

**Supervisor Golden** called the Public Hearing to order at 6:00 p.m. In attendance at tonight's meeting Councilmen Johnson, Schreib, Madill and Countryman, Attorney Mark Gebo, Bookkeeper Gotham, ZEO Suzann Cornell, Superintendent Parker, Assessor's Sandy Cornell and Marsha Barton and approximately 30 others.

**Councilman Schreib** read the Statement of Purpose and Findings as follows:

**The Town Board of the Town of Lyme has been made aware of interest in the 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. Presently the Town Board has established a six-month moratorium to study these issues and adopt regulations. The Town Board has made progress and some additional time is needed to implement the same. It is the purpose of this local law to extend the moratorium for a period of two months on applications or proceedings of applications for Wind Power Generating Facilities allowing the Town Board to consider and implement sufficient regulations.**

### **Privilege of the Floor**

**Richard Nagel, Point Peninsula** – started by establishing his credentials – he is an engineering undergraduate and has a MBA in marketing. In his opinion the survey is so badly flawed that he had decided not to fill it out. He feels there was no mention of any positive benefits. He felt that the questions offset the positives. Secondly, there was no background information given with the survey. The vast majority of the Town's people were not well enough informed on the matter, so they could not make an informed judgment due to the lack of information. The next problem he had with it was the fact that the survey dealt with industrial wind farms. You can't answer the same questions regarding personal, industrial or commercial in the same survey, yet this survey was intended to do that. He felt the whole thing was not balanced, unfortunately. He really commends for the process we are going through and trying to get all of the various points made and try to make good decisions. He strongly recommends a couple of things. First, lets deal with the industrial turbines and the big wind farms; leave the commercial and residential alone. Secondly, the noise restriction is very complex. He recommends the Board going to Lowville with a decibel meter to determine noise levels themselves. Other than Dr Carr, he asked, how many people really know what a decibel is? How much sound is it? He does not know the answer.

**Gerry Smith** is an ornithologist, he was at the first public hearing and he has spent a lot of time in the Town of Lyme particularly out at Point Peninsula birding. He supports the continuation of the moratorium and definitely gives the Board a great deal of applause for how they are taking this project on, particularly with the regard to industrial wind power. He lives about six miles to the west of the Lowville turbines. Concentrating on the question of the ecological impact of the turbines that they are learning more and more about. The Town of Lyme lies in a major fly way for birds and large amounts of bats and also has Point Peninsula, which is an important bird area designated by the National Audubon Society and is well renowned for its winter raptor concentration. He urges the Board, in their consideration of the Town Law to take wild life consideration into account. This is a wonderful area for wildlife. The more they learn about industrial turbines, they are being shown to have more and more significant impacts on birds and on eastern

bat populations. As the real estate folks say, it's all "location, location, location". Proximity to the Saint Lawrence River, proximity to Lake Ontario; areas where you get concentrations of birds and also bats, make large scale industrial wind turbine projects very questionable, from the stand point of a cost benefit ratio. He urges consideration of the moratorium as long as needed, to adequately get the information to assess whether there are any parts of the Town of Lyme that are suitable and what those are from the stand point of industrial wind turbines. He again applauds the actions and thoughtful consideration of these projects.

**Pete Rogers – Three Mile Point** – he came here tonight on his motorcycle. He thinks one thing we are losing here are our vistas. Nobody seems to be concerned with this other than the presentation Mr. Carr made the other night. None of us are ignorant here. Anybody can look out on our skylines; no matter which way you look they are unfettered compared to the way it is in other parts of the Country. He hopes when the Board considers this that they bring this in to serious consideration. Once these things are up they are there for the rest of our lives. And for what, five thousand dollars per wind mill? It's not about the money; it's about our quality of life here. These poster boards we saw go up in Cape Vincent, you were almost a traitor if you didn't put one of those things up. VOTER FOR WIND – what the heck is a voter for wind? Why don't they say what it is? It's 450 feet of tower in front of us everywhere we look. It's sound. It's not a little white piece of cardboard setting in somebody's yard. The ecological savings for having these wind mills, the more he goes on the internet and see the impact to the energy needs of this country, it's nothing. This seems almost like a typical American thing. Let's get a little bumper sticker we'll do a little touch-tone and then we'll move on and screw something else up. This is our home; this is not something that is going to happen 100 miles away. It is right here in our living room. Every time we step outside they will be in our faces. He pleads with this Board, please take this into consideration and not be rushed into this for the few who will be sticking a few bucks in their pocket.

**Don Metzger** is a long term resident, landowner and taxpayer in the Town of Lyme and he appreciates the privilege of the floor. He would like to thank the Board for the work they have been putting in on this project. In his opinion, this project is the biggest thing that has hit our little town since the Biblical flood, when Noah built his ark and the glacial ice. He feels the moratorium should continue due to the fact we have a lot more work ahead of us. He is not saying we should not bring turbines in and he is not saying we should. If the Town Fathers and the Town decide that turbines should come in, there are a lot of hidden costs of having turbines here that might not be readily apparent to us all. He feels it imperative that the Board is aware of these hidden costs and that we get the second largest oil producer in the universe, BP, to pay these hidden costs. He feels the Board should know about these hidden costs so they can prevent BP from running rough shot over our little community. We should get BP to pay for things that may not be readily attached. He just learned a little while ago that BP wanted to put a test tower right behind the Town Offices here. That is really getting in your face. He feels we should deal with these people in a very strong way and be prepared to ask them to pay the hidden costs. On his way here tonight he couldn't help but notice antennas all over the place. He has a little antenna on his hip, the Town Highway department has one on their roof, people have TV antennas, satellite antennas, wireless internet, radio antennas on their cars and homes, am and fm and so on. It's a well know fact, that when you put a steel pill on 300 feet in the air, it has the ability to reflect and receive radio signals. Signals that our police, firemen, highwaymen, school buses, our homes offices and cars depend on. We have the potential to have a lot of disruptions in our communications if the towers come in. It's imperative that we negotiate a contract with BP and tell them that if we have a degradation of communications, whether it is TV, Internet, radio, emergency response units; BP will make it right. These signals were here long before BP ever heard of Jefferson County. The blades from a wind tower encompass a 1.5-acre area in the sky, from wing tip to wing tip. We will have dozens of wing tips in the sky to ready to adversely affect the various forms of communication. He perceives us being very unhappy after the towers go up.

**Many of us in the Town of Lyme are on wells, and these huge towers have big foundations. Some of these foundations, when they dig and excavate and blast into the rock, sometimes go down as far as thirty feet, to hold**

these massive towers. When that blasting and excavation is done, that has the potential to disrupt our underground aquifers and wells. BP should pay for a survey of our wells in our fine town to see what the quantity and output of the wells are. If it is adversely affected six months after the towers go up and are in operation. Then BP should be responsible for the damage they cause and have them make it right. 1600 foot radius is what you have to stay away from the base of the tower to insure that you don't get struck in the winter by ice shed and ice throw. A lot of us like to be out on our cross-country skis, walking the dog, snowmobiling, ATV's, etc. If we get hit by ice throw it wouldn't be a very "happy camper". He feels it is imperative that when the Town negotiate with BP they require them to delineate a 1600 foot radius around the tower with some simple stake like measure so we know where to stay out of so we don't get hit by ice shed or throw.

Dr Paul Carr said that a 2500 foot radius from the tower will help, but not guarantee, noise not becoming too much of an issue. He would encourage that the town consider Dr Carr's recommendation on that.

There is also a Draft Environmental Impact Statement out that says you should be 3000 feet away from a tower to guarantee that you don't have to deal with the issue of shadow flicker. So he recommends to the Board, during the moratorium while they are doing their study, that they use 3000 feet as the minimum setback from all residences, schools, buildings, etc. At that, we wouldn't have to deal with shadow flickers, ice shed, or the sound issue.

We are going to also have, going through our neighborhood, the huge, high tension, high voltage, and long distance transmission lines. Beauty is in the eye of the beholder, and you hear many people say that the big turbines themselves are beautiful to look at, that they sooth you and they are transfixing and some say just the opposite. He has never heard anybody say that the long distance high tension, high voltage transmission lines are a thing of beauty. If you have those going through your property, your property value will go down. He can see some dissatisfied people coming to the Board and asking for a lowering of their taxes. He suggests that any high tension, high voltage, long distance transmission lines within 2000' of a residence that it be required by BP to be buried.

The PILOT agreement in NYS is good for only 15 years. What happens after that? It's something we have to think about long term.

**Finally, he thanked the Board for the privilege of the floor and the work they have put in on this. I would implore that the Board continue the moratorium because we still have a lot of work ahead.**

**Paul Carr** would like to echo what he has been hearing here tonight. He is impressed with the Board for considering this; he realizes it's not an easy decision. The original moratorium wasn't easy. With all the work the Planning Board has done, in putting out the survey, whether it's flawed or not. This Board and the Planning Board did the best they could to collect the data that seemed appropriate for our time. Taking the extra two months is not going to cost us anything relative to BP, they have already refiled

**their position with Cape Vincent in dropping Lyme out so we don't feel the pressure we did at one time. He feels it is a very wise decision that we are considering the extra two months to be fair to everyone. To be fair not making bad decisions in saying no to wind turbines too early and not saying yes to wind turbines too early. Take time to study it and get the right answers. He thanked the Board for the job that they are doing.**

**Charlie Mount** is a taxpayer and property owner in the Town of Lyme and has been here all his life. He feels the survey questions were very much slanted. He likes Mr. Carr but he obviously has an opinion and is taking a side on what we're going to do on Wind Turbines in the Town. Mr. Mount does not mind looking at them. He bought his property with the idea that he could do what he wanted to with it. If he can't get a turbine he will have to ask to have his property be reevaluated because the Town would be taking away his ability to make money on it. You don't need a moratorium and the Town is under no obligation to put the plan through. If there needs to be a decision made, put it on the ballot and let the voters decide.

**Betty Lou Kischler** stated that in most places there are restrictions on the height of a fence you can have around your property. With a 300' tower on your property everybody is forced to see it. She doesn't feel it is right to allow that. If she doesn't like wind towers she does not want to look at them. While riding down the road in Lowville, you're not sure whether or not you're on Mars. Did anyone invite the wind tower people here? They invited themselves to come here! They should not come in and divide our Town, like they have. She feels the wind towers are ugly and dangerous and she does not want to have to look at them. She would rather have solar panels on her house.

**Robert Rigby** is a former journalist, living in Cape Vincent. It's been said before that there seems to be a lack of knowledge and it seems that we are doing what thousands of other communities have done throughout the United States and around the world. Things people have found, and what do you do twenty years from now? How do you get rid of the concrete in the fields and other particular problems? We need to look at what else is happening in the world and learn from that. For information he advised going to [www.googlealert.com](http://www.googlealert.com) and put in wind farms or wind energy. That will provide news stories from all around the world. When a turbine is burning how would you extinguish the fire? There are all sorts of things that we need to know. Others have found out these things. We need to expand our vision and look beyond our boundaries.

**Bruce Kingsley – Point Peninsula** – his biggest frustration is with the Town Board. It is obvious that they are being biased. It was obvious from the Town Meeting that they had at the Lyme School and it's obvious in the surveys that went out into the public community. The survey done on Maple Ridge regarding the bird kill by the windmills was listed as less than nine per year. He probably does more damage than that with his car. It was also obvious when Mr. Carr did his presentation at the Town Meeting that it was very bias. He brought a hush over the crowd in the auditorium with his sound analysis

concerning the decibels. He could have been more accurate with one slide. Let the community decide how far the setbacks should be. Mr. Kingsley does not worry about the falling towers. We have natural disasters that cause problems; we can't predict them. We should have faith that the towers are engineered to be vibration sensitive and they will shut down when there is excessive wind, they will shut down when there is ice on them. We keep hearing how they can fall over.

**This community, years ago, was a limestone community. We generated limestone as an industry out of here. There was boat building, carving ice out of the bay and shipping it by railroad. And now we are losing out on a lot of these resources because we have modern conveniences. One resource we have is wind and the other is the waterfront. He doesn't see the community taking advantage of the waterfront. There are no expensive hotels or restaurants. Why is it that other shore front communities around us are thriving more than we are? Wind is one of our resources. If someone has acreage they shouldn't be deprived of having a wind tower on their property.**

**Julia Gosier** agrees that you can't do enough studying, the more you know the more you learn and the better off you are. She has mixed emotions about the moratorium and doesn't feel it will be a significant factor one-way or the other, as far as wind power goes. If the Board really feels it is necessary in order to put together the appropriate regulations, then go for it, but make sure the time is used wisely to really get those issues put together.

**The National Audubon Society endorses commercial wind power and they must have valid reasons for that, it may be worth doing some research on that.**

**Julie has a daughter who lives right near a major part of the Maple Ridge Wind Farm. She has spent a lot of time at their house and she has never heard a sound from the windmills. Their TV reception is perfect and she talks with her on the cell phone every day. Her school taxes last year were \$38.00.**

**Jessie Nagel** agrees with what Julie stated. There is a new learning curve every time the topic is brought up. Seems we should be learning from other people and checking with those in Lowville and asking question about TV, radio reception and etc.

**Steve Ritigliano – Three Mile Point** – he recently had an interesting interview with people who have wind mills on their property. They signed a contract that was over twenty pages long. It was mentioned in their contract that they could not speak to any one. He doesn't feel that is fair. There were also neighbors who were paid not to say anything to anybody. He was given a whole list of problems having to do with the turbines. According to the gentleman he spoke to there is a lot of stress causing blades to break up. There are also problems with lights flickering and showdown flickering, he also hears constant noise that he finds bothersome. Two months for extending the moratorium is not that long period of time. He feels more people should look into what physical and mental problems have come out of people who have them on their property. The gentleman has not been able to receive the TV reception from a local station since the turbines have been put up.

**Dawn Munk** – has lived here her whole life and she is for the wind. She doesn't feel that there is any need for a moratorium to be continued. She feels the suvey results should be done by someone unbias. Her wish is that there would be a vote.

**Barbara Cousino** – she has been a summer resident for 54 years. She has concerns with the way the survey had been done and she understands that there were a number of surveys that were returned and they had never received theirs. She proposes that they think seriously about extending the moratorium and she is concerned about those who are tax payers yet not voters. They would be totally disenfranchised from this process.

**Kristen Kirch – Point Salubrious** – is in favor of extending the moratorium. These companies have been doing this for many years, all around the world. She feels we need as much time as possible in order to make decisions for the community and be certain our interests are protected.

**Sam Ferinteno – summer resident Three Mile Point** – his question was directed to Attorney Gebo. Does a summer resident have the right to vote in the Town of Lyme? Yes, you are allowed to vote in the town if you are registered to vote in the Town.

**There were also letters received by the Board from Bob Strunk, Patty and Ed Hughes and David and Susan Sieffert all in favor of extending the moratorium and commending the Board on their efforts in this matter.**

**Councilman Schreib made a motion to close the Public Hearing at 6:50 p.m.**

**The Town of Lyme Regular Meeting commenced at 7:00 p.m.** and was called to order by Supervisor Golden opening with a Prayer and the Pledge.

***RESOLUTION 2007 – 109: Motion by Councilman Schreib and seconded by Councilman Johnson as follows: Commencing with the expiration date of the moratorium previously adopted and for a period of two (2) months thereafter, no person shall be allowed a permit to site or locate a wind power generating facility within the Town of Lyme as defined in the prior moratorium, as amended. Five ayes. Motion carried.***

## **RidgeviewTel**

**Bruce Kingsley** has agreed to use his barn, and has no reservations in doing so, as a repeater site for RidgeviewTel. Mr. Kingsley's barn is a key part of the plan ensuring coverage throughout the Town of Lyme.

***RESOLUTION 2007 – 110: Motion by Councilman Countryman and seconded by Councilman Madill to move forward with the RidgeviewTel contract with the stipulation Mr. Kingsley sign his contract between himself and RidgeviewTel in regard to the repeater site. Five ayes. Motion carried.***

## **Superintendent Report**

**The new truck has arrived with a \$7000.00 savings. That savings will go on to purchase the Town a new sander. The 1986 is in good shape now and has had a lot of work, it will be kept as a backup. The Town has received permission from the Village for the storage of the 86.**

**The Town will be scraping two old sand boxes and an old grader.**

***RESOLUTION 2007 – 111: Motion by Councilman Schreib and seconded by Councilman Johnson to declare the 1991 Ford Pick-up with plow, 8 cylinder, gray, model F 150 with plow, the 1994 Dodge pick-up with plow, 8 cylinder, gray model F 150 and the 1980 Mack Dump truck, 4 wheel drive, 6 cylinder surplus property. The Town Board will accept sealed bids no later than October 10, 2007 at 5:00 p.m. Five ayes. Motion carried.***

***RESOLUTION 2007 – 112: Motion by Councilman Schreib and seconded by Councilman Madill to authorize the Supervisor to sign the agreement with the County which will exclude the Horse Creek Bridge. We will accept the contract if the County will agree to do the shoulder work on both sides of County Route 125, nearing the Morris Track Ball Field, giving enough room on the shoulders of the road to enable passengers and drivers access in and out of their vehicles. Five ayes. Motion carried.***

**Superintendent Parker will contact the County regarding the situation.**

**There will be a scheduled Budget Work Session Saturday September 22nd at 8:30 a.m.**

**Superintendent Parker reported that the Three Mile Point Road will be black topped on Monday. They will be attending to six-tenths of a mile, from Mike Countryman's to Peter Rogers. Three-tenths of the Cheever Road will be finished up tomorrow. The entrance to Three Mile Point Road North will be widened and potholes addressed.**

**The size of the new sand barn will be approximately 70 feet wide by 120 feet long costing roughly \$200,000.00 for a canvas cover building.**

**Steve Hare commented that the canvas cover is a very cost effective way to go.**

**The new sign will read as follows for the Municipal Building driveway entrance: Town of Lyme – Town Offices, Village Office, Highway Department, and Justices. Clerk will order tomorrow sign has been previously authorized.**

***RESOLUTION 2007 – 113: Motion by Councilman Countryman and seconded by Councilman Madill to move Highway funds,***

***Superintendent Parker is requesting a transfer of funds as follows:***

*\$10,000.00 from DA-5140-1 Brush and Weed, add to DA-5130.4 Machinery.*

*\$1,400.00 from DA-5140-1, brush and Weed, add to 1620-1, Buildings.*

*DA-5140-1 Balance*

*\$17,356.00*

*-10,000.00*

*7,356.00 Balance*

*-1,400.00*

*\$ 5,956.00 Balance on DA-5140.1 as of 9/12/2007*

*Five ayes. Motion carried.*

**The Town needs to look forward into the very near future at purchasing a loader. The one we have now, he is hoping, will make it through the winter. He has been looking at a L90 Volvo. It is not very big but will be adequate for the Town. The cost is \$115,000.00 and we would get approximately \$20,000.00 for our loader, which would leave a balance of \$95,000.00. With the \$61,000.00 that will be rolled over to next years Budget, the Town would have to come up with \$34,000.00 for the purchase of the new loader.**

**There are 4529 hours on the existing loader. It would cost a few hundred dollars to have someone come in and do diagnostics and lab reports on the fluids.**

**The Bates drainage situation will be dealt with next Tuesday after blacktopping. Tommy will be addressing cemeteries, brush, pulling the engine out of the sweeper, hauling sand and getting ready for winter.**

***RESOLUTION 2007 – 114: Motion by Councilman Madill and seconded by Councilman Johnson to accept the July 25, 2007 Shared Services Work Session Minutes as written. Five ayes. Motion carried.***

***RESOLUTION 2007 – 115: Motion by Councilman Schreib and seconded by Councilman Madill to accept the August 8, 2007 Regular Meeting Minutes as written. Five ayes. Motion carried.***

***RESOLUTION 2007 – 116: Motion by Councilman Madill and seconded by Councilman Countryman to accept Abstract # 17 in the amount of***

***\$7,039.79. Five ayes. Motion carried.***

***RESOLUTION 2007 – 117: Motion by Councilman Johnson and seconded by Councilman Schreib to accept Abstract # 18 in the amount of \$201,705.32. Five ayes. Motion carried.***

## **Supervisor's Report**

**Bookkeeper Gotham** reported that we have paid for the new truck. \$200,000.00 was withdrawn from the savings account at Citizen's Bank and moved to the checking account. August is a quiet month, money wise. Expenses are going along well. This is been a good year with very few transfers.

***RESOLUTION 2007 – 118: Motion by Councilman Schreib and seconded by Councilman Johnson to accept the Supervisor's Report for August 2007. Five ayes. Motion carried.***

## **Assessors Report**

**Marsha Barton** has \$1700.00 in the Assessors Equipment budget and would like permission to buy a laptop. The Board is in agreement, the Assessor's Office needs to be updated, as they are running Windows 95.

**See attached report for the detailed report.**

***RESOLUTION 2007 – 119: Motion by Councilman Schreib and seconded by Councilman Countryman to split the water bill on the Old Peer property on the Millens Bay Road. The Town will be crediting the new owner \$300.00 on the account. Five ayes. Motion carried.***

***RESOLUTION 2007 – 120: Motion by Councilman Countryman and seconded by Councilman Schreib to reimburse Pat Weston \$165.00 for work he performed on his water line due to inadequate workmanship. The reimbursement is for parts and labor. Five ayes. Motion carried.***

***RESOLUTION 2007 – 121: motion by Councilman Countryman and seconded by Councilman Madill to hire Bernier and Carr to do the study on the Western Extension of Water District #2 in the amount of \$4000.00. Five ayes. Motion carried.***

## **Cemetery and Historian – See Attached Reports**

**Julia Gosier** is looking for used bricks or cinder blocks and an old hand pump for Cemeteries. Julie or Guy Gosier would be happy to pick them up.

***RESOLUTION 2007 – 122: Motion by Councilman Schreib and seconded by Councilman Countryman to implement the updated Harassment Policy as drafted by Attorney Gebo. Five ayes. Motion carried.***

***RESOLUTION 2007 – 123: Motion by Councilman Schreib and seconded by Councilman Countryman to form a Personnel Committee appointing to it, Supervisor Golden and Councilman Madill. Five ayes. Motion carried.***

***RESOLUTION 2007 – 124: Motion by Councilman Schreib and seconded by Councilman Countryman to schedule a Joint Meeting Wednesday September 26, 2007 at 6:30 p.m. Subject to the approval of the Village Mayor and the Board of Trustees. Five ayes. Motion carried.***

## **Privilege of the Floor**

**Julie Gosier** wondering what is happening with the audit situation. Councilman Countryman stated that we have written letters and Marsha Barton will be getting a hold of Darryl Aubertine to inquire about a State Audit.

**Scott Aubertine** questioned whether or not the Harassment Policy covered the Board. Councilman Schreib stated that it covers all elected officials, appointed or employees.

**There may be some grant money available through Aubertine's Office for the purchase of speed monitoring devices seen along the Highways.**

**Marsha Barton** wondering if anything has been done about the Fire Road signs? The assessors have been out on Point Peninsula for two days and very few roads are marked. We will look into the cost of having the roads marked.

**Executive Session** for Collective Bargaining and personnel issues at 8:30 p.m.

**Councilman Countryman made a motion to adjourn at 8:50 p.m.**

**Minutes Respectfully Submitted by**

**Kim Wallace**

**Town of Lyme Clerk**