

SPECIAL TOWN BOARD MEETING
February 25, 2008

A Special Town Board meeting was held in the Hamlin Town Court located at 1658 Lake Rd., Hamlin, New York. The meeting was called to order by Supervisor Dennis Roach at 7 pm who explained the location of the fire exits and defibrillator. Those present then participated in the Pledge of Allegiance and a Moment of Silence for all deceased residents of Hamlin.

Present: Supervisor Dennis Roach, Councilperson Tom Breslawski, Councilperson Michael Marchetti, Councilperson Paul Rath, and Councilperson David Rose

Also present: Zoning Board Chairman Norman Baase, Conservation Board Member Mark Reeves, Planning Board Chairperson Linda Morey, Court Clerk Patience McPherson. Residents: Lloyd Lochner, James Peters, Chris Cramer, Gene Dollard, Nicholas Breslawski, Brian Henner, Tom Armstrong, Dan Fitton, Sandra and Donald Nichols, Ralph and Eileen Preston, MaryAnn Hurlbut, Jim, Alayne, Ed and Judy Doan, Linda and Donald Rabjohn, Sue Ritzenthaler, Joseph Heberle, Paula Reis, Greg Hart, Tricia and Troy Nesbitt, Kathy Habgood, Bruce Butcher, Krissann Craney, J. and Pat Dorney, Dan Shaprio, Jerry and Flora Borkholder, Renee Cliff, Jack Shevlin, Heather Snyder, Kim Spellan, Dean Brightly, Art and Carol MacFarlane, Gordon Wright.

Supervisor Roach opened the meeting and explained to those present the purpose of the meeting was to discuss an impasse that the Town Board is facing regarding setbacks, as well as any other Wind Tower regulation matters that may come up. With it being a Special Town Board Meeting, there is no opportunity for a public forum. Before any regulations are voted on, if there are any changes, there will be another public hearing scheduled and conducted before any final voting is done.

Councilperson Paul Rath excused himself at 7:03 pm.

At a previous Public Forum the question was asked if there were any personnel on the Town Board who had any personal interest or possibility of benefiting from the Wind Towers. A negative response was given by each member at that time. However, we do have a new Town Board Member and it is important to publicly disclose any personal interest that would be viewed as conflict or any potential of personal gain to be made from this. Supervisor Roach indicated that he has not signed any land lease agreement, has no personal interest, and has no family members with any interest. Supervisor Roach stated that his only interest is to enact feasible regulations that will benefit the Town of Hamlin.

Councilperson Rose stated he has no interest in Wind Towers and has no relatives that have interest in Wind Towers.

Councilperson Breslawski stated he has no interest in Wind Towers and other than doing the best job for the Town, had nothing to gain.

Councilperson Marchetti stated he has no interest in Wind Towers and has no relatives with interest.

Supervisor Roach continued that with the exception of Councilman Rath who has disclosed from the beginning that he does have an interest, there are no Town Board Members with a disclosed interest or any opportunity to personally profit from the Wind Towers.

Supervisor Roach stated that a number of reports have been received over the past 18 months from various sources; both verbally and in writing, both pro and con and despite statements to the contrary a tremendous amount of research has been done by the Town Board Members. He asked whether the Town Board Members reviewed and considered the reports and input that has been provided. Town Board Members answered in the affirmative. Supervisor Roach also stated that based on the reports and input he has received, and research he's done, he believes that this is something the Town should be considering.

Supervisor Roach asked the other board members for any feedback they have received from residents. Councilperson Marchetti stated he has spoken to many residents, and has gotten more "pro" than "con". Councilperson Breslawski stated that he has spoken to many residents who have expressed interest in seeing Wind Towers in Hamlin. Councilperson Rose stated that most of the people he's spoken to are in favor of the Wind Towers. There have been some that are not in favor; one of the primary reasons was the setback and the noise level of the Wind Towers. He spoke with the Highway Superintendent of the town of Eagle to see what damage was done by the cement trucks and equipment that has come in. He suggested that the Hamlin Highway Superintendent take video of the roads prior to construction so that the Town knows if there is any damage done. He is also in process of talking with Assessors of the various towns and county to see what has transpired as far as land value and whether they have heard any negative reports. He visited Tug Hill, Town of Eagle and Weathersfield and talked with people in those areas and tried to find out as much as possible.

Supervisor Roach asked each Town Board member to assure themselves and the public that all issues, reports, concerns be addressed properly in the regulations forthcoming. Supervisor Roach stated that the Town Board received approximately ten days ago a notice from Senator George Winner, Jr., who is Chairman of the New York State Legislative Commission on Rural Resources that the Article 10 issue is once again before them and in his words, "it is anticipated action will be taken on the Article 10 Legislation this session so time is of the essence in submitting your input." He also provided the synopsis of the Article 10 Bills and proposed in the Bills. It is a Siting Board in Albany that will determine if the proposed facilities are appropriate. Municipalities or State Agencies will be prohibited from requiring additional permits or approvals of a proposed facility. Conforming provisions from the State Environmental Conservation Law clarify that actions taken by the Siting Board under Article 10 are not subject to the requirements of the State Environmental Quality Review Act. To facilitate any proposed development, the Bill, if enacted as written, the Siting Board would have 60 days to work on an application and set the date for a public hearing. The Town's response to the survey

expressed concern over the loss of local control and the fact we essentially would lose any opportunity of host community and tax revenues.

The purpose of this meeting is because of the impasse on the setbacks. Supervisor Roach and Councilperson Rose were at 1,500-foot setback; Councilperson Breslawski and Marchetti are at 1,000-foot setback. Supervisor Roach feels that the biggest concern with the setback was noise and feels that 1,500 feet is appropriate. Councilperson Rose also feels that 1,500 feet is appropriate for the noise issue. He does not support the 1,000-foot setback but if there are tight noise laws, he would still not vote for 1,000-foot setback but possibly somewhere between 1,000 and 1,300 foot.

Councilperson Breslawski stated that he feels SEQR will set the final determination, which is why he's at the 1,000-foot setback. He doesn't believe a law that is so restrictive should be written. Not every Wind Tower will be at 1,000 feet. It's a minimum and SEQR is going to determine the setback. As long as our noise ordinance is 'up to snuff' the Wind Tower Company knows how much noise their machine makes at a given distance, they aren't going to put it so close that it's in violation.

Councilperson Marchetti stated he's pretty firm with 1,000 and 50 dBAs.

Discussion continued regarding noise decibels not to exceed ambient +6 dBA.

Discussion was held regarding setbacks being 1,200 feet instead of 1,500 feet. Following discussion, Councilmen Breslawski and Rose and Supervisor Roach agreed to a setback of 1,200 feet. All agreed that the noise level should then be changed from L₁₀-50 to "not exceed ambient +6 dBA." Attorney Licht advised that it was not necessary to call for a resolution to incorporate these changes. A discussion then took place to review all changes that need to be made.

Changes to be made include:

Noise level not to exceed ambient +6 dBA

Setbacks being 1,200 feet instead of 1,500 feet

Irrevocable letter of credit

Small WEC's fees

Add Fire Department to Fire District

Changes will be provided to the attorney to update proposals. A public hearing will be scheduled for April 10, 2008.

Councilperson Rath reentered the meeting.

RESOLUTION TO CONDUCT A PUBLIC HEARING AT 7 PM APRIL 10, 2008

Resolution #99 Motion was made by Supervisor Roach, seconded by Councilperson Marchetti to conduct a public hearing at 7 pm Thursday, April 10, 2008, contingent upon availability of the St. John Lutheran Church gymnasium to hear public input on the proposal for law for Wind Tower regulations.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath abstain, Councilperson Rose aye, and Supervisor Roach aye. Motion carried.

RESOLUTION TO CONDUCT A SPECIAL TOWN BOARD MEETING AT 7PM THURSDAY APRIL 24, 2008

Resolution #100 Motion was made by Supervisor Roach, seconded by Councilperson Breslawski to conduct a Special Town Board Meeting at 7 pm, Thursday April 24, 2008 for the purpose of considering Local Law for Wind Tower Regulations. Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath abstain, Councilperson Rose aye, and Supervisor Roach aye. Motion carried.

Supervisor Roach reminded Council members to review the proposed SEQR.

RESOLUTION TO ADJOURN TO EXECUTIVE SESSION

Resolution #101 Motion was made by Councilperson Breslawski, seconded by Councilperson Marchetti to adjourn to Executive Session at 7:45 pm to discuss a legal matter.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, and Supervisor Roach aye. Motion carried.

ADJOURNMENT

A motion was made by Councilperson Marchetti, seconded by Councilperson Rose to adjourn the meeting as all business has been concluded.

Members polled: Councilperson Breslawski aye, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, and Supervisor Roach aye. Motion carried, meeting adjourned at 8:10 pm.

Respectfully,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk