

HAMLIN WIND TOWER COMMITTEE –AUXILIARY POSITION REPORT

While a final Hamlin Wind Study Committee Report (HWSCR) was presented at the July 30, 2007, there was no final vote on the adoption of the report as a whole as the deadline was at hand. The committee did not have time for a consensus vote due to the time constraints set by the Town Board.

This position paper is required to help show the actual balance represented in our committees final report, since the report handed in was the results of several extremes being blended to arrive at a fair approach to the project. While we as a group strongly support our Committees final draft, this is to show our actual position as did the Minority Report.

This “Auxiliary Position Report” was written by Linda DeRue, Dave Lukas, Andy Simpson and Jerry Borkholder. The first part follows the WTC Charter (WTC) and Objectives. The second part addresses points of contention in the W.T.C. Final Report.

We request the Town Board consider these viewpoints in their deliberations, but most of all, we hope they consider our (W.T.C.) consensus report as well:

I: CHARTER OBJECTIVES

A) WTC OBJECTIVE: Determine what constitutes “best interest of the Town”.

COMMENT: The "best interest of the Town" is to first insure that the safety and health of all of the residents of Hamlin will not be impacted. The installation of commercial wind turbines, as documented in several scientific journals, has many negative health effects, with excessive noise being the primary concern. Maintaining our rural character, as stated as a goal 14 times in the Comprehensive Master Plan does not support commercial wind towers in our rural environment. *An equally compelling case can be made that our Town has more than double the population of any other area with wind turbines either installed or proposed. We have too many people that would be impacted by their presence.*

B) WTCC OBJECTIVE: Assess the general Town opinion regarding wind energy.

COMMENT: The Wind Tower Committee discussed formal surveys of Hamlin residents for their opinions during the April 4th 2007 WTC meeting. The consensus of the committee at the time was that a survey should be conducted; however it was too early in the process to conduct it. It was further agreed that this should be done at the end of our research. *The need for an unbiased survey remains essential to determine what direction the Town should go.*

C) WTCC OBJECTIVE: Determine how industrial wind turbines can contribute to the Town.

COMMENT: The only positive benefit to the Town Of Hamlin is the potential for some financial gain. The amount of money is based on how the Town would tax the potential wind complex and any other arrangements with the wind turbine developers. There are two main wind turbine developers that have approached the Town -CPV now Iberdrola and Empire State Wind. The amount of potential income from taxes would be a very small percentage of the annual Town's budget. It may be in the Town's best interest to develop proposals from various other wind turbine developers to optimize the Town's potential benefit.

Individual landowners who already have signed lease agreements will stand to gain directly, as will boundary landowners, if other developers are allowed to compete for the wind resources over Hamlin.

D) WTCC OBJECTIVE: Communicate with and visit other municipalities with wind towers.

COMMENT: The Committee had limited discussions with other town governments and no written reports were generated to reference in this report. The imposed time constraints placed on the committee by the current Town Supervisor would not allow the committee to pursue this issue as well as several others.

The committee did however visit multiple tower projects. The web sites for the complexes we visited stated in their literature that the sound levels were almost "undetectable".

This is a gross misstatement of the truth – no it is actually a blatant lie. The decibel recordings at various locations around the sites indicated more than 2 1/2 times the noise level when compared to the natural background noise. *NYS D.E.C. states that any increase of 6 db in the sound level is considered excessive noise. There is much contention throughout NYS as to the problems associated with wind turbine complexes. Litigation is on going throughout NYS due to noise; flicker, wildlife endangerment, loss of view shed, loss of rural character, property devaluation and aesthetics just to mention a few.*

E) WTCC OBJECTIVE: Research and identify benefits associated with industrial wind turbines and determine how to optimally maximize and distribute benefits.

COMMENT: As stated above, the primary benefit is a new source of funds coming into the Town of Hamlin. Although lower taxes due to the new revenue source is a common belief the possibility of this occurring is not likely. Due to the limited amount of funds derived from the industrial wind turbines the actual reduction in Town taxes would be minimal at best. The only other possible benefit to the Town would be through a host community agreement or incentive zoning. This however would be a one-time influx. This possibility should be carefully analyzed since community centers, etc. *have annual costs that must ultimately be supported by the taxpayers of the Town.*

F) WTCC OBJECTIVE: Research and identify negatives associated with wind towers and determine how to mitigate them.

COMMENT: Due to the very nature of the wind turbine complex the only positive would be an additional funding source. The implementation of a positive declaration SEQR 1 form along with a fully sanctioned United States Fish and Wildlife bird /bat survey is deemed to be essential. The potential site for wind development, as stated by Supervisor Roach in the Hamlin Herald, is in the direct pathway of many migrating raptors ,endangered and threatened species as well as songbirds.

Endangered and threatened birds and bats should not be jeopardized by the construction of commercial industrial wind turbines. Prudent sighting to mitigate wildlife destruction is paramount. *The W.T.C has been criticized for only dealing with the negatives. It should be pointed out that issues such as noise, shadow flicker, effects on wildlife, loss of the rural character, aesthetics, and several others are negative by their very nature. For example since noise is defined as unwanted sound, it is truly difficult to discuss this issue in a positive vein.*

G) WTCC OBJECTIVE: Identify impact of wind towers and wind construction on infrastructure, e.g., protection of road ways, underground lines, landscaping, wells, etc.

COMMENT: Recommendations by the Town of Hamlin Highway Superintendent Thomas Ingraham , were added to the Final Hamlin Wind Study Committee Report. The use of both State and County owned roads would be advised as to limit the impact to the Town roads. We recommend adding a best management practice requirement. The Developer shall post weekly the schedule of deliveries including routes in the Hamlin Herald.

H) WTCC OBJECTIVE: Develop proposed regulations on industrial wind turbines which conform to and reflect the best interests and desires of the Town and submit to Town Board.

COMMENT: Due to the revision of the timing in the WTC Charter by the Town Board at the July 09,2007 meeting, the WTC was not able to fully construct all of the regulations. *The major points in the report have been met* but there remain several others. That responsibility now lies with the Town Board members. The Town Board has given itself little time to generate pass laws due to the panic set by our current Supervisor. A rush that has been experienced only by our current Supervisor. Even our neighbor to the west ,on Aug. 10th 2007 (4 days ago), have extended their moratorium for an additional 12 months. No panic there. It is our hope that the Town Board take the time to insure that they do not stumble in their self imposed rush. Let's let the process play out so that all of the people in Hamlin can be protected. In addition since no Town Board members consistently attended the W.T.C. meetings, if at all, it is unlikely that they can understand the total picture to the degree required to write good legislation .*Therefore the need to adopt the WTC report as written is essential.*

****At this point Supervisor Roach asked Mr. Dave Lukas if the report submitted on July 30th was the final report of the Wind Tower Committee. The answer was yes but that the Wind Tower Committee felt they had a right to submit an Auxiliary Report. The remainder of that report was read by Linda DeRue.**

II. COMMENTS ON THE FINAL HAMLIN WIND STUDY COMMITTEE JULY30 REPORT:

1) NOISE: More time was spent on this than any other issue by the WTC. This was because excessive noise causes both physical and psychological damage. While in our report the noise category was considered by the minority to be the most restrictive in the state, it is our feeling that it is time someone brought some sanity to this issue. Other countries have laws in effect that are far more restrictive than any proposed in our report. It is time, to quote Mark Reeves, “we stopped trying to reinvent the wheel” and started to learn from countries that have far more experience than the U.S. in the area of industrial wind turbines.

a. Audible Mechanical /Aerodynamic Noise – This is a major concern due to the health issues and can only be mitigated through proper setbacks and Db limits. The Final reports states 45Db (+4Db) at the property line is the proposed regulation. This level is supported by both the National Academy of Science and the World Health Organization (WHO). The WHO has a nighttime db guideline of 30 db for sleeping purposes. Due to the high number of residences directly in the area the 45-db limit is essential to maintain the health and safety of the residents.

Please note that this issue in the WTC is a compromise. In our discussions it was felt by some that there should be a zero increase in noise at the property line.

It was and is our own opinion that a 1 year / 4 season study be conducted to establish a *solid* base line from which to judge these matters.

b. Low frequency/infrasonic noise:

Low frequency noise is a real concern for area residences. Although not heard the harmful effects are still just as real as audible sound. New information on this problem is coming forth on a daily basis. This information is referenced in the WTC.

2) SETBACKS: Set backs are the only mitigator for noise and flicker. It is essential that these be stringent enough to protect the citizens of Hamlin, all the citizens. It should be noted that while only one section of Hamlin is currently under consideration that all of Hamlin has the same potential. It is important to realize that the setbacks for both noise and flicker were considered by us to be very minimal and that much greater set backs would have served to offer relief from both noise and flicker. Since the growing trend in Europe is to adopt 1 mile set backs, we felt this also should have been done here. Our report offering 2,640’ for noise and 10 times the rotor diameter for flicker, and 1500’ from roads, was indeed a compromise on this matter.

It should be made clear to all the residents of Hamlin, while only one section of the Town is currently under consideration, 75% of the Hamlin area has the same potential to become an industrial wind turbine site.

It should also be noted that the population density of Hamlin is approximately 4 times that of Fenner. Fenner is the largest site we visited.

3) **EFFECTS ON WILDLIFE:** *Hamlin is located on one of the Country's major flyway for migratory birds. When Hamlin was selected as a potential site for industrial wind turbines the developer considered only the average wind speed. The developers didn't consider the areas importance to migratory birds and bats, they only have thought of the profit margin on the project – the bottom line. Based on current research and not on the older research mentioned by the Minority Report it is our belief that no towers should be built within 5 miles of the lake. However, if an independent comprehensive study were to be done as outlined by the W.T.C., to more clearly define these flight paths we would be most willing to accept their findings. It is ludicrous to believe that ½ mile is adequate to protect both the local and migrating birds, as the Minority Report would have you believe. Kathy Habgood has supplied letters from several highly respected people working in this field and it would be good if both the Minority Report members and the Town Board as well took the time to read them.*

4) **AESTHETICS:** While agreement probably cannot be reached as to whether industrial wind turbines are ugly or not, everyone can agree that they are big, really big. As with any large object placed near a dwelling there can be little doubt that it does indeed have an impact. A mountain is beautiful in the distance but can take on a much different character when 10' from your back door. It is therefore important that we all work together on the placement of these industrial wind turbines if they must come.

5) **FINANCIALS:** As stated in the Minority Report we agree that a financial section of the W.T.C. Report does appear in our final report with estimated returns. Using the current tax codes, supplied by Melanie Farmer, shows that little reserve is present for the reduction of taxes. By the time this is shared with the County and the school districts little will remain. A \$14.00 /person reduction in anyone's taxes won't go far. The only real monetary benefits associated with wind turbines could be in the host agreement or incentive zoning- if it is done properly. We, as in our report, would suggest that public hearings on this matter be conducted to determine the best course of action to pursue so all of Hamlin benefits.

6) **EFFECTS ON PROPERTY VALUES:** The WTC report contains a compromise statement regarding property values. It should be made clear that few comprehensive studies have ever been done.

7) **INDEPENDENT STUDIES:** As in the W.T.C. Report, we again recommend that all studies be conducted by fully independent companies without any ties to any wind company or their subsidiaries.

A point has to be made that all of the suggested regulations in the W.T.C. report are completely defensible in a court of law because these guidelines have been already

*enacted at other municipalities. **They can be made defensible if the Town wants them to be defensible.** If needed we can share their locations w/ Mr. Spitzer.*

*In our opinion the Town of Hamlin should not proceed with industrial wind turbines in the area selected due the number of immediate neighbors impacted and the impact to the flyways. This does not preclude other areas for consideration. **We further request that the WTC report submitted be adopted as is, since it is indeed a compromise report and is not as the Minority Report would choose to characterize it.***