

Hamlin Wind Tower Committee *Minutes*  
Tuesday, May 15, 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 Chairperson Linda DeRue at 7:00pm with the location of the exits and defibulator explained for those present.

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

Also present: Conservation Board member Tom Breslawski, Recreation Commissioner Stan Lyons, residents Judy and Ed Doan, Dorothy and Paul Lapinski, Matt MacDonald, Troy and Tricia Nesbitt, Kathy Habgood, Diane Grimm, Aaron LaFaro, James Doan, Ann Yockel, Jack Shevlin and several other interested residents.

**CHAIRPERSON'S COMMENTARY**

Chairperson Linda DeRue wanted the opportunity to clear something up. In a recent letter to the editor a resident questioned the way the new Chairperson position was handled and the fact that she had a statement already prepared. Linda explained that when Art McFarlane resigned she talked to the members except Mark Reeves and expressed an interest in the position. Mark never brought the position for a committee vote. She explained that the committee members felt that it should have been open for a vote. She was prepared at that time and had a speech prepared that she used when she was voted in as Chairperson.

Linda stated that she received an email from Jerry Borkholder today stating that he was not happy that she passed out information to the Town Board without the committee seeing it first and agreeing to pass it on. Linda apologized and agreed that in the future the committee would discuss what would be passed on to the Town Board.

Linda also explained that she wanted to make sure that there was enough time to get to new and old business so she might have to cut some discussions short to make sure there was time for everything on the agenda.

**OPEN FORUM**

Ed Doan of 1263 Redman Road asked, by show of hands, if any of the Committee members were current members of the Hamlin Preservation Group. No one on the Committee raised their hand. Mr. Doan stated then that indicates no members of the Committee are part of the Hamlin Preservation Group.

Troy Nesbitt of 52 Cook Road stated that he was a member of the Hamlin Preservation Group and he would like to ask Mr. LaFaro about his claims in his recent letter to the editor in the Hamlin Herald that the group had the wrong facts and were lying. Tom Jensen explained that the Open Forum was an opportunity for the public to address the

committee members with any questions or concerns not for the public to address the public. That should be done at another time. The Committee agreed with Tom.

Paul Lapinski of 417 Redman Road stated that he was a member of the Hamlin Preservation Group. He explained that he was not against green energy but was against ruining the rural beauty of the Town with wind turbines. He showed a model of a wind tower and stated that they would tower over existing houses and barns in the neighborhood. Noise is the largest problem and it should be discussed. The strobe and flicker effects are also a problem. He asked that the committee assess these claims before the community is destroyed.

Matt MacDonald of 43 Cook Road stated that he would be doing a demonstration on noise later in the meeting. He stated that one issue with noise is that the recordings are taken during the day vs. night. Direction of the wind and weather conditions also affects the data. He stated that if the readings were taken at night then the setbacks would be greater. Mark Reeves asked if that was fact or opinion. Matt stated that the time of day is not indicated on the recordings. He submitted two articles regarding noise.

Andy Simpson suggested making one of the recommendations be that the recordings are done properly due to recent companies not doing valid studies. Mark Reeves asked for specific names of those companies. Linda suggested having an independent company conduct the study. Tom Jensen suggested recommending that the Town Board require an independent company conduct the study. Mark Reeves suggested having the developer provide the funding and having the Town hire the company to do the study.

Jack Shevlin of 768 Redman Road stated that sound is effected by wind direction. He suggested having the study done all day during different weather conditions. He explained that the near by houses would be effected differently depending on the wind direction and which way the tower was turned.

Tricia Nesbitt of 52 Cook Road read a letter from Steven and Heather Snyder of 466 Redman Road addressed to the Town Board regarding their recent trip to the Fenner Wind Farm and their experience and concerns.

Kathy Habgood of 142 Cook Road stated that at the last meeting Tom Jensen mentioned zero noise at property lines and asked how that could be accomplished. Tom explained that the new technology is incredible and there is very little noise outside of the cell. If the wind isn't blowing the tower isn't moving. The speed of the blades could be regulated and the towers would be subject to inspections by the Code Enforcement Officer and the DEC. The noise level would be monitored and in compliance with the code. Kathy stated that a resident in Hornell was approached about putting wind towers on his property and was told the noise level would be 93 decibels. Tom asked what model was proposed. Kathy stated she didn't know and that was all of the information she had. Tom explained that the model that was brought in tonight was not to scale and that the newer models are different. The height and speed and setbacks would be based on the Town Board regulations. Dave Lukas stated that the Town Board could do

whatever they wanted regardless of the committee recommendations. Mark Reeves stated that is why it is so important to make good recommendations to the Town Board. Tom stated that he believes that the Town Board is 100% interested in the best interest of the Town. Kathy stated that the company constantly sells to other companies so you are never dealing with the same people so they don't follow the regulations. Tom explained that regardless of who the company is they have to operate per the Town Code. Andy asked if they would be shut down if they were in violation of the Town Code. Mark stated that they would need to be monitored after installation and that could be added to the code. A cash bond for removing the tower should also be included in the code.

Jack Shevlin commented on Tom Jensen's statement that the tower isn't moving if the wind isn't blowing. He stated that at 200' the wind is still blowing and the tower is still turning. Because it is quieter at night the noise is more evident also.

Stan Lyons of 120 Locust Drive stated that he has attended several Town Board meetings and the Town established the committee to set controls and eliminate these problems. Tom stated that he recently received an email regarding a wind farm in Maine that is a good example of a town not looking out for the best interest of the residents. It was very poor planning and they didn't do their research. Linda stated that the developer offers the town money and sometimes no research is done at all. Tom stated that money can't be the priority.

Diane Grimm of 430 Redman Road questioned just 4 or 5 people voting on this matter and is concerned with the Town Board making this decision. She asked if the Town Board members were going on the trip to Fenner and if any of them had ever visited a wind farm. Linda explained that the Town Board members are trying to keep an unbiased opinion. They are waiting for the committee's report to make their decision. She stated that the Town Board has been very helpful to the committee and asked that the public be patient. Diane Grimm stated that the Town Board needs to go and visit these sites also.

Mr. Doan asked about fire problems. Dave Lukas stated that at a previous meeting Mike Marchetti said they would step back and watch it burn because they do not have the equipment to fight a fire that high. Mark Reeves stated that they could require a fire suppression system be installed. He also suggested having a way to rescue anyone trapped inside the tower. These items can be added to the regulations. Mr. Lapinski stated that he was very concerned about just letting the towers burn. He was concerned about the nearby houses and barns and the fields below catching on fire also if they are left to burn out.

Andy Simpson read a letter in response to Ed Evan's recent letter in the Hamlin Herald. Andy stated that Mr. Evans only attended the first three meetings. If he was so concerned with the integrity of the committee he should have attended all of the meetings. At one meeting he mentioned that there were wind towers being installed on a lot behind his property in Centerville. At the very next meeting he stated that he had no previous

knowledge of the \$1000.00 check that he would be receiving annually. Andy stated that he found it hard to believe that Mr. Evans didn't know he would be receiving this money. Mr. Evans agreed to share the contract that he signed with the committee. They never saw him again. Mr. Evans never gave the committee or the public a chance to address his actions. He used his position to make false statements. Andy would like to invite Mr. Evans to share his agreement with the committee.

A motion was made by Tom Jensen, seconded by Andy Simpson to approve the minutes from the May 1, 2007 meeting with a correction to Tom Jensen's statement that according to the open meeting law it is not ok to have private meetings and a correction to Mark Reeves statement on MET towers to say that the Town Board failed to include that in the requirement of the permit for the MET tower. There was no contract signed by the Town with a developer. Members polled, all ayes. Minutes approved.

### ***A Developer's Perspective***

Dave Lukas gave a summary of a presentation that he attended with Keith Pitman- President and CEO of Empire State Wind Energy, LLC on May 3, 2007 in Canandaigua. He stated that he taped the entire presentation if anyone was interested. His first question to Mr. Pitman was if the production tax credits and the ECU's were removed would the Wind Turbine Complexes be a viable option? His immediate response was absolutely not! His presentation continued with the sole reason there are so many developers rushing in is solely because of "green money". There are a definite number of towers that are needed to make a project economically feasible. For a 2 MW tower complex the minimum number would be 10 towers. The more towers the better. A viable wind study would have to be performed and the cost would have to be determined for any project. There is a fee to connect to the "grid" also. It would be in the Town's best interest to have the project based on property tax assessment not on the pilot program. Siting is the key item in changing a positive in to a negative. Regardless of the public's perception there is a finite amount of money available to drive these projects. The presence or absence of a Town Supervisor can change the likelihood of a project being completed and can change on Election Day...

### ***Noise Presentation***

Matt MacDonald was present to give a presentation on noise. A meter reading was taken when the room was quiet. It was 39-40 decibels. A recording of a wind turbine was played and a meter reading was taken. It was 41-42 decibels. Mr. MacDonald stated that noise is complicated. He stated setbacks are very important. Sound travels in open space. If the distance is doubled the noise decreases 6 decibels. Jerry questioned zero noise at the property line. Mr. MacDonald explained that is almost impossible what you would regulate is no increased noise level at the property line. If the reading without the tower is 39 then it should remain 39 with the tower. Andy questioned weather conditions affecting the readings. Mr. MacDonald stated that weather conditions and background noise would affect the noise level. Dave Lukas stated that he uses an A scale to take the noise level readings and asked if that is what he recommends. Mr. MacDonald stated yes that is recommended for noise that people hear. Jerry questioned a survey done in Illinois where people farther away from the tower were affected more by the noise. Mr.

MacDonald stated that is relative to the wind direction and the conditions around the towers. Were there any trees present because they absorb the sound. Jerry stated that he didn't have that date. Mr. MacDonald stated that he would have to know all of the information. Jerry questioned a chart comparing other noises to wind tower noise. Mr. MacDonald stated that data can be fudged and he would need to look at all of the data and who was being affected in order to comment. Linda thanked Mr. MacDonald for his presentation.

Dave Lukas gave a report on noise. He first explained a chart that was passed out showing the density results of other Towns with wind towers. Dave explained that he has been gathering a lot of information on noise and has put in this report complete with references on page 7. The report was discussed and a copy was given to all of the committee members. Sleep disturbance and health effects were also discussed.

### **OLD BUSINESS**

Linda explained that the letter to the residents was discussed at last night's Town Board meeting and the Town Board requested that the information in the letter be updated. The letter would be included in the next newsletter. Linda read the letter to the committee. The committee worked on some revisions. Mark asked if the revisions could be emailed to everyone tomorrow to approve. The committee decided to make the revisions at the meeting and take a vote tonight. Mark requested the letter be read in its entirety with the revisions. Linda refused to read the letter with the revisions.

A motion was made by Andy Simpson, seconded by Dave Lukas to send the letter with the revisions that were made tonight to the Town Board to be included in the June newsletter. Members polled, Borkholder aye, DeRue aye, Jensen aye, Lukas aye, Reeves no, Simpson aye, Wilson aye. Jerry stated that Mark was being disagreeable.

Linda explained that the Town Board approved hiring Jill Yonkers for a 5-hour block for Legal Assistance. The questions are to be given to the Town Attorney first. Dave Lukas is the contact.

The Committee will leave at 11:00am from the Town Hall for Fenner on Saturday. Mark cannot attend the trip.

Linda explained that the informational meetings do not have to be open to the public according to the Town Board. The first meeting with Kathy Habgood and Dave Martin will still be June 6 at 6:00at the Town Hall. A sign up sheet for other issues is available. They will choose one pro and one con representative. The committee member will give a written report to the committee at the next meeting.

Linda explained that Jerry would complete the questions from the students at Hilton High School. The Board will review the answers when complete before it is sent to the teacher.

## **NEW BUSINESS**

Tom Jensen wanted to comment on the MET tower data. He stated that the Town Board did request the results but the developer didn't want to reveal the results until after the study was complete because then other companies could steal their data. They did agree to reveal the results when they make a proposal for Wind Towers in the town. At the end of the study they will release the data to the Town.

Dave Lukas gave a brief report on data from NYISO Wind Capacity Factors. He explained that payments under the pilot program are based on what is produced.

## **OPEN FORUM**

Troy Nesbitt apologized for questioning Mr. LaFaro earlier in the meeting. He submitted three articles for the committee to read.

Mr. Lapinski questioned how the Committee was going to present information to the Town Board from their trip to Fenner. He suggested asking for time during the Town Board meeting to play the recording that Mr. MacDonald played tonight. Linda stated that was a good idea.

Mrs. Doan asked how the noise of the wind tower compares to constant traffic noise. She stated there is a lot of constant traffic noise by her house. She hears the trucks, tractors and the pea pickers wake her up in the morning but no one has mentioned the existing traffic noise. Other residents agreed that they are woken up by the traffic noise also. Property values did not decrease due to increased traffic. She would like to know how the noise would compare to traffic noise. She stated that it's a good way to guarantee the area stays agricultural if there is a wind tower there then a housing track can't be built there. Dave stated that he has never monitored the noise on Redman Road but the tower noise would be in addition to the existing noise. Mrs. Doan challenged the committee to make sure if there is money available that the Town receives some of it. Tom Jensen stated that Kendall could allow the towers on Monroe Orleans County Line Road and those neighbors could still see the towers but the Town wouldn't receive any money at all. He explained that Italy, NY has banned wind towers and the developers have filed an article 78 with the State so they can come in as a Public Utility whether the Town likes it or not so some good, solid restrictions need to be set before the State regulates them. Linda stated that if they are allowed then they could be placed any place in Town that meets the setback requirements. This decision affects the entire Town. Tom also mentioned that it is the Zoning Board's final decision. They could always grant a variance for the towers.

Mr. Doan suggested the committee bring a video camera to Fenner this weekend. Linda stated that was a good idea.

Jim Doan of 343 Morton Road gave Mark a lot of credit for being on the Conservation Board and this committee. He asked about regulations on the cables that are buried for

the towers. He would like to see the committee start voting on some issues. There are only 12 meetings left and instead of arguing they should be moving forward. He also suggested looking into Hamlin creating their own electric district. He suggested keeping the electric here in the Town. Holley and Spencerport have their own. It was something to consider.

Linda stated that she would like the committee to vote on noise at the next meeting. They would be discussing Flicker at the next meeting also. She stated that she was very pleased with the meeting tonight and what the committee has accomplished.

### **ADJOURNMENT**

A motion was made by Tom Jensen, seconded by Jerry Borkholder 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 June 5, 2007 at 7:00pm.**