

Town of Lyme
October 14, 2009
Public Hearing / Point Salubrious Parking Situation 6:00 P.M.
Public Hearing / Extension of Wind Moratorium 6:15 P.M.
Regular Monthly Meeting 6:30 P.M.

Supervisor Aubertine opened the Public Hearing addressing the Point Salubrious Parking Situation at 6:00 p.m.

Present at tonight's Meeting: Supervisor Aubertine, Councilmen Schreib, Johnson, Madill, and Countryman, ZEO Jim Millington, Assessor Chair Marsha Barton, and approximately 10 others.

Clerk Wallace read the Public Hearing Notice as it appeared in the Watertown Daily Times on October 3, 2009 as follows:

Please Take Notice that the Town Board of the Town of Lyme, shall hold a Public Hearing on Wednesday October 14, 2009 at 6:00 p.m. at the Town of Lyme Offices, Chaumont, New York to consider the adoption of the following Local Law:

- 1. To restrict parking on a portion of County Route 125 (Point Salubrious Road) between November 1st and May 1st.*
- 2. To extend a moratorium for a period through January 15, 2010, on applications or proceedings of applications for Wind Power Generating facilities allowing the Town Board to consider and implement sufficient regulations.*

Guy Gosier – Empie Road Three Mile Bay – Asked if the Town Board would be discussing the stipulations that are being requested by the property owner on one of the parcels that have been offered for alleviating parking on County Route 125.

Ed DeMattia – County Route 179 Chaumont – Would rather not see limited parking on County Route 125 unless there is no other solution. The revenues brought in by the ice fisherman are good for the community but he also does not want to see the residents treated poorly.

Julia Gosier – Empie Road Three Mile Bay – Suggested that the Town Board enter into a one year lease and consider something that we would not be tied into permanently, to be certain that the location of the parking areas are good.

Jim and Sandy Branski – Point Salubrious – Sent written documentation requesting that County Route 125 be closed to ice fisherman parking.

There was a Motion made by Councilman Schreib and seconded by Councilman Countryman to close the Public Hearing at 6:08 p.m.

Supervisor Aubertine called the Public Hearing addressing the Extension of the Wind Moratorium to order at 6:15 p.m.

Don Metzger – County Route 5 Three Mile Bay - This will be the first time he has asked for an extension of a moratorium and he has a number of reasons why he is making that request. A letter from Mr. Metzger addressing his concerns has been attached to these minutes and is marked as Addendum A – 10/14/09.

Albert Bowers – 11891 Academy Street Chaumont – Recommended an extension of the Wind Moratorium for at least one year. A letter from Mr. Bowers has been attached to these minutes and is marked as Addendum B – 10/14/09.

Dick Nagel – Point Peninsula – Asked that the Town Board not extend the moratorium because of the exclusion of private wind turbines. Industrial wind turbines are totally different.

Julia Gosier – According to New York State Law the purpose of a moratorium is to give time to work on the issue at hand. What work is the Town doing on the issue at hand? This might be an excellent time to implement a simple Zoning Law for personal wind turbines. The Town Board is trampling the rights of residents who want to build personal windmills.

Hope Johnston – Water Street Chaumont – A three-month moratorium extension doesn't make sense. The Town needs a lot more time to learn, perhaps from our neighbor's mistakes.

Bruce Kingsley – Point Peninsula – Recently went to Washington D. C. and adjacent to the Capital are personal sized windmills. Mr. Kingsley is appalled that as isolated as Point Peninsula is, we cannot have private windmills in the Town of Lyme.

Steve Rutigliano – Written correspondence asking the Town Board to extend the moratorium on wind issues in the Town of Lyme for a period of one year. This would give summer residents the opportunity for expressing any input.

Charlie Mount – NYS Route 12E Chaumont – Disagrees with an extension of a wind moratorium.

Elaine Bowers – Academy Street Chaumont – Respectfully requesting that the Town Board extends the moratorium for at least one more year.

Joel Block – Point Salubrious – Would like to see an extension of the moratorium for one more year.

Don Metzger – Would like to see the Town Board work out the differences between the industrial and personal windmills.

Bruce Kingsley – The Town's Local Law on wind turbines had so many regulations that it drastically restricts the implementation of wind towers.

Ed DeMattia – Is there enough time to clean up the Law between now and January so that the Town could come up with a reasonable law, what can be accomplished in three months?

Supervisor Aubertine – Has comprised a list of names of residents who would be fair and are neutral when it comes to wind turbines. If the State rules against the Town Board he will set up a committee made up of these people.

Steve Rutigliano – Have a one-year moratorium and if something is put together in 9 or 10 months the Town Board could stop the moratorium.

Peter Rogers – Three Mile Point – Asked if there was a conflict of interest with Board Members or the relatives of any Board members. You cannot be

impartial if family members would benefit from having wind turbines on their property.

Supervisor Aubertine – Stated that all the Town of Lyme Board members stated publicly at a recent meeting that they have no family members benefiting from wind turbines.

A list of residents encouraging a continued Moratorium on Wind Energy Facilities have submitted their written support.

Brad and Mary Clark
1495 Co. Rte. 125
Chaumont, NY. 13622

Charlie Wilson
22744 Co. Rte. 57
Three Mile Bay, NY. 13693 Indefinite extension

Charlie Sidwa
Co. Rt 125
Chaumont, NY. 13622 Twelve month moratorium

Sandy Branski
11118 Co Rte 125
Chaumont, NY. 13622 Twelve month moratorium

Ed and Patricia Hughes
27971 Three Mile Point Road
Chaumont, NY. 13622 Twelve month moratorium

Richard and Barbara Cousineau
26909 Three Mile Point Road
Chaumont, NY. 13622

Richard and Lynn Pascal
27495 Three Mile Point Road
Chaumont, NY. 13622

Nancy White
27490 Washington Street
Chaumont, NY. 13622

David Smith and Meryl Corshen
27367 Three Mile Point Road
Chaumont, NY. 13622

Steve and Diane Rutigliano
27921 Fire Road 59
Three Mile Bay, NY. 13693

David and Suzanne Seiffert
10584 Co. Rte 125
Chaumont, NY. 13622

Deanna Scanlon
27128 Independence Point
Chaumont, NY. 13622

Ed and Ellen Kloehn
27051 Three Mile Point Road
Chaumont, NY. 13622

A Motion was made by Councilman Schreib and seconded by Councilman Madill closing the Public Hearing at 7:00 p.m. Five ayes and the Motion was carried.

Supervisor Aubertine called the Regular Monthly Meeting of the Town of Lyme Town Board to order at 7:00 p.m.

Privilege of the Floor

Lyme Community Foundation - Lynda Carney – Thanked the Town Board for their continued financial support for the Copley House. The Community Foundation appreciates the help the Town offers and she assured the Town Board that the use of any provided funds would be used in wise ways. Lynda personally thanked the Town Board for all their efforts, she knows all the hard work they devote to the community.

Supervisor's Report – September 2009 – Tom Bowie:

RESOLUTION 2009 – 147: Motion by Councilman Schreib and seconded by Councilman Countryman accepting the September 2009 Supervisor's Report as presented. Five ayes. Motion carried.

RESOLUTION 2009 – 148: Motion by Councilman Madill and seconded by Councilman Schreib extending the Wind Moratorium for a period of one full year until October 15, 2010.

Article 1. – Statement of Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law 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 establish a moratorium for a period through October 15, 2010, on applications or proceedings of applications for Wind power Generating Facilities allowing 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, as well as transmission lines, access roads, meteorological towers and other related facilities.

Section 2.

Commencing with the effective date of this Local law and for a period through October 15, 2010, no person shall be allowed a permit to site or locate a wind power generating facility as defined in this Law within the Town of Lyme.

Point Salubrious Parking Situation:

Highway Superintendent Tom Parker has recommended that there be no parking on County Route 125 (Point Salubrious). Supervisor Aubertine is not willing to play Russian roulette with people's lives and have the Town be responsible if something were to happen.

RESOLUTION 2009 – 149: Motion by Councilman Madill and seconded by Councilman hereby restricting parking on County Route 125 (Point Salubrious) between November 1st and May 1st. The parking during the winter months has created a hazard by narrowing traffic and making it difficult, if not impossible, for snow removal and/or emergency vehicles to pass through. The Town Board of the Town of Lyme feels by restricting the parking, emergency vehicles may adequately and safely access residents situated along County Route 125.

The Town Board of the Town of Lyme hereby declares:

- 1. That there shall be no parking on either side of County Route 125, in it's entirety, from November 1st to May 1st of each year.***
- 2. The Town Highway Superintendent is hereby directed to post appropriate signage notifying the public of no parking in this area.***
- 3. Any person failing to comply with the direction of this Local Law shall be guilty of a violation and shall be punishable by a fine of not less than \$25.00 nor more than \$100.00 for the first violation; by a fine of not less than \$50.00 nor more than \$200.00 for a second violation in a one-year period; and by a fine of not less than \$100.00 nor more than \$250.00 for a third subsequent violation within a one-year period. Furthermore, it is the discretion of the Highway Superintendent to determine if immediate removal of the vehicle is necessary to preserve public safety. The vehicle may be towed by the Town of Lyme at the owner's expense. Five ayes and the Motion was carried.***

Audit of Bills

RESOLUTION 2009 – 150: Motion by Councilman Madill and seconded by Councilman Countryman approving Abstract #19 in the amount \$2,903.39. Five ayes. Motion carried.

RESOLUTION 2009 – 151: Motion by Councilman Johnson and seconded by Councilman Madill approving Abstract #20 in the amount of \$81,076.86. Five ayes. Motion carried.

Approval of Minutes

RESOLUTION 2009 – 152: Motion by Councilman Countryman and seconded by Councilman Madill approving the Minutes of the August 29, 2009 Special Meeting as presented by Clerk Wallace. Five ayes. Motion carried.

RESOLUTION 2009 – 153: Motion by Councilman Madill and seconded by Councilman Countryman approving the Minutes of the September 9, 2009 Public Hearing and Regular Monthly Meeting as presented by Clerk Wallace. Five ayes. Motion carried.

Assessor's Written Report Marsha Barton:

The assessor's are presently working on fieldwork, along with completing property record cards and values.

They have received the results of the Small Claims Hearing. The decision of the Hearing Officer was to lower the assessment. He based his decision on the property owner's argument using the equalization rate to put the full value on his property. His assessment was \$77,000.00 and he believed his assessment should be \$46,900.00. He paid \$159,900.00 for the property. The equalization rate was 33%. His argument was that since he just paid \$159,900.00 for the property that would be the market value. So, equalized down, he believed his assessment should be \$46,900.00. The Hearing Officer was Joe Gaffney, who does tend to favor the property owner.

Municipal Water Board Written Report – Marsha Barton:

The Town is still waiting for the paperwork to be finalized before a pre-construction meeting on Water District # 5 can be scheduled. We are expecting that it should be completed by next week.

Billy Scarpicchi has received a written report and a CD on the inspection of the inside of the Three Mile Bay Water Tower. A copy of the report will be forwarded to the Town Board as soon as they have it.

Since it is so late in the year the Water Board feels that they should wait until spring to ask for bids for the cleaning and painting of the outside of the water tower.

The Village has been having problems with leaks and they are receiving water from Water District #1 at this time. Billy will monitor their usage monthly and the Town will bill them for their usage. The Village is hoping to tap into the DANC line. Our line is servicing all the Village properties on the west side of the bridge.

Three Mile Bay Cemetery Written Report – Julia Gosier:

There have been three burials in the cemetery in the month of September.

Feel Safe Door Company has provided an estimate for new steel doors for the vault. This will be included with the estimate for the other vault repairs.

The riding lawn mower has been repaired and serviced. The mowing deck had to be replaced. There will be a walk through done to see what can be done to make the cemetery more “mower friendly”.

Planning Board Chairman, Paul Norton turned in a Draft of the First Chapter of the Comprehensive Plan.

Leo Wilson submitted A Written Police Report for September 2009 to the Town Board.

Youth Committee Report – The Teen Center will be opening on October 26th.

ZEO Report – Written Report Submitted by Jim Millington:

Twenty-One Permits were issued in September six of those were referred to the ZBA.

RESOLUTION 2009 – 154: Motion by Councilman Schreib and seconded by Councilman Johnson rescinding the Special Election for the Sole Appointed Assessor for this year. Five ayes. Motion carried.

The proposal did not get to the Jefferson County Board of Elections in time to meet the deadline and as a result the information could not be added to the ballots in time for the general election.

Three-Mile Point Speed Limit Reduction

RESOLUTION 2009 – 155: Motion by Councilman Schreib and seconded by Councilman Johnson passing a Resolution requesting a speed limit reduction study be done on Three Mile Point Road in it's entirety. The Town Board would like to recommend that the speed limit be reduced to 25 miles per hour where the residential density is greater and the current speed limit is 35 miles per hour and that the remainder of Three Mile Point Road be reduced to a speed limit of 35 miles per hour. Four ayes. Motion carried. Councilman Countryman abstained from the vote as he is a resident of Three Mile Point.

RESOLUTION 2009 – 156: Motion by Supervisor Aubertine and seconded by Councilman Johnson recommending that the State take up the "End of 35 Mile Speed Limit" sign keeping the speed limit the same along the South Shore Road of Point Peninsula from the Village of Point Peninsula. Four ayes. Motion carried. Councilman Schreib abstained from the vote as he is a resident of Point Peninsula's South Shore.

Correspondence

Forth Coast – Gus Withington and Rob Campany would like to talk with the Town Board about grant possibilities.

Training for Coaches – October 20, 2009.

Attorney Correspondence Regarding the Code Enforcement Officer Position:

According to Attorney Gebo's letter of September 22nd the Town Board should schedule a Public Hearing that would create a position for the Code Enforcement Officer.

RESOLUTION 2009 – 157: motion by Councilman Schreib and seconded by Councilman Madill directing Attorney Gebo to draft a Local Law that addresses the creation of the Code Enforcement Officer Position. Subsequently the Town Board will set a Public Hearing when the paperwork is received from the Attorney's Office. Five ayes. Motion carried.

Resolutions and Motions

Miller Proposal For Parking On Point Salubrious

Supervisor Aubertine has met with Gail Miller at the land she is offering the Town for the ice fishing parking. She is still willing to try to help but has some stipulations.

Mrs. Miller says she cannot commit to more than a one-year agreement as she has spoken to the neighbors of the property and has promised them that if there are any problems this winter, she will not offer the land next winter.

She would still like a split rail fence installed with the end posts preferably installed into the rock. This will necessitate drilling the rock, which our Highway Department cannot do; this would have to be contracted out. An estimated cost for the fence would be approximately \$1,000.00.

Superintendent Parker estimates the cleanup of the area would take 3-4 days using two trucks, the bulldozer and loader. He suggested it may take three days or less. The area would accommodate approximately enough parking for between 30 to 40 vehicles. To reach the access area to the ice would require snowmobile and four-wheel ATV travel to pass four residences.

Mrs. Miller would also like an agreement drawn up by the Town Attorney stating the Town will assume all liabilities.

Supervisor Aubertine feels that we need to get more definitive costs before we can proceed and the Town would also need a long-term agreement.

Rural Development Community Facilities Grant: Nothing that the Town would be interested in at this time.

Furnace At The Transfer Site:

The furnace has quit, the Highway Department has tried to fix the problem but they have not had any success. The Town Board suggests that Brian Peters be contacted.

Privilege of the Floor

Ed DeMattia – Regarding Assessor’s Sandy Cornell-Douglas’s seat that will be vacant...does it stay empty?

Councilman Schreib stated that the Town Board will reduce the assessor’s to two positions and if the workload is too much they can appoint someone else as an Assessor. The Town Board has the prerogative to fill the seat until the next election.

Don Metzger – Wanted to share a unique perspective he has from his office in Cape Vincent. He has a view of one of the world’s newest, top of the line wind turbines; you can’t get a better one. They are well managed, maintained and organized. From a production point of view they average 18% of rated capacity. FOX News did a five minute piece on Maple Ridge, a number of different people were interviewed; during the news bit there was nothing mentioned about the amount of electricity being generated. DANC recently had an open house that was quite interesting. They have three internal combustion engines, that could fit into this room and they run on methane gas from the landfill. Those three combustion engines are equivalent to 12 huge industrial turbines. How productive can wind energy be?

Executive Session

A Motion was made by Councilman Countryman and seconded by Councilman Schreib moving the Town Board into Executive Session to discuss a Highway Personnel situation at 9:15 p.m. Five ayes. Motion carried.

A Motion was made by Councilman Schreib and seconded by Councilman Countryman to return to open session at 9:55 p.m. Five ayes. Motion carried.

RESOLUTION 2009 – 158: *Motion by Councilman Schreib and seconded by Councilman Johnson scheduling a Budget Work Session on Tuesday October 27, 2009 at 6:30 p.m. at the Municipal Building 12175 NYS Route 12E Chaumont. Five ayes. Motion carried.*

A Motion was made by Councilman Countryman adjourning tonight's meeting at 9:55 p.m.

**Minutes of Tonight's Town Board Meeting are Respectfully Submitted
by**

**Kim Wallace
Town of Lyme Clerk**

Addendum A

10/14/09

Letter Received From
Donald J. Metzger

TO: Mr. Stephen M. Tomasik
New York State, DEC
625 Broadway,
4th Floor
Albany, NY 12233-1750

FROM: Donald J. Metzger, Jr.
9050 County Rt. 5
Chaumont, NY 13622

DATE: October 9, 2009

RE: Comments on St. Lawrence Windpower LLC (DEC#6-2228-00587/00002)
Joint Permit (Wetland) Application for the towns of Cape Vincent and LYME
Jefferson County, NY.

The Joint Permit (Wetland) Application and The Supplemental Draft Environmental Impact Statement (SDEIS), both dated March 2009, for proposed St. Lawrence Windpower Project for the Towns of Cape Vincent and LYME do NOT mention the DECOMMISSIONING of the 3 phase 115,000 volts, High Tension, 9 mile long, 100' wide, OVERHEAD electrical transmission lines. This transmission system will run between the Project Collector Substation to be built in the Town of Cape Vincent and the Transmission Operators Interconnection Substation (Edgerock) to be built between the east bank of the Chaumont River and Jefferson County Rt. 179 (Chaumont-Depauville Road) in the town of LYME, Jefferson County, NY State.

The Overhead Transmission Line Project will consist of Approximately 158 wooden poles that are 95' long (15' below grade and 80' above grade). On the poles will be the three electrical insulators to which the three individual transmission lines (3 phase current) will be attached. At the top of the poles will run a single project data transmission/lighting arrester line. Four wires x 9 miles long = 36 miles of wires overhead, plus 2 substations, as previously mentioned, plus 158 poles, all add up to a lot of infrastructure. The majority of the infrastructure will lie in the town of LYME, according to the Joint Permit Application. Who is responsible for Decommissioning? The Application and SDEIS do not discuss this issue. When the turbines have reached the end of their serviceable useful life, will they be recommissioned, decommissioned or abandoned? What happens to the 9 mile long overhead transmission lines (most of which will lie in the Town of LYME) when the turbines

are decommissioned or abandoned? The SDEIS and Permit Application are silent on this issue.

The Joint Permit application states more than once, that the majority of the overhead transmission lines infrastructure lies in the town of LYME, yet the Planning Board of Cape_Vincent is the Lead Agency for this huge project. Is this situation fair to the citizens of LYME?

The Application states that construction will commence March 1, 2010, less than five months from now. There is no Non-Compliance Resolution or Complaint Resolution Board established. Who do the citizens of Cape Vincent and LYME go to for redress when problems occur?

There will be problems due to the size and complexity of this project. Even in the best managed large infrastructure projects, problems occur. It is inevitable. What recourse will the citizens have?

In the Draft Environmental Impact Statement, January 2007, the developer stated that their electrical transmission line would run along the old abandoned railroad bed corridor that runs between Cape Vincent and LYME (Chaumont). There was NO mention of the fact that the abandoned railroad bed contains the 12 inch interior diameter steel pipe called Western Jefferson County Regional Waterline. This critical piece of infrastructure is not abandoned. It is 25 miles long and serves towns, villages, hamlets, the General Brown High School and many fire hydrants from Cape Vincent to Glen Park. This critical infrastructure is vital to the health and safety of the citizens of Western Jefferson County. The pipeline is capable of providing up to 1.4 million gallons of Fresh Drinking Water (Potable water) every 24 hours.

The waterline has been performing admirable for 12 years. Water is the basis of life. The citizens of Cape Vincent/LYME can have all the electricity in the world, but if they don't have water, they have nothing.

I find it very disconcerting that a foreign developer (Acciona) St. Lawrence Windpower can come into the area and receive large sums of public money (with little accountability/transparency) and possibly place our vital waterline at risk. In the SDEIS, Acciona does acknowledge the existence of a waterline where they wish to place their electric transmission line. The Permit Application makes minimal mention of the waterline. Attached please find a copy of a letter 8/20/09 from the Development Authority of the North

Country (DANC) [that operates the Regional Waterline] addressed to Acciona that discusses power line waterline issues.

The top of the Western Jefferson County Regional Waterline lies 5' below grade/ground, so it is out of sight, and can easily be taken for granted especially since it seems to perform flawlessly and without interruption. The Waterline does appear above ground/grade in the parking lot of the Town of Brownville Highway Dept. and Brownville Town Office on Star School Road in the hamlet of Limerick immediately north of NYS Rt. 12E.

As a prerequisite to allowing any transmission line work to proceed in the vicinity of the Regional Waterline, all persons, involved in the Transmission Line Project including engineers surveyors, contractors, sub-contractors, etc., should be required to gather closely around the visible above ground portion of the Waterline in the parking lot. At this gathering point, the group should have a photograph taken, while they hold up a large banner that reads, "WE LOVE THIS WATERLINE". The banner should be signed and dated by each member of the workforce, as a symbol of their commitment to protecting our big beautiful Waterline.

The Joint application Addendum, July 9, 2009, mentions turbines #60, 61 and 68 on page 5 of 7 and page 6 of 7. The proposed project calls for a total of 53 turbines, so why Turbines #60, 61 and 68?

Attached please find Joint Permit Application Attachment A page 2-1. The attachment states "The construction of the project will include a total of approximately 53 miles of infrastructure corridor...". Please refer to my math written at the bottom of attachment A page 2-1 and note that it indicates a total of 77.4 miles. Why is there a difference of 24.4 miles?

British Petroleum Alternative Energy has a proposed Turbine project in the Town of Cape Vincent that is almost three times the size of the proposed Acciona Project. How will BP get the power generated at their Cape Vincent project to National Grid Lyme #733 substation on Ct. Rt. 179 (Chaumont-Depauville Rd)?

This Application does not make any reference to the transmission lines being shielded when transiting close to residences and barns to reduce electromagnetic radiation exposure.

The Application does not make any reference as to how often the Transmission Line will be inspected for stray voltage. The Line will be constructed to today's strict

electrical codes, but with time, materials corrode, weather and break. The citizens of LYME and Cape Vincent do not need any stray voltage on their property. If anyone has reason to believe stray voltage is occurring on their property, the developer should be required to investigate the matter promptly and rectify promptly, if there is a problem.

This past summer I learned quite by accident, that the Joint Permit (Wetland) Application Document was published and available for viewing by the citizens of LYME and Cape Vincent. I also learned that only one document had actually been made available to the citizens and that one document had been placed in the Cape Vincent Public Library. When I realized that there was no Joint Permit (Wetland) Application Document in the Town of LYME Public Library or anywhere in the Town of LYME even though the document states that the majority of the multimillion dollar project lies in the Town of LYME, I felt that LYME's citizens were being overlooked.

I went to the Acciona-St. Lawrence Wind Office in Cape Vincent. Blayne Gunderman was in the office, so I respectfully and politely asked, if at her convenience, she would put a copy of the Application Document in the Town of LYME Public Library. My reasonable politely presented request was denied, and I was treated in an arrogant and rude manner. I received the impression that the citizens of LYME do not matter. I thanked her for her time and left the office. When outside, I thought, "Is this the kind of neighbor and potential business partner we want in our towns?" This new Spanish neighbor and potential business partner will be receiving a great deal of public dollars. I thought Acciona would be trying to put their best foot forward with the public/citizens.

I shared my experience with a person who once held a very high ranking position in NY State Government. This person stated that the experience I had in the Acciona office was just a small example of what the citizens of the North Country can look forward to. This person looked and sounded discouraged, and predicted that the citizens of our towns will be disillusioned, discouraged, and disgusted with the turbinization of the North Country.

From my office in Cape Vincent, NY, I can look at one of the newest and most technologically advanced industrial wind powered electric generation facilities in North America. This fine facility is located on Wolfe Island in the middle of the St. Lawrence River. I can view this industrial complex of 86 turbines day and night. The turbines size, strength, symmetry and the sheer scope of the project make for an impressive site!! This project is well sited for wind, well managed, well maintained and very well equipped with

2.3 megawatt Seimens (German) generators. This is not a Third World Tinker Toy facility. This is a premier First Class operation! Unfortunately the beauty of this magnificent world class facility is only skin deep. The electric power produced has averaged only 17% of its' rated capacity/nameplate capacity. This is the latest example of how inefficient modern industrial wind powered electrical generation is.

It is easy to get a "warm fuzzy feeling" while looking at the new turbines spinning when viewed from Cape Vincent. The view is just theater, a show, a charade. What is being generated is a lot of revenue for the developer and very little electricity for the people. The electricity that is generated is very expensive, cannot be stored, very unpredictable and difficult to integrate into the electric power grid.

Are people in the energy departments at the State and Federal levels looking at the efficacy of industrial wind facilities? Are these people taking a hard look at the viability of industrial wind facilities? Are they asking the hard questions and doing some critical analytical thinking? Are they asking for more accountability and transparency from the foreign developers in return for all the public money received? Are they looking to see what kind of "bang for our buck" the public is receiving in terms of power produced? Are they looking to see if the huge amount of money that is now being spent on industrial wind facilities might be better spent on Research and Development to make not only wind power more effective but also solar power, conservation and a smarter grid? Are the energy department people accepting everything the American Wind Energy Association states without question? Are they scrutinizing the actions of the developers, both foreign and domestic, closely enough? It took the two foreign developers in Cape Vincent 11 months before they signed NYS Attorney General Andrew Cuomo's Wind Industry Code of Ethics. Are the foreign developers telling us how much electricity their projects will produce based on rated capacity/nameplate capacity or on the actual long-term average production which is about 25% of rated capacity/nameplate capacity?

After six years of looking at industrial wind power issues, I have come to the conclusion that decisions made at the Federal and State level on industrial wind are based on politics, ignorance and high priced lobbying. Decisions on industrial wind made at the local level are based on politics, ignorance, high priced lobbying and greed.

The turbinization of the North Country will have a profound effect on our area. The placing of hundreds and hundreds of industrial turbines in Jefferson County will have a

cumulative effect as well. The North Country/Thousand Islands Region could be referred to as Turbine Territory.

The citizens of the North Country can only hope if the foreign invasion of turbines comes as proposed, that it will not end up being Turbine Tyranny, but will be a regulated, reasonable, responsible invasion.

Respectfully submitted,



Donald J. Metzger, Jr.
Chaumont, NY

Cc: All members LYME Town Board
All Members Town of LYME Planning Board
All Members Cape Vincent Town Council
All Members Town of Cape Vincent Planning Board
DEC Region 6 Watertown
Development Authority of the North Country
Jefferson County Legislature
Jefferson County Planning Board
Jefferson County Industrial Development Agency

Attachment: Letter, Development Authority of the North Country
Attachment: Project Description page 2-1



Dulles State Office Building • 317 Washington Street, Suite 414 • Watertown, New York 13601 • Telephone (315) 785-2593 • Telefax (315) 785-2591 • TDD (800) 662

Water and Wastewater Facilities
Warneck Pump Station
23557 NYS Route 37
Watertown, New York 13601
Telephone (315) 782-8661
Telefax (315) 786-2971
Emergency Telephone (315) 786-4000

Open Access Telecom Network
Dulles State Office Building
317 Washington Street, Suite 406
Watertown, New York 13601
Telephone (315) 785-2593
Telefax (315) 785-2591
Emergency Telephone (866) 669-3262

Solid Waste Management Facility
23400 NYS Route 177
Rodman, New York 13682
Telephone (315) 232-3236
Telefax (315) 232-3019

WWW.DANCOI

August 20, 2009

Mr. Dan DuBois
Vice President of Development
Acciona Energy
165 Jordan Road
Troy, New York 12180

RECEIVED
AUG 24 2009
cc Jan Boary

Dear Mr. DuBois:

I am writing to share directly with you the Development Authority of the North Country's concerns regarding the proposal by St. Lawrence Windpower to construct an electric transmission line in the Towns of Cape Vincent and Lyme in Jefferson County.

I am bringing this matter to your personal attention so the concerns of the Authority will be addressed in an appropriate and timely manner. This has not been the case to date. The Authority representatives have attended a public meeting, filed comments to your Supplemental Draft Environmental Impact Statement with the Town as Lead Agency and, most recently, with the Department of Environmental Conservation, and previously met directly with your representative. Furthermore, there were two extensive news articles on the Authority's concerns. Your representatives have not responded to any of these expressions of public interest by the Authority. The most recent exchange was a meeting on August 17, 2009 with your project manager, Mr. Peter Zedick, which was nonresponsive and unproductive, given the lapsed time of over eleven months.

The proposed location of your transmission line would utilize the former railroad bed that traverses the Towns. The Development Authority of the North Country installed a Regional Water Transmission Line, that serves seven communities, in that same railroad bed twelve years ago. The easements we obtained in order to install that water line were for the full width of the former railroad bed, and are restrictive as they:

- Allow the Authority to build and maintain one or more water lines; no other uses by the Authority are permitted
- Allow the grantor of the easement to use the easement lands but specifically prohibits them from building any permanent structure on, over, or under the Authority's easement
- Do not provide for the transfer of the easement rights to another party

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We reviewed these issues with your project representative, Mr. Zedick, on September 22, 2008. At that time, we also asked Mr. Zedick for the following information:

- National Electric Safety Code requirements for construction of an electric transmission line in close proximity to a water transmission line
- Plans for the proposed transmission line within our easement area
- Plans for pole and guy placement within our easement area

These are critical issues for the integrity of the Regional Water Line and the safety of our personnel, both during the construction of any electric transmission facility and during maintenance activities in the long term. To date, we have received none of the information listed above.

Instead, at the recent meeting with Mr. Zedick, we were shown a map dated February 2008 highlighting utilization of the Authority's right-of-way for your proposed transmission line which would indicate you have not considered any alternative options other than using the Authority's right-of-way, despite our informing you, nearly a year ago, that decision was not yours to make unilaterally. Further, we were presented a scope of services for a constructability review from your contractor, M.J. Electric, Inc. This proposed study is unacceptable to the Authority.

The scope of services presumes you will use our right-of-way for the transmission line, which is not a safe assumption, and further presumes that we have granted you access to our right-of-way to conduct the review, which we have not. The scope of services makes additional assumptions regarding construction which are premature (i.e., poles located six feet from the water line) that can only be validated by our engineer's review of the information previously requested in September 2008.

On August 11, 2009, in correspondence from the New York State Department of Environmental Conservation, copies to B. Gunderman, St. Lawrence Windpower, LLC, the Department stated, "DEC recognizes that issues related to access this property for the proposed use must be resolved prior to this agency issuing a permit for regulated activities within this corridor. DEC additionally recommends that DANC continue to pursue discussion directly with the project sponsor, and provide comments to the Town of Cape Vincent Planning Board, as Lead Agency for SEQR review of the project, so that these issues may be considered in the final EIS for the project."

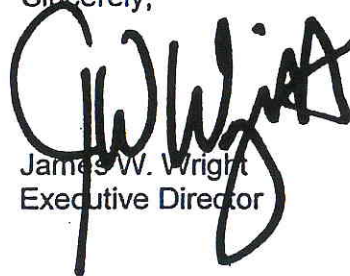
As was emphasized to your representative, the Authority will pursue all its options as warranted to ensure the public's interests are addressed. The Development Authority of the North Country has no position or opinion on whether the Acciona wind project should be built. We do, however, have a strong opinion on the safety of our employees, the structural integrity of our infrastructure, the property rights we acquired to build the Regional Water Line, and the appropriate use of a right-of-way acquired with public funds. It was also relayed to your representative that the Authority expected St. Lawrence Windpower, LLC to conduct a review of alternative routes as required by Article 7 of the New York State Public

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Service Law. Although your representative contended the Article 7 procedure does not apply to your project, the Authority believes it is a beneficial process to ensure the public interests. Furthermore, in the event any subsequent discussions lead to any utilization of the Authority right-of-way, any agreement must address the Authority's concerns with the expense of decommissioning of the project infrastructure, costs of local infrastructure impacts and compensating community benefits for utilization of public assets.

I look forward to your timely attention to our concerns and requests for alternatives and information.

Sincerely,

A handwritten signature in black ink, appearing to read 'JWW', is written over the typed name and title.

James W. Wright
Executive Director

JWW/jty

2.0 PROJECT DESCRIPTION

The Project consists of the following components:

- 53 wind turbines and associated foundations;
- Improvements adjacent to, and along, existing roadways in order to accommodate construction equipment and deliveries;
- New gravel access roads, and the improvement of existing farm roads for access to the wind turbines from existing roadways;
- An underground electrical collector system which carries the electricity from the wind turbines to a proposed substation using buried cable;
- A co-located operations and maintenance building and substation to receive the electricity conveyed by the underground collector system and convert the energy onto overhead electrical transmission lines;
- An electrical transmission line to interconnect with the existing electrical transmission line grid;
- Associated breakers, protection equipment and necessary facilities at the point of interconnect between the new transmission line and the existing 115 kV electrical transmission line grid; and
- Up to five (5) permanent meteorological towers (met towers) to evaluate wind conditions at the Project site over time.

The construction of the Project will include a total of approximately 53 miles of infrastructure corridor, including 37.1 miles of buried cable to interconnect the proposed turbines, 14.9 miles of permanent turbine access roads, and 16.4 miles of temporary access roads. The proposed overhead transmission line (115 kV) is approximately 9-miles in length and it is co-located in an abandoned railroad bed right-of-way with an existing municipal water line. The new transmission line terminates at a new Attachment Facility which will connect the Project to the existing electric transmission grid (see Figure 1).

The general Project area is served by a network of state, county and local highways and roads that vary from two-lane highways to gravel roads. The New York State (NYS) highway system in and adjacent to the Project area includes Interstate Route 81, NYS Route 12E, State Route 12, NYS Route 180, and several County roads. Existing farm roads throughout the Project area also facilitated the siting of turbines and the proposed infrastructure corridors. The Table 2.1 below includes a list of which turbines are located off each existing roadway. As described herein, a temporary and permanent road network is proposed for construction and for maintenance and operation of the individual turbines. All turbines are proposed within the Town of Cape Vincent.

37.1 miles
14.9 "
16.4 "
+ 9.0 "

Total = 77.4 "

53 miles?

Addendum B

10/14/09

Letter Received From
Albert H. Bowers III

ALBERT H. BOWERS III
NAVAL ARCHITECT & MARITIME CONSULTANT
P.O. Box 177 – 11891 ACADEMY STREET
CHAUMONT, NY 13622

(315) 649-2191

BERTNA@TWCNY.RR.COM

October 14, 2009

Mr. Scott Aubertine, Supervisor
Mr. Mike Countryman, Deputy Supervisor
Mr. Warren A. Johnson
Mr. James Madill
Mr. Norm Schreib

Re: Extension of Moratorium on Wind Turbine Development

Dear Council Members:

I recommend an extension of at least one year in the moratorium on wind turbine development. An extension is necessary since, as you know, we presently have no regulations in effect to govern the placement or the effects of constructing and operating these large industrial machines. The longer extension is desirable as the wind law that was originally developed by the Planning Board two years ago must be reviewed and updated. Since we first began a citizen's group to investigate all aspects of wind power in May of 2007, residents of Lyme and similar groups in the surrounding area have learned much about all aspects of wind turbines: the economics of their operation, noise effects, effects on people and wildlife to name a few. Lyme's wind law should be updated to take into account the most recent information available.

There is no proof that wind turbines, such as those proposed by BP for Lyme and Cape Vincent, actually result in lower usage of fossil fuels or greenhouse gas emissions. Several European countries, notably Denmark and Germany, have built many more wind turbines for their size than the US and their experience shows no improvement in the usage of fossil fuels or reduction of greenhouse gases. The reason for this is the inherently variable nature of wind which means that wind turbines cannot be counted as baseload generating capacity. In fact, the variability of wind is such that other powerplants must be kept spinning in the background to supply the grid whenever the wind speed drops. Once it is found, as is now understood in Europe, that these giant machines do not fulfill their intended purpose, will the machines continue to be supported by taxpayers and electrical ratepayers or will they simply be abandoned?

All electrical generating sources are quite capital intensive. Wind is the most capital intensive and duplicates rather than replaces already existing baseload generators. Wind, therefore, adds substantially to our cost to generate electricity. Since New York presently has one of the highest costs in the nation for its electrical power, the addition of wind power will make us less competitive

with other states and reduce our likelihood of attracting real businesses to our locality.

Industrial wind turbines in close proximity to our residential areas will have a devastating effect on our property values and proportionately on the assessments that are the basis for property taxes. We need to make a careful study of the effects on our town. Unlike typical industrial development, that can be located in an area reserved for commercial use, wind turbine projects essentially convert the entire town to a factory. This exposes all residents to noise, view degradation and other deleterious effects.

Wind power would not exist but for the subsidies and tax breaks granted by the federal and state governments and the further kindness towards developers of PILOTs granted at the local level. I believe New York State should enact a statewide moratorium on wind development until the effects of this form of renewable energy can be thoroughly and dispassionately analyzed for its effects on the overall economic health of our community as well as the effects on the physical health of residents and the natural environment. In the meantime, Lyme should extend its own moratorium for at least a year. The wind will always be there, what's the rush?

Sincerely,



Albert H. Bowers III

cc: Kim Wallace, Town Clerk
Watertown Daily Times, Nancy Madsen