

SPECIAL MEETING, TOWN OF REDFIELD, October 2, 2018

The Special Meeting of the Redfield Town Board was held on October 2, 2018 at the Redfield Municipal Building starting at 6:30pm. Roll call was taken and the following board members were present:

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

In addition, Susan Hough -Town Clerk, Paul Pratt -Highway Superintendent, Michael Yerdon-Code Enforcement Officer, Rob Brenner - Nixon Peabody LLP, Matt Smith – Woodwise/Camp Owner, Terry Harlander, Francis Yerdon, Jessica Klami - Young/Sommer, Walt Meisner - Avangrid, Dan Murdie - Avangrid, Frank Hilliker, Richard Palmer - Mad River Club, Mark Hofmeier - Resident, Dave Dano, Lori Venzendy

Pledge of the Allegiance was said.

Town Clerk Susan Hough handed out a packet she received tonight from Nixon Peabody LLP to the Board Members. Also, handed out a new Sexual Harassment Policy for the Board to review before the next meeting, the Town of New Haven sent us all the new policy with the new criteria that must be passed by October 9, 2018.

Supervisor Tanya Yerdon - the last meeting was in July when it comes to the Wind Mill project and the Law. A lot of them commented that for the next couple of months August and September they were going to do some research on the height of the towers and the noise. Did anyone do any additional research?

CW C. Bauer - she did a lot of research on the dBA because that's a big concern of hers because of the wildlife. She spoke with a lot of people. She started with the Cortland Fish and Wildlife, they gave her names and emails of people, she talked to some people and went to some websites. It just goes back to a lot of her concerns are valid where specifically if we raise the dBA higher than 35 it's going to affect the wildlife. CW E. Yerdon - do you have experts' opinions and stuff? Who are they and what did they say? CW C. Bauer - yes, Robert Sand -Rand Acoustics from Brunswick, Maine. The noise-related aspects of the proposed Local Law appear consistent with the proposed law's purpose as understood for protecting soundscape and wildlife. With the proposed limits, increased predation risk due to listening area loss appears probable. The proposed limits should limit listening area losses and provide some wildlife protection. The noise-related aspects of the proposed Local Law appear reasoned and consistent with the proposed law's Purpose as understood for protecting public safety, health and welfare. The proposed noise limits fall near the average in the extensive review of guidelines and regulatory noise limits compiled by Schomer 2017. The proposed noise limits are generally consistent with guidelines provided in the USEPA 1974 Levels Document and its Appendix D for preventing complaints and vigorous community reaction to intrusive noise in quiet rural areas. The proposed noise limits are consistent with Compatibility criteria established with ANSI S12.9 Parts 4 and 5 for unfamiliar intrusive industrial noise in quiet rural areas during day and night. The proposed noise limits appear to observe WHO 2009 average and maximum (Lmax) thresholds established with sufficient evidence for noise impacts on health with a margin of safety. Advocating for higher noise limits than those proposed would appear to promote -increased wildlife predation risk due to listening distance loss from noise

pollution, and breaching sufficient-evidence thresholds for noise impacts on health and welfare. She also emailed a gentlemen and spoke to him- Gordon Hempton - he does private consulting, he's one square inch of silence, he does a lot of dBA stuff, she got his name from a DEC person, does a lot of stuff in the wildlife, records silence, she just wished us luck. Supervisor Tanya Yerdon - what was his take on the 35dBA? CW C. Bauer - he thought 35 would be sufficient because of the wildlife, because it would be an awful impact on the wildlife. There's tons of people she talked to wind turbines interactions with wildlife in their habitats, American Wind Wildlife Institute, she googled and spoke to different people, like out of Washington DC - the American Wind Wildlife Institute - www.awwi.org. 1110 Vermont Avenue, NW, Suite 950, Washington, DC.

CM M. Tompkins - he did some research - not as detailed as Carla's he didn't call and speak with anyone specifically, general kind of looking into the impacts of noise, wildlife and people, he kind of took some noise readings around his house to see what the levels were and in general he thought it was quieter than what he would have thought unless there was traffic going by you are only looking at about 30 decibels or less at night time, that kind of surprise him, he thought it would be louder ambient noise level, there were a couple good articles one from the Wall Street Journal and one from the New York Times - how wind turbines just keep getting bigger and bigger, one article said GE is coming out with a 12 megawatt turbine, he thinks the height was somewhere between 800 and 900 feet, but that seems to be the future of wind technology which was quite striking, he believes they would be offshore.

Supervisor Tanya Yerdon - she did keep looking to do research on the 600 foot towers, and there is not information out there, it's just something that's coming, it's new so there isn't a lot of data out there, she knows there are a number of Towns across the United States that are worried about the height of them, they would probably be real worried if they say the 800 to 900 foot turbines, she thinks it's just because it's new, you know how technology changes, there isn't a lot of data out there as of yet, she wants to say to this board, don't forget why we are here, our mission is to protect and pledge is to protect health, safety and welfare of every resident, this is how I feel about the turbines, permitting untested, unprecedented 600 foot turbines designed for off shore use is irresponsible and will violate this grave responsibility until there's enough data out there, so that's how she feels about the 600 foot turbines, because she just could not find enough data to show the safety impacts, without specific data, whether is a 5.3 megawatt system, if it's obviously it's not going to be 12 megawatt, it's hard to make a reasonable decision when the data isn't there, it's just tough, so in her case she just kept going back to the 500 footers because there's at least data there, it seems to be what's in the area, she does know in Illinois one spot where they were they are looking at the 600 foot there, but you're also talking in farm land, so that's what she has, she has read a lot of stuff but nothing on 600 footers, if you go on some of the sites, it says data isn't there, it's new technology.

CM M. Tompkins - it's unproven. Supervisor Tanya Yerdon - yes it is unproven. CM E. Webb - in relationship to that farm silo it's about one third height that's at 500 feet. Supervisor Tanya Yerdon - she will say it's fascinating to drive out through the Midwest and see them, I do believe there are places for them, I do understand also that with the grid, whether it's a nuclear plant, gas turbine, steam turbine, the grid has to be stabilized, in order for these to actually work, we cannot just go to wind turbines, it's impress when you drive out in the Midwest and see them they are just huge out there, but as she said there are places for them, they're set on some of these farms that have 10's of thousands of acres, so if there ever was a fire, if they ever came down, or whatever, they put a many of them, no one around them are going to be harmed, she just thinks there's a right place for the bigger turbines. CM E. Webb - saw them in Oklahoma but there's nothing around them. CW C. Bauer - with the amount of wildlife we get, that migrate here in the northeast part, here, it concerns her if we were to go any higher with the decimals. Supervisor Tanya Yerdon - one thing that concerns her is obviously there's been a lot of articles in the paper, which this seems to have made the Watertown Daily Times happy because now they have something to write about every

day, we have at least 15 pairs of breeding pairs of bald eagles here, she knows in the last number of years there have been golden eagles found here, it really did bother her when she read the article about the Galloo Island situation with the eagles, that opened her eyes a little bit, and if this project continues she hopes you don't try that here, I hope that when it comes to doing the research and doing what it takes for the raptors, the hawks, it better not be swept under the rug, is all she has to say because we have more than one or two nesting pairs, that did bother her, that it was held out of the Article 10 application.

CW E. Yerdon - she didn't do a whole lot of research on it, but she still thinks that the sound level could be raised up to at least 40. She's getting less inclined for the 600 foot towers because as Tanya said there's not much out there on them, they're relatively new, plus they can't tell her that there's going to be fewer towers if they're the tall ones, and it's always bothered her that they are in the forest, she probably would be in favor of 500 in those parameters, but she still is in favor of increasing the noise level a little, cause most of the laws she's read are higher than 35dBA, she thinks we should go through this, and if there are things we disagree on she thinks it's time to vote, and move forward, she doesn't think we can just have meetings and just talk about it, that's why there are 5 of them, so the majority rules, she thinks that's what we should be doing tonight, so that we can get this in legal form, have another public hearing and either pass or don't pass it, that's her opinion. Supervisor Tanya Yerdon - before we get any further, Mr. Francis Yerdon asked to be on the agenda tonight.

Francis Yerdon -when they were up to West Turin/Martinsburg running the dogs, a couple of different times they were 400 to 500 yards away from the turbines, to listen for the dogs, you could hear the turbines whoop sound, when the sun was coming up in the morning you get a shadow and a glint off the blades, , so he feels sorry for Frank cause he's going to hear that turbine at his camp the whole time it's running, you can't get away from it, it's not a big noise, it's not loud, it's just that constant whoop whoop whoop sound and they were 500 yards away, to him that is a concern for everybody, another time they thought they heard the dogs but it was the turbines, like he said Frank you're going to hear that constant and then what are you going to be able to sell your place for - not much.

Supervisor Tanya Yerdon- Read the following letter from Nixon Peabody:
October 2, 2018

VIA HAND DELIVERY

Town of Redfield Town Board

RE: Proposed Draft Wind Law (Local Law No. 2 of 2018) in the Town of Redfield, NY

Dear Supervisor Yerdon and Members of the Town Board:

As you know, we represent WoodWise Land Company, LLC, and its affiliate Salmon River Timberlands, LLC (collectively, "WoodWise"), in connection with their respective substantial property holdings located in the Town of Redfield (the "Town") and the Town's proposed draft wind law (Local Law No.2 of 2018) (collectively, the "**Draft Wind Law**").

At the Town's June 27 and July 2, 2018 meetings, the Draft Wind Law was discussed and members of the Town Board indicated that additional research and diligence, would be conducted and that revisions to the Draft Wind Law would be made. Before any action is taken on the Draft Wind Law, we would appreciate further public participation on any such research and diligence. Further, we're concerned that a number of provisions that were discussed and intended to be revised (at the June 27 and July 2 meetings) have not been revised.

Specifically, WoodWise remains concerned about the noise and height regulations contained in the Draft Wind Law-they appear to be tailored to function as a ban to the Avangrid project presently proposed on the WoodWise property. As the Town Board is aware, and as has been discussed at the many meetings held on the Draft Wind Law over the past year, there are other zoning/planning tools that can be implemented by the Town (e.g., overlay districts) to protect the Town's interests.

By separate submission, I previously provided to the Town many examples of noise regulations in other Towns throughout the Tug Hill Region- which were less restrictive than those contained in the Draft Wind Law.

Of late, in recognition of changing technology, several other communities have recently adopted 600' height limitations in their wind laws- including the Town of Villenova (Chautauqua County), Town of Greenwood (Steuben County), Town of West Union (Steuben County), Town of Brownville (Jefferson County), and Town of Dansville (Livingston County). In addition, the Town of Martinsburg (Lewis County) has a wind law that does not restrict height and would permit wind turbines to be constructed at a height of 600'. I have attached a few sample wind laws containing a 600' height limitation for the Town Board's review.

I look forward to discussing the Draft Wind Law further with the Town Board and very much appreciate the Town Board's consideration of the concerns contained herein. Thank you,
Very Truly Yours, Robert J. Brenner.

Supervisor Tanya Yerdon - her first comment -thank you very much Rob, Town of Martinsburg - that project went in before the Article 10 even came into play, that was one of the first project in this area, am I correct there? Rob Brenner - nodded yes. Supervisor Tanya Yerdon - that's what she thought. Rob Brenner - but the law is still on the books. Supervisor Tanya Yerdon - right so their laws on the books for 600', but how's it working for them now when they're being sued, when their assessment is being attacked and challenged. Rob Brenner - that doesn't affect the validity of the local law regarding wind. Supervisor Tanya Yerdon - right - the law is one part of it, and then that's another part of it, but do you know how that makes a board like ours feel, is she wrong, is she wrong in the future to think that if we agree to this, give you all of our support, that in 15 or 20 years we're not going to be in the same boat. Rob Brenner - he thinks that the confusion from their perspective, is that you said agree, it's not and we discussed this in the context of the zoning law, it's not a negotiation, it's really what's right for the town, and what's a little frustrating to them, he's been coming to these meeting for a year, there's been a lot of discussion, he knows you're all frustrated as well, at the end of the road here to say we've done some research or we've called consultants and they haven't done an on the ground and actual study and seen the property and documented the wildlife, seen where residences are in proximity and done a real study, he thinks we're wasting all the time that we've spent in the past year, because we are not giving the issue the attention that it deserves, and in a conclusory fashion you're saying we went on google and there's a concern, and he's not discounting what Carla said he thinks it's accurate, but why not give those folks the chance to come out and see the property and see the wildlife and understand what the aspects that you're concerned about are and that they're not giving you an off the cuff answer or a statement over the phone from Washington DC when they've never been to Redfield and have no idea where the projects proposed, what the remoteness of the location is, and some of

the interests that are associated with it, that's his frustration because he thinks you've all been very diligent and you've engaged in detailed discussions for the past year and we're at the end of the rainbow and the 35dBA limit potentially can be superseded by the State, you can impose a 40 or 45 like Elaine was suggesting and have other planning tools to protect residences and businesses from noise but you would still have the higher dBA limitation and it could be a net result for the Town, it's not all about a number, it's about everything to consider, that's what they are concerned about. CW C. Bauer - she guesses either way - it's not going to affect either way if we bring someone in or not, it's still going to affect the animals. Rob Brenner - he doesn't know if it will or not, he can't say fairly say if it will or not, he thinks her concern is a valid one but it would be great for someone to understand the animals that are there and how they would potentially be affected. CW C. Bauer - well she means the DEC told her that it's the biggest migration area in the northeastern part of the United States, and that all the deer and everything migrate here, so with that being said, with all of them coming here if the decimals are too high where are they going to go. Rob Brenner - yes he thinks it's a fair concern, he's just suggesting you dig a little bit deeper, because with the snowmobile activity and then other noise up there he understands it's not constant but there is disturbance and there is noise, he wonders when you put it all in a bowl and mix it up what's the answer in the net result and if the answer is there is an impact, then there's an impact nobody can hide behind that there's an impact but maybe the answer is there is no impact at 40dBA or 42dBA but at 45 or 50dBA it tips the scale.

Jessica Klami - Supervisor Yerdon - she respects that you all have to be here tonight, she thinks you've heard from them a few times, they understand what you are graveling with, there are as Matt was pointing out a lot of turbine technologies leaning towards the bigger turbines, so all of the Towns in the State that have projects proposed are graveling with the same issue, she thinks Rob has provided you with some examples of Towns that have graveled with the same issue and come to a different conclusion, and have come to the conclusion that 600' works for their Town and that they are comfortable with the information that's being provided with their own research, and the information they're being provided from the applicants in those Towns, and it is a unique property as Rob was saying that some of the blanket if you just hand it all to an expert and say is this protective without saying is 45 protective at this location, you're not getting a true picture of what could be, they've worked on other projects most Towns have a 50dBA, we've worked on other projects that have a 45dBA and a lot of times it's combined with other guidelines for the protection of human health and the environment, as we said through the Article 10 process we will be doing, this isn't the same developer as Galloo, they will be doing extensive avian and wildlife studies on the ground, you guys are intervenors and that stipulation process too for those studies that you want to be done, you will have your opportunity under the Article 10 process to talk to them about the information you need to feel comfortable, she thinks there's still a lot to be done and a lot that will be done through the Article 10 process, she supports what Rob was saying too about the uniqueness of this project so it's kind of hard to do apples and oranges comparison.

Supervisor Tanya Yerdon - we are in the same boat we understand the uniqueness, that's why some of these other Towns when they are brought to us they don't have they terrane or they don't have what we have, you know, granted there's your apples and oranges, I understand, she know your frustration Rob. Rob Brenner - Supervisor - if he could just say it sort of on a personal level, since he's been along for the whole ride, a lot of the things we have talked about, he knows we are stuck on the 35dBA and maybe there needs to be more discussion there, but the things we've talked about, if you approve the wind law as it is at a 35dBA and 500', somebody could stick a turbine across the street, it's all the things we've talked about, the wind overlay and the areas that are appropriate for wind, none of that has been addressed, so you could approve that law as it's drafted and you can have in the end where you could have a developer that

wants to stick a 300' turbine up because they feel like it and that's what this draft wind law that's been prepared for the Town allows for, mean while we're saying in the most remote area in the Town maybe a 45dBA standard is appropriate, and then you could go in on the property and where the turbines could potentially could go, it's frustrating to him because that seem more rational than saying lets approve it and they can go anywhere in Town at 500'. Supervisor Tanya Yerdon - makes sense, it does make sense. Rob Brenner - he is not suggesting that , that should drive the result on what the provisions should be for the Avangrid project, but it's just frustrating because we've talked about that, the lawyers have been here and none of that stuff's incorporated in the draft, that's what he was getting at in his letter. CW E. Yerdon - you were talking about intervenors funds and how we were going to be able to do stuff, are we ever going to get the money that we've been awarded, because so far we've gotten nothing, we are going in a minus in our budget. Jessica Klami - that's your attorney, the money is there, we've put the money in there. CW E. Yerdon - it might be there but we're not getting it. Supervisor Tanya Yerdon - not one interested party has received a dime on the intervenor funds from this project. CW E. Yerdon - but it was awarded a long time ago, are we ever going to have access to any of your studies when you file your application. Jessica Klami - yes you will have access to all that information - 99% of it will be in the application so that is actually submitted with it, our applications to date, she thinks there are four of them that have been submit, would take up probably that entire table with paperwork, but you will also get that in an electronic copy as well, so the Towns will have that, so it's extensive, the studies on the wildlife is definitely the most extensive. CW E. Yerdon - that's a big concern, we have eagles, and she has them in her back yard so she knows that they exist. John Yerdon - he hunts coyotes in this area all winter, in Belleville, in Boylston, there's a whole lot more than 18 breeding pair, because in the wintertime you find where coyotes have killed a deer, you can always find them because the eagles are there, and it's nothing to go up on battle hill and find 8 or 10 eagle feeding on a dead carcass, and this is all winter long there's a lot of eagles here not just 18 pair. Supervisor Tanya Yerdon - right but that's from a biologist stand point when they did a study at her place a number of years ago, that's what she's going off of. John Yerdon - he gets road kill deer from the Town and he takes them out on the reservoir - he has had as many as 18 eagles feeding at a time. Supervisor Tanya Yerdon - you shouldn't really say that on the record. John Yerdon - he doesn't care if it's on the record, he means that's a fact, he's even had the Staff from Albany come up with a telescopic lens and take pictures of them, so there's a lot here. Supervisor Tanya Yerdon - thank you John, she does realize this. CM M. Tompkins - in the wind law on page 9 Under Definitions:

Wind Overlay District: Those areas of the Town of Redfield that the Town Board has determined may or may not be appropriate for the development of Wind Energy Conversion Systems ("WECS") and related infrastructure, electrical lines and substations, access roads and accessory structures, depending on adequate health, environmental, economic, and safety setbacks. The boundaries of the Wind Overlay District shall consist only of those districts of the local zoning law that permit major Wind Generating Systems, as defined in the local zoning law. - Which he believes is just Core Forest. Rob Brenner - no - and we talked about preparing a wind overlay map on the zoning map a few meetings ago, and he's not being critical Matt but he thinks it's a good protective tool for the Town to do, to have a map that says here's our zoning map and here's a hatched overlay over it and this is where they can go. CM M. Tompkins - in our zoning law don't we exclude them from other zones and then require a special use permit in the Core Forest, so that would explain that right there. Rob Brenner - but if you're establishing a wind overlay district you should still have a map. CM M. Tompkins - we can come up with a map, but he thinks it kind of answers that question of where they're allowed, seems pretty clear, if the board feels it necessary, they could come up with a map with another pattern on it, he doesn't see it as a necessity, one of the other points he wanted to

bring up is that were kind of getting held back by the fact that there is a project being proposed right now, that's one project but this law is for all wind projects in town now and in the future, so however we choose to move forward needs to be predicated on that, not on this project, not on these developers, not on their wishes and their guarantees and what they're telling us they will do, because the next guy that walks through the door might be completely different. CW C. Bauer - that's the way she's been thinking. CM M. Tompkins - it's all well and good to base it on what the folks in the room right now are telling us, but they're not the only people that are ever going to come to us with a project like this, the next thing he wanted to mention in our proposed wind law there is a section on variances, we always have the ability to grant a variance, if a developer finds that our law is not compatible with their project, there is at a point in the development of the project a time when a variance can be applied for, so the laws kind of, he hates using variances to accomplish things, but the law is more of a guideline of here's what the Town believes we need to do to protect our residents, there is the ability for a developer to ask for some leniency on certain sections of the law if we feel it necessary to grant essentially, we being a Town not necessarily this Board, he just wanted to kind of mention all of that.

CW E. Yerdon - we did need to change that language anyway after the dBA because it was coming from two different boundaries, we talked about it at the last meeting, property lines.

Page 14 - reads:

Noise Impacts. Applicant shall provide a report demonstrating that the project design will be able to comply with the limits set by this regulation with an adequate margin of safety. The report shall demonstrate that the project design will result in sound emissions to be evaluated by means of a post-construction noise monitoring study. The report shall be prepared by a **Qualified Independent Acoustical Consultant** for the WEF boundaries and at property lines of proximate residences. The operating WEF sound shall not exceed 35 dBA (Leq) or 50 dBC (Leq) for more than five (5) consecutive minutes during a representative range of operating and atmospheric conditions which includes full power operation during periods when surface winds are under 2 m/s (6.6 ft/s). Further, at no time shall the sound pressure level (measured with averaging of 0.12 seconds or less e.g. fast meter response) exceed these limits by more

CM M. Tompkins - we should probably either discuss property line of a non-involved or non-interested party however we want to word that or at the residence which was he thinks something that we discussed was the difference between which we wanted to regulate he doesn't know that we came to a conclusion. Supervisor Tanya Yerdon - from what she has in her notes - is to re-define it, it's inconsistent - Matt proposes one standard, so do you want to discuss it how we want it. CM M. Tompkins - yes that was a discussion that we probably had at the June meeting was did we want to regulate sound level at a residence or sound level at the property line. Jessica Klami - your law does define non-participants and participants, most of the laws they see are non-participant residence, and your law defines that. CM M. Tompkins - he thinks if his memory serves, he wished he had the minutes to the June meeting, he thinks we were narrowing in on regulating it at residence rather than property lines but with that said it doesn't do anything for the wildlife because they generally live between the residence and the property line, it looks like we did have a discussion on the ambient noise as a standard rather than a sound level, he feels like that's too restrictive, you have almost no noise now, as soon as cause a 6 decimal increase or whatever the number is - it's going to be way more restrictive, in those minutes Jim had mentioned that one of the benefits of measuring at the residence is that it's a point in space rather than a property line that might be different distances away from the turbine, and also you can find a residence to measure from you might not find the same spot on the property line. Mark Hofmeier - Resident in non-participating property where he lives year round - his home is in the middle of that property so if

you move that to his residence in a sense you are putting a fifty (50) story building, think about that folks, that's you are putting a fifty (50) story building that much closer to my property verses my property line, so if you go property line that's pushing that potentially that 35dBA farther away from a property line where I can enjoy all of my property without experiencing the noise that's going to be created from this, so just something to thinking about if you want to enjoy everything you own, whether it's 30, 20 or 60 acres if your non-participating I'm butting right up against that, that's going to be a fifty (50) story building in a sense that much closer or a sixty (60) story building that much closer to everything he sees, hears, wake up to and currently enjoy at the moment, and once that's there it's never going away.

There was discussion regarding non-participant residences - good neighbor agreements- neighboring properties.

Supervisor Tanya Yerdon - looking through the laws that Rob Brenner provided tonight, regarding the setbacks and sound levels.

Highway Superintendent Paul Pratt - with his property - if the wind mill is to the east of his property you are talking about a couple hundred feet between the property line and his residence, but if it was to the north of him, you are talking a half a mile, cause his property runs a half mile deep, so you're talking a big area that way, that it could be louder than it is at his residence and like the gentleman said he likes to go out back in the woods and do a little trout fishing once in a while and enjoy it cause he paid for it, not just at his house but inside his house where he hopes he can't hear it so much, some residence it won't make a difference but others it will make a big difference.

Mark Hofmeier - that may also restrict the location and the number of the wind mills that they would be able to put up for sure, so he's sure that's why they want at residence only so not from a larger span in his case 40 acres, that would just the perimeter back and potentially limit them to where they can and how many wind mills they will be putting up in that vicinity.

CM M. Tompkins - good points. CW E. Yerdon - so you are talking that the property lines would be better. Highway Superintendent Paul Pratt - as far as what Mark has brought up and what he's saying if you go by the property line it can make a big difference to the use that you would get out of your property. CM M. Tompkins - he thinks it does a better job observing our stated purpose here. CW E. Yerdon - so you want this WEF boundary out, is what she is trying to get at. CM M. Tompkins - he thinks so because the WEF boundary isn't necessary the boundary of the property that the WEF is on. CW E. Yerdon - ok that's what she wanted to know because if can't be both, which is the point she was trying to make. CW C. Bauer - we want to protect the land owner, it's the people that are living there 24/7. CW E. Yerdon - her only point that she was trying to make is that it can't be both, so why not take it out, that's what she wanted to know. CM M. Tompkins - the thing that get sticky there, non-participant is what we have defined, it somebody wants to sign something saying they're an interested party now and they don't care how loud it is on their property that's not really our problem, he does feel bad for the guy in the future that wants to buy the place and it's too loud for them. HS P. Pratt - but they would know that before he bought it. CM M. Tompkins - so he thinks we could probably say non-participant property lines. Supervisor Tanya Yerdon - at property lines of non-participant residence. CM M. Tompkins - do we want to have to design them as residence - then you throw camps right out the window. Supervisor Tanya Yerdon - right and that's a good portion of who's here in Town, in this area. CM M. Tompkins - in that fashion potentially for developers they would secure some sort of agreement with the neighboring property owners that aren't offended by excess noise.

Page 14 - **Noise Impacts.**

The report shall be prepared by a **Qualified Independent Acoustical Consultant** for the WEF boundaries and at property lines of proximate residences.

CHANGE TO:

The report shall be prepared by a **Qualified Independent Acoustical Consultant** for property lines of Non-Participants.

Rob Brenner asked if the State property was a participant or non-participant. CM M. Tompkins - **Participant:** Any and all Redfield landowners having a signed lease, easement, or good neighbor agreement with a wind developer. **Non-Participant:** Any and all Redfield landowners having no contractual relationship with a wind developer. So Matt you say Non-Participant, unless the developer comes up with some sort of an agreement with the DEC.
CW E. Yerdon - we need to remove the 6 thing on page 21. CM M. Tompkins - yes - he thinks we need to change the wording on page 21 number 4 to read the same as to what we just changed on page 14.

Page 21 - **WEF Noise Impacts.**

Necessary studies and a report shall be prepared by a **Qualified Independent Acoustical Consultant** showing the operational sound levels for the WEF boundaries and at property lines of proximate residences.

CHANGE TO:

Necessary studies and a report shall be prepared by a **Qualified Independent Acoustical Consultant** showing the operational sound levels at property lines of Non-Participants.

CW E. Yerdon - didn't you say the wind overlay zone was only available in Forest and Core Forest. CM M. Tompkins - he believes so according to our zoning law, further down on page 21 there's some further implications of this change that we need to cover - number 5 second paragraph

Page 21 -

If noise levels exceed any of the limits above, as measured at any WEF property line or residence, the problem turbine(s) shall be shut down within one business day of being directed to do so by the Town Board or their designee.

CHANGE TO:

If noise levels exceed any of the limits above, as measured at any property line of Non-Participants, the problem turbine(s) shall be shut down within one business day of being directed to do so by the Town Board or their designee.

Page 22 -

Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all WEF property lines, or proximate residences.

CHANGE TO:

Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at property lines of Non-Participants.

The board reviewed parts of the zoning law, CM M. Tompkins - we might need to update the zoning law.

Frank Hilliker - is there a criteria for the proximity of these turbines in relation to one another. Walter Meisner - yes there is- it depends on the size, the machine and the wind flow - so through the campaign they do to collecting wind data - will kind of set what the distance will be. Frank Hilliker - so when you do that - if there are wind turbines that would be within the proximity of a residence that it could bother that could be adjusted. Walter Meisner- well certainly the layout will be defined based on all the restrictions that they have, so it'll be setbacks, it'll be sound setbacks, it'll be wind topography, any number of things, wetlands, all of those things they place the turbines appropriate to all of those restrictions.

Supervisor Tanya Yerdon - looking at the zoning law - so we have them in all but the hamlet. CM M. Tompkins - it does but at the same time it's the same processes to do that, there's also not a whole lot of properties outside of the core forest areas that are large enough for the type of project, it would have to be numerous property owners together. CW E. Yerdon - so basically we might have to consider a wind overlay because it could be rural residential as well, all three zones are acceptable. CM M. Tompkins - yes either that or take that out as an acceptable use in the rural residential zoning law, they can both accomplish the same goal. CW E. Yerdon - is there anything other thing were fighting over those two things. HS P. Pratt - which is harder to do, to take that out of the zoning law for rural residential or to just make the overlay like they've talked about. CM M. Tompkins - well since the wind law refers to the zoning law for the places where it's acceptable, he thinks the zoning law is easier, but at the same time if a major wind generating facility can be operated within the rural residential district observing all the setbacks and requirements of the Article 10 process, he kind of doubts it. HS P. Pratt - he was just wondering if maybe it would be easier to put the overlay there and then where you think there might be a problem with the noise levels you make the overlay go into their property lines so it wouldn't be, rather than constricting the whole operation, just where there's residence and camps that might be bothered by it with an overlay, either way it's going to create the same thing, with an overlay you're going to set it back away from the residence and the camps and such so you don't have a noise problem, if you take the rural residential out of there it's basically the same thing right. CM M. Tompkins - more or less, there are some camps in the forest zone, he doesn't think there are any residences - they tried really hard not to have any. HS P. Pratt - that's the other thing if you take the rural residential out of there it makes it better for him being a property owner living there but it doesn't make it better for Frank down the road on the Old State Road at his camp. CM M. Tompkins - right. Rob Brenner - in reference to his letter he thought we discussed in June was what Paul's mentioning - the dBA baseline limit would be increased to allow the turbines to be in the more remote portions of the property at a higher noise level but have an overlay district that's curtailed based on the properties, residences, and camps that you are trying to protect, like Paul's and the gentleman that spoke tonight, that way you pull the project away from those properties but in the more remote portions you allow it to operate. Frank Hilliker - that's what he was getting at - the vastness of the property. HS P. Pratt - yeah if you look at the map where's it's going to affect Frank's camp, Paul's residence, residence on Little John Dr., and stuff like that with what they're proposing you're only talking three or four wind mills, where the rest of them can all be at 45.

What about the wildlife? CM M. Tompkins - yeah -it doesn't do anything for them. HS P. Pratt - has anyone ever talked to them up in Martinsburg about the wildlife, any problems and stuff up there, he doesn't know. Supervisor Tanya Yerdon - they send someone up all the time to pick up all the dead birds. HS P. Pratt - well the decimal isn't making the dead birds. Supervisor Tanya Yerdon that's the only thing she's heard. HS P. Pratt - he's just wondering if it's affecting the wildlife up there as far as the noise level. CW C. Bauer - stated like Tanya said the birds. Supervisor Tanya Yerdon - but its two different areas, its two different examples. CW C. Bauer - it's all farms - farm land. Supervisor Tanya Yerdon - she's called up there everything's peaches and cream, the deer migrate here they don't migrate there. Mike Yerdon - thinks it would be easier to address in the Zoning. CM M. Tompkins - it is easy to address in the zoning because of the way it's the way it's defined in the wind law. CW E. Yerdon - ok what else do we need to talk about? Supervisor Tanya Yerdon - well the 35 and the 500, she hates to always bring that up. CW E. Yerdon - well that's her point we've argued about it for a long time why don't we just vote on it and proceed. CW C. Bauer - is that the only thing we have left to do on this. CW E. Yerdon- that's what she's asking - is there any other problem areas. Jessica Klami - she just wants to reiterate we submitted comments back when this originally came up and there haven't been many changes so all the comments we originally submitted are still pretty viable - Property Value Guarantee, Fort Drum - Board thought all of Fort Drum was taken out - Jessica Klami -there's still stuff in there about setbacks page 14 Air Space Impacts - page 17 no turbines within 5 miles. Supervisor Tanya Yerdon - The applicant shall establish to the satisfaction of the Town Board that the WEF will not adversely impact the restricted air space in the area, particularly as it relates to the flight paths to and from Fort Drum. Jessica Klami - like she mentioned she just reiterate we still have a lot of the same if not exactly the same comments that we submitted before just to reiterate that. CW E. Yerdon - don't you have rules about air space. Jessica Klami - yes so Fort Drum is actually a party to the Article 10 proceeding. Walter Meisner - we are in discussions with Fort Drum through and separately through the DOD - they wouldn't effectively would never get FAA determinations if that doesn't conclude and so what they try to do in a situation like this try to not layer on additional jurisdictional reviews etc. that the party that's of affect would mitigator for that to regulate that issue. SW E. Yerdon - what about the weather station. Walter Meisner - they are also part of it, it's all through the DOD. Supervisor Tanya Yerdon - WEF Air Space Impacts- asked Matt what he thinks - she thinks it kind of a grey line. CM M. Tompkins - he doesn't think it's wrong for us to want copies of this information but he also thinks we are going to get copies of this information through other avenues, thinks that's stuff we should have. The only line that he would take a little issue with is: The applicant shall establish to the satisfaction of the Town Board that the WEF will not adversely impact the restricted air space in the area, particularly as it relates to the flight paths to and from Fort Drum. - It doesn't matter if we're satisfied or not - no one cares if we're satisfied. As far as the other stuff we want to see that but it probably will come to us through the Article 10 process. Jessica Klami - yes it will be. CM M. Tompkins - this is just attachments to the application for our special use permit he believes. Mike Yerdon - like Matt said earlier this is not just for this project it's for all projects in the future. CM M. Tompkins - unless the paperwork for the Article 10 is severely reduced we will probably still going to get all this information, that's usually how paperwork goes. He doesn't see a problem with requesting it but he doesn't see any problem with not requesting it, anything that we're going to get from the Article 10 process too. Supervisor Tanya Yerdon - obviously they can't do anything until they have all their documents in - This application is not completed until such time as said review is finished and written comments are received. - Well no kidding right. CW E. Yerdon - is this restrictive to your project this Air Space Impact section or isn't this what you're talking about? Jessica Klami - we had concerns with jurisdiction, and whether or not it's constitutional. CW E. Yerdon - yes and that's why they took the other stuff out, we can't legislate for Fort Drum it's not in our Town, but they fly over all the time.

Supervisor Tanya Yerdon - but that's in their scope, that's their problem, if somebody wants to get into a hot air balloon within 20 miles - then that's their own problem. But they don't care what we - they aren't going to call and ask what our law says - do we want to take that whole section out. Fran Yerdon - it's a Town Board decision he doesn't see anything wrong with it. CM M. Tompkins - these are just attachments to our special use permit that we are talking about. Supervisor Tanya Yerdon - so we're requesting it even though we figure we're going to get it anyway, but we're requesting it in the law. CM M. Tompkins - right we are saying we're going to want have this to complete our review for our special permit. Jessica Klami - thinks you still have it under the setbacks on page 17. CM M. Tompkins - yeah he thought they discussed getting rid of that line. Jessica Klami - that was her notes too, but on the copy she has it's still in there. Supervisor Tanya Yerdon - the b - yes it should be gone, Board agreed they thought it was deleted previously.

Page 17 - **DELETE**

b. No WEF wind turbine shall be permitted to be within five (5) miles of any operating or proposed radar facility (NEXRAD, military, commercial, etc.).

Supervisor Tanya Yerdon - let's hit the big subject what are we going to do about the height are you going to keep it at 500 or go to 521 what are the thoughts, if we're going through this it should be for the reasons stated before he is happy with 500 feet. CM E. Webb - he concurs with 500 feet. CW E. Yerdon - will go with 500, she doesn't think there's enough information /data on the 600. CW C. Bauer - she says 500. Supervisor Tanya Yerdon - another big ticket item 35, 43. CW E. Yerdon - you know where she stands on that she thinks it should be 45.

Town Clerk did a role call for the height restriction of 500 feet Local Law #2 of 2018 for the Wind Energy Facilities:

Councilwoman Elaine Yerdon - in favor of 500 feet
Councilman Erwin Webb - in favor of 500 feet
Supervisor Tanya Yerdon - in favor of 500 feet
Councilwoman Carla Bauer -in favor of 500 feet
Councilman Matthew Tompkins - in favor of 500 feet

CW C Bauer as for the wind she is in favor of 35. CW E. Yerdon is obviously opposed to that. Councilman Matthew Tompkins would be in favor of 35 at the property line as its revised tonight the Non-Participant - if we don't do something different with an overlay district obviously that would need to be re-visited. Councilman Erwin Webb - this can be a variance, it can be changed right. Supervisor Tanya Yerdon - yes - we can always go back. Supervisor Tanya Yerdon is in favor of 35dBA.

Town Clerk did a role call for the Noise restriction of 35dBA at the property lines of Non-Participants in Local Law #2 of 2018 for the Wind Energy Facilities:

Councilwoman Carla Bauer -in favor of 35 dBA
Councilman Matthew Tompkins - in favor of 35 dBA
Councilman Erwin Webb - in favor of 35 dBA
Supervisor Tanya Yerdon - in favor of 35 dBA
Councilwoman Elaine Yerdon - is opposed - she thinks it's a functional ban and that the Public Service Commission is going to say this law's no good or at least that section.

Town Clerk Susan Hough so far right now we've agreed:

Page 14 **Noise Impacts - CHANGE**

The report shall be prepared by a **Qualified Independent Acoustical Consultant** for the WEF boundaries and at property lines of proximate residences.

CHANGE TO:

The report shall be prepared by a **Qualified Independent Acoustical Consultant** for property lines of Non-Participants.

Page 21 **WEF Noise Impacts - CHANGE**

Necessary studies and a report shall be prepared by a **Qualified Independent Acoustical Consultant** showing the operational sound levels for the WEF boundaries and at property lines of proximate residences.

CHANGE TO:

Necessary studies and a report shall be prepared by a **Qualified Independent Acoustical Consultant** showing the operational sound levels at property lines of Non-Participants.

Page 21 **5. - CHANGE**

If noise levels exceed any of the limits above, as measured at any WEF property line or residence, the problem turbine(s) shall be shut down within one business day of being directed to do so by the Town Board or their designee. No compensation for lost production opportunity will be provided. The problem turbine(s) shall remain shut down until it can be demonstrated to the satisfaction of the Town Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all WEF property lines, or proximate residences.

CHANGE TO:

If noise levels exceed any of the limits above, as measured at any Non-Participate property line, the problem turbine(s) shall be shut down within one business day of being directed to do so by the Town Board or their designee. No compensation for lost production opportunity will be provided. The problem turbine(s) shall remain shut down until it can be demonstrated to the satisfaction of the Town Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all WEF property lines, or proximate residences.

Terry Harlander - it seems like on 21 it seems as being left up to the Town Board to measure the dBA's - directed to do so by the Town Board -so that's saying to him the Town Board is going to be the monitoring agent here. Supervisor Tanya Yerdon - or their designee. Jessica Klami - the length of the law says Qualified Independent Acoustical Consultant - which is actually someone, so this is them taking measurements at site and then they record those and they are required to submit that report to the Town and then if they are in violation the Town could make them shut down the turbine.

Page 21

REMOVE

It shall not exceed the pre-operational baseline background sound levels (L90) as defined here-in by more than 6 dBA at any location beyond a 100 meter (328 foot) radius of a wind turbine tower to protect soundscape and wildlife.

Page 22

CHANGE

The problem turbine(s) shall remain shut down until it can be demonstrated to the satisfaction of the Town Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all WEF property lines, or proximate residences.

CHANGE TO:

The problem turbine(s) shall remain shut down until it can be demonstrated to the satisfaction of the Town Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all Non-Participates property lines.

Page 17

REMOVE

- b. No WEF wind turbine shall be permitted to be within five (5) miles of any operating or proposed radar facility (NEXRAD, military, commercial, etc.).

Page 14

WEF Air Space Impacts - REMOVE

- iii. The applicant shall establish to the satisfaction of the Town Board that the WEF will adversely impact the restricted air space in the area, particularly as it relates to the flight paths to and from Fort Drum.

Jessica Klami - well for many reasons we can't force the DOD to provide us comments even, if she submit a piece of paper tomorrow, she can't make them provide me comments on it, there already has been documents submitted to the DOD. CM M. Tompkins - we also have no recourse there. As far as section 5 we are just asking for a narrative description of the risks, so he doesn't think that's a bad idea, documentation that addresses any potential adverse impact on military operations and readiness as identified by the Department of Defense Clearinghouse, he thinks that's information that the applicant should have, and be able to just give to us, we aren't passing a judgement on it but we want the ability to review it. The last comment he has - do we want to take out the hot air balloon rides?

Page 14

WEF Air Space Impacts - REMOVE

- iii. The applicant shall establish to the satisfaction of the Town Board that the WEF will adversely impact the restricted air space in the area, particularly as it relates to the flight paths to and from Fort Drum.

- iv. The applicant shall forward this application to the Commanding Officer, Fort Drum in order to provide for review and comment concerning any possible impacts on the operations and mission of Fort Drum. These comments are separate from whatever is in the DOD Clearinghouse documents. This application is not completed until such time as said review is finished and written comments are received.

Motion was made by Carla Bauer seconded by Matthew Tompkins to approve the above changes to the proposed Local Law #2 of 2018 Wind Energy Facilities.

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

Supervisor Tanya Yerdon - we need to setup a public hearing, why don't we just do it before the next Town Board meeting. CW E. Yerdon we have to have the public hearing on the budget, the Fire Contract is good because there's a one year clause in the contract. We have to have the preliminary budget public hearing by the Thursday after election, we usually move the town Board meeting.

After discussion the Town Board meeting will be changed to November 8th, a Public Hearing on Local Law #2 of 2018 Wind Energy Facilities on November 8th at 6:30pm, Public Hearing on the Preliminary Budget on November 8th directly following the 6:30pm Public Hearing. CW E. Yerdon - last year you said we couldn't put the budget in the paper until it was made preliminary. TC S. Hough - yes, she's just getting a schedule going, so she can advertise after next week's meeting, vouchers at 6:00pm, we will do a motion at the meeting next week.

Motion was made by Erwin Webb seconded by Matthew Tompkins to adjourn the meeting at 9:05pm.

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

The next Town of Redfield Town Board meeting will be held Tuesday, October 9, 2018 at 7:30pm.

October 2, 2018
Susan Hough, Town Clerk

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