

Regular Meeting
August 7, 2013

The regular meeting of the Town Board of the Town of Homer held on Wednesday, August 7, 2013, in the board room of the Town Hall building was called to order by Supervisor Frederick J. Forbes at 7:00 p.m.

PRESENT

Frederick J. Forbes, Supervisor
Barry E. Warren, Councilman
Dan A. Weddle, Councilman
Kevin M. Williams, Councilman
Brian D. Young, Councilman
Patrick M. Snyder, Attorney for the Town
John R. Phelps, Highway Superintendent
Anita W. Jebbett, Town Clerk

OTHERS PRESENT

Lawrence Jones, member, Wind Power Committee (arrived 8:00 p.m.)
Victor Siegle, member, Wind Power Committee
Christopher Sammond, member, Zoning Advisory Committee
Gary Smith, Executive Director, MICAH-Cortland
Ted Sudol, member, Zoning Advisory Committee
Gordon Wheelock, Cortland County legislator
Huw Roberts, TCI Renewables (arrived 8:00 p.m.)
Brett O'Connor, TCI Renewables (arrived 8:00 p.m.)
Victoria Monty, Attorney for the Wind Committee (arrived 8:00 p.m.)
Approximately 15 residents (see attached list)

PLEDGE OF ALLEGIANCE

MINUTES

The minutes of the July 10th, 2013, regular meeting were approved as presented, on motion by Councilman Weddle, seconded by Councilman Williams and carried unanimously.

MONTHLY REPORTS

Presented for audit by the Board were:

1. The Supervisor's report of all cash receipts & disbursements for July.
2. The Town Clerk's report of all receipts & disbursements for July.
3. The Code Enforcement Officer's report of all permits issued for July.

BILLS TO BE PAID

General bills were approved as audited on motion by Councilman Young, seconded by Councilman Weddle and carried unanimously: **RESOLVED: that General vouchers #159 through #179 totaling \$18,992.66 be approved for payment.**

Highway bills were approved as audited on motion by Councilman Warren, seconded by Councilman Young and carried unanimously: **RESOLVED: that Highway vouchers #112 through #121 totaling \$26,865.97 be approved for payment.**

OLD BUSINESS

Bonding of Tax Collection – Supervisor Forbes has been looking into various options to cover the gap in insurance coverage of the tax collection. He has asked County Legislative Chairman Mike Park and Town Clerk Jebbett to look into the issue.

Substance Abuse Policy – Supervisor Forbes said that he and Attorney Snyder have reviewed the policy adopted at the July meeting and a minor wording change was made.

Town Hall rental policy – Forbes asked the Attorney for the Town, the Town Clerk, and Councilman Warren to revise the rental policy for groups wanting to use the Senior Center in the Town Hall. There are liability concerns that were not addressed in the previous rental policy.

Town Hall painting – Councilman Warren said that so far he has been unsuccessful in obtaining bids for painting the outside trim on the Town Hall. He will be contacting painting contractors again, but Board members agreed that it may have to be delayed until next year.

Comprehensive Plan revisions – On motion by Councilman Williams, seconded by Councilman Warren and carried unanimously: **RESOLVED: that the revisions to the Comprehensive Plan agreed to unanimously by the Zoning Advisory Committee on hydro-fracking be sent to the County Planning Board for their review, and that a public hearing on the revisions be scheduled for Wednesday, September 11th, at 7:00 p.m.**

Supervisor Forbes said that Zoning Advisory Committee Chairman Dan Gustafson has offered to meet again with the Town Board to answer any questions they may have. Board members agreed that they would like to hear from those members who were not present at the Special Meeting – Chad Butts and Larry Jones – who along with Kevin McMahan, voted against the proposed setbacks. The vote by the Committee on the zoning changes was read from the minutes of the meeting by member Christopher Sammond. Forbes asked Board members to bring any questions or concerns about the proposed changes to the zoning law to the next regular Town Board meeting on September 4th.

Letter to County re TCI – Supervisor Forbes said that Attorney Victoria Monty is preparing a formal letter to the County due on Friday regarding the Town's position on the proposed wind farm.

Town Hall air quality - Village resident Janet Steck asked about the air quality in the Town Hall. Town Board members described the testing that was conducted by the Cortland County Health Department, the New York State Health Department and an independent lab, Microbac Laboratories. All found that there were no problems with air quality in the building.

HIGHWAY SUPERINTENDENT

Highway Superintendent Phelps outlined the activities of the Highway Department over the past month. They are finishing up Creal Road using recycled materials. He said that he has also been working to correct a problem in Hights Gulf to prevent future flooding. A guide rail will be installed on Parks Road later this week.

ATTORNEY FOR THE TOWN

Attorney Snyder said that he hopes that there will be some kind of resolution in the Barber Funeral Home assessment lawsuit sometime in the next couple of weeks.

COUNTY LEGISLATOR

County Legislator Gordon Wheelock said that the County expects to receive funding to help cover the recent flood damage in the eastern part of the county. Wheelock reminded those in attendance about the recent changes to the Town of Homer's legislative districts. Town Clerk Jebbett said that a map outlining the changes is posted in the Town Hall lobby.

TCI RENEWABLES PRESENTATION

Huw Roberts, Development Manager, and Brett O'Connor, Director of Operations, for TCI Renewables of Montreal, Quebec, Canada, gave a power point presentation on the wind farm proposed for the Towns of Cortlandville, Homer, Solon and Truxton at 8:00 p.m.

Of the 44 turbines proposed, eight would be built in Homer, along with 2.4 miles of access roads, 2.7 miles of electrical collector cable, and a collection station to be built on East River Road.

The turbines in the proposal are GE 1.6-100's with a 1.6 megawatt generation capacity, a height of 492 feet from base to tip, and the ability to generate enough energy for just under 30,000 average New York homes.

They listed TCI's proposed setbacks, stating that the setback from a non-participating landowner of 738 feet from the property line seems to be the most controversial. They listed several other New York wind farms whose setbacks are less than TCI has proposed.

Roberts and O'Connor discussed the noise level issue stating that the proposed project meets all the noise guidelines.

Shadow flicker was also discussed. Four properties in the Town would be above the 30 annual hours considered acceptable under various guidelines. TCI would be conducting an on-site investigation to see how best to mitigate this issue for each property concerned. Roberts said that TCI is committed to implementing mitigating measures.

They said that there would be no significant impact on property values despite the public perception that property values are affected.

As for the economic benefits of the project, Huw Roberts said that the PILOT plan would distribute a payment annually to the county, towns, and school district. A Host Community Agreement is normally negotiated along with the PILOT agreement. Participating landowners would receive a long-term secondary income. Four to seven permanent well-paying jobs could be created, besides an influx of money into the local economy during the construction phase.

Supervisor Forbes thanked the TCI representatives for their presentation and opened the floor to questions and comments from Town Board and Wind Committee members.

In response to questions from Board members, Roberts explained that shadow flicker is caused by the turning of the blades when the sun is behind them in the sky. He said this peaks in the winter when the leaves are off the trees. Their model for predicting shadow flicker assumed 50% sun during daylight hours although the local area is closer to 46% sun. They also assumed all windows facing the turbines and no vegetation.

Roberts and O'Connor said that the design life of the project is 25 years. The underground electrical lines are surrounded by thermal sand and will be at least four foot deep where they cross roads or farm tracks. They explained how they are able to cut through rock to lay the lines.

Larry Jones, member of the Wind Committee, reminded the Board that they need to develop a local law which applies to any industrial wind farm. He asked the TCI representatives to explain their business model.

O'Connor explained that TCI is the developer of the project. They will partner with an independent company which would be doing the actual construction. The permanent jobs created are for persons who would perform annual maintenance around three times per year, as well as on-site maintenance in response to any issues. There are

different ways in which to provide this maintenance - GE may provide maintenance for the first five years, the construction company, or an independent company that specializes in wind turbines.

Victor Siegle, member of the Wind Committee, commented that the shadow flicker is actually very disorienting and the only thing that mitigates it is distance from the turbines. Roberts said that due to the slow motion turning of the turbines it is more of an annoyance than a health issue.

Supervisor Forbes then opened the floor to questions or comments from members of the public in attendance.

Paul Heider from Solon questioned the distances from property lines and in particular, that from State land in the Town of Solon. O'Connor said that the setback from state land is only 200 feet. He also said that the distances as shown on the map are not totally accurate. A topographical survey would provide more definitive distances.

Counsel Victoria Monty said, and Attorney Snyder agreed, that TCI would have to apply for building permits and any turbine that did not meet the setback set by Town local law would be a matter for the Code Enforcement Officer.

Henry Steck, Homer, asked who would dismantle the turbines should the project go belly-up. O'Connor said that there could be a form of financial security on the turbines for the cost of removal. There is also inherent value in the materials that comprise the turbine that may cover the cost of removing them. It would be up to the towns involved.

Michael Barylski, Cortlandville, voiced concerns about shadow flicker and its effects on outdoor activities and on any new homes that might be built in the area. He also disputed their claims about the effects on property values.

Supervisor Forbes said that it would be up to the Wind Power Committee to write a local law to present to the Town Board. They would take into consideration TCI's presentation and the questions and concerns voiced at the meeting.

The meeting was adjourned at 9:00 p.m.

Anita W. Jebbett
Town Clerk