begins to construct or operates a Wind Energy Facility without first obtaining or maintaining a license pursuant to this Ordinance; or operates a Wind Energy Facility in violation of the provisions of this Ordinance; or fails to timely remove a Wind Energy Facility as required under this Ordinance; or otherwise violates any provision of this Ordinance, shall be subject to a forfeiture of not less than twenty dollars (\$20.00) and not more than two hundred dollars (\$200.00). Each violation of this Ordinance shall be considered a separate offense. Any violation continuing more than one (1) day shall be considered a separate offense for each day the violation continues. In addition to the forfeiture(s) provided herein, the Town shall be entitled to recover its costs of prosecution, including its Town Attorney's fees and other costs.

10. PAYMENT IN LIEU OF TAXES

As permitted by law, the Licensee shall timely pay to the Town any and all applicable payment(s) in lieu of taxes as provided under Wisconsin law. It is understood, that the payment

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r in lieu of taxes will be apportioned between Brown County and the Town of Humboldt as provided by law. The payment in lieu of taxes shall be paid in the amounts and manner as prescribed by the law of the State of Wisconsin. Upon the licensure of a Wind Energy Facility, the Town of Humboldt shall receive the greatest available remuneration as and for its payment in lieu of taxes, except as otherwise determined by the Town Board.

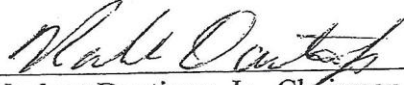
11. REMOVAL OF WIND ENERGY FACILITY

The Wind Turbines and all Wind Energy Facility related above ground improvements shall be removed from the licensed premises within one hundred twenty days (120) after the earlier to occur of the following dates: (a) the date the Wind Turbine generators reach the end of their useful life, (b) the date the Wind Energy Facility has been Abandoned, (c) the termination of any landowner lease under which the Wind Energy Facility has been allowed to remain in place, or (d) the revocation of the license granted pursuant to this Ordinance. Here, the term "Abandoned" means both the relinquishing of the right to operate the Wind Energy Facility and the failure to operate any particular Wind Turbine or maintain any particular Wind Turbine in a fully operational state of repair for a period of six (6) months. In the former instance, the Abandonment shall be deemed to have occurred as to the entire Wind Energy Facility. In the latter instance, the Abandonment shall be deemed to have occurred only as to the particular Wind Turbine(s) that have not been operated or have not been maintained in a fully operational state of repair for a period of six (6) months. As to any concrete foundation used for a Wind Turbine, the concrete foundation shall be removed to the closer to ground level of: (i) four (4) feet below ground level, or (ii) the level below ground level, at which the base of the concrete foundation hits bedrock. The Licensee shall cause the area above said foundation to be filled with dirt. If requested by the Town Board, the Licensee shall remove the gravel or paved surface of any access road(s) and replace such gravel or pavement surface with an equal depth of topsoil. The obligation for Wind Energy Facility removal and reclamation of the site is jointly and severally the obligation of the Licensee, the Licensee's successors and assigns, and the owner of the property whereupon the Wind Energy Facility is located. If the Licensee, the Licensee's successor or assign, or property owner fail to timely remove the Wind Energy Facility and/or restore the Wind Energy Facility site, the Town Board may retain contractors to perform the removal and restoration of the Wind Energy Facility site. All removal and restoration costs and expenses incurred by the Town Board, and other related costs and expenses incurred by the Town including but not limited to, any Town attorney's fees incurred in the course of effecting such removal, shall be chargeable as and for an assessment against the property and shall be collectible and payable as a charge against the real property which shall be included in the current or next tax roll for collection and settlement under Chapter 74 Wis. Stats.

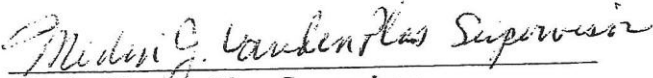
12. ASSIGNMENT

The license granted pursuant to this Ordinance may not be assigned by the Licensee without the express written consent of the Town Board of the Town of Humboldt. The Town reserves the right to grant only a partial assignment whereupon the original Licensee shall remain jointly and severally liable with the assignee of the license. Any license granted pursuant to this Ordinance is not assignable or transferable to any other person, firm or entity, whether by operation of law or otherwise, without the express prior written consent of the Town Board.

Adopted this 3 day of March 2008.



Norbert Dantine, Jr., Chairman

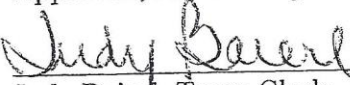


Merlin Vanden Plas, Supervisor



Charles Kamopp, Supervisor

Approved, Attested By:



Judy Baien, Town Clerk