

Present: Supervisor Urban Hirschey, Councilman Brooks Bragdon, Councilman Mickey Orvis, Councilman Clif Schneider, Councilman John Byrne, Attorneys Paul Curtin and Mark Gebo and approximately 100 residents.

Supervisor Urban Hirschey opened the public hearing at 7pm with the Pledge of Allegiance. He then explained the law and reviewed the hearing procedure steps that will be followed. He then asked for comments:

Sam DeLong-Sam expressed her gratitude to the Board. She talked about the petition that was signed and presented a few years ago requesting a moratorium.

Sally Boss-Sally said that she is in support of the Board passing a seven month moratorium and updating the zoning law and comprehensive plan. She said that this has been tried in the past and failed. She said that it failed because compromise was not an option. She urged the Board to pass the moratorium.

Dave LaMora-Dave said that he would like to thank the Board and talked about the petition that he presented to the Board in 2009. He said that the intent of that moratorium was to allow the Town to regulate or deal with wind without the threat of a pending project. He suggested that the Town look at the signatures on the petition and consider those people who signed it asking for a moratorium

Lyle Wood-Lyle said that he was thoroughly disgusted with the Board. That they were elected to do things above board and that they are doing things behind closed doors. He asked for the results of the Zogby poll, and asked why the meeting was held in the middle of the winter when the summer people could not attend.

Paul Mason-Paul said that he is against the moratorium. He spoke about the survey and feels there was no action taken on the survey. He wants to know why the hearing is being held in the winter when the seasonal people aren't here. He said that if the Board was going to stop wind they had better look at the laws and that he would challenge them as he has a right to farm and a wind turbine on his farm is an acceptable use.

Richard Edsall-Richard said he met with Urban and told Urban he would support a moratorium if the Board set a fixed end to it, as long as it was going to be used for some product. He said that he feels the Supervisor made a mistake in sending out a letter to those holding permits for personal turbines. He feels that the Supervisor should have called permit holders and his legal advisor does not feel that the Supervisor has the legal authority to sign the letter. He would like to have the Board's attorney show him some section of the law where it states that it was ok for the Supervisor to sign the letter. If he does not have the authority, he recommends that the Board table their decision on the moratorium for a week or two and they try to reach out to those people who were sent letters and give them time to reach a compromise. He said that if the Board passes the moratorium and they put such a tight box that the turbines can't be placed in Cape Vincent, Albany will do it and we may end up with more than planned.

Hester Chase-Hester said that the time has come for a moratorium. She said that for over seven years people have struggled without rules.

Councilman Schneider made a motion to close the Public Hearing at 7:20pm, seconded by Councilman Byrne. Councilman Bragdon asked about the written submissions and Supervisor Hirschey accepted them into the records. He said that there were 12 and they were all in favor of the moratorium. All members vote in favor of closing the public hearing.

Supervisor Hirschey opened the special meeting at 7:23pm.

Supervisor Hirschey asked for comments from the Board.

Councilman Orvis read an article from the Association of Towns magazine, State Power Plant Siting Law Article X of the Public Service Law Summary. He said that public service law 161 says that if the application is to site a power plant to be located in a town outside village the Chief Executive officer of the town has authority to nominate up to four candidates to serve as an ad hock member on the States siting Board for an application to sight a power plant in the town. He asked if the Supervisor has taken any names for this. He said that he could support a moratorium for six months on personal wind towers and test towers, and if we are ever going to stop the bleeding and heal the town, we need to get out of the industrial wind tower business and he said we can because their already is a law. He said he supports updating the planning laws and the comprehensive plan. He said he realizes that there is no market for wind power as it is all into fracting, and he read a piece of an article from Mother Earth News. He believes Article X would make us a neutral party and that we would still have ad hock committee members to express the opinions of the town and start to heal the town.

Councilman Schneider said that Article X deals with everything above 25megawatts. He says that we may still have some industrial development and it would be wise for the town to provide regulations. Article X states that it takes a look at the town's local law and finds out if it is reasonable. He feels that it is very important for communities to update their laws.

Supervisor Hirschey said that New York State is still a home state and that we have an obligation to exercise home rule.

Councilman Bragdon said that we are delinquent on updating the zoning law and the comprehensive plan. He said that the wind projects are large enough physically that they are going to have an impact on the town overall. He said if you look at laws that cover preserving communities you have to look at the Historic Preservation Act and the SEQR laws from New York State as they all call for input from interested parties in such a way that potentially adverse impacts can be identified and resolved. He said that wind is so new that we need to step back and take a look at what it is and have an emphasis on input on the local community. He said the moratorium will give us a chance to do the updates that need to be done. He says that our assessment lies underneath all of the ascetic assets. He said he feels the moratorium is an obvious thing to do.

Councilman Byrne said that the public asked for a moratorium with a petition a few years ago that was never looked at and that 16 people this evening were in favor with 3 opposing the moratorium. He said that he feels that he has no choice as he is representing people of Cape Vincent he has to vote in favor of the moratorium.

Supervisor Hirschey asked Attorney Gebo to take over the meeting. Attorney Gebo explained that since the last time the moratorium was proposed there was comment made about adding language that would pick up a reference to third party utility companies and that the date would change the seven months making the date Sept. 7, 2012. Councilman Schneider made a motion to accept the changes, seconded by Councilman Bragdon. Councilman Orvis voted no, with Councilmen's Byrne, Schneider, Bragdon and Supervisor Hirschey voting yes.

Attorney Gebo explained to the Board that they need to respond to the SEQR, short environmental assessment form and classify the action. He said that the SEQR lists a moratorium as a type 2 action. Councilman Byrne made the motion declare the moratorium a type 2 action, Councilman Bragdon seconded. Councilmen Orvis voted no, with Councilmen's Byrne, Schneider, Bragdon and Supervisor Hirschey voting yes.

Councilman Byrne made a motion that the passing of the moratorium will not have a significant detrimental environmental impacted, seconded by Councilman Schneider. Councilmen Orvis voted no, with Councilmen Byrne, Schneider, Bragdon and Supervisor Hirschey voting yes.

RESOLUTION #16

Moved by Councilman Schneider, Seconded by Councilman Byrne

That the Town of Cape Vincent hereby agrees to adopt local law #1 of 2012 with respect to a Moratorium on Wind Generating Facilities. The Moratorium shall be in place for a period of seven months to allow the Town Board to consider and implement sufficient regulations.

All members voted:

Supervisor Hirschey	AYE	Councilman Bragdon	AYE
Councilman Orvis	NO	Councilman Schneider	AYE
Councilman Byrne	AYE		

Councilman Orvis requested that the same Thursdays be used for work sessions every month as it is hard for him to adjust his work schedule. The Board agreed.

Councilman Byrne made the motion to adjourn at 7:55pm, seconded by Councilman Bragdon.