

JANUARY 5, 2008

PUBLIC HEARING  
ON THE ADOPTION OF LAND USE  
REGULATIONS FOR WIND ENERGY FACILITIES

Public Hearing beginning at 1:10 PM at the Town of Lyme  
Fire Hall, 12175 NYS Route 12E, Chaumont, New York.

Court Reporter was Sally B. Maiorano, Registered Merit  
Reporter, Certified Realtime Reporter, Certified CART  
Provider, Certified Shorthand Reporter, and Notary Public in  
and for the State of New York.

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MR. AUBERTINE: Call this hearing to order.

2 Can everybody hear me?

3 I'll ask our town attorney, Mr. Mark Gebo, to  
4 give notice of hearing and the proof of publication and  
5 posting.

6 MR. GEBO: Okay. The notice for the hearing  
7 is as follows: Please take notice the Town Board of the  
8 Town of Lyme shall conduct public hearings on the  
9 adoption of land use regulations for wind energy  
10 facilities on the following dates, times, and places:  
11 Saturday, January 5th and Saturday, January 12th at  
12 1:00 PM at the Fire Hall in Chaumont located at  
13 11385 New York State 12E, Chaumont. The purpose of the  
14 public hearing shall be to consider the adoption of  
15 comprehensive land use regulations regarding wind energy  
16 facilities.

17 The local law describes the required permits,  
18 establishes the application and review process for wind  
19 energy facilities, establishes certain standards for  
20 safety measures, traffic routes, noise standards,  
21 setbacks. Among other things, it establishes criteria  
22 for abatement and permit revocations.

23 The law also deals with wind measurement  
24 towers and small energy conversion systems and  
25 establishes certain fees. The local law also provides

1 for the Town of Lyme to opt out of the tax exemption  
2 provisions of Real Property Tax Law 487.

3 The Town Board is acting as lead agency for  
4 the purpose of conducting environmental review on the  
5 adoption of this local law. All persons wishing to be  
6 heard on this application shall be present at the date,  
7 time, and place aforesated or have submitted written  
8 comments in advance.

9 The full text of the local law is on file at  
10 the Town Clerk's office for inspection. Any person  
11 requiring special accommodations to attend or  
12 participate in such hearing should notify the Town Clerk  
13 at least three business days prior to the hearing.

14 The notice was published on December 19th.

15 MR. AUBERTINE: Thank you, Mark. Now I'll ask  
16 you to do the explanation of the process -- explanation  
17 of the proposal, please.

18 MR. GEBO: All right. Well, the proposal has  
19 several components to it. And if you were to track  
20 through the law itself, there was -- there were some  
21 handouts, I don't know if everybody had one, but if you  
22 can share with your neighbors it would be good.

23 First part really deals with establishing some  
24 definitions that will be added to Article 2 of the  
25 zoning law. There's also an amendment to Section 310 to

1 establish a map for overlay districts for wind energy.  
2 And a copy of the map is up here.

3 There then is established a new Section 770 of  
4 the law that lays out the specific process and  
5 requirements for wind energy facilities and has headings  
6 for the -- stating, first of all, that wind permits are  
7 required, what the application process is, how the wind  
8 overlay zones are created, the review process, certain  
9 standards, safety measures, traffic, information, noise  
10 regulations, setback information, how permits are  
11 issued, what the limitations may be on the approvals, a  
12 revocation process.

13 There's also a separate section dealing with  
14 many of the same things for wind measurement towers;  
15 another section with basically the same provisions for  
16 small wind energy conversion systems; and a  
17 miscellaneous section which, among other things,  
18 establishes fees.

19 The law -- we'll deal with some of these  
20 things a little more here in a minute, but basically the  
21 issues that are dealt with throughout the law involve  
22 things such as the decommissioning of towers and how  
23 that will be handled; complaint resolution process is  
24 put in place; the overlay district, of course, we talk

25 to; the noise standards, including provisions for

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1 testing on noise after they're built, if they are built,  
2 which could result if there's a violation a permit  
3 revocation.

4 As part of the environmental study there will  
5 be the need to do a property value analysis. Also an  
6 analysis of electromagnetic interference. And there are  
7 certain standards for that that are also established.

8 And the transportation and road system. This  
9 will have to be analyzed under the environmental, and  
10 then there's also separate provisions that call for the  
11 developer of a commercial wind energy conversion system  
12 to enter into agreements with the town and county,  
13 et cetera, for using haul roads.

14 There's review of the shadow flicker effect  
15 during the environmental process. There's visual  
16 standard review during the ap -- SEQRA review process,  
17 as well as certain standards set. Same thing for  
18 impacts on wildlife. There's standards set also for  
19 transmission lines, for the height of the towers, for  
20 the hours during which they can be built, and of course  
21 setback provisions that says how far they have to be  
22 from neighboring properties and residences and that sort

23 of thing.

24 So all those things are incorporated in there.  
25 It's obviously a lengthy document, it's a little hard to

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1 go through each and every little piece of it in a  
2 summary overview, but that's the overview of how the law  
3 is put together.

4 MR. AUBERTINE: Thank you, Mark. I just  
5 happened to remember to turn my cell phone down. If  
6 everybody's got cell phones, you might want to turn them  
7 down or off, please.

8 I've asked the Planning Board to attend today,  
9 and maybe they can give us a little bit of explanation  
10 of the process they took. So if Judy Tyndall would mind  
11 helping us out with that, please.

12 MS. TYNDALL: What I did was I went through  
13 the minutes for the past year just to kind of give you  
14 an idea of the process we went through putting this  
15 together and getting to this point today.

16 In January of '07 the Planning Board attended  
17 an informational public meeting at the Thousand Island  
18 High School concerning wind power in Cape Vincent. That  
19 was our very first inkling that wind power would

20 probably be coming into the town of Lyme. And it was  
21 extremely informational, and we were pretty awestruck.

22 February of 2007 Jim Madden from BP came for a  
23 public meeting at the Town barn -- or the Town office  
24 and presented an overview of wind farms for the Town of  
25 Lyme and how they would like to come in through Lyme

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1 coming out of Cape Vincent.

2 In March of 2007 the Town Board gave us a copy  
3 of the proposed zoning regulations from the Clayton area  
4 concerning wind energy coming in from the Clayton side  
5 and asked the Planning Board to make appropriate changes  
6 using the Clayton laws and guidelines and see how we  
7 could rework it to fit Lyme.

8 The Town Board also held a public hearing at  
9 the end of March and established a moratorium on wind  
10 energy until our wind law zoning regulations were in  
11 place.

12 April of '07 the Town Board asked that we  
13 prepare a survey to determine what the property owners  
14 in the Town of Lyme have to say about wind power in the  
15 Town of Lyme. And that is when we started working on  
16 our survey.

17 In May of '07 preliminary work actually began

18 on the survey putting it in writing. A citizens  
19 advisory committee was set up by Bert Bowers to gather  
20 information for the Planning Board. They did a lot of  
21 research on the computers and did a lot of -- gave us a  
22 lot of information that sometimes we weren't able to get  
23 access to or had time to do it.

24 It was also recommended by the Town Board that  
25 a public informational meeting be set up before the

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1 survey went out to get information out to the public so  
2 they can make a better -- answer that survey a little  
3 bit better because they would have more information.

4 In June of '07 St. Lawrence Wind Farm reps  
5 came to the June meeting to present the proposed  
6 transmission line that would be established in Cape  
7 Vincent to tie into the substation on the Depauville  
8 Road. It was not known at that time that  
9 St. Lawrence -- if St. Lawrence tied into the substation  
10 and then BP was able to come in, if that substation  
11 would have the capacity to accept power from the BP if  
12 that actually all came to pass. So that was something  
13 I'm sure will have to be worked out in the future.

14 They wanted to come down the DANC water line

15 and come from Cheevers Road and come across the river.  
16 And that's how they wanted to tie into that substation.

17 In July of '07 the wind forum meeting was held  
18 at our local high school. It was finalized who were the  
19 speakers going to be and how it was going to be handled.  
20 The survey was discussed and a few more changes were  
21 made to some of the questions that we had.

22 We certainly weren't surveyed off -- we all  
23 know a lot of people had complaints about our survey,  
24 but, you know, we tried to look at it from 18 different  
25 directions each time we met to try to make it as

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1 unbiased as possible and try to get the questions  
2 answered that we needed.

3 In August of 2007 the informational meeting  
4 had occurred. The survey was sent out. The proposed  
5 wind law was discussed and would be on hold until the  
6 survey results came in.

7 In September of '07 Paul Carr came to our  
8 meeting and gave an in-depth presentation on the wind  
9 survey summary. Residents would like wind energy in the  
10 Town of Lyme, but interestingly enough, the majority who  
11 stated this did not wish to have turbines in the area in  
12 which they lived.

13                   The survey showed that residents do not want  
14                   turbines on the waterfront or near villages. Large  
15                   setbacks were in the majority, as were setbacks for  
16                   noise levels. This survey information will be used to  
17                   determine the overlay district for the wind farm  
18                   development.

19                   In October the Planning Board accepted the  
20                   survey result prepared by Mike White and Paul Carr. The  
21                   new law was reviewed and appropriate changes made  
22                   regarding the survey result.

23                   In November the proposed wind overlay district  
24                   was established, and I quote, all the area that  
25                   encompasses all property to the north of New York State

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1                   Route 12E, bordered on the northwest by the town of Cape  
2                   Vincent boundary, the northeast by the Town of Clayton  
3                   boundary, and on the east by the town of Brownville  
4                   boundary, with setbacks of greater than 4500 feet from  
5                   the high water mark of the Chaumont River and Lake  
6                   Ontario, the village limits of Chaumont, and the  
7                   lighting district of Three Mile Bay, and any other  
8                   exclusions. Which are marked on that proposed overlay  
9                   map over there.

10 In December of '07 the Planning Board met with  
11 Mark Gebo, Town of Lyme attorney, and finalized the  
12 zoning regulations for wind energy in the Town of Lyme.  
13 And a public hearing is scheduled for January 5th and  
14 January 12th at the Chaumont Fire Hall at 1 PM each  
15 date.

16 MR. AUBERTINE: Thank you, Judy. Assisting  
17 the Planning Board was Paul Carr. I'll ask Paul to make  
18 a few comments. And if everybody can remember, we need  
19 to speak up so that our transcriber can hear.

20 DR. CARR: Well, I think Judy covered  
21 everything pretty well on what we did.

22 My name is Paul Carr. I have worked with the  
23 Planning Board as a member of the advisory committee.  
24 The only things that I would add to maybe relieve a  
25 little confusion is relative to the setbacks. There are

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1 several setbacks. And everybody, the easiest way to  
2 have the setback from anything is to have a fixed  
3 distance. And then it's not at all confusing to anyone.  
4 You get a tape measure and you know what the setback is.

5 This wind law is not quite that simple. What  
6 we've tried to do, and again, with -- working with the  
7 Planning Board, Paul Norton, Don Bourquin, and the

8 others, have tried to put setbacks in place that protect  
9 the people of the Town of Lyme, and this is one of the  
10 setbacks that you'll see it at two and a half times the  
11 height of the tower. That's a little confusing, we  
12 don't know how high the towers will be, so why two and a  
13 half times? That's simply the physics of throwing ice  
14 or throwing a blade, protect people in the vicinity.

15 The setbacks at 4500 feet that you see on the  
16 map are reflective of what came in in the survey  
17 results. And the noise setbacks are pretty much  
18 standard in the industry, how to measure noise. And the  
19 noise limitations will be a function of the particular  
20 topography at each site. So the setbacks that are  
21 established for noise are not firm setbacks, they're  
22 proscriptive setbacks that describe how loud the  
23 turbines can be at a property line of a non-participant.

24 So those are the three major setback criteria  
25 that you may find somewhat confusing, but if you stop

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1 and think about them individually they all make sense.  
2 You may not agree with the numbers, but the process  
3 makes sense. So don't be confused by the setback  
4 criteria.

5                   The noise -- I will just give you an example:  
6                   The noise is a noise increase allowance above the  
7                   background noise of an area. And for example, if the  
8                   developer has a quieter turbine, they can place it  
9                   closer to a non-participant. If they have a noisier  
10                  turbine, it will have to be held back further. So some  
11                  of these criteria that we've set in place are controlled  
12                  by the developer and the machinery he selects.

13                  So these are -- that's one of the reasons that  
14                  you can't have a very simple 1500 feet or 2500 feet or  
15                  4500 feet in that context.

16                  So I've just been asked to make a couple of  
17                  comments in a couple of areas. I'll just leave it at  
18                  that because I did hear that some people were confused  
19                  by the varying setbacks. But that's why there are  
20                  varying setbacks, because there are varying objectives  
21                  to protect the people of the Town of Lyme in those  
22                  setbacks.

23                  And I won't say anymore, Judy covered it all.  
24                  If there -- any questions come up relative to the survey  
25                  or the survey results, I would be happy to try to answer

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1                  them, but I'll leave it at that.

2                  MR. AUBERTINE: Thank you, Paul. I want to

3 welcome everybody here. I want to thank everybody for  
4 their interest and concern. It's good to see such a  
5 good turnout.

6 I just want to let you know that the Town  
7 Board will not reach any decision at this meeting. We  
8 welcome your comments and opinions. The Town Board  
9 seeks the advice and help of you, the town citizens. We  
10 will take your opinions under advisement and then  
11 approve or disapprove the proposal at a later meeting.

12 Anyone choosing to speak should address his or  
13 her remarks to the Town Board only. In this way any  
14 debate between those for and those against the proposal  
15 will be avoided. I will advise you that no person may  
16 speak a second time until everyone who wants to speak  
17 has spoken. We will also be following the five-minute  
18 rule for each individual.

19 I remind you that the Town Board is here  
20 strictly to listen and not necessarily to express its  
21 own views or opinions.

22 This hearing is not being held to debate  
23 questions. We are here to listen to your opinion on the  
24 proposal before us today. We want your advice and help  
25 in coming to the proper conclusion on the matter

1 concerning which this hearing has been called. If you  
2 are in favor of the proposal, simply tell us and give us  
3 your reasons why, and likewise if you are against.

4 The people will be called to speak in the  
5 order in which they signed the sign-in sheet. All  
6 comments shall be addressed to the Board. We'll  
7 probably ask you to come forward. We would like you to  
8 give your name and spell it and then your address,  
9 please. And please, let's not have any interruptions or  
10 cross-conversation in the audience. Thank you.

11 So we do have some correspondence that was  
12 sent to us that has been asked to be read. Mark, I'm  
13 going to ask you to read that, please. And take your  
14 time, because those calls that came in I've got to take.  
15 So I'll be right back.

16 MR. GEB0: All right. Some of these letters  
17 are quite lengthy, but I'll do my best here.

18 We have an email from Terry D. Novak dated  
19 January 3rd, 2008. It says, hello. I'm addressing  
20 this note to the members of the Town Council and the  
21 Planning Board.

22 My husband and I have owned a cottage at  
23 28023 Three Mile Point Road North for almost ten years  
24 now. Our children have grown up spending their every  
25 weekend from early May until September at the cottage.

1 In fact, they would be very unhappy when on a rare  
2 occasion we would need to stay home for a family  
3 function and couldn't go to the cottage.

4 We love our cottage; we love the town in which  
5 it resides. It feels like home to us. It took us  
6 several years of looking before we found a place as  
7 lovely as this that we could also afford. It has been a  
8 wonderful place to spend our summers. The view across  
9 the bay where there is only farmland and no other  
10 cottages offers the most spectacular sunsets I have ever  
11 seen. It is just the respite we need after a long and  
12 stressful week at work.

13 My husband and I both work in Rochester and  
14 live halfway between Rochester and Buffalo. It is  
15 almost exactly a three-hour ride door to door from our  
16 home to our cottage, and we faithfully have made the  
17 journey every Friday night through Sunday night, May  
18 through September, since we have owned the cottage. I  
19 cannot imagine spending my weekends any other way.

20 There are also many weekends when we invite  
21 our family and friends from back home to come up and  
22 enjoy the peaceful beauty. In fact, my sister-in-law  
23 loves the area so much that she just purchased the  
24 cottage next door at a considerably higher price than we  
25 paid for ours just ten years ago. I'm sure that you are

1           aware of how much the property values are increasing,  
2           which is a great thing for the town, and something that  
3           would be negatively impacted by the presence of wind  
4           towers.

5                         We were very concerned when we first learned  
6           of the desire to place wind towers in the Town of Lyme.  
7           We could only imagine that our beautiful and peaceful  
8           sunsets were about to be ruined by the drone of gigantic  
9           wind towers placed into the open farmland across the bay  
10          from our cottage.

11                        When offered the chance to make our comments,  
12          we very eagerly responded to the questionnaire. Thank  
13          you for allowing us to offer our comments. We greatly  
14          appreciated that. I would also like to compliment you  
15          on having such a nice town website and making the  
16          proposed energy law available on this website for  
17          residents to review. I truly appreciate that,  
18          especially given the long commute. I would have to  
19          attend a town meeting personally.

20                        After reading the proposed law, and I must say  
21          that to me it seems quite detailed and very complete,  
22          I'm especially impressed as to how detailed the process  
23          for taking sound measurements is and also that you have

24 considered future applications and are requiring them to  
25 abide by the original background noise level and not the

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1 current level, which may be higher if there are wind  
2 towers currently on them. It seems to me that you have  
3 closed a lot of holes that could have potentially caused  
4 problems in the future.

5 I am especially happy to see that the proposed  
6 wind overlay map keeps the area across the bay from our  
7 cottage free from wind towers, at least on this side of  
8 12E, so I am hopeful that my sunsets will remain as  
9 exquisite as they have always been. Of course, it's  
10 hard to imagine exactly how big the 400 or 500-foot  
11 tower is, but hopefully it will not detract from the  
12 natural beauty of this location. There are not many  
13 places on Earth as beautiful as the waterfront and this  
14 town.

15 I'm glad to see the efforts being made by the  
16 town to protect it as a natural resource that once gone  
17 would be difficult, if not impossible, to restore. So  
18 thank you. I am concerned that some of the wording  
19 would have allowed wind towers to be placed there and  
20 that us being on the other side of the bay and subject

21 to sound traveling over water, as well flicker, would  
22 not be deemed close enough to the site to have impact.

23 The bay is very narrow where we are, maybe  
24 only 1,000 feet. But as I read further and saw that you  
25 also added 4500-foot setbacks from the water, it seems

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1 like you have avoided this issue, for which we are  
2 grateful. I am also happy to see that there won't be  
3 any wind towers in my backyard, as the night breeze that  
4 comes down the hill in the evening is especially nice,  
5 and the beautiful quiet would most certainly be ruined  
6 by the hum of the turbines.

7 However, given the choice or opportunity, we  
8 would still prefer for the setbacks to be increased to 1  
9 to 2 miles from any water or residence. That would  
10 certainly keep the residents from experiencing any ill  
11 effects. It would also avoid any negative impact to the  
12 assessed value of their properties.

13 Thank you for being proactive and putting a  
14 moratorium in place until a proper law can be  
15 established to protect the current and future residents  
16 of this town and to avoid the issues we have heard about  
17 in neighboring communities.

18 If at all possible, I will support extending a

19 moratorium for one year to see just how well or not the  
20 wind power project in Cape Vincent goes. What would it  
21 hurt to wait another year? If it goes well there, then  
22 the town will have assurance -- the assurances it needs.  
23 If it doesn't, then we will have avoided a lot of  
24 headaches and issues that may be hard to recover from.  
25 Sincerely, Terry D. Novak.

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1 Another letter from Stephen Rutigliano dated  
2 December 24th. It's a cover letter. It says, as you  
3 may know, we live in Florida for the winter. We are  
4 unable to make these public hearings on wind energy  
5 facilities in the town. I would so much appreciate it  
6 if a Board member would read this letter at the open  
7 hearings.

8 December 24th, 2007, Town of Lyme, Town  
9 Councilmen: My name is Stephen Rutigliano. My family  
10 has been summer residents on the shore of Three Mile Bay  
11 since 1949 when my dad built our cottage.

12 I was fairly open-minded on wind energy and  
13 have been to Tug Hill numerous times since the beginning  
14 of their construction. When I first heard they plan to  
15 construct a wind complex in our scenic area I was very

16 surprised. After all, unlike Tug Hill, this is a  
17 populated area that depends on tourism and has many  
18 summer residents along with retirement dream homes on  
19 the water.

20 I began my research on the impact this would  
21 have on our area. I found that these foreign wind  
22 companies come here under cover of darkness. They meet  
23 with the big landowners and sell them on the money that  
24 they would make with wind towers on their land. Not  
25 that hard a sell to farmers who are struggling to eke

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1 out a living and save towards retirement.

2 These big companies with big money took  
3 advantage of our neighboring landowners, putting them at  
4 risk not only healthwise, but also setting them up for  
5 possible lawsuits.

6 My research has taken me to many websites, in  
7 parentheses, WIND-WATCH.ORG, end parentheses, with  
8 respect -- with research links that post numerous  
9 articles documented by medical doctors, for example,  
10 Dr. Nina Pierpont, on the impact on people's health and  
11 property values.

12 There's little doubt industrial wind turbines  
13 will have an adverse effect on the health of our

14 residents. Low-frequency noise and shadow flicker cap  
15 the list of health hazards. And according to real  
16 estate brokers, property values go down when wind  
17 turbines go up.

18 Where will the future of our town and  
19 residents lie if we are surrounded by these huge  
20 industrial wind turbines? Their research clearly shows  
21 not only harmful to people, but do not live up to their  
22 promised expectations by these foreign companies.

23 They are known to operate at under 20% of  
24 their capacity, which makes them very inefficient,  
25 parentheses, studies were made on Maple Ridge Wind by

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1 Environmental Compliance Alliance, Rushville, New York.

2 Noise and setback issues are by far the most  
3 important articles in the wind law to protect our  
4 residents from health hazards. The setback of two and  
5 one half times the height or 1,000 feet from a residence  
6 should be doubled, at a minimum. A nonparticipant would  
7 the lose their right to use, sell, or split their own  
8 property.

9 We ask that the Town of Lyme continue a  
10 moratorium until all factual research is studied and

11 evaluated for the good of all residents in our scenic  
12 community.

13 And then he has a quote from -- that he put in  
14 from the comments made by Senator Lamar Alexander to  
15 Congress on May 13th, 2005.

16 MR. AUBERTINE: Do you want me to read some?

17 MR. GEBO: No, that's all right, my voice is  
18 still there.

19 We have a letter from Suzanne and David  
20 Seiffert, December 21, 2007.

21 Gentlemen: We can support the installation of  
22 wind turbines in the Town of Lyme; however, it is  
23 important to consider the rights and property values of  
24 the residents.

25 It is a small minority of residents who will

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1 reap the financial benefits of wind towers on their  
2 property, while a large majority can potentially be  
3 adversely affected if adequate zoning restrictions are  
4 not imposed.

5 We believe the zoning restrictions should  
6 include noise limitations of no more than 35 dB at the  
7 property line, as well as significant setbacks from  
8 property lines of at least 1 mile. It is not adequate

9 to consider setbacks from residents since future  
10 property value and use of land is not considered.

11 We also firmly believe that wind turbines do  
12 not belong near populated areas, such as villages of  
13 Chaumont and Three Mile Bay, as well as the perimeters  
14 of the Three Mile Point, Points Salubrious and Point  
15 Peninsula. These are prime residential areas of the  
16 Town of Lyme and could be ruined by poor zoning.

17 We appreciate your efforts to achieve the fair  
18 zoning law, but understand that there are property  
19 owners who are vocal about easing the regulations to  
20 maximize the use of their property.

21 We respect their desires to benefit from their  
22 property and wish that they prosper; however, the rights  
23 and property values of other residents are our primary  
24 concern.

25 I then have a letter from Richard Cousineau, I

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1 believe. It says -- is there a date on it? I do not  
2 see a date on this.

3 It says, first, I want to thank you and the  
4 Town of Lyme Board for your efforts regarding the  
5 proposed industrial wind farm. I also thank you for

6 allowing the citizens of the town to speak at the  
7 meeting on September 12th.

8 We as a community, and the Board in  
9 particular, need to gather as much information as  
10 possible in order to make a wise and prudent decision.  
11 This is a huge undertaking, the results of which will  
12 change the landscape of our town for a very long time.

13 And cited by those who spoke at the meeting on  
14 September 12th the effects are varying. And then they  
15 have some bulleted items: Aesthetics of the landscape,  
16 harm to wildlife, noise levels, light, and then in  
17 quotes, flicker, and cost to the town.

18 I concur with the Board's decision to extend  
19 the moratorium on establishing the zoning requirements  
20 for an industrial wind farm. The large equipment brings  
21 with it very unique characteristics which require very  
22 special restrictions. It is no small task to gather the  
23 information necessary to prepare a meaningful set of  
24 zoning requirements. I need -- I feel that the Board  
25 should take as long as it needs to properly establish

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24

1 these zoning requirements.

2 One issue I'm concerned about is the benefit  
3 to the town and power grid in general. I understand

4           that the landowners who allow the wind turbines on their  
5           property receive an annual stipend for each turbine.  
6           Well, what does the town receive in return for their  
7           investment? Does the town receive any payment for the  
8           power delivered? Will we have to build some kind of  
9           pier in Chaumont Bay to receive the blades, as they  
10          apparently will do in Cape Vincent?

11                        I also understand that conventional generating  
12          stations have to be running at standby mode to be able  
13          to pick up the effort when there is insufficient wind to  
14          operate the turbines. In light of this are the wind  
15          turbines a real alternate source of energy? Also, how  
16          successful have wind turbine programs been in other  
17          countries? What kind of health issues arise from  
18          increased sound levels and light flicker? There are  
19          many facets of this project that need to be  
20          investigated.

21                        Again, I commend the Board on their effort so  
22          far, and I strongly urge you to continue to take  
23          adequate time to do the homework on this very major  
24          project. I would also ask that you keep both seasonal  
25          and year-round taxpayers and residents involved in and

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1 apprized of the process.

2                   Then we have an email dated November 29th,  
3 2007, which appears to have been signed by Patricia  
4 Booras-Miller. And, let's see, it's a copy of a letter  
5 that was sent by a group called Environmentally  
6 Concerned Citizens Organization of Jefferson County,  
7 New York, dated November 27th, 2007. It was  
8 apparently sent to Justin Taylor, Town of Clayton  
9 supervisor, but then copied by email to the Town of  
10 Lyme.

11                   It says, I am a resident of the Horse Creek  
12 Wind Farm project, and I am vice president of  
13 Environmentally Concerned Citizens Organization and am  
14 applying for intervener status for the following members  
15 of ECCO: Patty Booras-Miller, Dr. John J. Jepma, Anne  
16 Forbes -- Anna Forbes, rather, Francis G. Andre, Judy  
17 Tubolino, Thomas Miller, and Deb Jepma, to be part of  
18 the organized wind farm committee in the township of  
19 Clayton for discussing the project and/or issues of wind  
20 energy development.

21                   According to the Committee on Environmental  
22 Impacts of Wind Energy Project National Research  
23 Council, Washington, D.C., under their publication  
24 Planning For and Regulating Wind Energy Development  
25 section of public participation and review, interveners

1 often include abutting property owners, town or county  
2 governments, public interest groups, environmental  
3 organizations, and business groups that can demonstrate  
4 that they have a substantive interest in the outcome and  
5 are not adequately represented by another party.

6 Clayton's wind farm committee consists of 36  
7 plus slash minus members, and not one of those members  
8 resides in the Horse Creek Wind Farm project. In fact,  
9 the majority of its members reside miles from the  
10 project.

11 We residents of the Horse Creek Wind Farm are  
12 facing a serious health impact from noise initiated by  
13 an inappropriate Local Law Number 1 that was clearly  
14 written by the Town of Clayton for PPM Energy and not  
15 for the protection of the health and well-being of the  
16 residents.

17 PPM Energy's noise impact study, which clearly  
18 shows that the 330 plus homes of the project face a  
19 substantial increase in noise impact during sleeping  
20 hours, which over long term will cause health risks.

21 PPM's noise analysis compared to the New York  
22 State DEC guidelines informs us that 75% of the  
23 residents in the noise study area are in the noise study  
24 are 10 dBA, which is a doubling of sound or greater for  
25 hours of sleep, is not acceptable for residents in the

1 Horse Creek Wind Farm project.

2 ECCO has researched sleep deprivation  
3 extensively, consulting with the National Academy of  
4 Engineers in Washington, D.C., as well as consulted with  
5 the National Environmental Protection Agency.

6 I will quote from them that the various laws  
7 enacted by Congress and the House of Representatives  
8 with attention to sleep deprivation from noise impact:  
9 The Quiet Communities Act of 1997, Section 2. Congress  
10 finds chronic exposure to noise has been linked to  
11 increased risk of cardiovascular problems, strokes, and  
12 nervous disorders. Excessive noise also causes sleep  
13 deprivation and task interruptions, both of which pose  
14 untold costs on society and diminished worker  
15 productivity.

16 Also substantiated by the House -- by the  
17 Office of Noise Abatement and Control, U.S.  
18 Environmental Protection Agency Noise Effect Handbook,  
19 in which it clearly states, Chapter 6-4, quote, sleep is  
20 thought to be a restorative process during which organs  
21 of the body renew their supply of energy and nutritive  
22 elements. Since noise can disrupt the sleep process, it  
23 may take its toll on health and well-being if it  
24 continues over long periods.

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1 1972, enacted by Congress, Page 21, Section 4, which  
2 clearly states, noise-induced sleep interference is one  
3 of the critical components of community annoyance. It  
4 can produce short-term adverse impacts, such as mood  
5 changes, and decrements in task performance the next  
6 day, with the possibility of more serious effects on  
7 health and well-being if it continues over long periods.

8 It is clear to members of ECCO that we now  
9 must take an active part in participation, especially  
10 since the Clayton Town Council is not initiating  
11 amending the town's Local Law Number 1 of 2007 to a  
12 standard for noise impact to residents that follows the  
13 guidelines of the New York State DEC or Wind Energy  
14 Development Guide for Local Authorities in New York by  
15 the New York State Energy Research and Development  
16 Authority, which indicates clearly that residents with a  
17 10 dBA and higher during hours of sleep face health  
18 risks from turbine exposure.

19 We know that you have put together a law that  
20 is not for the good of residents and their health. You  
21 can get 10 acoustic engineer consultants to read the

22 data and the analysis. It changes nothing because it is  
23 you five council members who have made the law. The law  
24 was made to accommodate PPM, not the residents.

25 It is clear with information from laws I just

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1 quoted that the United States Congress on community and  
2 environmental noise impacts that the Town of Clayton has  
3 instituted a local law that clearly puts the residents  
4 of Horse Creek Wind Farm in harm's way.

5 The local law must be amended to reflect  
6 protective health and welfare guidelines of the  
7 residents where any wind farm is placed in our township.  
8 The Town Council must amend Local Law Number 1 to  
9 reflect a responsible wind farm. If we are to have a  
10 wind farm, then put it in correctly.

11 ECCO recommends that the local law be amended  
12 to include every resident have a noise analysis  
13 performed on their property line to establish a baseline  
14 noise level and that increased levels of ambient sound  
15 be at 5 dBA according to the level for outside barely  
16 discernable difference.

17 New York State DEC is not the only measure of  
18 ambient sound levels, but you also have at your disposal  
19 the Wind Energy Development Quota Guide for Local

20 Authorities in New York, New York State Energy Research  
21 and Environment Authority, Albany, New York.

22 ECCO also recommends, which was the National  
23 Academy of Engineers, Washington, D.C., Renewable Energy  
24 Resource Laboratory, Department of Mechanical and  
25 Industrial Engineering, University of Massachusetts at

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1 Amherst.

2 It has been a long eight months since we met  
3 with members of the council on this, and ECCO has been  
4 informed on your complexities of the wind farm. We know  
5 that renewable industrial wind energy is here to stay,  
6 but you cannot put in a wind farm that will endanger the  
7 health and welfare of children and their families.

8 You five members of this council, we as you --  
9 I think they mean we ask you to amend the present local  
10 law to a responsible law that protects the health and  
11 well-being of the residents located in the wind farm in  
12 this township.

13 ECCO awaits the decision of this council to be  
14 included in the process of putting this wind farm on our  
15 land. ECCO awaits the decision of this council to  
16 inform us of your decision to amend Local Law Number 1

17 for wind turbines.

18 I have a letter from Frank J. Congel dated  
19 September 15th, 2007. It says, thank you for the  
20 flyer describing your qualifications -- it was written  
21 to Warren Johnson.

22 It says thank you for describing your  
23 qualifications for serving as a town councilman. It  
24 appears that you and I are of the same generation. My  
25 wife and I have also been married 42 years, have three

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1 grown children and five grandchildren. Apparently 1965  
2 was a good year for marriage.

3 By way of background, I retired from the U.S.  
4 Nuclear Regulatory Commission in 2005 after a 32-year  
5 career licensing and regulating the nation's nuclear  
6 power industry.

7 My wife and I then moved back up north to our  
8 vacation home on Point Peninsula, making it our  
9 permanent residence. I continue to consult in the  
10 nuclear field using my home here as my base.

11 My attachment to the North Country began as a  
12 child growing up in Central New York when my closest  
13 uncle frequently brought me here to fish and hunt with  
14 him.

15                   After receiving my undergraduate degree in  
16                   physics from LeMoyne College, I pursued graduate studies  
17                   at Clarkson University and received my PhD in 1968.

18                   Since then we have lived in various parts of  
19                   this great country of ours, staying the longest in  
20                   Maryland. However, we always wanted to return to  
21                   Upstate, and we have.

22                   I recognize the challenges of the electorate  
23                   process you are seeking; however, I believe that if you  
24                   win, you will be one of the decision makers of the most  
25                   important issue to have faced the area for a long time:

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1                   The issue of wind generators.

2                   I was not familiar with the technical details  
3                   of wind generation when I first learned of the  
4                   controversies in Cape Vincent late last year. However,  
5                   being the technical type, I invested time and effort to  
6                   learn about the industry in greater depth. What I have  
7                   found is disturbing because the facts surrounding wind  
8                   generation are not what one may intuitively expect.

9                   Attached is a write-up that I prepared and  
10                  have circulated to several friends and neighbors, to our  
11                  representatives in Albany and Washington, and Governor

12 Spitzer. A version of this article is scheduled to  
13 appear in the Syracuse Post Standard Sunday,  
14 September 16th, 2007.

15 My only request to you is to carefully study  
16 the wind generation issue so that you make an  
17 insightful, informed decision. This is too -- there is  
18 too much animosity and irrationality generated, sadly,  
19 by money being thrown around by the wind developer. But  
20 this issue if decided incorrectly will adversely affect  
21 the area, the lives of our grandchildren through many  
22 years. I would be happy to discuss any aspect of this  
23 the issue with you. And then he gives a phone number  
24 and an email.

25 Do you want me to read the attachment? His

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1 attachment is a windmill facts. It says, the Town of  
2 Lyme will be deciding its future this fall. Will the  
3 township decide to become an industrial zone with many  
4 windmills in its midst or will it retain its quiet,  
5 rural, outdoor recreational character?

6 To make an informed decision, important  
7 information needs to be understood and considered.  
8 First, it is essential to appreciate the size of the  
9 proposed windmills. They will dwarf every other

10 structure and will be visible for tens of miles in every  
11 direction.

12 At night as required by the FAA about one half  
13 of windmills will have a red light on its top. Every  
14 one of them flashing on and off at the same time. For  
15 some distance from each windmill will be a constant,  
16 when the wind is turning them, noise that will drown out  
17 the normal bird-chirping, frog-croaking background.

18 In return for the windmills' presence, the  
19 town may realize an increase in its tax base. The  
20 change in tax revenues has not yet been determined, but  
21 will depend on a number of factors. Since the windmills  
22 are exempt from full assessment for 15 years, taxes will  
23 be collected through the Payment-in-Lieu-of-Taxes  
24 program. The actual tax from the windmill sites will be  
25 negotiated by the town with windmill owners. Typically

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1 the initial payments through PILOT for windmills  
2 represent a discount of about 80% of the taxes that  
3 would be paid if assessments were levied at full value.

4 Countering the increased revenue from the  
5 windmill owners will be the reduction and assessments  
6 for properties affected negatively by the presence of

7 windmills. Recreational properties are of particular  
8 concern because their assessments represent a  
9 significant fraction of the town's tax base.

10 The change in landscape from scenic to  
11 industrial could have a significant affect on the value  
12 of recreational properties reducing and thereby  
13 counteracting increases in taxes brought by windmill  
14 owners.

15 In addition, the presence of windmill farms  
16 could reduce the increased number of recreational  
17 visitors to the region. There are no definitive answers  
18 now, but the expectation that the town will enjoy extra  
19 income and a reduction in everybody's property tax is  
20 far from clear.

21 Are windmills needed to help our local and  
22 national energy issues? First of all, only 3% of our  
23 electricity nationwide is generated by burning oil.  
24 Consequently, there will be no reduction in our nation's  
25 oil imports by the operation of any North Country

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1 windmills.

2 Windmills generate small amounts of  
3 electricity only when the wind is blowing within a  
4 certain range. Millions of New York homes are now

5 provided electricity by many large generators in the  
6 North Country: Hydro, coal, nuclear.

7 For perspective, the total amount of  
8 electricity from the proposed St. Lawrence Wind Firm in  
9 Cape Vincent would represent less than 2% of the  
10 electricity produced by the Nine Mile Point/FitzPatrick  
11 site near Oswego. That site occupies about 900 acres  
12 and produces electricity independent of wind or other  
13 weather conditions.

14 By comparison, St. Lawrence Winds 96 proposed  
15 windmills would be spread over 18 square miles, about  
16 10,000 acres, and produce enough electricity to light  
17 one 100-watt bulb in 400,000 homes.

18 Even this small amount of electricity would  
19 not affect the need for large electricity producers.  
20 The big hydro, coal, and nuclear facilities run  
21 virtually continuously at maximum output to provide base  
22 electrical needs.

23 Windmills will compete with generators, called  
24 peaking units, that can be cycled on and off to meet  
25 demands above the base. Peaking units will need to

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1 remain to meet electrical needs when there is

2 insufficient wind, parentheses, about 70% of the time,  
3 and for other peak needs.

4 Ironically, windmills will most likely replace  
5 electricity provided by peaking units that burn natural  
6 gas, one of the cleanest fuel sources available.  
7 Natural gas.

8 Why is there so much interest in building  
9 windmill farms and why is there so much foreign  
10 investment proposed for our community? Clearly, there  
11 must be opportunities to receive substantial returns on  
12 investments.

13 According to a wind generator developer who  
14 has spoken at several local and public meetings, the  
15 goal is to receive a 25% plus return annually on their  
16 investment. To begin with, the Federal and New York  
17 State governments are providing generous tax benefits to  
18 windmill companies, parentheses, accelerated  
19 depreciation of the equipment and many others, end  
20 parentheses, that reduce, if not eliminate, corporate  
21 income taxes.

22 New York also provides for large property tax  
23 reductions through the PILOT program for at least 15  
24 years, allowing local governments to negotiate much  
25 smaller property tax payments from windmill operators

1           that would -- than would ever be considered for any  
2           individual with property of palpable value. In  
3           addition, New York State will be collecting extra money  
4           from its citizens through their electric bills,  
5           parentheses, a surcharge, and will give the extra money  
6           to windmill operators for generating electricity. See a  
7           description of the New York Renewable Portfolio Standard  
8           on the New York State website.

9                         This money is above and beyond the money paid  
10           to the windmill operators for selling electricity to the  
11           electrical grid, and is above and beyond the generous  
12           tax breaks. The money will simply increase the profits  
13           of mostly European investors.

14                        As is well known, New York residents are  
15           already paying the highest electrical rates in the  
16           nation. This will make the current electric bills even  
17           higher. If it wasn't for the generous handouts of money  
18           to windmill operators, the projects would not be  
19           economically feasible.

20                        New York has programs such as PILOT to  
21           encourage industries to locate in the state and create  
22           much needed jobs. The construction workers required to  
23           build the St. Lawrence Wind project will come from the  
24           Buffalo area. St. Lawrence Wind will create one  
25           permanent, low-paying job if it's completed. Any

1 project proposed for the Town of Lyme would likely  
2 follow the same pattern.

3 Our Town Council is faced with a very  
4 difficult decision. Is a wind farm in our community  
5 worth a total change in the character that it will  
6 cause? Will the net result be an improvement toward  
7 quality of life? Do we need the possible increase in  
8 property tax income? Will we drive away our current  
9 source of growth: Tourists and new tax-paying residents  
10 to this beautiful, unspoiled region?

11 Town traffic consisting of visitors has  
12 increased, as has their spending. We have two banks  
13 with sparkling new buildings. This growth and  
14 prosperity is occurring without windmills. We must be  
15 very careful that the growth doesn't come to a halt when  
16 the landscape for miles in all directions is dominated  
17 by 40-story tall windmills.

18 In summary, windmills generate very small  
19 amounts of electricity, do not reduce our dependence on  
20 foreign oil, do not pay a full share of property taxes,  
21 increase electrical bills, take profits to Europe, and  
22 create no new jobs. The advantages of these machines in  
23 our midst must be carefully and objectively measured  
24 against their costs.

25 Then we have a letter from -- I think it's my

1 last one -- from Patricia and Edward Hughes dated  
2 January 2nd, 2008.

3 The more research we do, the more we are  
4 convinced that the Town of Lyme is too small an area to  
5 support an industrial wind turbine complex.

6 It is impossible to allow turbines to be  
7 mill -- met without offending the rights of property  
8 owners who do not want to be exposed to shadow flicker,  
9 high- and low-frequency sounds, decreased property  
10 value, and destruction of their breathtaking views,  
11 inland and lake. Towering wind turbines instantly  
12 transform land for neighborhoods into hideous industrial  
13 sites.

14 If it is the Board's decision to allow  
15 turbines, it is imperative that the law protects all  
16 members of our community from the adverse effects of  
17 wind turbines.

18 After reviewing the proposed Town of Lyme Wind  
19 Energy Facilities Law, we ask that the Board consider  
20 the following measures. Current medical studies  
21 recommend the turbines should be placed no closer than  
22 one and a half miles to any home, school, or hospital to

23 protect citizens from adverse health effects. Proposed  
24 setbacks should be changed to reflect these  
25 recommendations.

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1 Setbacks have to be great enough to protect  
2 our wells from contamination, a recent development at  
3 Maple Ridge. Setbacks should be one half mile from  
4 every road to ensure that ice throw is not a problem.

5 If studies show that shadow flicker will  
6 interfere with residences, turbines should not be placed  
7 in that area. Blackout curtains and other measures are  
8 not a solution, but a hindrance to the landowner.  
9 Shadow flicker deprives the landowner of the right to  
10 fully enjoy their property and residence.

11 Visual impact: All transmission lines should  
12 be located underground. No exceptions. All turbine  
13 lights should be fitted with partial covers. This has  
14 been done at other turbine sites. It allows air traffic  
15 to see the lights and decreases the effect of the  
16 flashing red lights on landowners.

17 Proof of continuous liability insurance for  
18 potential damage or injury to landowners, occupants, or  
19 third parties. Acknowledgment by the landowner that  
20 they are financially responsible if the owner/operator

21 fails to reclaim the site as required, timeline set  
22 prior to construction.

23 All properties in the Town of Lyme should be  
24 appraised at the wind company's expense before  
25 construction begins. Turbine companies should be held

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1 accountable for any loss in the sale of property.  
2 Attached is a letter from the Daily Star dated 11/3/07.  
3 Just the potential of having wind towers in Stanford,  
4 New York, has caused real estate offers to be canceled.

5 Attached is the wind generator and wind  
6 generating facilities ordinance for Trempealeau County  
7 in Wisconsin. It's just a guess on that, by the way.  
8 It addresses many of our concerns and can act as a model  
9 for some of issues we need to focus on. We believe that  
10 moving ahead with any project in which we are not lead  
11 agency may be detrimental to the Town of Lyme. It would  
12 be foolish for us to adopt a law that would allow us to  
13 enter into projects with communities that have no law,  
14 as we have no idea what their law will allow and how it  
15 will affect our community.

16 Perfect example is Cape Vincent. They have  
17 not established appropriate guidelines for laws or

18 turbines. A one-year moratorium extension would allow  
19 us to observe what happens in Cape Vincent and  
20 communities similar to ours, and in parentheses, flat  
21 terrain, waterfront, tourist region, end parentheses,  
22 begins putting up an industrial turbine complex.  
23 There's no harm in waiting. The wind will still be  
24 here. In fact, we might receive superior bids from  
25 other turbine companies.

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1 We would like to welcome Supervisor Aubertine  
2 to the Board and commend him on his stand concerning  
3 wind turbines in the Town of Lyme. We agree that wind  
4 turbines -- or wind farms present more negatives than  
5 positives. We support Scott's statement that turbines  
6 should have setbacks of at least 2500 feet and only be  
7 allowed along the Clayton line border.

8 Since this is over twice the setback distance  
9 that is currently being considered, it would create an  
10 overlay district more appropriate for the Town of Lyme.  
11 And then it's signed. And there's a number of  
12 attachments which are many, many pages and I will not  
13 read.

14 That's all the correspondence I have.

15 MR. AUBERTINE: Thank you, Mark. Don't you

16 all wish you had wrote a letter now?

17 UNIDENTIFIED SPEAKER: Next time read them at  
18 the end.

19 MR. AUBERTINE: Okay. We will open the floor  
20 up for public comments. I want to remind you that it  
21 looks like you're going -- it's going to be hard to get  
22 all the way forward, so if you're in the back just try  
23 to make it as close as you can.

24 I'll remind you to give your name and spell it  
25 and your address. And just let us know if you're in

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1 favor of the proposal, simply tell us and give your  
2 reasons why. Likewise if you're against. And all  
3 comments should be addressed to the Board. And please,  
4 let's not have any interruptions or cross-conversation  
5 in the audience.

6 So the first person to sign in was Darwin  
7 Paro.

8 MR. PARO: My name is Darwin Paro. I live at  
9 11147 County Route 8, Town of Chaumont.

10 I am in favor of looking into the wind  
11 turbines. Why I'm in favor, they will be an economic  
12 impact given to the town moneywise.

13                   We are mandated year after year by states,  
14                   then the town has to reach into our back pocket, take  
15                   our money out for taxes. Our taxes keep going up. Why  
16                   don't we look into something that brings a little money  
17                   back in and helps deviate from taking money out of our  
18                   back pocket?

19                   And I'm going to give you one instance that  
20                   I'm involved in, and that's the fire department. I've  
21                   been an officer in this fire department for over 12  
22                   years. The state mandates more rules and regs on us all  
23                   the time. People are not responding to fires because  
24                   they can't be going to classes and keeping up on all the  
25                   mandates. Eventually the people in the Town of Lyme is

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1                   going to come up with a thing of a paid fire department.  
2                   Where are you going to get the money from?

3                   That's only one area. You got the town  
4                   equipment; you have the schools. I think we need to  
5                   look at this, not just simply, well, I don't want it or  
6                   I want it. What's really going to benefit us. We going  
7                   to keep driving money away from this town or are we  
8                   going to put our heads together and work and get a  
9                   little money coming into this town? There's no industry  
10                   going to come in here, it's all going elsewhere. Where

11 is our kids going?

12 Instead of being like a horse with blinders on  
13 or an ostrich with their head stuck in the sand, let's  
14 stop fighting amongst ourselves, put our heads together,  
15 and see if this wind farm is going to really benefit us  
16 and can it benefit us. And I think it can.

17 And I appreciate and thank you for your time.

18 MR. AUBERTINE: Thank you, Dar. Dan Villa?

19 MR. VILLA: My name is Dan Villa, V-I-L-L-A.

20 I live at 26130 County Route 57. Common name is the  
21 Carrying Place.

22 I've lived there for seven years now, and I  
23 can tell you that I have done numerous research over the  
24 seven years on small wind turbines for my house because  
25 of my energy consumption. And I've visited wind farms

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1 in Palm Springs, I've seen them in Wyoming, of course  
2 we've all been to Tug Hill.

3 And I'm not necessarily opposed to wind farms,  
4 but my main concern is that when I sit on my property  
5 and the quietness that I have around my property, I was  
6 concerned about the noise. I can't speak to shadow  
7 flicker and I can't speak to the devaluation of my

8 property by windmills coming up.

9 I can tell you I lived in Massena, New York,  
10 in 1978 when they built the 765 line. It's a big power  
11 line from Massena to Utica. No one had any input on  
12 where that line was going to go. And I think that the  
13 proposed zoning regulations here have taken into  
14 consideration everything that needs to be looked at.

15 It's taken into consideration people still  
16 have the opportunities to have turbines on their  
17 property; it's taken into consideration that the sound  
18 or the noise from these turbines will be eliminated or  
19 at least minimized by setbacks; and I think the proposed  
20 regulations have accommodated everyone here.

21 I too am in favor of looking at taxes and how  
22 we can control tax rate, but I think we have to look at  
23 this whole piece and whether or not we're going to  
24 disrupt where we live because of the noise in  
25 particular.

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1 Like I said, I don't know what impact shadow  
2 flicker is going to have on my property. The sun moves  
3 very quickly, so I think shadow flicker is very minimal.

4 And as far as determining the value of my  
5 property because of a wind turbine, I don't know that

6           either. But the sound is the major concern that I have,  
7           and setbacks that are in this regulation right now I  
8           think address the sound problem, and I think that's a  
9           number one concern.

10                        So I'm in favor of the development in the Town  
11           of Lyme; I'm in favor of development that is in the best  
12           interest of everyone in this room, and I'm in favor of  
13           development that will allow us to still have the quality  
14           of life that we've had here.

15                        I've only been here seven years, but I can  
16           tell you when I tell people I live in a community that  
17           doesn't have a red light, they look at me like where are  
18           you living? And I tell them it's one of the best places  
19           I've ever been.

20                        So I think the regulation is done nicely, I  
21           think there's been a lot of effort in it, and I support  
22           the way the regulation is written at this time.

23                        MR. AUBERTINE: Thank you, Dan. Joyce Gould?

24                        MS. GOULD: Joyce Gould, J-O-Y-C-E, G-O-U-L-D.  
25           I live at 8559 Church Street, Three Mile Bay. And I

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1           moved here from Michigan. I've been here for 32 years,  
2           and I've seen things go downhill drastically.

3                    Farms that used to be prosperous are now hay  
4                    fields. And the people in the town, the seniors and  
5                    people on disability and that are having a terrible time  
6                    with water bills and taxes and whatnot. And this would  
7                    help us extremely. It would help the whole community.

8                    Another thing is noise level. I keep hearing  
9                    a lot of things about the noise level. I have a  
10                    grandfather clock that gongs every 15 minutes, every  
11                    half hour and plays music. And you get used to that  
12                    noise and you still sleep through it.

13                    I've traveled -- I've been to Europe, and --  
14                    in the past six years my son was over there. And they  
15                    have wind turbines all over the place. They're right  
16                    next to the highways and the Autobahn. And I've never  
17                    once heard of ice hitting a car, ice fall on a house.  
18                    They're right over top houses, they're right over top  
19                    the highways and whatnot.

20                    Another thing is the surveys. We did the  
21                    surveys, and it shows that the people definitely want  
22                    the wind turbines.

23                    The wind turbines would help this community  
24                    grow. So many people, and like different ones have  
25                    said, their children have left the area because there is

1 nothing here. There is no industry, there is nothing.  
2 This would help us to grow.

3 I understand there's a town down near  
4 Rochester that they don't -- nobody in that town pays  
5 property tax because of the wind turbines. That town is  
6 growing.

7 Another thing is it's nice that the town is  
8 worrying about these summer people that come in the  
9 summer, and they do pay taxes, I agree, but it would be  
10 nice if the town worried about the people that are here  
11 year-round. We're the ones that are paying the high  
12 heat costs, and we're the ones that are keeping the town  
13 going so it don't end up to be a ghost town in the  
14 wintertime. So I definitely am for the wind turbines.

15 MR. AUBERTINE: Thank you, Joyce. Don  
16 Metzger?

17 MR. METZGER: Good afternoon, Mr. Chairman.  
18 For the stenographer, my name is Don Metzger,  
19 M-E-T-Z-G-E-R, County Route 5, Three Mile Bay.

20 For the record, for the past 17 -- for the  
21 past 27 years I have been a year-round resident,  
22 landowner, taxpayer and registered voter, property owner  
23 here in the Town of Lyme.

24 I have read the new proposed local law, and my  
25 general assessment of it is good and applaud the

1 Planning Board and the Town Board for the hard work that  
2 they have put into this proposed law. And because of  
3 that I wish to make a few comments.

4 But before I comment on the law specifically,  
5 I would respectfully request the Board to reject the  
6 letter that was sent to you that you just read that we  
7 all patiently sat here and listened to that was undated.  
8 I don't remember the name of the person that sent it,  
9 but an undated document to me is worthless. Unsigned,  
10 undated document is worthless.

11 And regards to the email that was sent, we all  
12 patiently sat here and listened to that. That I don't  
13 think was signed. If it was a scanned signature on the  
14 email, fine. If it was not, I would respectfully  
15 request that the Board reject that communication in the  
16 form of an email that was not signed.

17 In regards to the local law, which I have  
18 read, I would ask that you refer to Page Numbered 9,  
19 Section C. C as in Charlie. It's about a little more  
20 than halfway down the page. Fire protection.

21 Thank God for our volunteer fire department.  
22 What would communities like us do without volunteer fire  
23 departments? I would like to see this written up, this  
24 law, so that it's a little more imperative upon the  
25 applicant, in this case BP, that they be responsible

1           for -- well, let me put it this way: I don't think  
2           there's anybody in our wonderful volunteer fire  
3           department that has the expertise and the wherewithal to  
4           deal with someone that is incapacitated, injured,  
5           whatever, 300 feet high on top of the tower or inside  
6           the pylon. I don't think there's anybody in our  
7           volunteer fire departments that have the expertise,  
8           training, equipment, and specialized equipment to deal  
9           with an electrical fire in a 60-ton turbine that sits  
10          300 feet high in the air on top of the pylon. I don't  
11          think there's anybody in our volunteer fire department  
12          or emergency response people in Jefferson County that  
13          have the expertise and the wherewithal and the  
14          specialized equipment to deal with fluids that are  
15          dripping out of the turbine.

16                   And I refer -- well, I'll refer to this later.  
17           I would like to see the local law written a little  
18           stronger to make the applicant responsible for the --  
19           all expenses involved in training our volunteer people  
20           and in drilling them and in keeping them current and  
21           updated. Any expenses incurred is on the backs of BP,  
22           not on the backs of our community and on the backs of  
23           our volunteer fire departments.

24 I would like to see BP be responsible for the  
25 purchase and maintenance and renewal of any specialized

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1 equipment that needs -- that we would need to respond to  
2 emergencies at the sites.

3 On Page Number 10, Page 10, Section I, I like  
4 India, groundwater impacts.

5 MR. AUBERTINE: Don, you got two minutes.

6 MR. METZGER: Okay.

7 MS. GOULD: It's Page 11 in ours.

8 MR. METZGER: This is Page 10 from the  
9 internet, groundwater impacts. I would like to see the  
10 town write that up so that it also includes the  
11 underground fresh water aquifer. Because many of us in  
12 this town are on wells, we depend on wells in our farms  
13 and in our homes. And if you do extensive drilling,  
14 blasting, excavating, and digging for the huge  
15 foundations necessary to support the huge towers, you  
16 have the potential to impact the fresh water ground --  
17 the fresh water aquifer, therefore impacting negatively,  
18 possibly, on the wells. I would like to see the onus be  
19 on BP's back, not on the community, to rectify any  
20 problems with wells.

21 Page Number 10 F, 10 F. That's 10 if you got

22           it off the internet. It says property value. Where --  
23           yes, property values. I'm not sure if I understand the  
24           intent of that. I'm not sure where you're trying to go  
25           with that. If somebody does a property analysis and

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1           then they say, well, Mr. Smith, your property is going  
2           to be lowered by 30% because of the wind towers across  
3           the street from you, does that mean that we're supposed  
4           to go to the Town Board and ask for a reassessment of  
5           our property values and all? I'm not -- I don't know  
6           why that's in there. I don't know where you're going  
7           with that. I know this is not the forum to ask  
8           questions, only make comments, but maybe you could  
9           confer amongst yourselves later.

10                   MR. AUBERTINE: Okay, Don, we're going to have  
11           to cut you off now. We'll give you a chance to speak  
12           after everyone else has spoken.

13                   MR. METZGER: I appreciate that, Mr. Chairman.  
14           Thank you.

15                   MR. AUBERTINE: Thank you. Larry Comins?

16                   MR. COMINS: Larry Comins. L-A-R-R-Y,  
17           C-O-M-I-N-S. Sixty-nine years lived in the Town of  
18           Lyme. I live at 10260 County Route 5.

19                   The town's informal survey was not a legal way  
20                   of determining results for a yes or no opinion on the  
21                   wind tower project. They should have done a referendum  
22                   vote by the Town of Lyme voters registered to vote here  
23                   only. There is approximately 900 register voters, not  
24                   2300, which was sent out. I personally got two surveys,  
25                   and probably many others did also, even those who are

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1                   not legally Town of Lyme voters.

2                   The town and county rate went up by 9.1% this  
3                   year. I just got my tax notice. If the wind project  
4                   goes through, next two years taxes could decrease by  
5                   maybe 80%.

6                   If a citizen gets only five minutes -- if a  
7                   citizen gets only five minutes to comment, letters  
8                   should also be the same amount of time. There should be  
9                   no more moratoriums or we may be out of the program,  
10                  period. They're going to be moving on to someplace  
11                  else. Setbacks will allow no towers, or very few, it's  
12                  got listed in this today's regulation.

13                  Watertown Daily Times Sunday stated Lowville  
14                  just received \$8.1 million. Does this sound like it  
15                  only benefits the landowners or the turbines? This is  
16                  not the first time the paper has run articles of monies

17 they have received. This can greatly benefit our town.  
18 Thank you.

19 MR. AUBERTINE: Thank you, Larry. I was the  
20 first one to realize I made a mistake. We'll put  
21 letters last next time. But thanks for bearing with us.

22 Dawn Munk?

23 MS. MUNK: Dawn Munk, M-U-N-K. I live at  
24 7281 New York State Route 12E, Three Mile Bay.

25 I wrote a few things down. My name is Dawn

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1 Munk, and I am a taxpayer, a voter, and a lifelong  
2 resident of the Town of Lyme. I have raised my children  
3 and sent them to school in this town.

4 I am a voter for wind. Wind power is a safe,  
5 renewable energy source that poses little or no threat  
6 to the environment. With current concerns regarding  
7 global warming and dependence on foreign oil from  
8 unstable, hostile governments, it seems that we must all  
9 be seeking alternative energy solutions.

10 Unlike coal mining with its risk of mining  
11 accidents, or nuclear power plants with the risk of  
12 nuclear accidents like Three Mile Island and Chernobyl,  
13 wind farming poses no catastrophic danger. We have an

14 opportunity to leave a positive ecological and economic  
15 footprint for our future; more importantly, for the  
16 benefit of our grandchildren, great grandchildren, and  
17 great, great grandchildren.

18 The time is now to start making changes. Wind  
19 is a resource that we have in abundance. We don't have  
20 to drill it or mine it, we just have to harness it. I  
21 believe that the proposed Local Law Number 8 is entirely  
22 too restrictive, making it a certainty that no wind  
23 developer could or would develop a wind farm in this  
24 community. And perhaps that is the intent.

25 The proposed setbacks are three times the

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1 setbacks of any other wind project in the state. The  
2 proposed setbacks virtually eliminate any development on  
3 even the largest farm properties in this township. The  
4 proposed noise restrictions are nearly twice as  
5 restrictive as any other wind farm in the state.

6 I am very disappointed, disillusioned and  
7 disturbed by the way our Town Board, Planning Board, and  
8 Zoning Board have handled this issue. It has been clear  
9 to me that the Board members who are elected to serve  
10 the will of the people of the community have done  
11 everything in their power to obstruct the proposed

12 development of wind power.

13 I naively believed that as our representatives  
14 these Board members would be doing a great deal of  
15 research into the pros and cons of wind development. It  
16 is clear to me now that the Board has put much effort  
17 into identifying the cons, but little energy into  
18 identifying the pros.

19 Instead, they have called moratoriums and  
20 continued to want to extend the moratorium to delay  
21 dealing with this issue. Again, I was naive, initially  
22 thinking that during the moratorium the Board would be  
23 taking advantage of the time to research all of the  
24 issues by meeting with and talking with other towns that  
25 have developed wind farms in order to get facts from

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1 them, learn from their experiences as to what the  
2 benefits have been, what the drawbacks have been, what  
3 they would have done differently, and how they  
4 negotiated with developers to get optimal benefits in  
5 their area. An opportunity to learn from others, not to  
6 reinvent the wheel.

7 I was therefore extremely disturbed when I  
8 traveled to the Maple Ridge Wind Farm with a group of

9 local folks in October and we were able to meet with  
10 members of the Town Board in Lowville, and I asked the  
11 question have you as a Board been approached by the Town  
12 of Lyme Board to discuss your experience of wind  
13 development? The answer was no.

14 Additionally, the town -- the Lyme Town Board  
15 has chosen not to meet with representatives of BP  
16 because of the moratorium to discuss the exact proposal  
17 for our own area. Perhaps they were afraid they might  
18 be tainted by entering into direct conversation with  
19 wind developers. However, they have not been hesitant  
20 to enter into a contract with a local engineer who has  
21 clearly been the lead agent in providing information at  
22 the summer informational meeting at Lyme Central School,  
23 development of the survey that was sent out to all  
24 residents, obvious advisor to the Planning Board and  
25 Town Board, and major contributor, if not author, of the

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1 Lyme Town Law Number 8.

2 He is but one resident of this town. I  
3 believe the town would have been better served if an  
4 outside, objective third party had been hired as  
5 consultant. I would have had more respect for the  
6 findings.

7                   Economically, the revenues from the wind farms  
8                   would be a huge boost to our area and our small school.  
9                   There would be a few full-time jobs once construction is  
10                  complete, but think of the jobs and money that will come  
11                  into our community in the process of construction.

12                  Many local construction businesses will surely  
13                  be involved, and those that come to build will also buy  
14                  lunch and buy gas, et cetera.    Couldn't the Town of Lyme  
15                  use the revenues that the wind farm would produce?

16                  And what about the landowners who have  
17                  turbines placed on their property?    Won't they spend  
18                  money in our local businesses?    Wouldn't it be nice if  
19                  we could improve and build infrastructure so that  
20                  everyone could have public water and maybe even a sewage  
21                  system?

22                  Certainly there are those who would say that  
23                  the turbines will be unsightly and detract from the  
24                  beauty of the area.    On the other hand, some find them  
25                  to be magnificent and interesting.

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1                   Surely in the days of our forefathers when  
2                   electricity was invented many people thought that the  
3                   landscape was ruined by the endless poles and wires

4 needed to transmit the electricity. However, now, these  
5 same poles and wires are something that we do not even  
6 notice except when an ice storm reminds us.

7 I hope that all residents of the town will  
8 look into the known benefits to communities, and I hope  
9 that all will let their elected officials know where  
10 they stand on wind development in our community. We do  
11 not need another moratorium, we need action. Thank you.

12 MR. AUBERTINE: Thank you, Dawn.

13 [Applause]

14 MR. AUBERTINE: Guy Gosier.

15 MR. GOSIER: My name is Guy Gosier from Three  
16 Mile Bay. And I am for wind turbine power for the Town  
17 of Lyme.

18 I have questions that relate and apply to our  
19 town's assessment of this wind power. I know the  
20 Planning Board worked hard to try to make some zoning  
21 laws work. We do not need another moratorium.

22 The number one is setbacks. In October 2007  
23 when the survey came back from being sent out earlier,  
24 approximately 900 people responded.

25 Survey question number two: What is your

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2 of Lyme? In favor was 474 yes; not in favor, 245 no.  
3 Almost a two to one in favor.

4 Question number seven on the survey: How far  
5 from the waterfront, including Chaumont River, should  
6 the turbines be set back? At 1500 feet 173 people said  
7 yes; at 3000 feet 136 people said yes; at 4500 feet only  
8 67 people said yes. Now all of a sudden this new  
9 proposed zoning law, a certain few want 4500 feet. This  
10 is unfair and not what most of the people want.

11 Survey question number eight: How far from  
12 the hamlet of Three Mile Bay, the village of Chaumont,  
13 should the setbacks be? On 1500 feet 148 people said  
14 yes; on 3,000 feet 118 people said yes; on 4500 feet  
15 only 97 people said yes. How can a few people in this  
16 community say that 4500 feet is what the rest of the  
17 town wants? These setbacks need to be adjusted.

18 At a regular meeting, the Town Board meeting  
19 on November 14th, 2007, resolution number 2134, on a  
20 motion by Councilman Johnson, seconded by Councilman  
21 Madill to accept the wind survey as written. Four years.  
22 To my opinion this is the law when a resolution is  
23 passed.

24 Also, under Section 770 in the Zoning Law,  
25 Wind Energy Conversion Systems, Article 1 under H.

1 Transfer. No transfer from any energy facility or  
2 special use permit, nor the sale of an entity owning  
3 such a facility, including the sale of 30% of the stock,  
4 will occur without town approval, which shall be only  
5 granted on written acceptance by the transferee.

6 No company will ever build here under this  
7 agreement. This means the town will not issue a PILOT  
8 program and wants to know where and when the company can  
9 sell their stock. If I had stock to sell, I certainly  
10 wouldn't let the Town of Lyme know.

11 [Laughter]

12 MR. GOSIER: This is not legal and none of the  
13 town's business. These surveys were passed out with  
14 Town Board approval? Why are the people of this town  
15 being shoved aside to meet the demands of a certain few  
16 people?

17 On economics: Not only will the Town of Lyme  
18 benefit from the wind power, so will the farmers if a  
19 PILOT program and other arrangements can be worked out.

20 This is a proposal approximately for 35 to 45  
21 wind turbines in the Town of Lyme east of 12E and to the  
22 Case Road. These farmers will lease land to the  
23 developers using a small size turbine, 1.5 megawatts,  
24 for approximately 9,000 to 12,000 per year each. The  
25 town, the county, and the schools split revenues.

1           Approximately 350,000 to 650,000 per year will come in  
2           here.

3                         This would cut our school taxes. The county  
4           would get \$150,000, the town would get approximately  
5           300,000, and the school would get approximately  
6           \$200,000. This would cut our school taxes in half.  
7           There is no need to raise taxes.

8                         This will create approximately 65 jobs locally  
9           and approximately 150 jobs during construction. I think  
10          the town should change these zoning law proposals and  
11          give the people of the Town of Lyme what they want.  
12          Thank you.

13                         [Applause]

14                         MR. DISCOUNT: Should there be clapping going  
15          on here? Are people supposed to be validating or not?  
16          I thought this was supposed to be at you and not towards  
17          us.

18                         MR. AUBERTINE: You probably have a good  
19          point. We will keep the clapping down.

20                         Julia Gosier.

21                         MS. GOSIER: I'm Julia Gosier, G-O-S-I-E-R.  
22          And I live at 28589 Empie Road in Three Mile Bay.

23                         I am for wind power; I am not for all of the  
24          details in the present zoning -- proposed zoning law. I

25 went through 14 months of Town Board meeting minutes.

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1 If they are correct, no resolution was ever passed to  
2 appoint an advisory committee to the Planning Board.

3 However, at the May 2007 Town Board meeting it  
4 was announced that the Planning Board had an advisory  
5 committee of Deanne Scanlon, Sue Warner, and Norm  
6 Ahlheim.

7 Warren Johnson was also never authorized by  
8 resolution of the Town Board to take any part whatsoever  
9 in the Planning Board's wind power project. Suddenly he  
10 is heavily involved in the Planning Board meetings with  
11 the help of Paul Carr, who has no official authorization  
12 to be involved in any way, nor can I find any evidence  
13 that he has any credentials warranting his involvement.  
14 Nothing that relates to wind power. Why is his -- he  
15 making the decisions?

16 I paid \$7.50 for a copy of this proposed law,  
17 which is now free. And didn't even get a map with it.  
18 When I went back to the town office and complained, I  
19 was given a map that does not even have town roads on  
20 it. The proposed law has finally been put on the town  
21 website. I think it is also minus a correct map.

22 As I said before, I am shocked and angered

23 that there has been no organized communication between  
24 our Town Board or Planning Board and any officials in  
25 the Lewis County Maple Ridge project. We could have

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1 learned so much on both sides from them.

2 We are destroying our environment with acid  
3 rain, mercury pollution, oil spills, and global warming.  
4 To not do everything in our power to stop this is  
5 cruelly abusive to our children and grandchildren.

6 And I would like to add that I went and spent  
7 two hours on the internet the other night checking to  
8 see what groups such as World Wildlife Fund, National  
9 Audubon Society, and national animal habitat protection  
10 organizations have to say. Every environmental  
11 protection or wildlife advocacy group on the net I could  
12 find, including the National Audubon Society, World  
13 Wildlife Fund, and many others, strongly advocate wind  
14 power.

15 MR. AUBERTINE: Thank you, Julie.

16 MS. GOSIER: Thank you.

17 MR. AUBERTINE: I want to remind everybody  
18 that we're here just to tell us whether you're in favor  
19 of this proposal or against the proposal. It is not

20 really a critique of what has been done in the past by  
21 the Board. So just keep that in mind.

22 Kevin -- and I can't read the last name. S --

23 MR. SCHAEFFER: Kevin Schaeffer,  
24 S-C-H-A-E-F-F-E-R. 9989 Route 12E, Chaumont, New York.

25 First of all, I wonder how many of these

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1 people that are putting these kind of restrictions in  
2 for the sound have gone down to a windmill project with  
3 a decibel meter and checked for themselves.

4 If you pull up different spots in a road  
5 you'll see it's not as loud as people are telling you.  
6 Number two: If you look at these restrictions, they're  
7 double or more of any other town that has windmill  
8 projects in New York State. I want to know why that is.  
9 It's my opinion this piece of paper is a vote against  
10 wind. If you don't want it, just tell us and vote no,  
11 we don't want wind. Don't beat around the bush and say  
12 the normal politics that they say, I was for it before I  
13 was against it. Thank you very much for hearing me.

14 MR. AUBERTINE: Thank you. Bill Brown.

15 MR. BROWN: My name is Bill Brown, B-I-L-L,  
16 B-R-O-W-N. I'm from down Route 125, Chaumont.

17 And I have 1100 acres -- I'm for windmills. I

18 have 1100 acres up there. The windmill company says  
19 that I can have -- out of my 844 acres on the one farm I  
20 can have 21 towers; the town Planning Board says I can  
21 have two. I got a farm on the Old Town Springs Road up  
22 here, 300 -- 298 acres. The windmill company says I can  
23 have seven; the Town Board says I can have none because  
24 of the setback, 400 -- 4500 feet of setback.

25 And then also the border lines: Two and a

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1 half times the height of the windmill comes to a  
2 thousand feet and -- some odd feet. So the time I get  
3 this all in, both ways on the whole 1100 acres, I can  
4 get two windmills.

5 And besides that, the PPM representative for  
6 Maple Ridge was down at my place, and he looked at the  
7 laws, in fact, he took them with him back to his -- with  
8 the orders. And he looked at the first page and he  
9 threw it down like that and said we can't work with the  
10 Town of Lyme and walked out the door. You're not  
11 getting windmills.

12 So I'm against your setback, I guess. Thank  
13 you.

14 MR. AUBERTINE: Thank you, Bill. Jim Madden?

15 MR. MADDEN: I'm Jim Madden, M-A-D-D-E-N, with  
16 BP Alternative Energy. I live in Richmond, Virginia.

17 I came to Chaumont last February to present to  
18 the Planning Board and to seek guidance from the  
19 Planning Board on a number of issues; first, you know,  
20 whether the town was supportive of wind energy; second,  
21 what areas of the town are appropriate for wind energy  
22 development; and then third, what setbacks would be  
23 required.

24 So here we are 11 months later and those  
25 issues and other issues have been addressed in this

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1 draft ordinance.

2 As I have stated a number of times before, BP  
3 Alternative Energy is here to work with the town to  
4 address concerns that the town may have on safety and to  
5 minimize the negative impacts from any wind development  
6 that we do. So we do encourage and support the town's  
7 efforts on developing a wind ordinance.

8 And we would also like to say that many other  
9 towns in the state of New York have developed wind  
10 ordinances that encourage wind development while also  
11 protecting the residents.

12 This ordinance is lengthy, and we have some --

13 numerous concerns about it. And we are going to submit  
14 details, written comments in the next week or so. But I  
15 would like to make a few comments.

16 First, the Planning Board has put a lot of  
17 effort into this ordinance, as Judy mentioned, over the  
18 last year, trying to balance the concerns of many very  
19 diverse group here in Lyme. And I tell you, that is not  
20 an easy task. So I certainly appreciate the efforts  
21 that they have put into this ordinance.

22 In trying to balance all of these needs and to  
23 address all of the concerns from the different groups,  
24 the town may have unintentionally given the impression  
25 that it does not support wind energy. As a matter of

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1 fact, if this ordinance is passed unchanged, Lyme may  
2 have the most restrictive wind ordinance in the state of  
3 New York.

4 [Applause]

5 MR. AUBERTINE: Now.

6 MR. MADDEN: From many conversations that I've  
7 had with many residents in the Town of Lyme, and also  
8 from reading the town's own wind survey, I do not  
9 believe that that is what the citizens of Lyme want.

10 I can say that for BP the development and  
11 siting of a wind energy facility here in the Town of  
12 Lyme would not be possible under this ordinance. And as  
13 Bill mentioned, you know, we do wind development just  
14 like a lot of other companies, there are a lot of  
15 requirements, there are a lot of needs that we need. We  
16 need the support of the local communities.

17 So I can -- I cannot imagine that any wind  
18 development company would be able to support a  
19 development anywhere in the Town of Lyme with this  
20 ordinance.

21 MR. AUBERTINE: One minute, Jim.

22 MR. MADDEN: Okay. So anyway, I think the  
23 ordinance has some problems. If the Town of Lyme is --  
24 truly wants to support wind energy development, then I  
25 strongly encourage the Town Board to carefully consider

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1 this ordinance. Thank you.

2 MR. AUBERTINE: Thank you. Okay, please  
3 remember to address your comments to the Board.

4 Beth White?

5 MS. WHITE: Hi. I'm Beth White, W-H-I-T-E. I  
6 live at 30433 County Route 4, Cape Vincent, New York. I  
7 too appreciate the effort that everybody got together

8 and put into the ordinance. It's a lengthy document,  
9 and it's confusing in some areas.

10 The results of the wind farm survey that was  
11 sent out last summer clearly indicated that Lyme  
12 residents were in favor of wind farm construction in  
13 Lyme. However, given the proposed law ordinance,  
14 Number 8, the construction of the wind farm will be  
15 impossible. This proposal is viewed as simply a way to  
16 prevent the wind farm development, in spite of what the  
17 majority of Lyme voters and taxpayers wanted.

18 For example, the noise restrictions imposed  
19 are simply not in line at all with any of the other wind  
20 farms in operation in New York State. A noise  
21 restriction of 26 ambient plus 5 equals 31-decibel  
22 restrictions, compared to 50 decibels in all the other  
23 wind farms in New York State.

24 This type of restriction, as well as  
25 additional moratoriums, can only be viewed as stall

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1 tactics by the Lyme Town Board to stop the wind farm  
2 construction, in spite of what the residents wanted.  
3 The Lyme Town Board needs to align themselves with its  
4 residents, not work against them. It's absolutely

5           ludicrous to suggest that the parameters outlined in  
6           this ordinance are in response to the surveys that were  
7           received.

8                         The proposed law ignores the residents that  
9           are in favor of wind. It will be completely impossible  
10          for any wind farm to comply with these parameters.

11                        I respectfully request that the ordinance be  
12          revised to reduce the 4,500-foot setbacks, as well as  
13          perhaps hiring an objective acoustic specialist to  
14          accurately determine the appropriate noise standards.

15                        MR. AUBERTINE: Thank you. Charlie Mount.  
16          Five minutes, Charlie.

17                                 [Laughter]

18                        MR. MOUNT: Charlie Mount, M-O-U-N-T.  
19          9797 Route 12E, Three Mile Bay, New York.

20                        I find the proposal excessive. I'd like to  
21          ask the Town Board to please review it with great care.  
22          It's written basically to preclude -- as it's written it  
23          will preclude any wind farm development in the Town of  
24          Lyme. Our law exceeds the setbacks for more than 21  
25          other communities that currently have laws that are

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1           established.

2                         We were provided this sheet that does the

3 property setback, the resident setback, and the noise  
4 level. Nobody has a noise standard different than  
5 50 dBA or there isn't one at all. You have to be under  
6 that.

7 Two and a half times. Everybody else is at  
8 one and a half times. The resident setback property  
9 line setback. The law that Mr. Metzger brought up about  
10 the property analysis, we're talking about if it's going  
11 to lower the property value of people in the area  
12 because we have a wind tower. Well, I know if the law  
13 goes through like it is it's going to preclude any  
14 development.

15 And if it does, if our law, as much as is  
16 exceeds, any property owner wouldn't potentially get a  
17 windmill and receive revenue from it, their property is  
18 being devalued. Every property owner that's not  
19 included should go to the assessors first, file your  
20 grievance, and go to Small Claims Court.

21 And I'm sure there will be a small claim --  
22 action suit against the Town of Lyme if this stays.  
23 This just is taking money out of our pockets. You're  
24 not allowed to do that.

25 I request that the Town Board do not do

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1           any more moratoriums. You do not have to have a  
2           moratorium to not happen. I sat on the Board for ten  
3           years. We could talk about it and table it, you can  
4           move forward on one section or the other section.

5                        You do not need a moratorium to stop on it.  
6           It's time to stop having a moratorium, it's time to jump  
7           in with both feet, talk about it at the meetings, bring  
8           BP in, bring in people opposed to it, bring in every  
9           group there is and do it as a Town Board.

10                      So the Planning Board has done their job. I  
11           disagree with what they came up with, I think they  
12           misapplied the results, and I think the one area they  
13           did it is when they took -- where are we now? Where we  
14           did the setbacks on question eight and nine, they took  
15           the 67 feet -- 67 people at 4500 feet and not near the  
16           waterfront, that 479, and added them together. They did  
17           it again the same with the village.

18                      And I believe that's how -- when I sat at  
19           their meeting that's exactly what they told me they did,  
20           how they came up with this setback. And that's a  
21           misapplication of information. It's not anything with  
22           their effort. But I believe it's misapplied.

23                      Some people were saying they don't want it  
24           near the water, but most number said 1500 feet. The  
25           least number in every case said 4500 feet. Please

1 address that as the Town Board.

2 Please take in the results -- we're having one  
3 done in the neighboring town, they're bringing somebody  
4 in from Vermont. Those results will be available on  
5 what the noise levels will be.

6 We have people that are for it and against it,  
7 and the people that are against it are being part of the  
8 process. We shouldn't have that. Let's go outside.

9 The other thing is if we do this law we'll be  
10 the only islet in here that doesn't have windmills;  
11 they're going to be all around us. I drive through town  
12 and I'm exceedingly proud to see that we have a sign  
13 that says number one in the state in soccer. If we  
14 don't put these through here, we're third Jefferson  
15 County in taxes right now, we can put up we're number  
16 one. Please do not do a moratorium. Do your job.  
17 Thank you.

18 MR. AUBERTINE: Thank you. Ted Kelly.

19 MR. KELLY: I'll pass at this particular time.

20 MR. AUBERTINE: Okay, Ted. Jim Oxenford.

21 MR. OXENFORD: My name is Jim Oxenford,  
22 O-X-E-N-F-O-R-D. I live at 25201 County Route 57 in  
23 Three Mile Bay.

24 Right from the start I felt that windmill  
25 siting has been backwards. Why put a noisemaker in a

1 quiet setting? Why put a tall structure in low  
2 countries? Windmills in my mind should be placed in  
3 areas already affected by human activity. Put  
4 industrial power generators in industrial parks; put  
5 them close to cities where ambient noise and higher --  
6 where ambient noise is higher and people wouldn't notice  
7 the additional sound or tall structures. Put them along  
8 the interstate corridors, let travelers enjoy them.

9 Why do they want them here? Because they  
10 think we are cheap and easy. The whole relationship  
11 between the towns and power companies seems familiar to  
12 me. The towns are like virgins who are thinking about  
13 giving up their virginity for money. There is a name  
14 for that. The thing is, our towns haven't had any  
15 experience with this. Someone asks us, we say yes.

16 Everything I have heard and read about so far  
17 indicates that without strong regulations most residents  
18 in these towns, like the virgins, are going to get  
19 screwed for very little gain for a very long time. It's  
20 a \$10 quickie that will last 20 years.

21 A savings in taxes of \$300,000 was mentioned  
22 in today's paper. If there were 300 taxpayers in Lyme  
23 they'd each receive a thousand dollars a year. 600

24 taxpayers, they'd save 500. 1200 taxpayers would save  
25 \$250. That's about what I'm spending in gasoline for a

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1 month. Not much compensation for what would be taken  
2 away from us.

3 I strongly support the zoning proposal as it  
4 is that's been put forward by this committee. Double  
5 setbacks equals double protection for people who are  
6 neighbors of windmills that don't want them. The more  
7 we can limit this intrusion into our personal space, the  
8 less deflowered I will feel.

9 MR. AUBERTINE: Thank you, Jim. Bert Bowers.

10 MR. BOWERS: I'm Bert Bowers, B-O-W-E-R-S. I  
11 live on Academy Street, 11891 Academy Street, just  
12 across from Lyme Central School.

13 I'm generally in favor of the proposed  
14 regulations for windmills. And the one comment I have,  
15 I've done considerable work in my life on noise  
16 abatement in the design of ships, and I can tell you  
17 that one of the things when we looked at other towns'  
18 regulations and we saw that they were agreeing to  
19 50 decibels, 50 decibels is a pretty aggressive sound  
20 level.

21                   And I worked for years to get sound levels  
22                   down on ships because we had -- as ship owners we had a  
23                   lot of suits from people for damage to their hearing and  
24                   damage to their general health because of the noise  
25                   levels on board ships where people worked. And to get

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1                   down to 50 decibels was a struggle.

2                   And in the quarters on these ships that's sort  
3                   of a typical sound level these days, but people aren't  
4                   there 24/7, they work for a short time and then they go  
5                   off for a short time. So they're not subjected to that  
6                   sound level for their entire life, but only for the time  
7                   that they're working.

8                   And I think people who think that they can  
9                   live with that sound level should maybe expose  
10                  themselves to it for a while and see if they are able to  
11                  sleep and see if they're able to live.

12                  I think it's not a -- you know, the sound  
13                  level criteria that are in this proposal are reasonable  
14                  and they've been developed to protect the citizens of  
15                  this town, and I think they should be considered  
16                  reasonable. Thank you.

17                  MR. AUBERTINE: Thank you, Bert.

18                  Frank Congel?

19 MR. CONGEL: I'm Frank Congel, C-O-N-G-E-L.  
20 22726 County Route 57, Point Peninsula.

21 And I wanted to commend the Board in the  
22 manner in which it's approaching the problem, because it  
23 is, as we can see, extremely difficult and very  
24 divisive. It has profound effects on all of us, and I  
25 guess it depends a lot on what you do here and how long

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1 you've been here and so on.

2 But the real issue, as I see it, is that we  
3 really are changing the character of this area from what  
4 it has been for a long time, namely recreationally  
5 oriented, to one that really does invite an industry in  
6 its midst. And if you do that, you bring up all of  
7 these issues.

8 The fairest manner in which I think it's to be  
9 handled is the manner in which you're doing it. You had  
10 the survey. People, I know, have disagreed with some  
11 aspects of it, but there was a rather detailed  
12 substantial analysis done of the survey, and it was  
13 presented to the public. And from what I see the  
14 proposed law is a very close replication of the wishes  
15 that are in the survey.

16                   So I didn't remember hearing a lot of  
17                   questions that were raised when the survey results were  
18                   analyzed in a very comprehensive way. Now that the law  
19                   reflects that, I hear implications from the law that I  
20                   guess some people find unpleasant. But I wanted to add  
21                   my voice that I believe it really is the most  
22                   representative democracy that we could hope for, and I'm  
23                   proud to be a resident here. Thank you.

24                   MR. AUBERTINE: Thank you. Scott Discount?

25                   MR. DISCOUNT: Scott Discount,

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1                   D-I-S-C-O-U-N-T. 25255 Selter Road.

2                   We're probably the newest members of the Lyme  
3                   community, even though we've been coming up here for  
4                   years. I have kids in Henderson and in Sackets. And  
5                   we've been looking for property for years up here.

6                   So we found a place in July. And I'm a very  
7                   private man, but I'm going to tell some numbers because  
8                   I don't think people understand the money that's up here  
9                   now and how much money is being put into this town.

10                   We paid \$300,000 plus for a 5-acre parcel on  
11                   Point Peninsula. We're putting in over a million  
12                   dollars into the home. That's a lot of money to  
13                   stimulate this economy up here.

14                   We would not have done that if we had known  
15                   about wind farms. We would not be putting in this  
16                   money, and frankly, we're very happy with the setbacks  
17                   here, and we will continue with the house. If the  
18                   setbacks were different, we wouldn't have built, and we  
19                   would have sold the property.

20                   As far as economic stimulus, I think you have  
21                   tourism on your side. We did not move here to be an  
22                   industrial complex; we came up here for the absolute  
23                   beauty. I love to watch the hawks hunting in my fields  
24                   and behind my house. That goes away with wind farms.

25                   I think you've done a good job, I think we

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1                   should wait for more moratorium time so we see what the  
2                   surrounding areas do and how they perform. These guys  
3                   are going to be making money no matter what if they come  
4                   in here. They're going to be around if they have an  
5                   economic reason to be here. I think that you've done a  
6                   good job, I think you should increase the setbacks, and  
7                   we should have a longer moratorium.

8                   MR. AUBERTINE: Thank you.

9                   Okay. That's everybody that signed up. I'd  
10                  like to take a five-minute break, please, and then if

11 there's anybody that wants to speak we'll start a second  
12 round. Make sure you sign in; we'll sign in again for  
13 the second round.

14 (A brief recess was taken from 2:55 PM until  
15 3:05 PM.)

16 MR. AUBERTINE: Call round two to order,  
17 please. Please be quiet. Remember the same ground  
18 rules: No cross-conversations; direct your comments to  
19 the Board. And I don't know what happened to the  
20 sign-in sheet. There it is.

21 All right. Lois Lang?

22 MS. LANG: Yes. I'm Lois Lang. I live on  
23 12E. And I want to say there is very little noise from  
24 these windmills. And I'll tell you why: My daughter  
25 and I went down and we stood 50 feet from the windmills

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1 and there was hardly any noise. That's one thing.

2 Another thing, I'm against such a restrictive  
3 area for our windmills. We got lots of land: Point  
4 Peninsula, all those -- all that whole area. There's a  
5 lot of land there that's not being utilized for  
6 anything. And it's so doggone restrictive the way  
7 they've got it there in the white, that's all that can  
8 be used.

9                   And another thing is the setback. It's way  
10                   too -- way too restrictive. It should be -- at least  
11                   the other towns -- like the other towns that have the  
12                   regular come out. So that's my comment. Okay?

13                   MR. AUBERTINE: Thank you, Lois. Don Metzger  
14                   is next. Pete, you didn't sign in, but I'll remember  
15                   you.

16                   MR. METZGER: When you cut me off there,  
17                   Mr. Chairman, I was talking about Page 10, Number F,  
18                   property value analysis. And I don't know why we even  
19                   need that in there; I'm a little confused about it. I  
20                   would agree with Charlie Mount on that. I think it's  
21                   probably an unnecessary -- we have the procedure in  
22                   effect now, but maybe there's something in there that I  
23                   don't understand. So I'll leave it up to your good  
24                   graces as to whether to leave it in or not. But right  
25                   now it seems like it's a superfluous piece of

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1                   information there.

2                   Going on, Page 12 E, Page 12 E like Edward,  
3                   E -- 12 if you got it on the internet.

4                   MR. AUBERTINE: Don, can I interrupt just one  
5                   second? We've got a red Honda, license plate CUV4680,

6 that's blocking someone that would like to leave.

7 All right, thank you, Don.

8 MR. METZGER: 12E where it talks about -- it's  
9 the second line down in number E -- in letter E, where  
10 you talk about or a camouflage scheme. A camouflage  
11 scheme. I have to admit, I have no idea what you mean  
12 by a camouflage scheme.

13 I do know about the non-reflective net finish  
14 color, because that's what's used on most wind turbines  
15 around the country, including right there at Tug Hill.

16 But this camouflage scheme -- I'm not asking  
17 for an explanation right now, but maybe after the forum  
18 if somebody knows what that is they could tell me.

19 At Page Number 18, at the very top, 18 C, the  
20 very top -- the first sentence, I think you need to  
21 check your punctuation there. You need either -- after  
22 the word fund I think you need a period or a colon so it  
23 reads right. It's a little -- I know what your intent  
24 is, the intent is good, but if -- it just reads a  
25 little -- with difficulty, I think, without it. You

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1 might want to check the punctuation right after the  
2 decommission of fund or bond, it says or fund the  
3 applicant. I don't think any of us want to be funding

4 the applicant. Page 18 C, 18 C like Charlie.

5 MR. AUBERTINE: Quiet, please.

6 MR. METZGER: And Page 24 N, N like Nick.

7 UNIDENTIFIED SPEAKER: Are all of the  
8 things --

9 MR. AUBERTINE: I'll put you down on the list,  
10 Ted, if you want to speak.

11 UNIDENTIFIED SPEAKER: It's just a matter that  
12 there seems to be a discrepancy in terms --

13 MR. GEBO: Depends on where you downloaded it  
14 from.

15 MR. AUBERTINE: You're talking about -- yes,  
16 they are different -- I'm sorry. Some are different.

17 MR. METZGER: That's 24 N like Nick. You may  
18 want to check that. I think you meant to use the word  
19 vertical instead of horizontal, a horizontal axis wind  
20 turbine. Maybe there is such an animal, I'm not an  
21 expert on wind terminals -- turbines, but I think you  
22 mean to use the word vertical instead of horizontal  
23 axis.

24 And on Page 25 E, E like Edward, 25 E like  
25 Edward, right down at the very bottom of the page there,

1 the term opt out of the tax-exempted provisions of the  
2 real property tax law. I'm not asking for an answer,  
3 but maybe after the forum somebody can explain to me  
4 what that means. Does that mean that you -- that you  
5 can opt out of the PILOT agreement before the 15-year  
6 expiration date? I don't know. I'm a little confused  
7 on that.

8 On that line, I would highly suggest that the  
9 Board seriously consider hiring somebody like Kevin  
10 McAuliffe, the attorney in Syracuse, to help with the  
11 negotiating of the PILOT -- for the PILOT agreement.

12 And Mr. Bert Bowers spoke here earlier about  
13 the 50 decibel level. As someone who has spent the last  
14 44 years working on ships and dealing in high sound  
15 levels, I know very well what 50 decibels is like, and  
16 when you sleep and work and eat with 50 decibels or  
17 more, even less than 50 decibels, it's a lot. It's one  
18 of the worst parts about working on ships, and it's one  
19 of the main reasons I live here in the lovely Town of  
20 Lyme, because I love the quiet because it's my respite  
21 from the noise and the hectic noises of machines.

22 Page 5 H. Page 5 H.

23 MR. AUBERTINE: You have one minute,  
24 Mr. Metzger.

25 MR. METZGER: Okay, I'll skip that then. And

1 I will say that I would recommend that there be  
2 something in there, in the zoning law, I don't know how  
3 to word it, but something for some sort of a contingency  
4 plan. I applaud your effort to have in there your  
5 dispute resolution committee, but I was just up skiing  
6 two days ago in the Tug Hill Wind Farm area, and I saw  
7 an environmental fellow testing one of the wells up  
8 there. They had a spill, one of the wells was  
9 contaminated.

10 I mean, these things happen, I'm not -- I  
11 don't have anything against the wind farm people up  
12 there, but -- and they cleaned it up. Some of it got in  
13 the well; one of the wells was contaminated. They're  
14 checking to see that other wells aren't contaminated.  
15 It was chronicled here in the paper that I happened to  
16 buy one. I happen to get gas up at the local station.  
17 DEC says the wind farm spilled the oil. Those things  
18 happen. But I think we need to have some sort of a  
19 contingency plan for when stuff happens. And in  
20 addition to this dispute resolution thing that you have  
21 in the zoning.

22 I think that probably terminates my time,  
23 doesn't it, Mr. Chairman?

24 MR. AUBERTINE: Yes, it does.

25 MR. METZGER: Thanks very much, sir.

1                   MR. AUBERTINE:  If you have more we can come  
2 back after everybody else.

3                   MR. METZGER:  Thank you.

4                   MR. AUBERTINE:  Darwin Paro.

5                   MR. PARO:  Okay.  It was brought up to the  
6 Board by the taxpayer here concerning fires.  And as a  
7 fireman I will not only tell you Board, but I will tell  
8 everybody in the community, if one of them towers goes  
9 off, there's no way in hell you're going to put it out.  
10 It's going to burn.  There's no ladder high enough,  
11 there's no fireman that's going to be crazy enough to  
12 crawl up inside that tower.  It's only common sense.  
13 It's going to burn.  And there's nothing wrong with  
14 that.

15                   Number two:  Noise level.  I hear so much  
16 about that.  I've lived here 24 years.  This morning I  
17 walked out my back door.  What noise level did I hear?  
18 Ice augers running way over the other side of  
19 Salubrious.  And I can hear them on County Route 8.  I  
20 can hear chainsaws running from neighbors up the road  
21 cutting wood.  I hear noise level from the snowplows  
22 going up and down my roads.  Buses, tractor trailers.  
23 There are a hell of a lot more noise coming from them  
24 than what's going to come from the wind towers.

25

So think about it. Are we jumping at straws?

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1 I think we need to think about it. We have snowmobiles,  
2 we have ATVs, we have jet skis out there running.  
3 Nobody's complaining. And I don't think these wind  
4 towers are going to be that noisy. I've been up there  
5 at Tug Hill, and I agree with Mrs. Lang that spoke, you  
6 can stand right beside them, you can talk. It's not  
7 deafening. You don't believe me, go on up there.

8 MR. AUBERTINE: Thank you.

9 MR. PARO: Thank you.

10 MR. AUBERTINE: Pete Rogers, you wanted to  
11 speak?

12 MR. ROGERS: Pete Rogers, 26884 Three Mile  
13 Point Road, Chaumont, New York.

14 First of all, I would like to commend the  
15 Planning Board on the excellent job that they did on  
16 this draft. As in any kind of a draft there's always  
17 changes that can be made, improvements or adjustments to  
18 it, and I'm sure that they will happen over time.

19 I've sat here and listened to the comments  
20 today, and the comment has been brought up about the  
21 survey. And it was my understanding that survey was not

22 a vote, it was a survey. And it was slightly flawed in  
23 the fact that they were asking in the survey for input  
24 from us on things that we maybe at that time really  
25 didn't have any real knowledge of as far as what

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1 windmills were really all about.

2 So as far as taking that and making that as a  
3 referendum of whether or not that town wants windmills  
4 or not, I don't think that was an appropriate statement  
5 to base on that survey.

6 I'm a little disturbed also that I heard a  
7 comment about seasonal versus a full-time residences.  
8 My family settled this part of the community several  
9 generations ago, and I certainly don't put myself up any  
10 higher on a pedestal than somebody that came in here  
11 last week.

12 The last I knew this town still resides in  
13 Jefferson County, New York State, in the United States  
14 of America. There's nothing here that says just because  
15 you don't live here year-round you don't have an  
16 interest and a fighting interest in the things that go  
17 on in our community. And the fact that we happen to be  
18 here in the winter, like some of us are, I'm not so sure  
19 who's maybe a little brighter that goes into the sun

20 once in a while than stay up here in this. But I don't  
21 think that we should negate just because somebody  
22 doesn't live here year-round that they don't have a say  
23 in what's going on here.

24 I'm a little also disturbed Mr. Madden stood  
25 up here. My understanding this was a public hearing on

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1 the zoning law or on the proposed zoning law. I think  
2 there's a little bit of a conflict in the British  
3 Petroleum representative standing up here and trying to  
4 lecture to the crowd.

5 While I'm on British Petroleum, I read the  
6 news lately here what happened last year in the Alaskan  
7 Pipeline; due to alleged poor maintenance on the  
8 pipeline they had a spill up there. Also, there was a  
9 scandal here not too long ago with some representative,  
10 I don't know if it was British Petroleum proper, but a  
11 couple executives tried to corner the propane market in  
12 the United States last year. I believe there's some  
13 litigation going on in that order right now.

14 So to put all your eggs in the basket of  
15 trusting an oil company, British Petroleum or any oil  
16 company, I think you better take a step back and take a

17 deep breath.

18 I do kind of resent Mr. Madden. I guess my  
19 question would be how many windmills does he have within  
20 a half mile of his home.

21 As far as a comment that was made here,  
22 assessments. If you couldn't get a windmill you should  
23 be able to go in and, you know, have the property  
24 lowered. Well, if that's the case I want to have an  
25 airport in my front yard, and if the zoning prevents me

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1 from doing it, then I guess I should have a lowering of  
2 my assessment also, even though my front yard is  
3 135 feet across.

4 All testing that should be done here should be  
5 independent, funded by the oil companies or whoever is  
6 an advocate here. Nobody should be doing this with --  
7 anybody believes in integrity of somebody reporting on  
8 their self, I kind of -- that would raise some issues in  
9 my mind on how factual are we really being here.

10 And now I've also heard about these lowering  
11 the taxes versus our quality of life. If anybody thinks  
12 that bringing \$300,000 into this community is going to  
13 lower the taxes, get ready for Santa next 24th of  
14 December. It ain't going to happen.

15 MR. AUBERTINE: One minute, Pete.

16 MR. ROGERS: And my one encouragement would be  
17 to the Town Board that we absolutely, without fail, no  
18 PILOTs. Why should anybody get a PILOT program? When I  
19 built my house I started paying taxes that first year.  
20 Why should these companies come from somewhere else on  
21 our subsidized federal and state tax dollars, let them  
22 spoil our landscape and our yard and give them a PILOT  
23 program on top of it? There should be no PILOTs  
24 whatsoever. If they come in here, they pay the full  
25 shot, just like you do and everybody else does that owns

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1 property in this town.

2 And I've also heard about the sound pollution  
3 that's risen here.

4 MR. AUBERTINE: Pete, I'm going to have to  
5 shut you off. Just hold your thought there.

6 Is there anyone else that would like to speak?  
7 Yes, sir?

8 MR. KINGSLEY: My name is Kingsley out in  
9 Point Peninsula, 8384 State Park Road.

10 MR. AUBERTINE: Spell your name, please.

11 MR. KINGSLEY: Charles Kingsley,

12 K-I-N-G-S-L-E-Y. I want to thank the Board and Mark  
13 Gebo there for helping me out with my ideas here of how  
14 the Board has been biased. It's obvious that the people  
15 that are in favor of windmills better start writing  
16 letters for next week's meeting. It's a crying shame  
17 take we spent the better part of 45 minutes going over  
18 seven or eight letters. And it's obvious I didn't know  
19 about that, but if I did I think I would have been  
20 sending in a lot more letters.

21 I've been very critical of that survey. And  
22 it all started out I think from the Lyme School's  
23 presentation that the Board put together, and Dr. Carr  
24 did a very good job of putting the presentation  
25 together. But where a lot of this setback comes from,

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1 the 4500 feet, I think it's an unrealistic sound  
2 demonstration that Dr. Carr did in an auditorium that  
3 you could hear a pin drop in.

4 Now, I think he could have done that same  
5 demonstration with one slide. And that one slide could  
6 have been a very simple picture of a windmill and what  
7 the decibel level would be at the base of it and then  
8 project out 500, a thousand, 1500 feet, and let the  
9 community decide what the setback should be.

10 I'm critical of Dr. Carr's analysis of ice  
11 coming off of a windmill, losing of a blade. Two  
12 failures don't register in my book, because number one,  
13 you got to have ice; number two, you got to have a car  
14 or whatever going by. Those aren't realistic. But it  
15 scares everybody that, oh, my God, these things are  
16 going to be -- and the pictures of a windmill falling  
17 over. What is the likelihood of that happening?

18 But the one point, this survey here, I find it  
19 embarrassing that on question number nine we had to have  
20 this clarifier in there: In other words, for the next  
21 20 years at any time, seven days a week, 52 -- blah,  
22 blah, blah. We don't need that in there. Let the  
23 community decide that.

24 The fella that was out there in Point  
25 Peninsula, I'm out there in Point Peninsula, and I would

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1 love to have a 1,000 -- 10,000-watt generator to  
2 supplement my electrical bill. But if I go through  
3 these rules and regulations, number one, it has to be  
4 non-reflective paint. Non-reflective paint to me is a  
5 flat type of paint. And how many of our boats are  
6 painted on the bottom with a flat paint? What little I

7 know about aerodynamics, you don't want to have a flat  
8 paint on a blade of a windmill.

9 Mr. Metzger, he mentioned about the  
10 camouflaging. Does it have to be painted green? The  
11 other thing is I have to go and generate a computer  
12 photo of where this windmill is going to go and what the  
13 windmill is going to look in an established location  
14 where it's going to be. And then go out and hire a  
15 consultant to have the decibels -- ambient decibels  
16 taken? The whole point being, it's going to come down  
17 to, like this gentleman over here says, nobody in the  
18 community is going to have a windmill. Absolutely not.

19 MR. AUBERTINE: One minute, Mr. Kingsley. One  
20 minute.

21 MR. KINGSLEY: Oh, I got a lot of time.

22 [Laughter]

23 MR. KINGSLEY: Too bad Channel 7 left already.

24 [Laughter]

25 MR. KINGSLEY: The Planning Board, I'm

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1 frustrated that they wouldn't release a preliminary  
2 copy, as well as the Board, prior to this meeting here.  
3 It was just, what, a couple weeks ago or a week and a  
4 half ago that we started releasing this? The community

5           should have had access to this thing six months ago. So  
6           that we could have gone to the Planning Board and talked  
7           intelligently with some of those people who come out --  
8           instead of sitting here and arguing about what should be  
9           in that -- my minute's up.

10                       MR. AUBERTINE: Thank you very much. And  
11           again, I apologize for those letters. And I'm sure I'm  
12           going to hear the opinions of the Town Board about it  
13           afterwards. So my gut feeling tells me you better come  
14           on the 12th, because there may not be any letters  
15           read, I don't know. But we will take them. And Mark  
16           and I spoke earlier, we will receive written comments  
17           until January 31st. Okay?

18                       Anyone else that would like to speak?

19                       MR. PARO: I would just like to thank the  
20           Board --

21                       MR. AUBERTINE: Stand up again, do it  
22           formally.

23                       MR. PARO: Okay. All right, I'll be formal.  
24           Just like to thank all you people for what you have done  
25           for us here in the Town of Lyme. And as a taxpayer I'm

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1           just asking you to look into it, use common sense, deal

2 with the facts, and do what's right.

3 And again, I thank you all for the time that  
4 you have spent, and we greatly appreciate it. Thank  
5 you.

6 [Applause]

7 MR. AUBERTINE: Thank you. Charlie.

8 MR. MOUNT: Charlie Mount, Three Mile Bay,  
9 9797 New York State Route 12E.

10 After the meeting on the 12th, the public  
11 hearing, if you pass the law, what recourse do we have?  
12 You'll take comment to that time; can we request a  
13 referendum, is that available to us, that option, or  
14 not?

15 MR. GEBO: There's a couple of steps that  
16 still need to be taken with this. It has to go to  
17 County Planning Board. The idea here is to try to get  
18 it to County Planning Board the end of January. Town  
19 Board can't act on it until after the county does, so  
20 it's going to be February before this Board is in a  
21 position to say yea or nay. So that's the first thing  
22 from a timing point of view.

23 The town law allows referendum -- well, town  
24 law, municipal home rule law allows a referendum on  
25 certain types of issues, but typically land use laws are

1 not one of them. So there's no real authorization under  
2 the town law for there to be a public referendum on the  
3 law.

4 Further, there's been opinions from the  
5 Comptroller's Office and State Attorney General's Office  
6 that if you are -- that if a referendum is not  
7 authorized by law you can't just have one because it's  
8 an improper expenditure of public funds.

9 So the answer I guess based on that is that it  
10 will not be going to referendum.

11 MR. AUBERTINE: Any other comments?

12 Mr. Metzger, are you sure you're done?

13 MR. METZGER: Thank you, Mr. Chairman.

14 MR. AUBERTINE: All right. Any other  
15 comments? Yes.

16 MS. BRASS: I'm Leah Brass, B-R-A-S-S, and I  
17 live on Three Mile Point North. And I want to say thank  
18 you to the Board for the setback regulations. We moved  
19 down here five years ago, put a retirement home, and  
20 that's why we moved down here, for the pleasantness and  
21 the quietness of the area. And I know our taxes have  
22 gone up every year; in fact, we just were reassessed and  
23 we didn't even know we had been reassessed, and we do  
24 pay a large amount living on the water.

25 And I want to say that if we were to resell

1           our house and move away, we would not get the value that  
2           our house is valued at right now with wind power. It  
3           just wouldn't happen. People would not want to move  
4           into this area and look at windmills.

5                           And that's all I have to say. Thank you.

6                           MR. AUBERTINE: Thank you. Anyone else?

7           Ethel?

8                           MS. DAY: Ethel Day, Chaumont, River Road.

9                           I just want to say do you -- Board, do you get  
10           the idea now that we do want windmills; we don't want  
11           that setback you're talking about, we want it redone so  
12           we can get windmills in here? Because if you saw in the  
13           paper, we're not going to get 8.1 million, but there's  
14           money going to go to our school, it will help where we  
15           need it in the community the way it did in here. And  
16           this was in last Sunday's paper. So, okay?

17                           MR. AUBERTINE: Anyone else?

18                           MR. BYRNE: My name is John Byrne.

19                           I want to thank the Chairman of the Board for  
20           making sure that my phone works now.

21                           [Laughter]

22                           MR. BYRNE: In addition to thanking the Board  
23           for doing this study and taking the time to come up with  
24           some, I guess you can say, plan of attack on how to  
25           resolve the problem, because I see there's a lot of

1 views on both sides, just like in the neighboring towns.  
2 And somehow we have to all come to some type of  
3 agreement and live together. And the only way that  
4 that's going to happen is if everyone compromises. So I  
5 just want to say thanks.

6 MR. AUBERTINE: Thank you. Anyone else?  
7 Going once, going twice.

8 Okay. I just want to mention that the next  
9 hearing will be Saturday, January 12th, 2008, and I  
10 believe that's at 1 PM again here. Like we said, we  
11 will receive written comments until January 31st.

12 I want to thank you all for coming again.  
13 Thank you for your input. This is adjourned.

14 (The public hearing was adjourned at 3:33 PM.)

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C E R T I F I C A T I O N

I, SALLYANNE B. MAIORANO, Registered Merit Reporter, Certified Realtime Reporter, Certified CART Provider, Certified Shorthand Reporter, and Notary Public in and for the State of New York, DO HEREBY CERTIFY that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 95 pages, is a true and correct copy of same and the whole thereof.

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SALLYANNE B. MAIORANO, RMR, CRR, CCP, CSR

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23 Dated: January 11, 2008

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