

**Town of Lyme
April 18, 2012
Public Hearing to Consider the Extension of the Wind Moratorium
With a Special Meeting Immediately Following
6:30 P.M.**

Supervisor Aubertine called tonight's meeting to order at 6:30 p.m.

Present at tonight's Public Hearing: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Villa and Henderson and approximately 5 others.

Clerk Wallace read the Public Hearing Notice that was publishing in the Watertown Daily Times on April 14, 2012. as follows:

PLEASE TAKE NOTICE that the Town of Lyme Town Board shall hold a Public Hearing with a Special Meeting immediately following thereafter, on Wednesday, April 18, 2012 at 6:30 p.m. at the Town of Lyme Offices, Chaumont, New York to consider the adoption of a Local Law to extend a Moratorium for a period through October 10, 2012, on applications for Wind Power Generating Facilities to allow the Town Board to consider and implement sufficient regulations.

Supervisor Aubertine read the procedural ground rules for a Public Hearing and then opened the floor to public comment.

Guy Gosier – Empie Road, Three Mile Bay – Before the Town Board votes on this Moratorium Guy would like to say that the last survey done by the Town was not reviewed by any JCC Department heads as was stated in past meetings. The Town Planning Board did not design the survey, as was stated. It was all done by the so-called "Citizens Advisory Committee", which was not officially authorized by the Town Board until much later.

There were many deceptions in the last survey, such as "not near the water" and others. I recommend the now seated Planning Board not to use this survey in the Town's Wind Law as a true document. Mr. Gosier stated that there are people against wind power so adamantly they are dividing the Town. The farmers want it and the shore people don't.

Mr. Gosier hopes that the new law is written on a common sense basis, so as not to pit neighbor against neighbor and farmers against shore people so everybody can get along in the Town of Lyme.

Julia Gosier – Empie Road, Three Mile Bay – Julie stated that first of all she would like to say that this Public hearing being held tonight is a joke! Twice it has been stated in the newspaper that this Town Board is going to extend the Moratorium tonight. The purpose of this Public Hearing, according to New York State Law, is to listen to the public comments and then vote on the Moratorium, based on what is expressed by the public. If you pre-plan your vote you are breaking the law. Mrs. Gosier stated that she realizes this is unimportant since the Town Board is already breaking the law by having eight consecutive Moratoriums.

The legal residents of the Town of Lyme, who want wind power, (and they are the majority), have given up express to being their views because they have been written off.

Mrs. Gosier attended a few Planning Board Meetings and listened to people who disagreed with the Planning Board to then be run down, including our very qualified Town Attorney. The mind-set seems to be that the Planning Board needs to protect us from ourselves.

Thank you for your concern, but I would feel much safer without your protection.

Scott Discount – Hard Scrabble Road, Three Mile Bay – In favor of the extension of the Moratorium so the Planning Board can continue their work on the Draft Wind Law. They do need a little more time.

A motion was made by Councilwoman Harris and seconded by Councilman Villa to close tonight's Public Hearing at 6:40 p.m. Five ayes. Motion carried.

Supervisor Aubertine called tonight's Special Meeting to order at 6:40 p.m.

RESOLUTION 2012 - 76: Motion by Councilman Bourqion and seconded by Councilwoman Harris accepting the letter of resignation of Robert Bates from the Board of Assessment Review. The Town Board

approved the placement of a Legal Notice in the Watertown Daily Times looking for someone to replace the vacancy. Five ayes. Motion carried.

Correspondence for Tonight's Public Hearing:

The following residents of the Town of Lyme submitted letters in favor of the extension of the Moratorium:

Ed and Ellen Kloehn	27051 Three Mile Point Road
Jane Williams	Three Mile Point Road, South
Judy Sherman	
Katheryne Gall	PO Box 335, Hamilton, NY 13346
Stephen and Diane Rutigliano	Three Mile Bay, New York
Walter Koltun	

RESOLUTION 2012 - 77: Motion by Councilwoman Harris and seconded by Councilman Bourquin extending the Moratorium Regarding Wind Generating Facilities for a period through October 10, 2012 as follows:

Article 1. Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 16 of the Town Law and Section 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby acts as follows:

Article 2. Statement of Purpose and Findings. The Town Board of the Town of Lyme has been made aware of interest in Wind Power Generating Facilities desiring to locate in the area. At the same time, the Town Board is aware that there have been complaints and questions about the establishment of Wind Power Generating Facilities being located in the area. Currently, the Town of Lyme Code does not contain provisions for regulation of such facilities. It is the purpose of this Local law to extend a moratorium for a period through October 10, 2012 on applications or proceedings of applications for Wind Power Generating Facilities to allow the Town Board to consider and implement sufficient regulations.

Article 3. Enactment. The Town Board of the Town of Lyme does hereby enact as follows:

Section 1. Definitions

Wind Generating Facilities: *Those facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of Wind Power Generating Facilities shall include Individual Wind Power Generating Facilities erected and used for private use. It should also include accessory facilities such as transmission lines, access roads, meteorological towers and other related facilities whether the primary wind generating facilities are located within or outside of the Town of Lyme.*

Section 2. *Commencing with the effective date of this Local Law and for a period through October 10, 2012, no person shall be allowed a permit to site or locate a wind power generating facility as defined in this Law within the Town of Lyme.*

Article 4. Severability. *If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.*

Article 5. Effective Date. *This Local Law shall take effect immediately upon filing with the Secretary of State.*

All Town Board Members were in agreement and the Motion was carried.

Supervisor Aubertine stated that there had been no Board discussion ahead of time indicating that the Town Board would extend the Moratorium tonight.

Councilwoman Harris stated that it has been necessary to extend the Moratorium multiple times due to the Law Suit that was filed against the Town. It is necessary to proceed in a manor to make certain there will be no further misunderstandings regarding what the residents would like to see regarding this next Wind Law.

Resolution 2012 - 78: *Motion by Councilwoman Harris and seconded by Councilman Bourquin authorizing Councilwoman Harris to fill out the recommended documentation necessary to plant trees in the DOT Right-of-Way at the new Boat Launch Site in Three Mile Bay located on NYS Route 12E. Five ayes. Motion carried.*

A Motion was made by Councilman Villa and seconded by Councilwoman Harris adjourning tonight's meeting at 6:45 p.m.

The Minutes of tonight's Public Hearing are Respectfully Submitted by,

**Kim Wallace
Town Clerk, Town of Lyme**