

TOWN BOARD REGULAR MEETING  
AUGUST 10, 2016

A Regular Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 10<sup>th</sup> day of August, 2016.

Present: Daniel M. Engert ----- Supervisor  
Randall J. Wayner ----- Councilman  
Gary R. Alt ----- Councilman  
Robin R. Jansen ----- Councilwoman  
Jeffrey M. Dewart ----- Councilman  
Tracy L. Carmer----- Town Clerk  
Michael M. Flint ----- Supt. of Highways  
Melvin H. Denny ----- Supt of Water/Sewer/Grounds  
Mindy Austin ----- Confidential Asst. to the Supervisor  
Michael J. Norris----- Attorney  
Brian Sibiga ----- Engineer

Attended by: approximately 50 residents

Supervisor Engert called the meeting to order at 6:30PM with the Pledge to the Flag and a prayer for guidance.

RESOLUTION 113-2016

**APPROVAL OF THE MINUTES**

On a motion of Councilman Wayner, seconded by Councilman Alt, the following resolution was

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays            0

Resolved the minutes of the previous meeting on July 13, 2016 are approved as submitted.

RESOLUTION 114-2016

**APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the following resolution was

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays            0

Resolved the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

- Code Enforcement Officer
- Dog Control Report
- Police Report

COMMUNICATIONS:

Clerk Carmer stated that it has been three years since the last driver's safety course was held in Somerset so she is working on scheduling another class. When she has the details, she will post them on the website.

RESOLUTION 115-2016

**WASTE/RECYCLING BID**

Supervisor Engert stated that our contract with Modern is up for renewal and he would like us to go out to bid with the Towns of Newfane, Cambria and Pendleton to obtain better pricing.

On a motion of Councilwoman Jansen, seconded by Councilman Wayner, the following resolution was

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays            0

WHEREAS, the Town's current Refuse and Recycling collection and disposal contract is set to expire on December 31, 2016; and

WHEREAS, the Town has previously bid the refuse and recycling collection and disposal contract jointly with other Niagara County municipalities to obtain maximum pricing and to save on advertising and production costs; and

WHEREAS, the Towns of Cambria, Newfane, Pendleton and Somerset desire and each Town believes it is in the best interest to jointly bid its next refuse and recycling collection and disposal and marketing contract as a whole; now therefore be it

RESOLVED, that the Town does hereby authorize a joint bid for its refuse and recycling collection and disposal and marketing contract in conjunction with the Towns of Cambria Newfane, Pendleton and Somerset; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign any joint municipal agreements to facilitate the bid process.

RESOLUTION 116-2016

**AUDIT OF CLAIMS**

On a motion of Councilwoman Jansen, seconded by Councilman Dewart the following resolution was

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays            0

Resolved that the bills have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 273 through No. 302	\$ 93,275.10
Highway Fund	No. 93 through No. 103	\$ 3,488.75

TOWN BOARD MEETING  
AUGUST 10, 2016 PAGE 3

Sewer Fund	No. 85 through No. 99	\$ 6,833.04
Water Fund	No. 57 through No. 65	\$ 7,085.08

PRIVILEGE OF THE FLOOR:

Pam Atwater stated that she found information on a wind farm in Wisconsin where an analysis was performed on low frequency and infrasound. She stated that four firms conducted and/or observed the survey, some were pro and some were opposed. All four of the firms would be pro-wind if proper siting limits for noise are considered. They are of the opinion that enough evidence and hypotheses have been given to classify low frequency noise and infrasound as a serious issue, possibly affecting the future of the industry and it should be addressed. Pam said that APEX is planning to take people to visit wind farms. She would like to see a farm that has 620' turbines, but there aren't any on land. She would also like to talk to public officials to see if they are working on a host community agreement or PILOT.

Marcia Ray told the board that she took a field trip to Wyoming County with her grandsons. The closer she got to the turbines, the more nauseous she became. She was physically sick. She stated that she cannot tolerate it and will have to move if they are built here.

Peg Schwabel said she saw on the SOS web page a Google simulation of what the turbines may look like here. She also found a Forbes article from May 2016 about turbines in an offshore project on Block Island. She said they are anchored 90 feet below water and rise 600 feet above the water. She said that means we would have offshore turbines on land. She said New York's oldest wind farm had little controversy. It is 15 years old with twenty turbines only 328 feet tall, far smaller than APEX's proposed project. She also discussed an article that says Town Leaders from the Hamptons support a wind farm that is 30 miles from the coast, but would resist a farm only 12 miles from the coast. They want wind farms to be done in a way that doesn't have visual impacts. They should go beyond the visible horizon.

Paul Oliveira said that a lot of people stop and ask him what he is going to do with the garage he just purchased and that is giving him opportunity to hear what a lot of residents are saying. He has learned that the community is fractured. He said we need to figure out what our community needs. He asked the Supervisor if we are the guinea pig with Article X. Supervisor Engert stated that we were the furthest along, but Cassadega recently filed for application without any resistance so they have passed us. Paul said that we have an unreasonable loss and we should outright ban turbines because they would have to deal with the local law in the local courts to deal with this issue. He said the only avenue we have to fight is home rule so forget about everything else. He believes it won't work any other way.

Jim Hoffman spoke regarding solar being similar to wind, saying that it is heavily subsidized, space hungry and unreliable. He wants the Town to address batteries in the

new law. He also wants them to consider that the panels are foreign made and we should address the disposal issue. Speaking on wind, he said he watched the film that was discussed at the last meeting. He said it addressed issues a community would face when turbines are being constructed. He was struck by the idea that “what benefits you should not harm me or my community.” He said we are spending an inordinate amount of time fighting rights we thought we already had.

Chris Bronson said if anyone is interested in the Google Earth tour, it is on youtube. The view from the water is Turbine Shoreline Tour. There is also the view traveling down Route 18, Somerset Citizen Turbine.

Steve Royce stated with the hot weather we are probably at peak electric consumption. He thinks with the amount of wind we had this afternoon, it would be easy to calculate how much APEX would put out – zero.

Taylor Quarles stated that the stipulations process is continuing and so far he has been satisfied with the thorough back and forth. They are working hard to address the comments and hoping to solidify the process and get the stipulations out to the public before they are signed. He said they spent the last couple of weeks as a sponsor of the Orleans and Niagara County Fairs. He shared information on the project and their company with residents. They continue to have office hours 4 days/week and anyone can email or call them.

Betty Wolanyk said we have heard repeatedly that APEX did not meet secretly with landowners before the Town was made aware of the potential project and she wants to put the issue to rest. According to APEX calendar of activities, landowner participation outreach began the third quarter of 2013. Introduction to local officials began the first quarter of 2014. These dates were supplied in the draft Public Involvement Plan (PIP) dated October 31, 2014, and the revised PIP dated January 15, 2015. She said this proves that APEX was meeting with landowners before they made the Town aware of the proposed project. She provided documentation for the record.

Cathi Orr said while she was visiting Orangeville she heard one of the “Town Fathers” complaining because he was bumped up to the next income tax level and he lost his health insurance. Her friends also told her they have a lot of television interference. She hopes she doesn’t have to move again.

Agnes LaPort said that taking a bus trip for a few hours to the turbines is misleading because sometimes there is not any noise. She said that you need to spend the night near them and experience the infrasound. She said that we will have to sell our houses at a discount. Young people can buy them cheap and are at an age where they are working a lot so they are hardly home. In 15 years or more when they are ready to retire, they will be okay because the turbines won’t be working anymore.

Dale Howard stated if we were to get wind turbines, we do not have the infrastructure we need. He doesn't feel our Code Enforcement has the expertise to handle this so we need to get a full time engineering firm with inspectors to make sure it is built right. He also feels we will need full time police to guide them down the road. He stated we may have to look at having full time paramedics on duty during construction. All of this makes him wonder about the cost of a building permit. He thinks the fee should be \$500,000 per permit. If we don't think about it now, who will pay for these expenses? He said we need a parallel committee to look at this.

Annie Smith referred to Jim Hoffman's discussion on batteries and the environment, and Peg's discussion on offshore turbines, and she said to think about how much concrete is going into the earth. All of the runoff in culverts on Lower Lake Road goes into Lake Ontario. She said we are doing more to destroy our world with this "green" energy than we are with the power plant. She said she has lived on the lake since 1984 and she has never seen soot on her deck or outdoor furniture, and she is in the direction of the prevailing wind.

Dick Ray said a good point has been made about what we are going to have to pay. When the power plant was built they had to rebuild Lake Road and Hartland Road because of damage. He said we can be assured there will be damage to Town roads and we will foot the cost for the damage.

Floyd Koerner stated that we are concerned about toxins in solar panels, but most of us have a transformer on a power pole that supplies our houses and people do not realize what is in those. He said since the Town and County have passed a resolution against windmills, so if Article X goes through does that mean the Town is not interested in any revenue from the windmills? Should it all go to the landowners?

Supervisor Engert told Floyd to schedule a meeting and he would be happy to discuss it with him.

Bob Verheyn stated that he missed the Planning Board meeting and is confused about the county's involvement in the met towers. He asked if the decision was transferred to the county.

Supervisor Engert stated that the application is before the Planning Board and he will get an answer from the Planning Board for him.

Jon Hotaling, Chairman of the Planning Board, was in the audience and told Bob that he will discuss it with him after the meeting.

#### RESOLUTION 117-2016

#### **EXECUTIVE SESSION**

On a motion of Councilman Wayner, seconded by Councilman Dewart, the following resolution was

TOWN BOARD MEETING  
AUGUST 10, 2016 PAGE 6

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays           0

Resolved to enter into executive session at 7:12PM to discuss a personnel matter.

RESOLUTION 118-2016

**RETURN TO REGULAR SESSION**

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the following resolution was

ADOPTED: Ayes           5       Engert, Wayner, Alt, Jansen, Dewart  
              Nays           0

Resolved to return to regular session at 8:05PM.

On a motion of Councilwoman Jansen, seconded by Councilman Wayner, the meeting adjourned at 8:06P.M. subject to the Call of the Clerk.

---

Tracy L. Carmer, RMC  
Town Clerk