

Town of Lyme
October 5, 2011
Public Hearing – Wind Power Generating Facilities Moratorium
Immediately Followed by a Special Meeting – Professor Paul Carr
Survey Presentation
6:30 P.M.

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

Present at tonight’s meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Johnson, Bourquin and Villa and approximately 60 others.

Clerk Wallace read the Public Hearing Notice as posted in the Watertown Daily Times on September 25, 2011 as follows:

PLEASE TAKE NOTICE that the Town Board of the Town of Lyme, shall hold a Public Hearing on Wednesday, October 5, 2011 at 6:30 p.m. at the Town of Lyme Offices, Chaumont, New York to consider the adoption of a Local Law with respect to extending the moratorium for a period through April 12, 2012, on applications for Wind Power Generating Facilities allowing the Town Board to consider and implement sufficient regulations. A Work Session of the Town Board with respect to the Wind Survey, presented by Professor Paul Carr will immediately follow the Public Hearing.

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

ARTICLE 2. – Statement of Purpose and Findings. The Town Board of the Town of Lyme has been made aware of interest in Wind Power Generating Facilities desiring to locate in the area. At the same time, the Town Board is aware that there have been complaints and questions about the establishment of Wind Power Generating Facilities being located in the area. Currently, the Town of Lyme Code does not contain provisions for regulation of such facilities. It is the purpose of this Local Law to extend a Moratorium for a period through April 12, 2012 on applications or

proceedings of applications for Wind Power Generating Facilities allow the Town Board to consider and implement sufficient regulations.

ARTICLE 3. – Enactment. The Town board of the Town of Lyme does hereby enact as follows:

Section 1. Definitions

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

Supervisor Aubertine explained the Public Hearing “ground rules” and then opened the floor for public comment.

Julia Gosier – There was no mention of transmission lines in the most recent survey that was conducted. Julie recommends that the Moratorium be placed on the building of the wind project but exclude transmsiion lines. She feels we have an obligation to our neighbors in Cape Vincent and we should not stand in the way of their progress. If the Town of Lyme refuses the transmission lines it will loose financial benefits.

Dave Henderson – Feels the Town should extend the Moratorium until they have a Law in place.

Bruce Way – The Town should have a Law in place and he supports the extension of the Moratorium.

Tim Conboy – Project Development Manager – St. Lawrence Wind and Acciona - St. Lawrence Wind is developing the St. Lawrence Wind Farm Project proposed for the Town's of Cape Vincent and Lyme. The project will supply power into New York's competitive wholesale electricity market, and generate enough clean renewable energy to power approximately 32,000 New York households.

All of St. Lawrence Wind Farms are proposed to be located in the town of Cape Vincent. A small switchyard and a portion of an electrical transmission line interconnecting the project with the bulk power grid are proposed to be located in the Town of Lyme. The St. Lawrence Wind Farm facilities that are proposed in the Town of Lyme are similar to existing electric transmission facilities located in the Town and incorporate current best – practices in siting and design in order to minimize and avoid potential impacts.

The proposed St. Lawrence Wind Farm transmission line and related facilities are already regulated under the Town's Zoning Ordinance and will need to comply with a number of state and federal requirements. Because the zoning code already regulates electric transmission lines, there is no need to further regulate or continue the moratorium on electric transmission lines on a stern think of the head money it would be OpenNet box me maybe 10 books would be contrary to applicable laws, general zoning principles and state and federal constitutional principles of due process and equal protection.

Based on comments received at Town Board meetings in the design of the town's recent wind survey, it is apparent that generalized community concerns that have been a factor in the Town's previous decisions to enact and extend the Moratorium are focused on wind turbines and their potential impacts.

While still questioning the validity of further extending what has already been an exceedingly long moratorium, St. Lawrence Wind request that any local law that is adopted explicitly provide that the Moratorium does not apply to transmission lines and other facilities that are already regulated under the Town's existing Zoning Laws, regardless of whether these facilities are tied to wind turbine generation located outside of the Town of Lyme.

St. Lawrence Wind would like to work with the Town of Lyme under the existing Zoning Ordinance and special permit application process to develop, construct and operate the proposed facilities in a manner which meets the Town's reasonable requirements and minimizes impacts to Town residents.

In summary, St. Lawrence Wind Farm is a clean energy and economic development opportunity for Jefferson County. The facilities proposed in the Town of Lyme are already covered by existing zoning requirements and are similar to existing facilities in the Town. There is no need to further delay the Town of Lyme's evaluation of this opportunity.

Diane Rutigliano - Based on the results of the 2011 wind survey, it is overwhelmingly evident that the majority of residents in the Town of Lyme are against placement of industrial wind turbines here. Therefore we respectfully request this Board to extend the Wind Moratorium to allow the Planning Board enough time to write a reasonable wind law banning industrial wind and the Town of Lyme.

Don Metzger - Feels that the transmission line will bisect this Town. The majority of infrastructure will be in this Town. Don couldn't agree with the good neighbor sentiment more, but he feels he has burned by how Cape Vincent has treated us. He is disappointed with the way Cape Vincent has treated us in the past but he does see a light at the end of the tunnel. Don is also concerned with the poles being twice as high as what we have now. If St. Lawrence Wind wants to connect to our substation we should have plenty to say. We will be hosting the majority of the transmission lines.

Juli Way – Would like to go on record agreeing with what Mr. Metzger just related. The survey was in regard to wind mills not transmission lines.

Scott Discount - Would agree with Mr. Metzger and Mrs. Rutigliano. The Planning Board needs to craft a new law and needs to be tasked with that by the Town Board.

Steve Rutigliano - Agrees with Mr. Metzger, the Moratorium should include transmission lines.

Rick Bates - The must include transmission lines.

Councilman Johnson - The Town Board's position has been that the transmission lines would be buried underground and off the DANC water line.

Councilwoman Harris - Based on the information from the first survey the residents would like to see the transmission lines buried. The DANC line is

a critical piece of infrastructure we need to protect. Have we seen any other alternative for the transmission line?

Jim Millington – The Planning Board should be involved with crafting the Zoning Law. How the powerline is run should start with the Planning Board.

Written Acknowledged Correspondence for Tonight’s Pubic Hearing:

Jody Mutschler	In Favor of Extension
Murriel and Warren Barkley	In Favor of Extension
George Hoke	In Favor of Extension
Kathy Dillon	In Favor of Extension
Ed and Patti Hughes	In Favor of Extension
Betty Lou Kishler	In Favor of Extension
Deanne Scanlon	In Favor of Extension
Steve and Diane Rutigliano	In Favor of Extension
Tim Conboy	Not In Favor of Extension

A Motion was made by Councilman Johnson and seconded by Councilman Villa closing tonight’s Public Hearing at 6:55 p.m. Five ayes. Motion carried.

Supervisor Aubertine called tonight’s Special Meeting to order at 7:00 p.m.

Paul Carr thanked the Town Board and Clerk Wallace and Staff for all the efforts by everyone getting the Town to this point.

Professor Carr made the observation that there were some duplicate surveys issued however, most people self regulated. The Town can be proud of the fact that many residents received duplicates and self regulated themselves as to not submitting more than one survey.

In total 1621 surveys were received. With 28 potential data points to present, by inlarge he feels the information is quite accurate. In that regard he worked with Mike White, who is a former Town board member and a resident of the community. He did a random number selection of 80 surveys to make sure the data entered was correct and he feels it is solid.

Paul was asked several times if there was enough of a response to have the survey be reflective of the community. He felt that 300 would have been enough for a good statistical figure about a third response ratio. Margin of error ratio would be 2%. Every survey submitted before September 1st was calculated. The numbers track very closely to the responses from the 2007 survey. The results are that 35% in favor to 65 % opposed to wind power in the Town of Lyme. Where should wind turbines be? 58% said no place in Town. If they are going to be here 35 % want Area D and 23% in area F. He was be curious about people who lived in target areas. Under subdivided conditions there was only minor support for AREA D, with 52.08% in favor and 47.9% in opposition to turbines. There is no support for turbines in Area F – with support at only 36.04%. In essence, the response to this question is that 57.7% of the people object to turbines anywhere within the Town. 64.6% of the respondents oppose turbines in Area D, and 76.6% of the respondents oppose turbines in Area F.

Paul feels that the survey results are relatively straight-forward. He has anticipated a couple other questions that might arise relative to taxpayers verses registered voters. It has not included in this information but if anyone has questions he would be happy to explain things further.

Councilman Villa – Has been involved in a few surveys and this level of response is terrific, it is indicative of a community being involved. Dan has been mixed on the idea of wind turbines from the start. He has been a resident in the Town of Lyme for 10 years. There are two things he loves – getting up in the morning hearing ducks and geese and not hear anything intrusive on his property and in the winter, for those of us that are here throughout the year, hearing the ice fisherman talking from a mile away as if they were in his front yard. He feels these are some of the things that make this area where we live, special. Up until the point of this survey he would have been supportive of proper placement of turbines. Based upon the survey results he will have to vote for no placement of turbines in this community. It's not a decision he makes on his own opinion but the opinion of the residents of this community. He is a year around resident of Point Peninsula and he feels that everyone in this community has the right to be heard and treated equally, whether a registered voter or a taxpayer.

Councilman Johnson – Echos Councilman Villa's sentiments.

Councilwoman Harris – She has heard the responses that have indicated to her the division of seasonal and year around. Her great grandparents had a cottage here and Boo and her family have moved her year around. Where do we draw the line? One, two, three months? Who are we to say that somebody should not have a voice due to the length of time they are here. We counted everybody in this Town and that's the way it should be. We've been lucky not to be divided like Cape Vincent.

Councilman Bourquin – Before we do anything we should refer to the letter from our Attorney regarding Exclusionary Zoning. If it comes down to Article 10, there is nothing to stop them from placing turbines on the Points. As a Town Board we are trying to keep the turbines on one side of 12E. With Article 10 we will end up with turbines where we definitely don't want them.

Councilwoman Harris – Stated that the small Town Boards don't have the expertise to deal with issues of this magnitude. We should push the Comprehensive Plan back to the Planning Board and make necessary changes. We should not run scared from Article 10. Better than outright banning the turbines we have to have a law in place concerning noise intrusion and setbacks. The Moratorium will give us time to put a good strong protective law in place, with the help of the Planning Board.

Councilman Johnson – We can fight the government and “we want home rule”!

Councilwoman Harris – We are going in the right direction, we need a Law that follows the survey and protects the Town of Lyme taxpayers. The Comprehensive Plan must be pushed back to the Planning Board to make the necessary changes.

RESOLUTION 2011 - : Motion by Councilman Johnson and seconded by Councilman Villa empowering the Planning Board to take the results of the 2011 Wind Survey and correlating them into the Comprehensive Plan. Having the Comprehensive Plan reflect the results of the survey will protect the residents of the Town of Lyme. Upon approval of the updated Comprehensive Plan a Public Hearing for a Local Law will follow. Four ayes. Motion carried. Councilman Bourquin voted nay.

A Motion was made by Councilman Johnson and seconded by Councilman Villa to adjourn tonight's meeting at 7:30 p.m.

Minutes of Tonight's Meeting are respectfully submitted by,

*Kim Wallace,
Town of Lyme Clerk*