

Hamlin Wind Tower Committee *Minutes*
Tuesday, April 17, 2007
7:00pm

The regular scheduled meeting of the Hamlin Wind Tower Committee was held in the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairman Mark Reeves at 7:00pm with the location of the exits and defibulator explained for those present.

Present: Jerry Borkholder, Linda DeRue, Ed Haight, Tom Jensen, Dave Lukas, Mark Reeves, Andy Simpson and Lester Wilson.

Excused: Ed Evans

Also present: Supervisor Denny Roach, Councilperson Mike Marchetti, Planning Board member Dave Martin, Conservation Board member Tom Breslawski, Building Inspector B.J. Maier, residents Don and Sandy Nichols, Lauren Nevil-Foos, Jack and Chris Shelvin, Lorraine Haight, Diane Grimm, Nicole Devos, Bob Raddek, Doug and Alison Crandell, Aaron LaFaro, Troy and Tricia Nesbitt, Tony Callari, Judith and Edward Doan, Kathy Habgood, Renee Cliff, Kim Spellan, Amanda MacDonald, Dick Noskie and several other interested residents.

Chairman Mark Reeves welcomed the two new members Lester Wilson and Tom Jensen.

Chairman Mark Reeves explained that Ed Evans was attending a presentation at the college tonight and will submit a report to the committee.

Chairman Mark Reeves addressed a couple of emails from committee members regarding legal advice that was requested. He read the two emails from the committee members. Mark wanted to clear up some allegations that were made. First he was not aware that Mr. McEachern was an attorney. He contacted Mr. McEachern and gave a copy of his response letter to the committee members that stated he was not an attorney. Mr. McEachern is a developer. When the member googled his name he got information regarding another person in Maine. Mark wanted to stress the importance of getting good, accurate information and researching that information. Mark stated that he has tried to stress a sense of emergency and has been pushing very hard to meet the deadline. He stated that he has been honest with the committee and has been impartial. He has made sure that everyone has been given the opportunity to speak and followed up on their concerns and questions.

Jerry stated that Mark missed what he was saying. He has prepared a statement. Two main issues are involved. This is the single most important issue that the Town of Hamlin has ever faced. The committee has faced lies, delays and subterfuge. The two main issues are the hiring of Mr. Spitzer and the letter to the residents. Both issues have been on the docket for 43 days. Motions were made but no action has been taken yet. Jerry stated that the committee made a motion on March 6 to hire Mr. Spitzer. The

motion was voted on and passed. On March 20 Mr. Roach stated that Mr. Spitzer would only help with the writing of the regulations. This was conflicting information from what Mr. Spitzer told Dave Lukas so a conference call with the Mr. Roach, Mr. Spitzer and Dave Lukas was agreed on but when Dave Lukas went to Denny's office for the call Mr. Roach stated that the conference call was not necessary. On April 3 it was stated that the hiring of Mr. Spitzer was left off of the Town Board agenda. Mark Reeves gave a report at the Town Board meeting stating it was confusing what the committee wanted so Mr. Roach postponed the decision regarding the hiring of Mr. Spitzer. Jerry also stated that Mr. Roach claimed that he didn't know the cost of hiring Mr. Spitzer but Jerry had a letter that Mr. Roach gave him with the cost. Jerry explained that on March 6 a motion was made to send a letter to the residents but no action has been taken yet. On March 20 the Town Board had not met yet to discuss the letter. On April 3 the letter was mentioned again and discussed. Jerry stated that Mark Reeves gave a report at the Town Board meeting stating that it was unclear what the committee wanted to do with the letter to the residents. Jerry stated that was incorrect information. Jerry stated that he feels that this is all a plan to make the committee fail. Jerry stated that he also has a problem with the Chairman of the committee. He feels Mark lacks leadership and flexibility. He feels that Mark excludes the committee and refuses to change his plan even if it didn't work. He feels that this cost the committee a valuable member. Jerry also disagrees with the way the Public Forum is handled. Jerry feels that Mark has misrepresented the committee and doesn't provide the committee with information that has been requested. They are still waiting for the LWRP information. Jerry stated that Mark has told the Town Board on two occasions that the committee will not be done on time. They haven't even discussed any main issues. Jerry stated that he feels that the committee needs a leader that believes they can complete the task.

Mark responded by stating that at the last meeting they discussed the letter and there was some discussion on adding a survey with the letter that could be returned. Mark stated that he has never seen the letter. He didn't receive a copy of the letter but it was described to him as an "invite" letter. Mark stated that he voted against mailing it out because he felt it was too soon. Mark also stated that the motion was made when Art was the Chairman. Mark responded to the hiring of Mr. Spitzer. Mark stated that they discussed finding out the scope of the work. Mark stated that he asked for a list of questions because attorneys charge by the hour to answer questions. Mark explained that he did go to the Town Board and they requested more information regarding the number of hours that Mr. Spitzer would be needed.

Jerry stated that the Town Board was hung up on how much Mr. Spitzer would cost but Denny already had that information.

Mark stated that Jerry had indicated that he had some questions for the attorney but no questions were ever submitted by Jerry. Andy did submit a list of questions. Mark thanked Andy for the list.

Andy stated that he received an email today regarding dividing up into two sub committees. Andy doesn't believe that is what the charter wanted. He doesn't think that

pitting two groups against each other is going to work. He feels that the committee should work together and discuss the information and set some regulations together. Mark responded to the lack of leadership comment. He stated that he gave a list of categories and asked the members to sign up for a category to work on either with another member or individually and only Jerry and Ed Haight have signed up so far. Linda did discuss continuing to work on the negatives. He also asked for information to add to the list. Mark also stated that we could pair off to work on issues. He received information from Jerry, Dave and Glen.

Dave stated that he did sign up for noise and money and he handed a report in already that hasn't been discussed.

Mark stated yes you are right you did I just didn't have it down and he apologized to Dave.

Andy stated that he was interested in crafting a survey and stated that he would have it completed by May 1.

Jerry commented that maybe Mark's system is too complex for him to keep track of himself.

Mark stated that he does have a life. He stated that at the last three meetings they have had circular discussions and he thought that the list would get everyone focused.

Jerry stated that he doesn't find the plan to be productive and he doesn't like it.

SUB-COMMITTEE FORMATION

Mark explained a sub committee formation to help expedite the process. The plan consists of breaking up into two sub committees. Each sub committee would be working towards charter objectives. Mark thought this would loosen things up so the objectives could get done.

Jerry asked if this was open to discussion. Mark asked if he could explain it first. Linda asked how can you separate us and put us against each other. She stated that the committee's job was to gather all of the information and discuss it together as a committee. Mark stated that he felt this way would eliminate the debate time amongst the committee. Mark explained that the members would be able to choose which committee they wanted to be on. The Co-Chairman would lead the other committee. They would have a work session once a month. All meetings would be open to the public. Each committee could invite speakers, open forums and have experts speak. Each sub-committee would submit a report to the Town Board. He thinks that this plan will work because the debate time would be eliminated. Linda asked when the issues would be discussed. Dave stated that he has handed in four reports so far and none of them have been discussed yet. He asked when discussion would take place. Jerry stated that is not what the charter is saying. He stated that at the last Town Board meeting Mr.

Roach said in regards to the Community Center that it was a good report that the group handed in but the Town Board was looking for more specifics. Jerry stated that is what the Town Board is looking for from this committee also is more specifics not just a stack of information. Mark stated that the mission statement in the charter has 8 objectives. The charter was discussed.

A motion was made by Jerry, seconded by Linda to scratch the sub-committee format dated 17 April 07.

Mark stated that he was not calling the roll until there was discussion time. Mark stated that it has not been enacted yet. Jerry stated that it is being imposed on the committee just like the other plan of signing up for objectives that Mark refused to change. Some discussion took place on the sub-committee format. Jerry stated that this is just a stalling tactic. Mark explained that it is meant to speed up the process. Jerry stated that they should be discussing noise instead of wasting time talking about format. Linda stated that according to the charter the Chairman's job is to make up an agenda based on member input. That hasn't happened. Sometimes the agenda has changed 24 hours before the meeting therefore the work that the members have completed never gets discussed. Mark asked Jerry to clarify the motion.

A motion was made by Jerry, seconded by Linda to scrap the sub-committee proposal dated 17 April 07. Members polled, Borkholder aye, DeRue aye, Haight no, Jensen no, Lukas aye, Reeves no, Simpson aye, Wilson aye. Motion carried, proposal scraped.

CO-CHAIRMAN

Chairman Mark Reeves reserved decision on a co-chairman due to the two new members that just joined the committee.

OLD/NEW BUSINESS

A motion was made by Ed Haight, seconded by Andy Simpson to approve the minutes from the April 3, 2007 meeting as recorded. Members polled, Borkholder aye, DeRue aye, Haight aye, Jensen abstain, Lukas aye, Reeves aye, Simpson aye, Wilson abstain. Motion carried, minutes approved. Linda mentioned that in the minutes it stated that they would allow the Public Forum to run over a ½ hour if necessary but according to tonight's agenda no time has been allotted for that to happen. Chairman Mark Reeves stated that he would make sure there was enough time at tonight's meeting.

Refinement of expectations to contact Mr. Spitzer. The Town Board requested some clarification on the time that would be needed for contacting Mr. Spitzer. Dave stated that he spoke to Mr. Spitzer and an associate on April 13, 2007 and he explained that he charges by the hour and his associate would be cheaper. He would be willing to except phone calls from members. He would keep a running total of the time used. He would suggest requesting to buy x amount of time. The time indicated was 10 hours. Tom stated as a word of caution to be very careful how the 10 hours is used. Be careful not to

answer the same questions over and over again. Dave stated that Mr. Spitzer would cost \$250.00 per hour and his associate would be \$185.00 per hour. Andy suggested that the committee should discuss the questions prior to asking Mr. Spitzer. Dave volunteered to be the one to contact Mr. Spitzer. Tom suggested having Mr. Spitzer respond to all of the committee members with the answers to the questions. Mark suggested running the questions by the Town Attorney prior to contacting Mr. Spitzer. Andy stated that he couldn't see the questions that they would have taking up 10 hours. He suggested starting out with 2 or 3 hours of time. Dave stated that Mr. Spitzer mentioned 10-hour increments so he would have to ask him if he was willing to do less than that. Dave suggested calling Mr. Spitzer and asking about 5 hours to start. It was agreed that Dave would call Mr. Spitzer tomorrow and ask about buying 5 hours to start and that Dave would be the point man for contacting Mr. Spitzer. Tom asked if the two new members could get all of the information that has been given to the committee so far. Jerry stated that some of the information he has obtained himself and it wasn't passed out to the committee. Mark suggested getting all of the information to the Clerk so she can get copies to the new members.

A motion was made by Tom, seconded by Dave to request the Town Board to hire Mr. Spitzer's associate for 5 hours pending the phone call asking if that is acceptable. After discussion it was agreed to table the motion until the next meeting so that Dave could get an answer from Mr. Spitzer.

Wind Turbine Installation. Mark stated that he would get information to the committee regarding proposing a visitor's center. Some discussion took place regarding visits to Wind Turbine Farms. Jerry stated that he suggested that the committee go together with out any other people. Andy suggested renting a 10-person van so they could all ride together. He called Budget and it would cost \$245.00 to rent a van. Mark stated that the Town insurance may be an issue. Renting a bus from Brockport with a driver was discussed. Mark said they would need to find out who is authorized to drive under the Town's insurance. If they can't drive then they will have to look at getting a bus with a driver to go to Fenner. They discussed that pulling up in front of someone's house with a big bus may be difficult.

State Moratorium. Mark stated that he has been unable to find out any information on the State Moratorium for Wind Towers. He asked if anyone else has seen anything. No one else had any information.

Andy explained that he feels that the committee needs a change.

A motion was made by Andy, seconded by Dave to nominate Linda as Chairman of the committee. Some discussion took place. The committee would like to discuss items and come to an agreement on the issues. Mark stated that he doesn't feel that everyone will agree on issues. Jerry stated that they are all adults and he believes that after discussion they would be able to come to common ground. Andy feels that a change is needed and it is nothing against Mark. Mark stated that he didn't have any hard feelings. He is still a member of the committee.

Members polled, Borkholder aye, DeRue aye, Haight abstain, Jensen no, Lukas aye, Reeves no, Simpson aye, Wilson abstain. Motion carried, Linda is the new Chairman.

PUBLIC FORUM

Kim Spellan of 382 Morton Road questioned whether the Wind Tower technology is driven by politics rather than fact and necessity. Is it not possible that we can be forcing our citizens to live in an unpleasant environment in reality for nothing? She would like the committee to look into this. Jerry restated the question. He stated that she is saying that wind tower technology is political rather than environmental and would like the committee to research that. Dave stated that he spoke to Mr. Golosano after the meeting in Albion and he also wrote a letter in the paper. He stated the main reason wind power exists is money. If it wasn't for the production tax credit and the renewable energy credits the towers probably wouldn't be there. He handed out an article last meeting titled "What proposed Wind Towers would reap" which gives references to follow the same logic. It stated that under production tax credits in one year they make 3.3 million dollars from the proposed plant as it stands now and they make 4.65 million dollars under the renewable energy credits per year. NYS has a systems benefit charge that we all pay that is .0211 cents per kilowatt-hour, which helps to subsidize the wind towers. The amount of money they get from NYS independent service operators is 13.219 million. All of this information can be found under the references on the back of the handout. If anyone has any different numbers he would love to discuss this issue with them.

Sandy Nichols of 682 Cook Road has attended the meetings and has had an open mind but is very concerned about the committee. She is relieved about the change in the Chairperson. She would like to see the committee move on and answer the questions and concerns of the residents. She is willing to take a hit on her property value possibly looking at alternative energy. What happens when all of these subsidies stop and what will happen to the Town. She is concerned about getting some insurances that this would be better for the entire community. She is sick of time being wasted at these meetings and asks that this evening be a turning point and from now on the committee move forward. Dave stated that after 10 years the tax credit goes away. Ms. Nichols stated that is why she is very concerned down the road and would like the committee to look into that issue long term.

Troy Nesbitt of 52 Cook Road would suggest that the minority opinion be included in the recommendation to the Town Board. Tom stated that anyone that disagrees is able to voice their opinion and Mark had agreed to include those opinions in the report. Mark stated that he wasn't sure if that would still happen now or not. Mr. Nesbitt stated that he was also concerned with the amount of meetings that Ed Evans has missed and wondered when that would become an issue and be addressed. He also spoke to residents in Fenner concerning the towers being hit by lightning as it happens quite frequently and he questioned if the Town of Hamlin was equipped to put out that type of fire. Tom stated that he wasn't sure if any Town was equipped but they can mandate fire suppression systems be installed in the towers and they can regulate the height of the towers. Deputy

Supervisor Mike Marchetti stated that as a fire fighter for 20 years they would fight a wind tower fire the same way they fight an electrical fire. They would make sure no one goes near the fire until the proper people come and take care of it. Mark stated that Ed Haight had taken on the task of researching that issue. Ed stated that he would talk to the Fire Departments within the Town of Hamlin and other Towns that have Wind Towers and find out the type of equipment that they need for the fires. Linda asked why Ed Evans wasn't at the meeting. Mark stated that he was at a presentation at the college and would be submitting a report to the committee.

Patricia Nesbitt of 52 Cook Road stated that she had some questions for Ed Evans. She had some questions about his easement agreements and would like the issue that the residents can't speak to anyone if they have signed an easement agreement. She would like that question researched. Also Mark stated that he has a contact in Fenner that has a tower on her property and is getting paid and would like to know if there is someone they can talk to in Fenner that is unbiased and is not getting paid. She would like that researched also. Jerry stated that Ed Evans said he would bring in a copy of his contract to the committee but he hasn't been to a meeting since. He did say that he can say anything he wants. Tom doesn't believe it would be legal for them to state that they can't say anything regarding the towers. It was clarified that you can't litigate but you can say anything you want.

Dave Martin 775 Lake Road East Fork. The committee needs to work together as a team. He is on the planning Board and if they worked like this they wouldn't get anything done in Town. You are badgering each other like you are in a boxing match. Art McFarlane was badgered because his son in law owns a little bit of land in Town with a MET tower to do research to put in some clean energy in Town. Clean energy is a renewable resource that you can breathe. I don't want a coal plant or a nuclear plant in the Town. Some comments are that the view would be ruined. As a farmer a housing development ruins my view but I have to live with it. You can't have everything. He knows the gentleman that owns the tower on 104. The tower is 135' tall and he hasn't had any birds killed in the 4 years that the tower has been up. There is no scientific evidence down at Cornell that towers kill birds. Not sure how the people are going to get ahead. The Town needs to move ahead with some clean energy. If he had a lot of property he would have towers and work around them. Need to look at other means of energy.

Jack Shevlin 768 Redman Road stated that the two major concerns with wind towers are the noise and the flicker. People respond differently to this noise and flicker. Because everyone responds differently and there is no way of knowing if the decisions made will severely impact the life of many. He would suggest eliminating the concern and protecting the health of the community. He feels the way to ensure this would be by regulating the setback to eliminate the two health concerns. Linda stated that is an issue that they will be looking into. Tom stated that there are other ways to control noise and flicker. They can make it a regulation to have zero noise at the property line and they can regulate the rotation during sunrise and sunset. Mr. Shevlin suggested other areas in the Town that may be better for the towers that won't cause these issues. He suggested they need to get back to being a community.

Kathy Habgood of 114 Cook Road stated that she is very upset that Ed Evans is not at the meeting again. She would like an opportunity to talk to him. In the paper he stated that he was showing the positives at the first meeting but he did nothing to address any positive issues. He didn't use any scientific method about the noise level. He showed old pictures and called the turbines windmills. She has visited and talked to two residents in Fenner and they are very extremely distressed over the Wind Towers. One man said it sounded like a train, it wakes him up in the morning and he sounded very depressed. The original company is gone and now they are dealing with another company so they can't be regulated. Tom stated that the regulations would be in the Town Code so whoever comes in would have to follow the code. Ms. Habgood stated that one woman has physically moved out of her home because of the flicker. She was also concerned that Mark stated they would use OSHA standards for the noise levels. Mark stated he just suggested that as a starting point. She is extremely distressed that her quality of life style will be changed. She has scientific studies that state that low frequency noise affects the quality of life and health after prolonged exposure. Jerry asked her to share the complete reports with the committee for them to review. Ms. Habgood also stated that she brought in CDs for the members regarding the bird issues. There are studies being done all over the world regarding the bird kills. Linda asked her to provide copies of all of the reports to the members. She stated that the people at Fenner are willing to come and speak also.

At 9:00 some discussion took place.

A motion was made by Tom, seconded by Lester to stay longer at tonight's meeting to continue the public forum for those residents that have signed up to speak. Members polled, all ayes. Motion carried.

Bob Radder 362 Wiler Road requested that the Board members stated whether they are pro or con about wind towers. Starting with Tom Jensen in favor, Andy Simpson undecided, Jerry Borkholder undecided, Dave mixed, Mark in favor, Linda undecided, Lester in favor, Ed Haight undecided. Linda stated that they are gathering information and will make the decisions that are right for the Town. Andy stated that the Town Board would make the ultimate decision. Mr. Radder stated that the decision should be up to the entire Town not just a few individuals. It should be a majority vote.

Renee Cliff of 730 Redman Road stated that in February she asked what the effects of ground water would be and she asked the committee to research that issue. She has not heard one issue discussed regarding the concerns of the residents. Not everything can be done by email. This committee is not about pitting views against each other it is about researching and recommending to the Town Board. She hopes that the changes that occurred tonight will be positive and productive for the group. She would like the committee to look at the terrain where the turbines are located when they go on their visits. Most of them are on ridges and hills. The proposed location in Hamlin is flat. The towers will be directly in view and the direct results of noise and flicker will be directly on the homes in the area.

Ed Doan 1263 Redman Road congratulated the committee on getting some leadership for the committee. He hopes to hear parliamentary procedure at the meetings. They are charged with coming up with recommendations for the Town and that is what they should focus on. They should focus on both the positives and the negatives and work together. Stop bickering back and forth. He hasn't heard any recommendations so far. Before green energy is shoved down our throats from higher up he feels we need to get together and set some regulations for the Town.

Denny Roach 575 Martin Road stated that he has been called a lot of things so it doesn't bother him very much any more but tonight when it was stated that there were some out right lies he would like the opportunity to clarify that misconception of what went on. He agrees that this is a good issue and time is a necessity. He asked that they look at their records that when the March 6 minutes were published there was one Town Board meeting scheduled subsequent to that time and it was at that time that those issues were brought up. He appreciates the fact that they want to somehow magnify the fact that it took 30-35 days mentioned. He wanted to clarify that they were discussed at the first Town Board meeting following. He also wanted to clarify the fact that Mr. Borkholder used the term subterfuge in his email regarding assigning Mr. McEachern to the committee. As he recalls Mr. Borkholder, Mr. Quetchenbach, Dave Lukas and Mr. Nesbitt came into the office when Mr. McFarlane retired from the committee and felt that it would be good if Mr. McFarlane sat in as an advisor/consultant to the committee because of the information he had due to his relationship with the developer. Mr. McFarlane declined that opportunity so I recommended to Mark that perhaps Since Mr. McEachern is the developer and has the answers to many of the questions it would be beneficial to the committee to have him present to ask him questions. Mark did extend that invitation to him and he did agree to come to the meetings at their disposal. Denny stated the fact that you googled the wrong person is not his fault. It doesn't mean that he was lying to anyone as it was stated at the meeting. He wanted that clarified. In regards to Mr. Spitzer he did know the fees and he has been open in sharing that information with the committee. The question is not what the fees are but how much is it going to cost the Town to bring him in on these meetings. The Town Board is the vehicle to approve this. The Town Board asked Mark to get more information on how many hours the committee expects to have. He feels that the committee addressed that tonight and he appreciates it. He also would like the committee to listen to Tom's caution to filter the questions. Andy submitted a list of six questions that he would like answered by Mr. Spitzer. He received answers to these questions by our Town Attorney that is already being paid by the Town. The first two questions the answers were available on the web site on one of the links that he was asked to take down. The other questions were general questions that the Town Attorney was able to answer. His point is we already have an attorney. We have not budgeted for another Attorney although he does see the need but we need to be cautious as to how we spend the Town's money. He just wanted the opportunity to clarify some of those statements.

Amanda McDonald of 43 Cook Road requested the committee to look into the positive quality of life issues regarding the wind towers. She hasn't come across any information

about individuals profiting financially. Linda stated that in her research so far she hasn't seen anything but it is a valid issue and they will look into it. Ms. McDonald feels that it is a big red flag. Lester discussed the garbage dump in Perinton and how they are actually a good neighbor to the Town and there aren't any issues with it. Lester stated that there are pros and cons to everything and they will research it and try to determine what is best for the Town.

Dick Noskie of 4236 Roosevelt Highway stated that he agrees with the other residents and he would like to learn something regarding wind towers at the next meeting. Wind power is a clean resource and they need to stop being dependant on the Arabs. The environment is changing and we need clean energy. He learns more from the editorials in the paper than he does at the meetings. You won't get that from a coal plant or a nuclear plant. He suggested looking at other locations in Town for the wind towers. Linda stated that the committee has volumes of information but they haven't had the opportunity to present it yet. Hopefully now they will be able to do that. Dave stated that the noise issue is the most critical. He has two different reports that he will combine and present that at the next meeting. It's from the World Health Organization on sound and noise. Jerry suggested having a file so everyone could have the opportunity to review all of the information that the committee has. The Clerk has all of the handouts in the office if anyone wants copies. Mr. Noskie stated that the State will mandate wind towers. Linda stated that NYS is the greenest State. He agrees that this may be political. Andy stated that there is a time when they will no longer be viable and it is the committee's responsibility to research that. Dave stated that regarding acid rain and coal fire plants, there is a new technology where there is zero admission from a coal fire plant being built in Lackawanna. This is another option. Wind Towers may be short lived. Kathy Habgood addressed that issue that there is a website called National Center for Policy Analysis. It's an agency that researches green energy.

Chairperson Linda DeRue stated that at the next meeting she would like to discuss the noise issue. She will have a workable agenda on Friday in everyone's email. Her goal is that everyone has a fair opportunity to present all of the information both pro and con so that a decision can be reached that is the best for the Town of Hamlin. She feels this in an intelligent group and that they are capable of completing the task in the time that is left. She is looking forward to working with the committee, the Town Board, the Supervisor and all of the residents of Hamlin.

ADJOURNMENT

A motion was made by Jerry Borkholder, seconded by Lester Wilson to adjourn tonight's meeting barring any further business. Members polled, all ayes. Meeting adjourned.

Minutes respectively submitted by:

Heather Norman
Clerk to the Support Boards

The next Committee meeting will be May 1, 2007 at 7:00pm.