

Special Town Board Meeting  
August 28, 2007

A Special Town Board meeting was held in the Town Hall located at 1658 Lake Rd., Hamlin, New York. The meeting was called to order by Supervisor Dennis Roach at 6 pm who explained the location of the fire exits and defibrillator.

Present: Councilperson Michael Marchetti, Councilperson David Rose, Councilperson George Todd and Supervisor Dennis Roach. Excused: Councilperson Paul Rath

Also present: Code Enforcement Officer B. J. Maier; Attorney Ken Licht; Support Board Members from Planning Board, Chris Schlieter, Jim Nesbitt, Linda Morey (also member of WTC), Judith Hazen, Tom Jensen( also a member of WTC); Zoning Board of Appeals, Norman Baase, Ed Haight, Klaus Pohl, Jerry Hoffman, Rocky Ellsworth; Conservation Bd. Members, Mark Reeves (also a member of WTC), Tom Breslawski, David Walch, Aaron LaFaro, Merritt Ackles, Jeanine Klopp; Members of the Wind Tower Committee, Linda DeRue, Dave Lukas, Stan Lyons, Lester Wilson, Andy Simpson, Skip Brennan representing Iberdrola. Other attendees as listed on sign-sheet.

**PUBLIC FORUM**

Public Forum was opened by Supervisor Roach who explained those who have signed in and have indicated they wished to speak will be given three minutes and then if there is time we can return to those who wish three additional minutes.

1. Dorothy Lapinski of 417 Redman Rd. asked if the Town Board watched the videos they had received and if they had shared them with anyone? Some of the board had watched the videos but were not aware they were to share them with other persons.
2. Art McFarland of 1873 Redman Rd. addressed several issues but started by giving examples to the word defensible as it is related to regulations for a wind farm. This was asked at the last Town Board Meeting. He had a matrix of regulations as developed by 19 towns across the State of New York. The category of setbacks has some distances listed in the height of the tower. The average setback of all 19 towns was 916 feet. If we decided on a setback of 900 feet it would be defensible. It could be defended in court because it was close to the average of 19 precedents set by other towns across the state. Precedent is an extremely important part of the foundation of our laws in this country. Justification for an action comes from precedent. In the category of sound, most towns passed a regulations with a limit of 50 dB(a). One town uses 55 dB(a) and another 45 dB(a). Therefore if our town used 50 dB(a) as part of our regulation, it would be defensible. Regarding birds. Much has been said about protecting birds along the lakeshore from the effects of the wind turbines. Town fundamental flaws in this claim are first, neither the National Audubon Society, nor the NY State chapter, recognize the south shore of Lake Ontario as a concentrated flyway. Where we live is known to bird people as a "broad migration front". What this means, is

- that whether you look up from Hamlin, or Brockport or Bergen, or Leroy or Pavilion, during migration season, you see birds migrating. The nearest area to contain what is regarded as a concentrated flyway, lies well to the west of us in the area of Lake Erie. The second reason has to do with the number of birds actually killed by turbines. There has been numerous references made at past meetings to a study of the Maple Ridge wind farm, made under the direction of one of the State chapters of the Audubon Society. As far as I can tell, the study was careful and legitimate. Their conclusion was that given the relatively small number of birds killed by wind towers, compared to an estimated population of the species involved, of 34 million, it would be difficult to presume that tower mortality has any significant adverse effect on population levels. None of the many studies of bird and bat mortality done across the country and carried out by reputable agencies has concluded that wind farms pose a serious threat to bird population. Regardless of what some people would like everyone to believe, Hamlin is not part of a concentrated flyway. Because there is so little base line information on bat populations, there are no conclusions that can be drawn concerning bat mortality. However, in the absence of any significant body counts, it is unlikely that any problem exists. (At this time Mr. McFarland had used his three minutes).
3. Richard Renz of 2005 Redman Rd. asked a question of the process and made the comment when completed it would be just like up north for those who fought a landfill. No one wanted it, but they got it. Who will have the say of aye of nay? Supervisor Roach explained that a Local Law would be enacted by the Town Board. Councilperson Rose added that they have checked on the permissive referendum and that can't be done according to the State Law. Supervisor Roach added there are a lot of assumptions being made. The regulations would need to be drafted. The Town Board would go through the review process with referrals and public hearings taking into consideration the comments and report of the Wind Tower Committee.
  4. Sue Kingsbury of 666 Redman Rd. asked if the Town Board has done an independent study to compare to the Wind Tower report? Supervisor Roach stated we have not done so as a committee but as individuals.
  5. Tricia Nesbitt of 52 Cook Rd. asked if the developer was here tonight. Supervisor Roach mentioned that the CPV has been bought out and that a representative of Iberdrola is driving here from Albany. When he gets here what will be his role? Supervisor Roach stated he would be a resource for discussion when we get to the Town Board Meeting level. Individual research has been indicated by Supervisor Roach. At the last meeting I asked, who had been to Tug Hill? You stated you had not. Supervisor Roach stated he had not seen a proposal for the Town of Hamlin. Mrs. Nesbitt stated way back when when CPV was here they mentioned 400 foot towers. What is the height of the wind turbines and amount of wind farms? Supervisor Roach stated four hundred feet when the blades are extended and ten to twenty wind turbines.
  6. Kim Spellan of 382 Morton Rd. asked whether any Town Board reported to Iberdrola on the Wind Tower, report of July 30<sup>th</sup> or minority report that was done by the three town employees. Councilperson Rose stated there actually is four

- employees on the WTC. Tom Jensen stated everyone working on the WTC was an employee at the time. Mrs. Spellan mentioned the contrasts of the two reports
7. Troy Nesbitt of 52 Cook Rd. handed out more videos on PC not DVD's. He asked the board if they were aware of a Wind Tower that collapsed in Oregon that was brand new? Knowing that will you protect those who work around the towers with a safety buffer zone? Supervisor Roach stated safety is our consideration. He also asked that you talk with other Town Supervisor's who have kept wind towers out. Early in the Wind Tower Committee's work they passed a motion that would answer every single questions asked. I am still hoping that is in the works. Is that still going to happen as the WTC has passed on their report? Supervisor Roach stated I have no control over what they passed. Supervisor Roach asked Linda DeRue if she still had all the questions asked of the WTC? She replied that they had them and have some of the answers but would take time.
  8. Paul Lapinski of 417 Redman Rd. would like to ask the same question of August 13<sup>th</sup> on what is the status of the WTC? I am hoping for an answer. He then quoted Councilperson Marchetti from that meeting. Are they a committee or are they done or what? Supervisor Roach stated they are a committee based on two things. The committee was created by Town Board resolution and given a charter and therefore will be dissolved by Town Board resolution. A letter went out to them after the meeting July 30<sup>th</sup> offering them if they need to continue to meet in an informal fashion that would be fine and we would be continuing to move on with the regulations. At this point they have not been dissolved. Follow up statement by Mr. Lapinski mentioned an August 26<sup>th</sup> article in the Hamlin Clarkson Hearld where a scheduling of the wind tower placement is mentioned. How can you consider putting regulations in place when there are nine WTC topics they have not been fully addressed and this is your first workshop? You should stop worrying about Article X and start thinking of the people in town. Supevisor Roach asked what is the question. The question is how can you set up a schedule when you don't even know what the people want. I found it disturbing you are getting a lawyer. Supervisor Roach stated he will be looking for a resolution tonight, in fact he was looking for a resolution at the August 13<sup>th</sup> meeting to accept the committee's recommendations. Mr. Lapinski suggested he get in touch with the Kendall Supervisor. He then read comments made by Councilperson Marchetti from the August 13<sup>th</sup> meeting.
  9. Pat Darney of 476 Morton Rd. stated she would like to give some background to the Town Board. I had been at the last meeting. She also stated that some time ago was asked to sign a petition and chose not to as I didn't have enough information. I am embarrassed to say I did not bother to find out more at that time. Yes there is some information available. When I went to look for information I would expect that on important issues such as this that all the residents of Hamlin would have stacks of information in their home. Her question is, how did we get to this point and why isn't there more information available? I believe the town government should provide us this information. Nothing is more important, as this is the biggest issue since I moved into town. I don't know how we got to this point. I take offense that I can go by the Town Hall on a regular

- basis and I see on the front sign you have hunting and fishing advertised or clerk hours. I take exception to the fact that we are limited to a one-hour meeting to ask questions? I have loads of questions. (At this time her three minutes were up)
10. Matt MacDonald of 43 Cook Rd. stated that a lot of the issues on my mind are economic. What is the potential source of income for the town from the development? Is it the production and sale of electricity or the money coming in lieu of taxes? Supervisor Roach stated the PILOT program. Over the life of the PILOT program which will eventually stop there are programs put in place such as in school districts. Eventually taxes would then need to be raised when the income stops. This is a significant concern. It will make the community suffer down the road. The other thing to mention is the sound issue. You decrease the sound level a very small amount when you double the distance. Once positioned you won't be able to move them. The way sound works you wouldn't be able to get away from it.
  11. Renee Cliff of 730 Redman Rd. I like to ask each Town Board Member a question and ask you each to answer. What benefit is it for the Wind Turbines coming to the town? Supervisor Roach mentioned the PILOT program and impact on local economy during construction. I see it as supporting alternative sources of energy. Councilperson Rose stated he can't honestly say as he has not seen the proposal and what they would be offering the town. Councilperson Todd stated his opinion from the beginning was in favor of looking at legislation for all forms of alternative energy conservation and ways to offset savings. Councilperson Marchetti stated he is in favor of alternative energy source. Renee Cliff commented on some of the answers, yes it would give a short-lived economic change during construction. She agreed with Councilperson Todd that the town has to look at all alternatives and don't think that this is the place for turbines.
  12. Norman St. John of 1203 Redman Rd. stated he was against Wind Turbines. You were asked about the positives, but I would like to know the negatives that you see. Supervisor Roach stated the negatives were well listed in the report and we need to go through them and most can be mitigated. We will be looking at them and I can assure you the negatives will be looked at.
  13. Ed Doan of 1263 Redman Rd. stated that a few months ago he and his wife had come to learn. We have learned a lot of the negatives but not a lot of the positives. We have visited wind turbine sites and listened to the noise and the birds. Hopefully the Town Board can make regulations so that the Zoning and Planning Board then they can do their work. I hope we look at this both negative and positive, there are two sides of a fence.
  14. Kathy Habgood of 142 Cook Rd. I would like to address one thing Art McFarland brought out about 900 foot average. I too did not want to sign a petition when it came around. We felt we needed to get more information. I have personally gone to the wind farms and she relayed problems from several people from Fenner that were not satisfied. She also has spoken with several persons on the bird issue which have stated that two to five miles is too close to the shoreline to have wind turbines. Please do the study and hopefully mitigate the question on bird and bat kill. Hamlin is listed as a place to come see the birds.

15. Linda DeRue of 317 Redman Rd. read a letter from Jerry Borkholder who stated he had not missed any meetings until this conflict. In the letter it stated his position has changed many times and he is in favor of green energy. If present he would had several items to discuss but one point in particular to the board and support boards but to all present. We live in a republic not a pure democracy. In our type of government the main job of our elected officials is to provide protection for all its citizens especially those in a minority situation. He hoped the Town Board would pass the same no-harm vote that the committee did. He stated it takes courage to do things right.
16. Diane Grimm of 430 Redman Rd. stated that the committee had a rough start but once Linda took over she and several other members did an excellent job. My questions why was there so few Town Board members in attendance? These meetings had a lot of information that was shared. Supervisor Roach stated he has answered that several board meetings. He stated I speak for myself and that I had attended six of the twelve meetings and felt it was a special interest committee. When present I had been taken to task, even called a liar. I am sure people in management who have been put in this situation would have felt as I, it was best to let the committee do their work. Councilperson Rose stated he attended three meetings. As I stated at the Town Board meetings, I wanted to stay impartial and if you get involved with the committee you are taking away their function that they were charged with. Other towns have had full support when doing their research. She was disappointed that she didn't see her representatives at the meetings.

Supervisor Roach stated we have gone through those who stated they wanted to speak so he returned back to Mr. MacFarland who concluded his comments on safety of wind turbines. The insurance industry has accumulated 33,000 turbine years of experience, without a single claim of injury due to ice throw. Some of you will remember the wild claims put forth by people who didn't want to look at cell towers. He concluded by saying regardless of where NIMBY's reside, they think that their locality is special and should be exempt. Mr. MacFarland ended his presentation by submitting this document for the record.

Pat Darney asked Linda DeRue did the Wind Tower Committee make a recommendation to ban wind towers? The answer was no, we did not make a recommendation to ban them. We did recommend a setback of 2,460 feet. Tom Jensen a member of the WTC added to the answer that you can't legally ban wind towers anywhere but what you can do is develop regulations with restrictions such as setback and height. Pat made reference to the minority report where she said indicated some towns did ban them. They discussed the towns who have tried to ban them and the outcome.

David Lukas member of the Wind Tower Committee wanted to discuss the PILOT and the shelf life which is 15 years, so it is not open-ended. Supervisor Roach mentioned the Town of Alabama and the negotiations. Attorney Licht mentioned the taxing at the end of the fifteen years. David mentioned several other points were the flicker issue and the

economic benefits to the town? Who would benefit as we have no hotels and only one restaurant in town.

Barbara Brown of 2370 Church Rd. made the statement that the WTC recommended a survey be sent out and she want the board's feelings on that. Supervisor Roach stated he had asked why it hadn't been sent out. It was the opinion of the committee who considered it that it was too early. Barbara Brown stated she hopes the Town Board cares what we feel and she hoped a survey would be done as it is a useful tool. This is a monumental decision that will effect us forever.

Jay Dorney of 476 Morton Rd. stated he is late to the whole thing but would like to make two points. One this is a monumental step and you need to have a sense of what the folks are feeling. It has the potential to divide the community. Please slow down and be careful. You need to publicize this other than in the Hamlin Clarkson Herald. He asked the board to take 15 seconds and ask for a show of hands. Which was done. Supervisor Roach was asked if he knew of the proposal for 50 wind turbines. Supervisor Roach responded he was not aware of any proposal

Mr. Skip Brennan arrived at 7:03 pm and when the question was asked of Mr. Brennan on a proposal of 50 wind towers, he also stated he had been on this project for six months as the project manager for Iberdrola who purchased CPV and at this time there is no proposal. They are still gathering data on the MET Towers. He will be available during the Town Board portion of the meeting. At this time the Public Forum was closed at 7:06 pm.

### **TOWN BOARD PORTION**

Supervisor Roach opened the Town Board portion of the meeting. Some of the general public left the meeting. All Town Board Members were still present.

Supervisor Roach stated that at the Chairperson's request, I had asked the committee several questions and asked if they were prepared to answer the questions? Chairperson Linda DeRue stated at the last WTC meeting they had speakers come in and explained the Grid. The following is the answers the questions asked by Supervisor Roach and answered by Dave Lukas as provided.

### **QUESTIONS FOR WIND TOWER COMMITTEE**

Q- Of the nine issues you say you didn't have time to explore, which ones were you able to address at your meeting on August 7?

A- *There was initially considerable confusion as some members weren't even present while other members questioned if we were still a committee because the recording secretary wasn't there. After this period of uncertainty we started*

*making plans for our upcoming meetings and recapping what needed to be done and how we were going to get there.*

Q-Of the nine issues, which are the most important to you?

*A - All are important because we are presently unaware of the information yet to be discovered through our ongoing studies.. Property devaluation, tour of Maple Ridge, impact to the neighborhoods, the power grid and effects on it- and peak generators causing overall increase in power costs, not alleged decrease, impact to rural infrastructure, Town's reputation, loss of rural character, etc. The Wind Tower Committee still has months of work yet to do to gather all of the relevant issues still yet to be researched.*

*An example of information of information not researched yet comes from just the last WTC meeting in which we had 2 people who work with the NYS power grid give a brief overview of the hardware and pricing structure it works under. They stated that the presence of wind turbines would actually have the potential of costing the citizens of Hamlin more. Their reasoning is that when there has to be a reserve of "peak generators" on hand to replace the power generated that is lost when the wind stops blowing. National Grid has to supply energy to the grid at a daily market price. They also buy off of the grid at an hourly rate. National Grid would have to provide power to the grid when there was more demand than they presently were generating. They make up for this shortcoming by operating these generators fueled by either natural gas or oil. They are extremely expensive to operate when compared to the locally generated coal fueled plants. They actually cause National Grid to lose money and this loss is passed on the public.*

Q. -Section 4: Where are the maps in Appendix A? Where are Appendices A, B and C?

**A - Supplied**

Q-Section 5: Was any other source besides the NYSERDA website used to determine the proposed PILOT payments? What supervisors or developers did the committee talk to determine how Towns with regulations in effect negotiated their PILOT payments? What is your source for Host Community Agreements? How are they determined? What benefit are they to the Town? Did you get the opportunity to ask Supervisors with wind towers – what they would do better, what problems do they have, what benefits have they achieved?

*A - I Spoke to the Supervisor of Malone, and the planning office of Fenner and Madison. It is essential to remember that PILOTS DO NOT HAVE TO BE ACCEPTED!!!! Fenner never did any bargaining with the developer to determine how much was available. They took what was offered. All Pilot programs are negotiable as there is no limiting statute or factors between the municipality and*

*the developers. It is definitely in the Wind developer's best interest to have pilots but it is not in the Town's best interest. It is in the Town's best interest to tax the landowners directly. The landowners would then receive their lease agreement monies from the developers and then would receive the additional monies from the developers to pay for the taxes. Taxes based off of a multi million-dollar complex would bring in considerably more money than a PILOT program.*

Q - Section 6: Agree with the statement. However, what was the committee's determination, if any, on the effects to property values?

A - *A very important factor in our research was to remember the areas we have researched regarding property values are all of a much lower population density than Hamlin.*

*There was a wide range of opinions on this and it was not fully explored. Property values for farmland have the potential to actually increase due to wind development. But in our Town we now have direct information that there was a substantial decrease in the sale price of a recent property – the Piccarelo's. As we all heard in their letter to the Town Board and subsequent second letter to the wind tower committee they believe they lost \$ 50K directly due to the mere anticipation of wind development. As a home generally represents the majority of a family's life's savings we needed to protect this savings. The use of an independent real estate agency to perform a comparative market analysis on each home in the area for a base line was an issue.. A tax re--assessment is not accurate, as it doesn't address the sale price. A COMPARATIVE MARKET ANALYSIS would be. Also we discussed to have a developer guarantee that if homes did not sell at their present market value after a certain time the developer would supply the difference between the comparative market value and the price it was sold for or purchase it outright. Canastota has adopted a similar plan concerning the developers.*

Q -Section 8: Agree with fact that National Academy of Sciences recommends 2640' setback as a "distance where noise is not an issue." NAS also states that at 300 meters (1000'), sound produced by a wind turbine is around 35-40 Db(A), which is within the range of night time sound levels in the country side. Did the committee discuss whether there might be a reasonable compromise that can be considered between these two extremes?

A.- *The 2640' was the compromise distance -with often mentioned of one mile now the norm in many European countries. The consensus of the group was that ½ mile was adequate based off of NAS, WHO and our own personal field readings at various wind turbine complexes .The ambient db readings in my front yard at 1288 Moscow Rd.. between 9 and 10 pm has varied form 28 to 35 db. Also our own Town of Hamlin's Noise ordinance Chapter 75 states " It is hereby declared to be the policy off the Town to prevent certain noises that make it difficult for residents within the privacy of their homes to be free from intrusive*

*unwanted sounds. The Town's definition- Noise- Any sound capable of being heard through the closed windows and doors of a bedroom, living room or den of a house located fifty(50) feet or more from the source of the device emitting the sound.*

Q-Section 9: I don't understand wind rights in relation to Town regulations. Is there a source the committee used to make the recommendation that proof of procurement of wind rights be obtained? Is this a Town responsibility or a land owner responsibility?

*A -Wind rights were discussed from the view point of the landowner as well as the Town's perspective. Without sufficient winds, depending on the Town's position on taxes, there could a substantial decrease in the Town's funding source.*

*If another wind tower company came in and put up towers upwind of the proposed site it would have an immediate impact on the downwind turbines and thus the amount of revenue to the Town- again based on how the Town writes the regulations. The potential of legal action due the proximity of possible neighboring counties wind turbine complexes could come into play.*

Q -Section 10: What scenic vista/corridors are you referring to which are identified in the Town CMP?

*A -The scenic vistas /corridors are not formal or state recognized vistas. They are the vistas that are represented by the often quoted "rural character" in the CMP. They are also those included in the LWRP.*

Q -Section 13: This section provides some very detailed noise analysis. Does the recommendation that the "noise level should not exceed 45 Db(a) at the property line of non-participating landowners" equate to the 1500' property line setback recommended in Section 8?

*A - The 1500' represents the distance to the roadway not to a residence. We have both a db set point as well as distance setback to address these concerns.*

(Section 14 is Ice throw. Section 15 is the correct section for the following question.)

Q-Section 15: There appears to be some contradiction between the committee's statement of problems and recommendations regarding wind towers and the findings of the National Academy of Sciences (used as a source for some of your other recommendations), which states "In the United States, shadow flicker has not been identified as causing even a mild annoyance." It also states that, "According to the Epilepsy Foundation only frequencies above 10Hz are likely to

cause epilepsy seizures (Flicker frequency due to a turbine is on the order of the rotor frequency (i.e., 0.6-1.0 Hz).” This is backed up by the British Epilepsy Association, which states on its website that “We are not aware of flickering from wind turbines triggering a seizure for anyone with photosensitive epilepsy. However, as a precaution, it is recommended that wind turbines should be limited to a flicker frequency of 3Hz. Newer wind turbines are usually built to operate at a frequency of 1Hz or less.” Why does the committee choose the extensive set back when the possible, more simple solution is proposed by NAS - not running the towers during the infrequent periods that flicker might occur?

*A.- It was the opinion of the committee that the possibility of shutting them down to alleviate the flicker was not likely. Turning them off during flicker periods would go against the company's profit margin.*

*The concern with flicker is that there are very few long-term studies. Dr. Erba, one of the world's preeminent researchers in this field is located at our own University of Rochester. His findings indicate that there are both physical as well as psychological effects from flicker. The relationship of flicker causing seizures is one issue but flicker has is associated with everything from migraines – anxiety- stress and nausea are directly related. Those susceptible to motion sickness are more susceptible to the effects of flicker. The wind tower committee watched a video on flicker and the constant strobe effect would definitely be more than an annoyance but an infringement on the rights of the homeowners.*

Q -Environmental Impact Statements: Did the committee have an opportunity to review any that were done for existing towers? These are very informative. Many of the committee recommendations in regards to environmental, EMI, infrastructure, etc. (all of which are reasonable to require) are fully covered in the conduct of an EIS. Could the requirement for a full EAF and EIS (to cover all areas of concern, including answering residents' questions) by independent contractors (at developer's expense) supersede all the myriad of things that the committee is trying to include in the regulations?

**A-The SEQR 1 Positive Declaration needed will protect the Town's from looming potential future litigation.**

*Out of the 30 plus sites that have been researched only Fenner has done an environmental impact study and it is unclear if they contracted for the entire SEQR 1 positive declaration. It is an area that still needs to be researched in a more in depth fashion. With the immediate area being ringed with homes, noise issues, bird bat issues and a myriad of other issues there is no other choice than a SEQR1 positive declaration. It should also be mentioned that we are on the direct route also of the Royal Monarch butterfly migration route.*

*Since most of Hamlin is a potential site for wind development to some degree the SEQR 1 Positive Declaration should look at other areas of Hamlin not just the*

*area in question. As Linda Morey has often stated, "We are making the regulations for whole Town" – not just the area under consideration.*

*To err on the side of caution is essential regarding these many issues and therefore it is essential to adopt the WTC report exactly as written.*

Q-In relation to Executive Summary:

Infrastructure Considerations: Did the committee have an opportunity to assess the gross maximum weight of the trucks that carry gravel or farm equipment, which currently frequent the roads, which might be used for wind tower construction? It would be interesting to see a comparison of what is currently being carried as to what might potentially be carried.

*A -The 10 wheel dump trucks w/o special permitting can carry from 14 tons to 20 tons /load. Further research is need. The information expressed in the WTC came from The Town's Highway Superintendent and he would have the axle limitations for a vehicles.*

*Ask Iberdrola what is their anticipated impact to our local roads*

*The largest section of the 3 section monotubes weighs around 120 tons. The nacelle weighs around 40 tons and the blades vary according to length.*

Q -Enforcement: How does the \$2500 a day recommended fine compare to other locales with wind towers? Same with 90-day removal for faulty towers? Is this defensible?

*A -No turbine company has ever sued a municipality. All suites have been from effected individuals or groups therefore the defensible concept should be used to write laws to protect Hamlin's citizens from being impacted by the wind towers. Adequate setbacks are a must to protect the Town from litigation. The wind tower committee report recommendations does just that- it protect the Town against litigation .So we should decide who to protect- the citizens of Hamlin that elected this Board or the Foreign Multi billion dollar Energy company that exists solely to harvest and export not the wind but our hard earned tax dollars.*

Supervisor Roach mentioned the suits coming from both sides, the neighbors and Wind Tower Company. A question from Councilperson Todd was about other options to control noise and flicker except setbacks. Tom Jensen stated there is also a way to mitigate the noise besides setback by better insulation for the neighbors also air conditioning being provided. Councilperson Todd asked about the technology to control the noise. Mr. Brennan had a quick comment on the technology in Europe and the ability to dump wind to comply with noise. It is not the companies goal to shut down and there are other options.

Dave Lukas suggested that the WTC, Support Boards and Town Boards to in a bus and talk with a cross section of the residents who have them.

Supervisor Roach asked if there were any questions from the board. The Support Board members present were then asked for their comments. Chris Schlieter of the Planning Board stated to Mr. Brennan that he has read the reports and there are a lot of items to look at. You could see the flavor of the public that is here. As we get into the SEQR process there are issues to be mitigated. Supervisor Roach mentioned the Town as lead agent and asked Chris Schlieter to provided additional information to the Chairperson of the WTC the way the SEQR process flows. The governing body usually sends out the referrals to be lead agent and then invites testimony. There may be stipulations set by the board that will need to be mitigated. In the Zoning process the health and welfare of the town is taken into consideration.

Linda DeRue asked if the Planning Board could make changes or accept what we give them. Supervisor Roach stated that once the regulations are developed the only changes can be made through variances with the Zoning Board of Appeals. Tom Jensen asked if multiple turbines would require each landowner or tax parcel variance. Attorney Licht stated that a variance is by consent of the owner of the property. Chris Schlieter stated that the applications would be property specific and consistent reviews would be done on each property. Jim Nesbitt gave an example of how a development for a single family dwelling goes through the Planning Board with a public hearing being required. Linda DeRue, Chairperson of the WTC did add that the reason a survey was not done right away was the committee felt we were not ready for that.

Attorney Licht stated the Town Board sets forth the regulations. Supervisor Roach mentioned a possible Special Use Permit being needed once the regulations are written. WTC member Andy Simpson wanted more clarification on the SEQR process and the regulations. Jim Nesbitt stated before codes are written a question should be will the code apply especially in a rural area. Supervisor Roach mentioned that most farmers he has talked with are in favor of this as it will protect the development in the rural area. Chairperson Linda DeRue stated that is because they are getting paid. Supervisor Roach asked the farmers present whether they are benefiting and each answered no. Andy Simpson mentioned the northwest quadrant and to make sure the studies are done as once they are in place they can't be moved if your go with the 2,640 ft. Councilperson Todd asked if there were any more questions from the Support Boards. Norman Baase of the Zoning Board of Appeals stated if a variance would be needed everyone has a right to apply for a variance. There will be a criteria to follow. Councilperson Rose asked Mr. Baase to explain the criteria used by the Zoning Board. Councilperson Rose asked what is the feelings to have something in hand and have public hearings to get input. We would have some type of boiler plate. Planning Bd. member Linda Morey agreed with having a proposal in front of you it is much better in the end. Open discussion was held on getting a document together.

**AUTHORIZATION TO HIRE DANIEL SPITZER, ATTORNEY**

Resolution #213                      A motion was made by Supervisor Roach, seconded by Councilperson Rose to authorize the retaining of Attorney Spitzer to draft the Wind Tower regulations at a cost not to exceed \$2,500 to be taken from Litigation Account A1410.4. Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

**PAYMENT OF VOUCHER 1101 TO USDA/RURAL DEVELOPMENT**

Resolution #214                      A motion was made by Councilperson Rose, seconded by Councilperson Todd to pay voucher #1101 the annual principal and interest to USDA/Rural Development in the amount of \$11,744.77. Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

**DISBANDMENT OF WIND TOWER COMMITTEE**

Resolution #215                      A motion was made by Councilperson Marchetti, seconded by Supervisor Roach THAT since a motion was made to hire Attorney Spitzer to draft Wind Tower Regulations for the Town of Hamlin to disband the Wind Tower Committee as a committee but to continue work with the Town Board as a joint Wind Tower Workshop group addressing the codification issues.

**Discussion:** Councilperson Rose made the statement that workshops works wonders. The Town Board and the WTC can sit down and have a draft regulation to work with on meeting the goals. Supervisor Roach echoed what has been said about workshops. It was clarified that the committee by this resolution would be disbanded. Workshops are how they broke through the Comprehensive Plan. Stan Lyons a member of the WTC and Norman Baase a member of the Zoning Board of Appeals stated they have found workshops are good as you are in smaller group setting.

Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

**ADJOURNMENT**

A motion was made by Councilperson Todd, seconded by Councilperson Marchetti to adjourn the meeting at 8:38 pm. Members polled, Councilperson Marchetti aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried. Meeting was adjourned. Everyone was invited to stay around for a discussion or questions with Mr. Skip Brennan from Iberdrola, USA

Respectfully submitted,

Sherry J. Dobson,  
Deputy Town Clerk