

MINUTES-TOWN OF ALLEGANY PUBLIC HEARINGS -WIND ENERGY 1
AMENDMENT TO ZONING ORDINANCE & LOCAL LAW ON NYS UNIFORM
FIRE PREVENTION & BUILDING CODE TUESDAY, JULY 3, 2007 7:00 PM
AT TOWN OF ALLEGANY SENIOR CENTER

PRESENT WERE: Supervisor Eaton Councilman Higgins
Councilman Potter Councilman Hitchcock
Councilman Wolf Town Clerk M. Peck
Also present: Legislator J. Boser, J. Elling, R. Phillips, J.Hare, R. Kavanagh, C.
Horowitz, B.Eaton-School Board Pres., M. Watson-School
District Clerk, townspeople and news media.
ABSENT: Attorney Tuttle, Hwy Superintendent J. Moshier, Comptroller C.
Hemphill.

Meeting was opened with a Salute to the Flag at 7:00 pm.

Supervisor Eaton opened the Public Hearing on the NYS Uniform Fire Prevention & Building Code at 7:00 pm and asked if the audience had any comments on this issue. No one spoke regarding this public hearing, therefore, public hearing closed at 7:01 pm.

#1-MOTION TO CLOSE PUBLIC HEARING

Motion by Higgins to close the public hearing on the NYS Uniform Fire Prevention & Building Code. 2nd by Wolf. Discussion: Supervisor Eaton suggested that on page 11, section 12, the wording should be changed to "written" complaints. This will be further discussed at the 8/21/07 meeting. VOTE: Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Supervisor Eaton opened the Public Hearing on Wind Energy Amendment to the Town of Allegany Zoning Ordinance II at 7:10 pm. Mr. Eaton advised that we have comments from the County Planning Board which are excellent. The Town Planning Board members are also here. The State may override anything done on this issue, so all this could be for naught. This issue will not be returned to the Planning Board. Supervisor Eaton then opened the floor for comments.

1. Paul & Doris Kelly - he and his wife are completely anti-windmills. He commends the planning board on their work for this issue. Maybe this matter should be put off for 10 years. We don't know much about this issue yet. Mr. Kelly believes that 1000' is ridiculous. Real estate will go down because of windmills; Noise - this issue we have no concept of yet; Bird life may suffer.
2. Don Black - believes Town has drafted a law to regulate something that we don't really know about. No studies have been done yet. We do not know effects yet. Would like moratorium extended so we can conduct local studies. Contact people in Bethany to see what they have found out in their studies. Also, there were two (2) FOIL requests in the letter previously sent to Town Attorney and copies to the Town Board. He has not received any answers yet.
3. Ron DeMattio- studies have been done. Noise studies were done in Texas and no noise issues were found. 1000's of windmills around the world. Claims by

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- people than land will be destroyed, but this is not necessarily so. Property Value Study - there is no effect on this. The Audubon Society supports wind farms. These wind farms add to the tax base. There are guidelines that wind companies need to follow.
4. Hal Jacobi - is for wind turbines, but there is a need to watch where they are placed. Noise at night is bad, please study these well. Money is driving these companies. Towns should be careful.
 5. Barry Miller - (from Hinsdale) has been in the wind energy business for 15 years. There are negative occurrences with wind farms. Believe in wind energy, but we need time to research all companies that want to do business here. Fires are a potential hazard, rotors have come loose, etc. Suggests that a 1 1/2 mile distance from structures, homes, etc.
 6. Larry Kardos- (Village of Allegany) not opposed to windmills, but suggests that people to look at them. Suggests experts look into helping with amendments to the Town of Allegany Zoning Ordinance II. Should not bonding be requested in case something goes wrong? Bonding should be required so that someone will be held responsible if the project goes defunct.
 7. Gary Abraham - has learned much about wind farms. Does not usually work on this issue, usually works on landfill issues. Wind farms can definitely be heard. Topography is a major issue. 20-30 decibels. Urges the town Board to adopt a 3 decibel increase limit. Other towns that have looked in to this issue will have actually banned them. This proposed wind power plant will not provide electricity locally. Town is not going to get much from these power plant companies.
 8. Mrs. Barry Miller - is pro-wind power. Suggests that a 2nd public hearing be held due to the fact that holiday week now and a lot of people could not come. Children have more sensitive hearing. Does not think that once they are there that if there is a problem, they will come down? Does not think so. She has seen wind turbines break, run away, break off, etc. It is not a pretty sight. Intentions may be good, but it is not worth it.

#2-MOTION TO CLOSE PUBLIC HEARING

Motion by Potter to close the public hearing on wind energy amendment to the Zoning Ordinance II. 2nd by Hitchcock.. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Supervisor Eaton advised that he will need to speak with Attorney Tuttle to see if there can be another public hearing held on this project. Also, the Code Enforcement Officer will be the one to enforce any ordinance regarding wind mills,.

Public Hearing on wind energy closed at 8:07 pm.

OTHER BUSINESS

- **No parking issue on Five Mile Road by the high school.** Discussion between the Town Board and Brian Eaton, School Board President and Mike Watson, School District Clerk. Supervisor Eaton mentioned the fact that previously the Town was going to try and make a no parking section by the school, but there was a loophole in the issue that prevented it from happening. Limiting the speed limit is not the answer. This will be put on the next regular meeting agenda.

#3-MOTION TO BORROW FOR HIGHWAY GARAGE ADDITION

Motion by Eaton that the Town Board borrow an amount of money not to exceed \$190,000.00 for replacement of roof on the highway garage and an addition to the highway garage. 2nd by Potter. **DISCUSSION:** Councilman Higgins suggested that we wait, since we are currently in a study for a dissolution of the village. Supervisor Eaton advised that we really need the room to house our expanding water department. Judges also need more room. Councilman Hitchcock is also worried about the dissolution issue, but agrees that we do need more space there. Roll Call Vote: Hitchcock-aye, Potter-aye, Higgins-nay, Wolf-aye, Eaton-aye. CARRIED.

***Supervisor Eaton - info to John to write the bid specs for the roof (with building & grounds committee)

From the Floor:

Legislator Boser asked the Supervisor how the water district formation process is going. Supervisor Eaton advised that we are in the 30-day referendum period.

#4-MOTION TO ADJOURN MEETING

Motion by Higgins to adjourn meeting. 2nd by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting adjourned at 8:30 pm.

Respectfully submitted,

Mary M. Peck
Town Clerk
7/6/07