

Hamlin Wind Tower Committee *Minutes*
Tuesday, June 19, 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, Tom Jensen, Dave Lukas, Stan Lyons, Linda Morey, Mark Reeves, Andy Simpson, Lester Wilson and Linda DeRue.

Also present: Alternate member Mike Baker, Conservation Board members Tom Breslawski and Aaron LaFaro, residents Dorothy and Paul Lapinski, Ed and Judy Doan, Troy Nesbitt, Kathy Habgood, Jack and Chris Shevlin and several other interested residents.

CHAIRPERSON'S COMMENTARY

Chairperson Linda DeRue welcomed two new committee members Stan Lyons and Linda Morey and alternate member Mike Baker.

Linda also let everyone on the committee know that the outside bulletin board at the Town Hall was available to display information until August. If anyone has any suggestions let Linda know.

Linda also stated that the report regarding the meeting on birds with the sub committee would be presented by Tom Jensen when the topic of birds is discussed.

OPEN FORUM

Paul Lapinski of 417 Redman Road asked Dave Lukas to clarify a statement he made at the last meeting regarding it taking 7 ½ years to make up for the emissions that are put into the air when just one wind tower is built. He questioned whether they were really clean and green. Dave Lucas stated that he got the information from Windwatch.com and it states that it takes 7 ½ years to offset the use of carbon dioxide just for the construction of towers. That doesn't include travel, roads and installation. Mr. Lapinski added that the electrical plant associated with the tower is still running also. Dave Lukas agreed. Mr. Lapinski asked Jerry Borkholder why he didn't show the third video he had at the last meeting. Jerry Borkholder stated that he didn't show the third video because he determined that it was not scientifically done as he was told it was. He didn't want to waste the committee's time. Mr. Lapinski asked if this was the same video that was advertised in the Hamlin Harold. Mr. Borkholder stated that the video was done by a local individual but he wasn't sure if it was the same one that was referred to in the Hamlin Herald. He stated that the individual didn't use the proper equipment in the video. Mr. Lapinski stated that at a previous meeting a letter was read that stated that Mr. Evans was going to provide the committee with a copy of the neighbor agreement. He asked the status of that. Chairperson Linda DeRue stated she wasn't sure if Mr. Evans

was still willing to do that but they could look into it. Tom Jensen stated that he has some samples of easements at home and he would look through them. Mark Reeves stated that he has a copy of a wind neighbor easement that he can email to Mr. Lapinski. Mr. Lapinski thanked Mark.

Jack Shevlin of 768 Redman Road stated that at a previous meeting Linda Morey stated that landowners should have the right to do what they want with their property. Linda Morey corrected Mr. Shevlin and stated that she said they should have the right to request a proposed use on their property. Mr. Shevlin asked if Linda Morey would be able to set that belief aside and be on this committee. Linda stated yes she feels that the owner has the right to make a proposal for their property.

Kathy Habgood of 142 Cook Road wanted to add something regarding her discussion with Dave Martin. He referred to a study done by Cornell University. She added that Cornell scrapped the proposal in 2005 to put up 400' wind turbines. She also referenced a University of Virginia study done on the effects of air pollution.

Troy Nesbitt of 52 Cook Road stated that the proposal to the town was made by CPV and he wanted to let everyone know that they have never actually installed a wind tower. He also stated that they have been recently bought out by another company. Tom Jensen stated that CPV has bought three other companies that have done wind farms all over the world. They own Fenner and Wethersfield. Mr. Nesbitt questioned why Hamlin. Tom Jensen stated that this is an excellent site due to the wind here. Who contacted who first the homeowner or the company was discussed.

Conservation Board member Aaron LaFaro asked Dave Lukas if he had the carbon footprint on all other forms of construction. Dave stated that he wouldn't have that information. He went to national wind watch.com to get the information on wind towers. Aaron asked if he would be willing to research all of the data. Dave Lukas stated he could he wouldn't know where to look. Aaron LaFaro asked Jerry Borkholder why he didn't play the third video because he tore apart the other two videos that he did play for the committee. Jerry Borkholder stated that he did not tear them apart he stopped the tape to explain the distance away that the people lived regarding the noise issue. Aaron stated that it would have been fair to play the third video because the other two videos weren't scientific either. Aaron asked if anyone videotapes the committee's trips to wind farms. Tom Jensen stated they do have pictures and video of their trip to Fenner but it hasn't been presented publicly yet. Lester Wilson stated that the video is really useless it was just to document the readings.

Judy Doan stated that no proposal has been made yet. The committee has been asked several times by the Town Board to clarify that but everyone keeps referring to the proposal when there has not been a proposal made yet. Linda DeRue stated that they appreciate the frustration. There has been verbal discussion but no proposal yet and they will keep that in mind and be more careful.

Paul Lapinski questioned 10 members. Chairperson Linda DeRue explained that Mike Baker is an alternate and will be present but not have a vote.

MINUTES

Mark Reeves asked to include in the minutes the data that Heather observed at the last meeting that was in the original draft but deleted by the Chairperson. It was part of the meeting and it did happen and it should be included. It does address the sound issue. Chairperson Linda DeRue stated that it was omitted because the minutes don't include every word from the meeting and the voices were not part of the experiment. Mark stated but it did happen at the meeting. Dave Lukas stated that the meter was on to only verify that it was comparable with a more expensive meter and it is. Mark stated that the minutes should be accurate and reflect what happened at the meeting. It wasn't meant to be part of the experiment. Mark stated to Linda "See you at the Town Board Meeting. I'll get it in that minutes." Chairperson Linda DeRue asked for approval of the minutes as written. A motion was made by Jerry Borkholder, seconded by Andy Simpson to approve the minute as written. Members polled Borkholder aye, Jensen aye, Lukas aye, Lyons abstain, Morey abstain, Reeves no, Simpson aye, Wilson abstain, DeRue aye. Minutes approved as written.

REPORTS

Jerry Borkholder has been out of town so his report on Community Relations was not given.

Tom Jensen's report on Birds will be given when that topic is discussed.

Lester Wilson made a chart that gave the regulations for wind towers from other towns across the state. He reviewed the data with the committee. Mark Reeves stated that this was an excellent report. Linda DeRue agreed.

OLD BUSINESS

Chairperson Linda DeRue asked everyone's feelings on the noise issue.

Tom Jensen handed out a noise regulation proposal. He stated that noise is a very important issue but believes the committee has beaten the issue to death. He would like to propose a 45 maximum decibel reading.

Andy Simpson is concerned about the noise issue affecting the neighbors and thinks there needs to be a noise study done.

Jerry Borkholder read part of the Town's noise ordinance. "Declaration of policy. Problems concerning the disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise, which is disturbing to others, it is the policy of the Town of Hamlin to establish some standards, enforcement procedures and penalties. It is hereby declared to be the policy of 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. Noise- Any sound capable of being heard through the closed windows and doors of a bedroom, living room or den of a house located 50 feet or more from the source of the device emitting the sound."

Dave Lukas believes noise is a major factor and the setbacks need to be regulated. He agrees a seasonal study needs to be done.

Lester Wilson believes noise is a factor but they have to be careful not to be too restrictive.

Linda DeRue believes the committee works for the town and needs to protect the residents also. Setbacks are the key. She believes the constant noise is the issue.

Linda Morey agrees that setbacks are the most important. She likes the proposal to the Town Board but isn't sure a study is needed.

Dave Lukas stated that a study is needed to measure the ambient sound range so a baseline can be found.

Andy Simpson asked what happens if the towers exceed the regulation. Tom Jensen stated then they would have to shut the tower down until the problem could be corrected.

Andy asked who would do that. Tom stated someone would have to be named in the regulation but it would most likely be the Code Enforcement Officer.

Stan Lyons agreed that a study needs to be done. He can hear the farm machinery at his house but has learned to accept it because he knows it is doing good. There needs to be realistic regulations set.

Tom Jensen recommended that the setbacks be 1500' from property lines and roads and 2000' from adjacent existing homes and setback from the Bird Area be 2640' (1/2 mile).

Mark Reeves recommended a Special Use Permit be required per tower. Require the company to provide measurable decibel readings. He agrees they need to be specific in the regulations. He suggested the company provide yearly reports to the Town Board.

Andy Simpson asked about the regulation to state the noise level at the property line.

Mike Baker suggested the company report monthly to the town. If they are not in compliance with the codes then they have to pay a fine. He stated that is how it works at other companies. Dave Lukas stated that the company wouldn't be affected by the fines because they make so much money. He suggested that an employee of the town should check the towers monthly.

Stan Lyons reminded everyone that this committee is not the decision making body and they need to come up with a good proposal for the Town Board.

Jerry Borkholder was confused. He thought noise and setbacks were two separate issues.

Tom Jensen explained that we need to regulate noise with the setbacks.

Dave Lukas stated that several different setbacks have been used in the past. The 1/2 mile setback is what is recommended now. He agrees that the setback should not be less than that. Jerry Borkholder disagreed. He stated that other countries are using greater setbacks and are still having issues.

Linda Morey suggested getting back to discussing the noise issue.

Dave Lukas stated the only way to control the noise issue is with the setbacks.

Mark Reeves stated that a decibel reading at the property line can also control noise.

A motion was made by Tom Jensen, seconded by Andy Simpson that the proposed noise and vibration regulation be that the audible noise standard due to routine operation shall not exceed the average ambient level by more than 4 dB (A) for more than 5 minutes out of any one hour period of exceed 45dB(A) for any time period at the property line.

Facility shall not produce any impulsive sound below 20dB(A) that adversely affects the habitability or use of any existing home or structure. No humanly perceptible vibrations shall be permitted beyond the property line. A four season sound study to be completed.

Members polled Borkholder aye, Jensen aye, Lukas aye, Lyons aye, Morey aye, Reeves abstain, Simpson aye, Wilson aye, DeRue aye. Motion carried.

How sound is measured was discussed. Linda Morey asked if the requirements could be fine tuned and revisited later. Chairperson Linda DeRue stated yes they could.

Linda DeRue stated that setbacks needed to be addressed next. Some discussion took place.

A motion was made by Dave Lukas, seconded by Tom Jensen to propose the setback regulation for wind towers be 1500' setback from the property line and road. Setback from adjacent existing homes is a minimum 2640' unless signed waiver is obtained from adjacent property owner at time of project approval. Members polled Borkholder aye, Jensen aye, Lukas aye, Lyons aye, Morey no, Reeves no, Simpson aye, Wilson no, DeRue aye. Motion carried.

Dave Lukas asked why the no votes. The reason was because it is too restrictive and leaves the town open to litigation.

Chairperson Linda DeRue stated that Flicker and strobe affects will be the topic for next meeting.

ADJOURNMENT

A motion was made by Jerry Borkholder, seconded by Tom Jensen 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 July 3, 2007 at 7:00pm.