

SPECIAL MEETING, TOWN OF REDFIELD, MAY 15, 2018

The special meeting of the Redfield Town Board was held on May 15, 2018 at the Redfield Municipal Building starting at 7:00pm. Roll call was taken and the following board members were present:

	Carla Bauer	- Councilwoman/Deputy Supervisor
	Matthew Tompkins	- Councilman
	Elaine Yerdon	- Councilwoman
	Erwin Webb	- Councilman
Absent:	Tanya Yerdon	- Supervisor

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Melody Westfall - Scalfone Law, Bob Genant - Town Attorney, Rob Brenner - Nixon Peabody Attorney for Woodwise, Jim Muscato - Young/Summer Attorney for Avangrid, Richard Palmer - Mad River Club, Matt Smith - Camp Owner/Woodwise, Walt Meisner- Avangrid

Pledge of the Allegiance was said.

Town Clerk Susan Hough - Chris Ouderkirk was appointed and approved by the State Assembly so our Ad Hocs are Chris Ouderkirk and Terry Harlander.

Deputy Supervisor Carla Bauer - let's look at the revisions that were made to the draft wind energy law. She would like to move forward to schedule a public hearing and get the input from the public as soon as possible.

CW E. Yerdon - why is the stuff that's in red that was in red before not taken out, still here crossed out. CM M. Tompkins - to show that it was removed, so it's clear it's removed. CW E. Yerdon - thought it would be gone, we've had a copy of it crossed out, multiply copies of the same thing. What's been changed that wasn't changed before. There was discussion regarding the other meeting being cancelled, the redlined information. TC S. Hough - the new one is re-numbered correctly, showing what's being deleted, Core Forest was added in the definitions. CM M. Tompkins - the language about private and public rights of way was removed from the setback table, which was discussed at the last meeting, the calculation of the surety, bonding for decommissioning has changed. Highway Superintendent Paul Pratt - Matt on page 22 didn't we decide to change that under #3 - where it says applicant shall reimburse NY DOT and/or Town to - Oswego County and/or Town. CM M. Tompkins - yes it should be changed to Oswego County, NY DOT doesn't own anything in Redfield - correct. Paul stated yes. Deputy Supervisor asked Matt if there was anything he would like to go over. CM M. Tompkins - page 22, under Noise Impacts - we discussed distances and velocities in meters and meters per second, I think if we can convert those to feet it would be more in keeping with the rest of everything we've done, the rest of the law is written in terms of feet, it's odd to switch to metric. CW E. Yerdon would like to discuss the 35 dBA's when we get to it and the height. Deputy Supervisor Carla Bauer - asked Suz what her questions are regarding the 35 dba. CW E. Yerdon - when you're ready to discuss it she thinks we should. CM M. Tompkins - that same hundred (100) meter thing appears on page 15 letter M, he doesn't have any other than what the redline covers. CW E. Yerdon - it's the same two (2) pages, whenever you're ready to talk about it. Deputy Supervisor Carla Bauer -yes, what's your question about that? CW E. Yerdon - it's not a question, she thinks it's unreasonable, she thinks 35 dBA is too low, they're not in town, they are

far from town, they are quite a ways from anybody's house, she thinks 35 dBA is too low, and she thinks it's actionable same as the height, she thinks we will be taken to court over both of those things if we don't start making some sense, we obviously don't want to destroy more of the property up there. CM M. Tompkins - he thinks the 35 dBA is very quiet sound level, but we are also attempting to regulate it at a property line or at a residence. In general the noise from wind turbines is a fairly constant sound unlike snowmobiles, 4-wheelers, chainsaws that are here and there every now and then not all day every day and all night every night, that said possibly the 35 could be increased there's a lot of examples in other wind laws that are 38, 40, 42 and even higher, his thought is he would kind of like to get the public's input on what they feel would be fair since it's going to be the neighboring property owners that are going to be dealing with it, but we also have to remember, it's not just this one project, there's a possibility of other wind mill projects in the future that might be closer to town, closer to people's homes, and we have to look into the future too, he doesn't have a firm opinion on it, he looks forward to discussing at the public hearing, seeing what other people think about it. CW E. Yerdon - thinks it's unreasonable. Paul - when you take those readings is that at a property owner or a certain distance of the towers. CM M. Tompkins - either or both it depends on how we write our law, whatever we write is where they would take the measurement from is his understanding. Deputy Supervisor Carla Bauer - she thinks the other wind towers in the area are all four hundred to four hundred fifty (400-450) feet. CW E. Yerdon - we've know right from the beginning that their plan was more than five hundred (500) feet, she thinks it's a little late in the game to now say it needs to be five hundred (500) feet, that's just her, she wants that known that she believes it's way too low, she also thinks that might be something that could be taken to court, and she thinks we need to eliminate any whatever action we can, but once again that's just her, she doesn't want more wind mills and if the solution to us only having five hundred (500) feet is going back to one hundred twenty (120), she doesn't like that idea. CM M. Tompkins - that's a good point for this project - it seems taller towers means fewer towers, it's probably going to be true going forward as well. CW E. Yerdon asked Skip what his thoughts were. CM E. Webb - he doesn't really have answers - he hasn't really seen anything on paper or anything as to how it's going to be. Paul - has a concern as far as the related damage on page 22, item #3, The applicant shall reimburse NY DOT (Oswego County) and/or Town (as appropriate) for any and all repairs and reconstruction to roads that are necessary due to the construction of decommissioning of the WEF, what about any construction that may need to be done or changes that have to be made in our culverts and things like that, so they can bring things in, we have culverts and roads that are fine for the travel they are getting right now but if you put heavy loads and multiple loads over them they will not hold up, a statement was made by Avangrid that they would take care of that, but it's just a statement there are no guarantees, if we are going to be legal about things he thinks it should be in here. CM M. Tompkins - something in addition to repairs. Paul stated basically any upgrades to the roads due to the construction of the wind turbine, that they are responsible for that too. CM M. Tompkins - so if we just added upgrades, we could say the applicant shall reimburse NY DOT (Oswego County) and/or Town (as appropriate) for any and all upgrades, repairs and reconstruction to roads that are necessary due to the construction of decommissioning of the WEF. Paul stated yes something along those lines, he doesn't know the legality of how it has to be worded, they have told us this in meetings, but he thinks it needs to be in here also, just to be careful and safe with it. CM M. Tompkins - it's not a bad thought, if you have to widen a culvert it's not a repair or reconstruction. Paul knows the culvert on Little John Beaver Creek - wouldn't hold concrete/tower traffic, it's all well and good that it covers us for repairs, but if it goes out how are you going to protect those people that live beyond it for fire protection and rescue and so

on in the meantime, especially where it's something where an engineer can look at it and decide whether it needs to be changed ahead of time and it can be planned for. CW E. Yerdon asked if that road the proper width. Paul states yes it has twenty (20) foot of blacktop and it has two (2) foot shoulders on it, which is right along with our road standards. CW E. Yerdon asked the last time the town worked on that road. Paul they had to do it in three different years because of the cost, they did the last section he thinks two (2) years ago. CW E. Yerdon - how many culverts are on that road. Paul - would have to look at it to be positive. CM M. Tompkins - he wonders if we should add a little bit more language to that part 3 that Paul was just talking about, update it so that the third party who is pre-inspecting the roadways to be used also issues some recommendations to upgrades that they feel are necessary. Walt Meisner- Avangrid - typically this kind of thing is done through a road use agreement and not necessarily through a local law, they generally arrange with the road use agreement with the town and through the application process they will be identifying transportation routes, which then are studied as well, they identify deficiencies and where we need upgrades, that's all done prior to an application. CW E. Yerdon the road agreement would be just for this project. Walt Meisner- Avangrid - yes. Jim Muscato - that was the alternative we had talked about that a couple of meetings ago, instead of legislating a lot of these details that are project specific, you would have an agreement with the company that would be specific addresses culverts, pre-construction inspection it addresses really all the concerns that you are talking about. Bob Genant - Town Attorney - he thinks this would come up at the public hearing. Jim Muscato - he's just answering a question, he doesn't understand in this setting why we just can't respond to the question. Bob Genant - Town Attorney- because you can make that point at the public hearing and then they can consider that. There was discussion. Walt Meisner- Avangrid - would be happy to provide an example. CM M. Tompkins - the only other thing he has - when we talk about the site plan - we have that it can be prepared by a licensed surveyor or an engineer, he doesn't think NYS Law allows surveyors to prepare site plans, they can prepare subdivision plans but site plans is typically done by an engineer, that's on page 11 letter f - he would just take out surveyor, generally you see it written as Engineer licensed to practice the State of New York. Deputy Supervisor Carla Bauer asked if the board had anything else. Rob Brenner - Nixon Peabody Attorney for Woodwise - he knows one thing the Supervisor had mentioned is wanting more detail about the project, we Woodwise have informally asked them over the past few weeks for more detailing, how many turbines, where are they going to be etc., is there any interest either as part of the public hearing at the beginning of that session or as a separate work session in having Avangrid actually present to us, including Woodwise about what the current proposal is and what they are thinking now, he thinks that might inform the public hearing and answer some of the questions you all have on the proposed wind mill, he has been coming here for a long time and he doesn't even have all the details, he would like to hear more about it and he thinks it would inform some of the questions he might have at the public hearing. TC S. Hough - thinks it should be done separate from the public hearing. CM M. Tompkins - it might be a good thing to have on the agenda of a regular meeting or as a special meeting. Bob Genant - he's not so sure that, that's going to be helpful in forming the wind law, if Avangrid wants to try to formulate the wind law with what they are doing, it's probably to their benefit but he's not too sure if it's going to be a benefit to the Town. He thinks we should go with the plan we have, that's take the wind law as we have it right now with the changes you made tonight and setup a public hearing, then at the public hearing you can hear what they have to say. Jim Muscato - Why is the idea that something beneficial to the company would be detrimental to the town, that is not necessarily true, what we would like to do is present information, it would be helpful he thinks to the town board to get an update regarding

the project development, we would be happy to share that, whether or not it informs the towns thinking with respect to the law or not, it's something we are willing to do. Bob Genant - there's a time for that, and they are going to have to share that according to the article 10 procedure, right now what the town should be looking at is passing this wind law, not passing it but setting it up for a public hearing, getting the public hearing and then getting the wind law passed. CW E. Yerdon perhaps you could get on the agenda for the June meeting. TC S. Hough stated if you want to be on the agenda for June 12th meeting she will put you on. There was discussion regarding when to setup the public hearing.

Resolution 18-63

Motion was made by Elaine Yerdon and seconded by Matthew Tompkins to authorize Town Clerk Susan Hough to advertise a public hearing regarding Local Law #2 Wind Energy Facilities on Monday, June 4, 2018 at 7:00pm.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
 Nays 0

Jim Muscato - with respect to the comment Bob made earlier about changes to the law that would be benefit to the company and detrimental to the town, a perfect example of that is the five hundred (500) feet, six hundred (600) feet may benefit the company but it also may be consistent with what the town wants in reducing the number turbines, he thinks the dialogue on a lot of these issues would be helpful because there is likely a mutual ground for benefit, they would be happy to sit down with the town whether it be in a public hearing setting, or otherwise as well, we have always been pretty open in terms of meeting with the town and talking through some of these issues.

There was discussion on whether or not to have a meeting after the public hearing.

Motion was made by Matthew Tompkins seconded by Erwin Webb to adjourn the meeting at 7:53pm.

ADOPTED Ayes 4 E. Yerdon, E. Webb, C. Bauer, M. Tompkins
 Nays 0

The next Town of Redfield Town Board meeting will be held Tuesday, June 12, 2018 at 7:30pm.

May 15, 2018
Susan Hough, Town Clerk