

**PUBLIC HEARING- PROPOSED LOCAL LAWS #2 THRU # 10, TOWN OF**

**REDFIELD, FEBRUARY 16, 2018** The Public Hearing for the Proposed Local Law #2 of 2018 Wind Energy Facilities, Proposed Local Law #3 of 2018 Explosives & Blasting, Proposed Local Law #4 of 2018 Demolition & Construction Waste Diversion, Proposed Local Law #5 of 2018 Protection of Wetlands, Water Bodies, and Watercourses, Proposed Local Law #6 of 2018 Construction & Removal of Temporary Structures, Proposed Local Law #7 of 2018 Road Use & Preservation, Proposed Local Law #8 of 2018 Prohibition of Wind Energy Development Near Fort Drum and Montague Weather Station, Proposed Local Law #9 of 2018 Erosion, Sediment Control and Storm Water Management, Local Law #10 of 2018 Aquifer & Well Field Protection Zone was held on February 16, 2018 at the Redfield Municipal Building starting at 7:00pm. Roll call was taken and the following board members were present:

Tanya Yerdon	- Supervisor
Carla Bauer	- Councilwoman
Matthew Tompkins	- Councilman
Elaine Yerdon	- Councilwoman
Erwin Webb	- Councilman

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Rob Brenner – Nixon Peabody LLP, Jim Muscato – Young/Sommer LLC, Jessica Klami - Young/Sommer LLC, Michael Yerdon- Code Enforcement Officer, Matt Smith – Woodwise, Neil Cheney, Dale Macklen, Dan Murdie - Avangrid, Richard Palmer - Mad River Club, Tom Halstead - IVOE 158, John Cheney, Keven Crawford, Terry Harlander, Shawn Doyle, Roger Murdie - Mad River Club, Wanda Murdie - Mad River Club, Wendell Rowell - Mad River Club, Madeline Rowell - Mad River Club, Dave Dano - Mad River Club

Pledge of allegiance was said.

Supervisor Tanya Yerdon called the Proposed Local Law #2 through Local Law #10 of 2018 Public Hearing to order at 7:00pm. She's just going to read the purpose as she requested at the last meeting that if you needed copies to please ask the Town Clerk prior to this meeting unless you want to be here for a week, she supposes you don't want her to read every page. Proposed Town of Redfield Local Law #2 of 2018 Wind Energy Facilities-

**Title:** This Local Law shall be cited as the "Wind Energy Facility Law of the Town of Redfield, New York."

**Purpose:** The Town Board of the Town of Redfield adopts this Local Law to regulate the placement of commercial and industrial Wind Energy Conversion Systems (WECS) to protect the public safety, health, and welfare; to provide a regulatory structure that promotes the protection of the Town's residents and visitors; to minimize adverse impacts on the Town's character, environment, economy, and property values; to minimize negative impacts on the unique scenic resources including, but not limited to, local waterways, such as the Mad River, the Salmon River, and the Salmon River Reservoir, to preserve the natural soundscape; to minimize the adverse impacts on property values of nearby citizens; to minimize the adverse impacts on the Town's farming communities; to minimize the adverse impacts on the Town's environment and ecosystems; and to provide substantive requirements related to the siting and construction of WECS. Any comments on Section 3 Authority, Section 4 Findings.

Jim Muscato - yes, we would have public comments but he guesses the question would be it probably would be most efficient for us to submit public comments on the entire law but if want us to section by section we can give comments that way too. Supervisor Tanya Yerdon - do you have them in writing? Jim Muscato - they also have comments in writing that he was going to

hand out, but again it covers the law comprehensively not section by section, Jim gave the comments to Board. These are comments we are submitting Jim Muscato on behalf of Avangrid Renewables, on the Mad River Wind Project, and they are also sending it in the mail, with respect to those comments, he won't repeat all the comments, they've had a very short period of time to review those nine or ten laws that have been proposed. The focus of those comments is largely on law #2, but it's also on the Fort Drum exclusion law - he thinks that's law number 8, there is as you know, we've presented with respect to the Mad River Wind Farm Project in the past, they've talked about the benefits associated with the project the payments to the Town, the County, the School District, the jobs that will be associated with the project, both permanent jobs and as well as the hundreds of construction jobs, they've also talked about the compatibility of the project with other land uses that are in the community as well as on the property, including the many recreational uses on the Woodwise property, so we've submitted these comments to go over particular aspects of the law that would prohibit the wind farm project, some of these the towns already familiar with because we've been, the reason you all know me is because I've been here for the nine months of meetings you've had on the proposed zoning law, and he knows the Town is very close to enacting that zoning law and it sets forth standards with respect to wind, some of those standards are not compatible to the standards that have been now included in this proposed wind law, so we don't understand where the Town is coming from in that regard and we don't understand why there's inconsistencies between the zoning law and the proposed wind law Local Law #2, some of those provisions specifically include the noise provision, we've been here before, we've talked before the Zoning Commission and we also talked with the Town Board about the zoning law that has 35dBA sound limit in it originally, that provision was removed, that was a recommendation from the Zoning Commission and the Zoning Commission forwarded that recommendation to the Town Board, and the Town Board introduced that Law without the sound limit in it, and the reasons why the sound limit is prohibitive is we've set forth this in the comments but generally it would not allow the project to go forward, it's not necessary from a protection of public health standpoint, there are certainly uses on that property now that are louder than 35 dBA, and they've included in their chart our comments that shows what the DEC would consider for area sound levels, he knows you've seen the that from them before and the Zoning Commission so that's a very important provision in the law that would have to change in order for the project to move forward, and then the provision as critical as the sound provision is the setback provision, it's also similar to the sound provision in that it's inconsistent with the proposed Zoning Law. The proposed Zoning Law, we worked with the Zoning Commission on language which would make sense which was reasonable and it ended up being one and a half (1 1/2) times certain structures or property lines. The proposed Wind Law has setback provisions which are inconsistent, there are provisions that apply to access easements, there's a provision that applies at the property lines, so again he's several other comments and asked the Town Board to a very close look to see those setbacks and the issues with them and insuring they are consistent with the Zoning Law. The last thing he wants to raise in his comments tonight, and just to draw attention to, is the height restriction, he also mentioned the decommissioning language in their comments but he also wanted to relay in this meeting the height restriction, we've explained in our comments the need for relief from the provision that's in the law now, we've discussed this again with the Board before and so we are hoping we can take a look at that and ensure that it's allowable at a higher height to facilitate the projects development. He will conclude his comments tonight, this is again holistic he's hoping because of the number of laws and the comprehensive nature of these laws, he hasn't even spoken to the Weapons Laws, the Building Demolition Law, we speak extensively in the comments about the Fort Drum Law, they are sweeping regulations beyond anything that's ever been had before in this Town, he recalls a discussions in the past where the Zoning Commission would talk about previous attempts to do Zoning in the Town and those attempts had failed because the Town generally was taking an approach that believed in property rights and the landowners rights to develop its property and

it's just unfortunate that these nine laws do not reflect that, what he had understood previously was the Town's interests, they're significantly restrictive in all aspects of development not just wind farms, so they are hoping that the Town will leave the public hearing open tonight, there's no rush to this, they are not anticipating filing an application until the earliest third quarter, fall or the end of the year, they have their Preliminary Scoping Statement submitted and they have a pre-application conference coming up March 26 at the Fire Hall, but again the same way we are at the pre-application phase, the beginning phases in the Article 10 process, we hope that the Town understands that you are also at the beginning phases of the Local Law enacting process, and that the same way the Zoning Law was considered for nine months, there's no reason to rush into anything with respect to these proposed Local Laws, the Town should consider their impact on everybody as well as the Wind Farm development, he appreciates the time tonight, he knows he took up a lot of time but he's hoping will elevate having to discuss each of these laws, and each of the sections as the Supervisor was leading to, so thank you very much. CW E. Yerdon - is that conference February 26<sup>th</sup> or March 26<sup>th</sup>? Jim Muscato - he's sorry if he said February it's March 26<sup>th</sup> - no it's February 25<sup>th</sup> at 5pm. CW E. Yerdon - she just wants to make clear that the first time we got a look at these laws, laws two through ten (2 - 10) was at that meeting so they haven't had all that much time to go over them either, it's not like we've been planning this forever we need to do a lot of research as well. Jim Muscato - he's glad to hear that because there are provisions in each one of these laws, the wind law is lengthy and detailed in and of itself, but the other laws are twenty (20) or more pages long, he knows there's a lot of detail, there's a lot for the public to digest, there's a lot for the company to digest, and he's hoping that the Board takes its time, keeps the public hearing open so it can continue to get input from the public on these laws and the impact. CW C. Bauer - and that's their intention, we just want what's best for the Town.

John Cheney - he was on the Zoning Commission - one of the things they did discuss at the one meeting he didn't make was the 35 decibels was put in there, when he found out this, he found out that a refrigerator is 40 decibel and he thought it was a little bit extreme, he thought the Town would be left wide open for some kind of legal concern, if we left it in there, so mysteriously this was removed from that, from our Zoning Commission recommendation, he was called by a member on the Zoning Commission saying that he really didn't look into this enough and he thought we probably should remove it. What he's puzzled about is how did it get into this Town of Redfield Wind Law now because this is the same exact thing that John Droz came here - Supervisor Tanya Yerdon - Ok. John Cheney - no don't Ok me I'm talking- John Droz said it you want to stop the Wind Farm 35 decibel is one of the things he actually brought up to the people's attention at that meeting, now all of a sudden, it's in this law, so the Zoning Commission is saying one thing and now all of a sudden it's in this law, himself he said I bet I'll see this in the law and here it is so if the intent of the Board and Zoning Commission is to stop the Wind Farm you're right on line for doing it, this is what you should be doing, this is the intent of this and this is what the way you're going with this, obviously, there's a bunch of other laws in here my god are you going to go through these tonight, he would bet that most of the Board people, you've already said that, haven't even had a chance to look at these things and we're going to have a public meeting on this tonight and go through all this stuff tonight, each one of these should probably take a couple public meetings if you want to go through everything or are you just going to take this ok we've had our meeting, ok we'll vote on it, and it goes through. CW C. Bauer - the intention is not to pass. John Cheney - well he hopes not, because the one of your laws on Demolition, he has an example - now he's going to have to pay \$250.00 to secure a bond and insurance, and all this, he would think that in this Town should be thinking about let's get rid of the old junk structures instead of making it more difficult for people to keep them here and

make the Town look a little bit nicer. Supervisor Tanya Yerdon - ok we have that on the record. John Cheney - that's another - we've thrown all this stuff out here, and we really have nothing, years ago when he was on the Town Board - we tried to Zone and we don't want any controlled we want to do what we want. Supervisor Tanya Yerdon - Ok - we understand. CW C. Bauer - what is your point here. John Cheney - you went from on extreme to the other, to him there's a lot of things going on here that are going to impact just the individual because of a Wind Farm, how we conduct our lives. Supervisor Tanya Yerdon - Ok - we understand your point of order. CW C. Bauer - we have no intention of passing these tonight, we got these laws at the last meeting and we're just starting. John Cheney - see his point to go over all of these at one meeting, he would hope that you would have many on these. CW C. Bauer - this is just the beginning. Supervisor Tanya Yerdon - speaking of the Wind Energy Facilities comments from anybody.

John Yerdon - he hears the argument about the 35dBA, what is a reasonable one. Jim Muscato - so what they did was, the Board has our comments, they thought it would be helpful for some of the provision we thought should be looked at by the Board, they've proposed language, so for the noise law specifically they have purposed the 45dBA standard, that they have talked about with the Town before, it's the same language they purposed to the Zoning Commission, that is a standard that is actually more stringent then nearby communities - Pinckney has a 50 dBA standard, Martinsburg has a 50, there are many operating projects in New York that have a 50 dBA standard as their law and in fact there are some that have a 55 dBA standards, remember, they have submitted this to the Town Board as well, there's a table that the DEC has put out that talks about sound sources and what there common dBA would be, so they say an air conditioning unit is 60, light auto traffic is 50, the living room/ bedroom is 40, the library with soft whisper is very quiet is 30, so that's the challenge with such a restrictive standard, is that it is a very low number, that's why they have purposed the 45.

Dale Macklen - has a handout for the Board, he was born and brought up on Tug Hill, so he drinks the same water as you do, he was born and brought up in the Town of Worth, and he moved to the Town of Boylston and has lived there for 35 years and intends to stay there the rest of his days, some of the environmental stuff, these pictures here are showing deer feeding under a wind mill that is running to show that it doesn't bother the wildlife, this picture is of him -he's in the crane putting a rotor up showing the footprint of the tower, that there's not oil running out of the tower, or that there's no debris of any kind, look how green it is, this picture talking about the wind mill as green power, and green we know doesn't harm the environment, there's nothing on these that does harm the environment, gave the pictures to Supervisor Tanya Yerdon to keep, he would just hope that that would enlighten, he doesn't want his water ruined either because he lives up here, these aren't going to do it, there's a lot of miss information about wind mills out there, he would be more than glad if you want to ask him anything he would answer you as honest as he can, he's heard different talks about footings, footings does anyone have an idea what the footing are for the wind mills, a thousand yards of concrete but it's in a big bowl shape, it's not drilled down in the ground, it's maybe twenty/twenty-five feet dug out with an escalator, he's seen them in the shape of a bowl and also seen them in kind of a funnel shape, but the whole thing would stop at maybe twenty-five (25) feet; bigger wind mills would have fifteen hundred yards of concrete. Supervisor Tanya Yerdon - so say the time comes, if we asked you to come and do a presentation and talk about your work on them would you do that. Dale Macklen - yes certainly. They have to follow really strict environmental laws on these farms too. He would be more than happy to answer your questions if he can.

Rob Brenner - he did a letter and he had figured exactly what Carla and Tanya had already said that there wouldn't be any action tonight. He tailored his comments, it's fairly generic and he figured he would supplement at a subsequent meeting as the Board gets into the nitty gritty and starts to ask questions of the attorney and of each other, he will give a summary letter when he finishes his comments, but just on the wind law, a few things, high level things, some of the findings aren't necessarily consistent with what he has learned about the Town of Redfield in coming up here the past eight or nine months, and what he's seen and some of the resources that you have, so it may be worth going through the findings just to make sure they're actually consistent with what's happening here in Town, some of the other comments he has, he had highlighted the decibel limit, to him and from Woodwise's perspective anything in this Local Law that functions as an outright band is problematic to them, we certainly understand and would never dispute the Town's ability to regulate and to make sure it's a good project and that the project makes sense for the Town but if there's something that's out of the gate, a show stopper, and it prevents anyone from even having a conversation, that's problematic to them, so at 35dBA limit, as he's done projects throughout the state, window air conditioners are about 60dBA so 35 to him seems very low, he would just note that it's inconsistent with some of the language in the other Local Laws, for example the Town is considering enacting a Blasting Ordinance - as part of that ordinance you can have continuing blasting activities and you are allowed to do it at a 120dBA or 130dBA, so in his mind he's kind of wondering why wind or a certain type of use is being treated so significantly differently than blasting operations for example - if the Town's concerned about noise there should be a reasonable restriction across the board that applies to all projects that would allow homeowners to enjoy their quality of life and not have excessive noise that wouldn't be louder than traffic on the street or folks talking or things like that, but if you're allowed to blast at 130dBA it would seem to him that wind turbines not being allowed to exceed 35dBA is not fair for a wind project. The other comment the wind law - they appreciate the Town having a reasonable setback of one and a half (1 1/2) times the height of the town from the base it's just unclear to him what that applies to, they have some concern about the language regarding private right of way and access easements from what him and Matt have discussed he thinks it's fairly common to have snowmobile trails and recreational trails intersperse throughout tower projects so a provision like that he thinks would have unintentional here in Town because it could affect the ability of folks to snowmobile on the property and enjoy other recreational privileges that they have currently, so he thinks there can be a balance there to make sure there's a good safe project but not to have a result that's not intended and you couldn't have snowmobile trails throughout the property anymore so he would encourage the Town to take some care into looking at that, he would echo what Avangrid's Attorney said regarding height and again regarding setbacks, he would defer to whatever their technical expertise's he doesn't have the expertise to comment on those provisions, the other thing he did see was the Real Property Protection Plan - again this to him seems like something a little overly onerous for one particular use and looking through the Zoning Law in detail and obviously we've all talked about for eight months, there's no requirement for any other commercial developer or any other entity within the Town trying to do a project to post that kind of insurance so to impose it here on one particular use he doesn't think it's necessarily fair, those are his high brush initial comments on the Wind Law, he can keep going on with the other laws or he can hold off and follow with the Supervisor's lead on it, handed out a letter with his comments to the Town Clerk/Town Board. Supervisor Tanya Yerdon - ok thank you. Dale Macklen - he forgot to tell you all those pictures were taken at the Maple Ridge Wind Farm in Lowville, NY. Supervisor Tanya Yerdon - ok anymore comments on the Wind Energy Facilities Law.

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #3 Explosives & Blasting,  
**Title:** This Local Law shall be cited as the "Explosives and Blasting Law of the Town of Redfield, New York".

**Purpose:** The purpose of this Local Law is to establish minimum safeguards to life, health, and property by the addition of reasonable and effective restrictions relating to the possession and use of explosive materials. To protect the health and safety of our residents and prevent undue exposure of private and public property to risk of damage, the Tow Board hereby designates acceptable hours for blasting operations and regulates the intensity of the ground and airborne vibrations during those hours when blasting is authorized. This Local Law is also intended to provide information to those who possess or use explosives in the Town. Nothing herein is intended nor shall be construed to relieve the Blaster from any liability, not to impose any liability on the Town, its officers, employees, or agents.

John Yerdon - he use to do blasting for a living - you have to have a blasting license to do it anywhere in the State, the blasting hours you are talking about are pretty much uniform throughout the State, he's blasted at Nine Mile a lot of those places so he thinks one thing that needs to be in there is they have to be licensed blaster. CW E. Yerdon - that's in there she believes.

Rob Brenner - In the Municipal side work he does representing Towns he can understand the benefit of pulling Laws in from other Towns and he suspects this is an example from elsewhere and that makes good sense the only thing he would suggest is if it's to be enacted it needs to be tailored specifically to Redfield and the resources that you have, for example - there's a board of standards that's referenced in this Local Law - that consists of a Police Chief, Town Engineer, and Fire Marshal, he's not even sure if that Redfield would even be able to have such a board or fill such a board, so you may want to defer that authority to someone else like the Code Officer, or the Town Supervisor, or something like that, the other thing he would caution is to make sure this wouldn't infringe on any existing brattle operations in Town or anything that's anticipated or desirable from a commercial standpoint, Woodwise doesn't necessarily have a stack in that game so he's speaking about good sound land use planning, even though it's not necessarily relevant, to them at this time, it make sense for the Town to consider those points.

Tom Halstead - he lives down at the other end of the reservoir. You have Smokeless Propellant in here - otherwise known as Smokeless Powder - all firearms that use casings use Smokeless Propellant/ Smokeless Powder - he knows hunting and shooting up here is a big deal because he's done it all his life, that's hitting the meat and potatoes of what the economy is based on up here, he would definitely be careful about having that in there, or at least having an amendment to it.

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #4 Demolition and Construction Waste Diversion -

**Title:** this Local Law shall be cited as the "Demolition and Construction Waste Diversion Law of the Town of Redfield, New York."

**Purpose:** The purpose of the Local Law is to establish minimum safeguards to life, health, and property by the addition of reasonable and effective restrictions relating to the demolition of buildings, temporary buildings, facilities and/or structures.

This Local Law is intended to encompass the oversight of demolition or substantial demolition of any and all structures larger than or equal to one hundred (100) square feet or taller than or equal to one hundred (100) feet tall, residential or commercial, to include permitting and site inspection

by the Town of Redfield, and the appropriate method of disposal or recycling of demolition debris. The process of demolition alter the characteristics of the site and, whether or not redevelopment is proposed, can significantly impact the natural features of the site and the character of the neighborhood or natural landscape. This Local Law is intended to provide information to those who intend to demolish buildings, temporary buildings or structures, facilities and all other structures or nature whatsoever, residential or commercial, in the Town of Redfield. This article establishes procedures for the review and permitting of proposed demolitions and construction of replacement buildings necessary to meet this purpose. Nothing herein is intended nor shall be construed to relieve the contractor or party conducting demolition from any liability nor to impose any liability on the Town, its officers, employees or agents.

Jim Muscato - when you were reading that he noticed it's a different from the version that was passed out at the last meeting, are updated laws going to be available on the website or otherwise available. Supervisor Tanya Yerdon - yes, what do you have? Jim Muscato - his copy has three hundred (300) square feet or taller than or equal to three hundred (300) feet tall. Supervisor Tanya Yerdon - ok thank you for pointing that out. Jessica Klami - that would raise concerns with them as being a Law rather specific to a certain type of structure. Supervisor Tanya Yerdon - yep, understandable, ok.

Rob Brenner - his comments on this are similar to the prior speaker, if there's a concern about a particular type of use and you want to ensure that those uses are lawed up or decommissioned in a certain way you can included it and you do in the context of the Wind Law - Decommissioning Regulations right in that Local Law, he thinks this Demolition and Construction Waste Diversion law could have unanticipated consequences in Town because it applies to a lot of folks, he understands the hundred foot change but he's not even sure that it's necessary to have such a law because he finds it hard to believe that there's a substantial number of structures in Town that are even in excess of one hundred (100) feet, other than a Wind Tower or a Cell Tower. The other thing just to point out is similar to his comment on the last local law - this one references and proposes a Redfield Historic Preservation Committee - so if there's structures in Town that are either already designated as Historic or the Committee would want them to be Historic- there's a hearing process that would have to be undertaken if there's a demolition that's going to occur, so that's somewhat inconsistent with the one hundred (100) foot limitation and maybe that's out in the version you all have in front of you, his point is that it just may not be appropriate for this particular Town.

CW E. Yerdon - does this have anything to do with our Unsafe Structure Law, would that apply to some of this stuff that we already have in affect. Supervisor Tanya Yerdon - we will need to compare, because we do already have that Law on the books.

John Cheney - Section 13 - Demolition of Buildings or Structures Bond - it goes on to say that prior ninety (90) days that you will need a \$ 2,000.00 bond before demolition is started, being a bond, explain that to me. Supervisor Tanya Yerdon - will put that as your concern. John Cheney - his concern would be how much money he would have to pay out of his pocket, on that, not including the \$ 250.00 for fee to the Town, on top of that you've got insurance of \$ 3,000,000 injury and \$2,000,000 property damage, so if you're going to tear down a little old house, am I understand the Town of Redfield wants an individual landowner or property owner to go through all these steps before they can tear their building down, to me this sounds like something that's coming out of some ritzy tizzy Town like Fayetteville or Skaneateles or somewhere like that not the Town of Redfield, he would like again for a small Town this is quite excessive, can anyone explain that \$ 2,000 bond to him, any of the Board Members. Supervisor Tanya Yerdon - no, but

it's highlighted it's her concern also. John Cheney - what about the insurance, the \$ 3,000,000 and the \$ 2,000,000, what about that, you got to take that insurance out for that, then again when he first looked at this he was upset about the \$ 250 paying the Town for a permit to tear an old building down. CW C. Bauer - your concern has been noted. Supervisor Tanya Yerdon - she also has it marked, we definitely need to look at the verbage of this, it's a concern. Jim Muscato - before you move on he has one more additional comment - because of the changes you mentioned before in the purpose, it just wanted to point out that section 8 has a similar definition for covered projects, he doesn't know if the version you have the changes that have been made but he thinks the easiest thing to do is for them to reserve their right to submit their comments on this particularly if it's tied in to the Wind Law, if this is what you guys want to do to regulate a wind farm project and decommissioning there's far easier ways to do it than through this type of law, in fact you already have those provisions in the Wind Laws that exist now, often times if you're in a decommissioning project, his experience Local Laws don't look to put up hurdles to decommissioning projects but rather get them down as quickly as possible. Supervisor Tanya Yerdon - thank you, it's noted, any additional comments on that law?

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #5 Protection of Wetlands, Water Bodies and Watercourses-

**Purpose:** The Town Board finds and declares it to be the public policy of the Town to preserve, protect and conserve its wetlands, water bodies and watercourses and the benefits derived therefrom, to prevent the despoliation and destruction and to regulate the use and development thereof to secure the natural benefits of wetlands, water bodies and watercourses consistent with general welfare and beneficial economic and social development of the Town. In this connection, the Town Board finds as follows:

1. Freshwater wetlands are invaluable resources for flood and storm control, fish and wildlife habitat, protection and provision of groundwater, recreation, pollution treatment, erosion control, environmental education and open space.
2. The preservation and maintenance of wetlands, water bodies and watercourses in an undisturbed and natural condition constitute important physical, ecological, social, aesthetic, recreational and economic assets necessary to promote the health, safety and general welfare of present and future residents of the Town and of downstream drainage areas.
3. It is the intent of this Local Law to implement the Freshwater wetlands act of the State of New York as presently contained in Article 24 of the Environmental Conservation Law, as the same may be amended from time to time, to the extent that said Freshwater Wetlands Act applies to property within the Town of Redfield, and to promote the public purposes identified therein and in this section by providing for the protection, preservation, proper maintenance and use of the Town's wetlands, water bodies and watercourses, by preventing or minimizing erosion due to flooding and storm water runoff, by maintaining the natural groundwater supplies, preserving and protection the purity, utility, water retention capability, ecological functions, recreational usefulness and natural beauty of all wetlands, water bodies, watercourses and other related features of the terrain and by providing and protecting appropriate habitats for natural wildlife.

Mike Yerdon - this local law is pretty well covered under the responsibility of the NYS DEC, also to review major plans, he thinks it's their jurisdiction and should probably stay that way.

Jessica Klami - She agrees with that sediment, just to kind of give you an overview of how in-depth this law it talks about gardening - it says - Gardening where otherwise legally permitted; provided, however, that any tillage of soil shall leave an undisturbed strip not less than six (6) feet - so this is pretty in-depth.

Rob Brenner - he agrees with the Code Officer, their concern is they want to make sure that there's no impact on existing or proposed timber harvesting, forestry operations in the Town just

because that is such a significant commercial lively hood in the Town. Supervisor Tanya Yerdon - and has been for hundreds of years.

John Yerdon - he will say they have had operations in this Town where loggers went in and across creeks, killed the fish, the DEC came up and told them to stop, he loves to fish when you start skidding across creeks and do damage to the streams that's a terrible thing to happen, he is not saying Woodwise has done that, he's saying there have been loggers in this Town has done it. Matt Smith - he agrees with what Mike Yerdon said, it seems like the DEC regulations, he doesn't know the legal terms, when it defines wetlands, beaver problems, beaver dams, you have to apply for nuisance permits, there's different standards on keeping/moving beaver dams, they've never done it, he thinks it's been in place for two years or more, it's a separate process, he thinks that should be addressed, it's a constant thing.

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #6 of 2018 Construction and Removal of Temporary Structures.

**Purpose:** The purpose of this Local Law is to establish minimum standards for the construction and removal of temporary structures in the Town of Redfield to insure the safety of the occupant of the temporary structure; insuring the health, safety, comfort and general welfare of the citizens of the Town of Redfield; and to regulate the location, size and use of any temporary structures constructed in the Town of Redfield. This article establishes procedures for the review and permitting of proposed temporary building and structures necessary to meet this purpose. Nothing herein is intended nor shall be construed to relieve the contractor or party conducting construction of any temporary buildings or structures from any liability nor to impose any liability on the Town, its officers, employees, or agents.

Rob Brenner - he understands what the local law is directed at construction trailers or work trailers for commercial projects, he thinks this law as it's drafted creates a really difficult situation for the Code Enforcement Officer because he's then tasked in making a determination what's a temporary structure vs what might just be a seasonal or movable recreational unit that folks in Town are using, so he thinks there's a really gray area there that may play out and it could be very difficult for the Town to administer this local law in light of what has historically been done here in Redfield.

John Cheney - in a week or so he's going to put up his temporary sugar shack, if this goes through is he going to have to get a permit to put up a temporary building which is basically a wind break. Supervisor Tanya Yerdon - that's a good question. John Cheney - to him again this sounds like something you do down in Skaneateles or Fayetteville or somewhere, we're in Redfield let's get real here, he puts up a little temporary building and takes it down, have you ever tried boiling sap out on a windy day.

Richard Palmer - his concern or question would be - he represents is part of the Mad River Club, on temporary structure use in the Town of Redfield, as you all know we lease 13,000 acres from Woodwise, we also have campsites up there, we have camping trailers up there that are seasonal, we allow a certain amount of portable structures that they get from Sandy Creek sheds, people bring those in and set them up, some of those are left up there year around, there are five or six (5 or 6) of them, how's that going to affect us up there if they want to erect a building up there, or take their camper up there for the summer, it kind of affects them as a Club and recreational and to operate as a Club up here, we work hand and hand all the time with Woodwise adjusting things but this seems to put a restriction on what working for.

John Cheney - he would ask the Code Enforcement Officer - Mike what would you do with the camp that Larry Yerdon has would you go up and inspect that? Mike Yerdon - he's going to address this first question, we already have a RV Law. Supervisor Tanya Yerdon - that doesn't have anything to do with this public hearing - we have to take into consideration that we have a RV Law on the books. Richard Palmer - he knows some people have made camps out of them but they are pulled in and out up there. Supervisor Tanya Yerdon - yes you have a genuine concern, she understands.

Supervisor Tanya Yerdon - ok we are going to move on to Proposed Town of Redfield Local Law #7 Road Use and Preservation Local Law.

**Purpose:** The purpose of this Local Law is to maintain the safety and general welfare of Town residents by protecting Roads. Well-maintained Roads are important to the economic well-being of the Town. Construction, maintenance, and operation of high impact commercial endeavors (e.g. timber harvesting, mining, natural gas drilling, wind energy facilities and telecommunication facilities) can be economically beneficial. This Local Law is not intended to regulate such endeavors, but the intent is to protect the Roads from damage caused by such endeavors, which typically require high frequency use of heavy equipment with heavy loads. It is the intent to this law to insure that the Roads are not damaged or harmed to the overall detriment of the Town by a few individual users who utilize the Roads in a manner that causes extraordinary deterioration. It is further the purpose of this Local Law to insure that the cost of repairing any damage to town roads, above and beyond ordinary wear and tear, as the result of Concentrated Traffic due to large construction or industrial activities, be paid for by that developer or project sponsor and not the taxpayers of the town of Redfield. Nothing contained in this Local Law shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agricultural and Markets Law. Nothing contained in this Local Law shall be deemed to unlawfully interfere with interstate commerce, as defined by applicable law.

Jim Muscato - with respect to the road use law and the agreement that was attached generally the comment for the Town Board would be is a road use law is necessary, ultimately what can happen, in section 10 the Road Use law says that the Town Board is required to implement the Road Use Agreement that's attached to the Law, and so it ties the Town Boards hands, for particular situations for different types of uses, the law covers a variety of commercial uses, it doesn't give the Town Board flexibility to enter into a road use agreement that fits a particular situation, and so it ends up inevitably you would either have to go back and amend the Road Law in order to enter into those road use agreements or you wouldn't have that flexibility in the document you want to enter into, so he would just ask the board to consider if they need a Road Use Law at all, but instead understand that if they're having a problem with roads and road usage by commercial usages in the Town that they instead seek to enter into Road Use agreement with these applicants.

Rob Brenner - he has a few comments on this, the biggest comment is we're very concerned, very very concerned, about the potential impact of this local law on timber harvesting operations, we'd like a and we think it's appropriate to have an exemption from timber harvesting operations, the second thing in hearing the Highway Superintendent speak at a lot of the public hearings on the Zoning Law, he knows he and his staff take a very practical approach to managing the roads here in the Town of Redfield, he thinks this framework creates for a ridged scenario and the Town as Avangrid's Attorney indicated is then bound by a legal document the Road Use Agreement and this ordinance and the Highway Superintendent then can't use his practical expertise and experience in regulating certain uses of roads throughout the Town, so he thinks this one again has very negative impacts on timber harvesting operations, and we think because these operations have gone on for so long here in Town that this isn't reasonably related to regulating any legitimate interest and second we're just concerned about how it would tie the hands of the Highway Superintendents. Supervisor Tanya Yerdon - anymore comments on the Road Use and Preservation Local Law.

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #8 Prohibition of Wind Energy Development near Fort Drum and Montague Weather Station Local Law.

**Purpose:** The purpose of this Local Law is to protect national security, the local economy, and the integrity of Fort Drum, Wheeler-Sack Army Airfield, and the Doppler weather radar site at Montague.

CW E. Yerdon - she doesn't understand where we get authority to pass such a Law, since we are not within the fifteen (15) miles of either of those things, that's just her opinion, obviously we are in support of Fort Drum cause it's the biggest employer in the whole State, but she doesn't think we have the right to pass a Local Law them.

Jim Muscato - he would echo those concerns as well as pointing out to the Board page 13 of their letter that he handed to the Board tonight, and the extensive comments and discussion we provided on proposal number eight (8), with particular if the Boards interested in legal repercussions to the comments that Board Member Yerdon just raised, they are provided in the letter as well.

John Cheney - we hired a lawyer to write this or come up with it, his question would be we're obviously not going to be reimbursed for it, so we are taking our taxpayer money to defend Fort Drum, he would think the Federal Government would have a hell of a lot more resources than we do, to defend Fort Drum, he would think if this is going to take them down in any way they would shut it down, why's it up to the little Town of Redfield and us taxpayers to cover their butt, it sounds more like a lawyer coming up with something so she can drain the Town of a little more money as far as he's concerned. The Doppler radar - he agrees it probably can have some impact on it, for weather but if you haven't notice we have weather stations all the way from the lake all over the State, Lake Ontario Weather Setters were out here about four (4) years ago, they which do a tremendous job, give an idea, what kind of storms, the impact, he doesn't see this wiping out the Doppler radar in Montague, it may have some interference on it, but to state that we want a Law, the little Town of Redfield to come up with a Law to protect the Doppler Radar and to protect Fort Drum and also he thinks was in there he read that a number of people in Redfield work at Fort Drum, I wish you would introduce them to me because he would like to shake their hand and thank them for defending me and working for Fort Drum but he doesn't know of anybody in the Town of Redfield, he could very well be wrong on this, that works at Fort Drum, he takes that back his nephew did.

Shawn Doyle - the Federal Government can't actively take a stand on anything like this, so a lot of Localities have begun taking on this Jefferson County has stated a position on it, and we're considering taking a position on it in Oswego County, the Town of Richland also is considering taking a position on this, he knows they do have people from Fort Drum, but the Municipalities are generally looking at Laws like this, because retired Officers and some people that support Fort Drum all the way to the Watertown area have reached out and asked us to do this.

John Cheney - well the retired Officers, if they're retired they aren't going to be working at Fort Drum anyways, they're going to be coming down here looking for a retirement home, if anything.

Tom Halstead - like he said he lives down on near the end of the lake and has used this area his whole life, he's also a Business Rep for a Local Union in part of the New York State Building Trades, we sat down with Assemblyman Russell, at Fort Drum and talked with them about this, right now they have changed their distances in miles from Wheeler Sack, they're willing to succumb to ten (10) miles from Wheeler Sack and ten (10) miles from Montague, at the end of this meeting we were given a question and answer, his questions were if this Wind Farm is built is this going to hurt Fort Drum at all, and he said no we will continue on with our mission, that's exactly what they told them, it's not going to curtail them, it affects the aircraft that are in the area, the private aircraft they don't have that little beacon that blinks and shows up on their screen to tell them whether an aircraft is coming, so their helicopters are flying blind when thee other aircraft are in their area, so they are worried about that, the Wind Farm does do a little something to them but they also have he can't come up with the name of it, it's something to do with physics and a lot of mathematics but they came up with a computer program which that basically deletes that and it doesn't affect them, there's also a new weather radar made right in Syracuse, New York, that's being explored, and being used out in California on a Military

Installation right now as a test, these Wind Farms will not hinder it, it does not block it, Fort Drum is second on the list to get it, to replace this Doppler radar because it's antiquated, so you know a year from now this whole Doppler radar mess they are talking about probably won't even be around, it's just another use for people saying oh we can't let this happen, he thinks it's all fear driven is what it is, we're going to lose our job, we're going to lose this Post, it's not going to happen, it's too important for national security, and they did say the only thing that it would hinder them on, which nothing stays the same, there's changes all the time, new technology, it would make it hard for them to see snow at low levels, so what does that affect, it affects their helicopters, so they would fly higher, how high is the ceiling on lake effect snow, it's actually a pretty low ceiling, you can fly over it like it's nothing, and he has because he was stationed there twice and flew over it, so he knows what it looks like.

John Cheney - in the summertime he noticed at least two or three maybe four (2 or 3 maybe 4) tractor-trailers that go by everyday full of wood chips, guess where they're coming from he believes it's Tug Hill, know where they're going Fort Drum, Fort Drum has is like a small city, has large needs for energy, they have a biomass converting system up there, they bring these big trucks in and dump them right in there, this is all stuff coming from Tug Hill, so his thought, this bothers him much more than a Wind Farm in that if we continue this, he doesn't know what the Town could do, but this cutting, clear cutting and wood shedding, you talk about the erosion, the soil erosion, you cut all the trees down you're going to have massive erosion, you want to protect the watershed and everything else, to him the chipping is one of the bigger concerns he would have, Fort Drum is huge energy needs, this is something the Town wants to be thinking about, he understands about the environment, he's worried about the environment himself, but what should you really be going after here, he believes in logging but he's not a big fan of the chipping and he's sure Woodwise people could address this better than him, but it would seem to him when you see tractor trailer after tractor trailer all summer long going up 17 going up to Fort Drum, go up on 177 look at the deer farm place over there, this is all stuff coming from Tug Hill being cut going to Fort Drum, look at the price you have to pay for a load of logs now, that's driven that price right up, they can just chip it up and send it up to Fort Drum, Fort Drum has huge energy needs, we need to be thinking about this who are we protecting Fort Drum or our natural resources.

Supervisor Tanya Yerdon - that's a good concern, thank you.

Rob Brenner - he will just join in everything that was talked about, he discussed this in his letter, obviously the Town is well represented and has a Town Attorney in Bob Genant, and maybe he can council you, but he thinks this runs afoul of the Town's Municipal Home Rule authority and presents potential State and Federal Constitutional issues.

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #9, Erosion, Sediment Control, and Storm Water Management.

**Purpose:** The purpose of this local law is to safeguard persons, protect property, and prevent damage to the environment in the Town of Redfield New York, This local law will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any land development activity as it relates to erosion and sedimentation control and storm water management. This local law seeks to meet these purposes by achieving the following objectives: 1) Meet the requirements of minimum control measures four (construction site storm water runoff control) and five (post-construction storm water management) of the State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Municipal Separate Storm Water Sewer Systems (MS4s), Permit GP-02-02 or as amended or revised. 2) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation General Permit for Construction Activities GP-02-01 or as amended or revised. 3) Minimize soil erosion and sedimentation impacts on streams, water bodies, and neighboring properties.

4) Avoid excessive and/or unnecessary tree and vegetation removal. 5) Minimize windblown soil associated with properties being cleared and graded for development. 6) Maintain the integrity of watercourses and sustain their hydrologic functions. 7) Minimize increase in the magnitude and frequency of storm water runoff to prevent an increase in flood flows and the hazards and costs associated with flooding. 8) Minimize decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity, and water supplies. 9) Facilitate the removal of pollutants in storm water runoff to perpetuate the natural biological function of water bodies.

Rob Brenner - He will echo the comment he made earlier on one of the prior Local Laws, this has the potential to have unanticipated or unintended consequences on timber or forest industry, potentially it runs afoul of the New York Right to Practice Forestry Law, for example just to underscore the point selective cutting is regulated here, and selective cutting could mean if you took a one acre swatch of land and you cut half the trees on that swatch within a two (2) year period, that potentially could be regulated activity under this Local Law, we can provide more documentation and narrative, Matt and Dan would be the ones to do it but we can explain from a forestry standpoint it's good practice to quote unquote clear cut or cut large areas of trees so they can regenerate and let the forest stand as it's maintained appropriately, so if the Town would find that type of document helpful we can certainly provide that. Supervisor Tanya Yerdon - that would be nice, thank you, she sees in here it has the gardens again.

Jim Muscato - that was one comment he was going to make, but he agrees with Rob, he also, the breath of this to, the Board should be aware, this would apply to any land development activity, when an application is submitted to the Town, any land development would require a SWPPP, there's extensive requirements in here about a regiment control of the SWPPP which number one (1) are duplicated by the DEC's review and approval of SWPPP's already, but 2) put a lot of obligations and responsibility on the Code Enforcement Officer who may not have the extensive training in inspections and licensing either for Storm Water Management Review plans and approvals, so with respect to the breath and the scope of this is one thing, but also of putting the burden on the Town with having this type of review process and inspections by the Code Enforcement Officer could result in a lot of unintended consequences.

Neil Cheney - he was just going to reiterate you're talking about a law that already exists in New York State as far as SWPPP permit, you have to have a project of an acre or more unless it's permitted by DEC, it seems redundant, you're going to even make it worst for any construction here in Town, as far as the Wind Mills they're going to do this if you have a Law or not, and they are going to comply to it, and all during the construction they're going to be monitored, and if they violate it they're going to correct it and they're going to be fined, it just redundancy, the other thing is as far as having somebody qualified, there's a lot to Storm Water Conservation, you're talking about an engineering background, wetlands background, you're talking about a whole bunch of things, sounds like someone doesn't know what they're talking about.

Michael Yerdon - as a Code Enforcement Officer you would have to be a Licensed PE to do any of these inspections and his role would be if he observed something he would have to contact the Engineering group and they would have to handle it because that's the way it's setup, the DEC is responsible for approval and stuff like that, it's very expensive he can tell you that.

Matt Smith - he has one comment, it pretty much is consistent with everyone's comment on this Law but it kind of goes to all of them, not necessary redundancy that's been addressed, hypothetical that Avangrid chooses not to go forward with this project not because of any Law for whatever reason, economy, whatever, and these laws are passes and we are all left with them, the citizens, the landowners - are armed, the Town is responsible for enforcing Laws as Mike just said they don't have the people in place. Supervisor Tanya Yerdon - yes the enforcement is a big issue. Matt Smith - well clearly in his opinion are directed at the Wind Farm but clearly if they go away we are all still here to deal with it. Supervisor Tanya Yerdon - yes that's true.

John Cheney - If these Laws are passed and we get into litigation on it aren't we going to have to continue to hire more and more legal counsel to defend us, do we have the resources to do that, professional people, do the taxpayers of this Town have that kind of money, again this all sounds like, all of these, great that some lawyer came up with for a rich suburb area something like that, which leads to another question though, who authorized, Tanya, he would say are you the Board did you authorize the lawyer to come up with these laws, and if you did then why. Supervisor Tanya Yerdon - these were strictly, thoughts and ideas from that firm. John Cheney - you got from that firm, his question is as a taxpayer how much these laws cost us roughly. Supervisor Tanya Yerdon - you will have to ask me that at a regular board meeting, this is strictly on the Laws, that's how it was advertised. John Cheney - he has another question, these two gentlemen over here are attorneys he assumes, and we're paying them how much gentlemen are we paying you for tonight, to be here tonight. Bob Genant - he doesn't think that's a subject of the public hearing her tonight, you can make that request. John Cheney - as a taxpayer, the reason he's asking is he's seen both of them with their iPhone going like this, are we paying you for this while you're checking your emails and stuff, see the sign cell phones please turn off. Supervisor Tanya Yerdon - alright we're staying in the scope of the public hearing, do you have any more general comments on these laws, thoughts? Jim Muscato - did you do ten (10) yet?

Supervisor Tanya Yerdon - Proposed Town of Redfield Local Law #10 Aquifer and Well Field Protection Zone.

**Authority:** The Town board of the Town of Redfield enacts tis Local Law under the authority granted by Municipal Home Rule Law 10.

**Purpose:** The purpose and intent of this Local Law is to: 1) establish, protect, preserve, and promote the safe use of the existing and potential ground water supply from adverse developmental or land use practices that may adversely affect the quality or availability of water from the Town aquifers; 2) Protect and preserve potential sources of future water supply for the public health, safety and general welfare; and 3) Assure an adequate supply of suitable drinking water for the residents of the Town of Redfield, New York.

Jim Muscato - the law sets forth the zones, the Aquifer and Well Field Protection Zone, it says that there's, shall include all property as shown on the Town's Aquifer and Well Field Protection Zone map, and shall be considered as overlaying any other zoning districts, he just didn't know if there was a map. Supervisor Tanya Yerdon - no there is not. Jim Muscato - so those zones haven't been designated by law. Supervisor Tanya Yerdon - no, nope. Jim Muscato - obviously we would reserve the right if that law were to continue to put in comments when they see the law.

Rob Brenner - so the lawyers got to defend the two (2) lawyers, he talked to Bob and Brian about this, the Tug Hill Commission Map doesn't actually show an aquifer within the Town of Redfield, so they both indicated to him they were going to look into that, and whether or not this type of law is appropriate, he knows it's something they are working on but from their perspective they don't think this is appropriate.

CW E. Yerdon - can she ask our lawyer something - isn't there some kind of a law or something that it shows Redfield as part of the aquifer, Towns in various Counties she thought we were one of them. Bob Genant - yes. Brian - yes from the UPA, he doesn't have a map thought, they did find out that it was, they do have a printout from the EPA website if you wanted to enter that into the record on this part, they can give a copy of that to you Rob. Jim Muscato - that the Town is part of what? Brian - the Northern Tug Hill Glacial Aquifer. Jim Muscato - well sure because aquifers in the sense is everyone in the room has a well, was able to get to a well, but in terms of an aquifer protection zone, is the idea that the entire Town location through the aquifer would be the location of the zone. Bob Genant - it lists the Town as under which the aquifer flows, it also sets forth, this is under the New York State Safe Water Drinking Act. Rob Muscato - sure so

he's just asking so the Town of Redfield is the zone. Bob Genant - yes - it's within the zone yes. Jessica Klami - no the clarification would be so this Law there doesn't need to be a map because you're declaring the entire Town of Redfield as the Aquifer and Well Field protection Zone. Rob Brenner - the only thing he would just add to that is from a very local standpoint there is a map available and he did see that on the Tug Hill Commission website, that shows the local aquifer that's of significance to the Tug Hill Commission and he would argue that that's the most relevant map, and there's no part of that aquifer in the Town of Redfield, it's actually to the south and to the west.

Neil Cheney - so your authority on maps should be the US Geological Survey too, USGS that would be the Army Corp of Engineers, EPA.

Shawn Doyle - he thinks that you fall in what you call the Tug Hill Aquifer Recharge area, certainly the three hundred (300) inches of snow you get, some of it finds its way into the aquifer, so you are in the Recharge Area with the main body of the aquifer being downstream Orwell and part of Town of Richland stretching up but the recharge area is significant, you could go into the recharge area if we need to conserve.

Supervisor Tanya Yerdon - any other comments on number ten (10) law? Ok, she would like to thank everybody very much for coming and please and if you have additional comments or concerns or interests you can put them in writing and just get them to us because really this is what makes this Town tick is the people that are here, we do take it into consideration, we are not even ready to move on these, so please get your comments in and be proactive and be part of this. We are going to keep this Public Hearing open. Right now we're going to keep this Public Hearing open, at the next regular Town Board Meeting March 9<sup>th</sup> we will set another meeting but we can't do that tonight. Jim Muscato - when you said meeting do you mean a Public Hearing date. Supervisor Tanya Yerdon - the Public Hearing is going to stay open. Jim Muscato - you're not going to take comments at the March 9<sup>th</sup> meeting that well just be a regular meeting.

Supervisor Tanya Yerdon - no it will be a regular meeting. Jessica Klami - can we just check in with you for updates to the Laws when it gets closer to the March 9<sup>th</sup> meeting. CW C. Bauer - we're not going to make any changes because we're not going to have another meeting before then.

Dale Macklen - proposed local law #10, the water protection they said that the aquifer would be southwest, southeast you've got a big dump in Ava, that would be of more big concern than a few wind mills that are green to the environment, that he would be more concerned about.

Motion was made by Carla Bauer and seconded by Matthew Tompkins to recess the Public Hearing on the Proposed Local Law #2 through #10 of 2018 at 8:30pm.

ADOPTED Ayes 5 T. Yerdon, E. Yerdon, E. Webb, C. Bauer, M. Tompkins  
Nays 0

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February 16, 2018

Susan C. Hough - Town Clerk