

TOWN BOARD WORK SESSION
JANUARY 21, 2016

A Work Session 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 21ST day of January, 2016.

Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Tracy L. Carmer----- Town Clerk
Michael J. Norris ----- Attorney
Daniel Seaman ----- Attorney

Excused: Gary R. Alt ----- Councilman
Michael M. Flint ----- Supt. of Highways
Melvin H. Denny ----- Supt of Water/Sewer/Grounds
Mindy Austin ----- Confidential Asst. to the Supervisor
Brian Sibiga ----- Engineer

Attended by: 12 residents

Supervisor Engert called the session to order at 2:00PM with the Pledge to the Flag.

RESOLUTION 50-2016

LOCAL LAW AMENDING THE CODE OF THE TOWN OF SOMERSET CHAPTER 205 ZONING

Supervisor Engert read the following resolution as amended to correct a spelling error. On a motion of Supervisor Engert, seconded by Councilwoman Jansen, the following resolution was

ADOPTED: Ayes 4 Engert, Wayner, Jansen, Dewart
 Nays 0

WHEREAS, a proposed Local Law entitled "A Local Law Amending the Code of the Town of Somerset Chapter 205 Zoning" was introduced to the Town Board at meeting held on January 13, 2016, by Supervisor Engert, and

NOW THEREFORE BE IT RESOLVED, that the following changes be made to said proposed Local Law by Supervisor Engert:

1. Section C – Paragraph 29 (f) – shall read:
 - f) Burden on a community and its residents versus reward to community and its residents, with emphasis upon quality of life.

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2. Section D – Definition of “APPLICANT” shall be:

APPLICANT – The person or entity filing an application and seeking license under this Local Law; the owner of a WECS or a proposed project; the operator of a WECS or proposed project; any person acting on behalf of an applicant, WECS project or proposed WECS. Whenever the term “applicant” or “owner” or “operator” are used in this Section. Said term shall include any person acting as an applicant, owner or operator.

3. Section F – Paragraph 1 (n)(i) – shall read:

(i) Shadow Flicker: The applicant shall submit a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may be present at locations of any residences, highways, parks or open recreation areas and detail measures that will be taken to mitigate or eliminate such interference and to comply with the requirements of this Section.

4. Section F – Paragraph 1 (n)(vi) shall read:

(vi) Electromagnetic Interference: An assessment of potential electromagnetic interference with microwave, radio, television, satellite systems, personal communication systems and other wireless communication, including broadband, weather and other radar, identifying specific potential interference established systems.

5. Section F – Paragraph 1 (n)(xix) shall read:

(xix)A report and analysis on any effect on any military installation in the County of Niagara, including the Niagara Falls Air Reserve Station, its potential effects on flight patterns, its potential to cause radar interference, effect on base siting evaluations, the potential economic effect on the County of Niagara should the base be closed, including job loss and economic impact.

6. Section F – Paragraph 1 (t) shall read:

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- t) All wind speed data obtained by applicant from any wind measurement tower in the Town, including explanation of methodology utilized to obtain measurements.
- 7. Section H – Paragraph 9 – shall read:
 - 9. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all applicable rules and regulations.
- 8. Section H – Paragraph 15 shall read:
 - 15. The maximum total height of any WECS shall be determined by application of all parts of this Section to the application. The minimum feasible height shall be the maximum height of any WECS, and applicant shall justify any requested maximum height and demonstrate to the Town Board’s satisfaction the reason why a lower height is not feasible. Notwithstanding the forgoing, no wind tower total height shall exceed 450 feet.
- 9. Section H – Paragraph 27 (i) – shall read:
 - i) In the event audible noise due to Wind Energy Facility operations contains a steady or pure tone, or an intermittent or reoccurring tone, such as a whine, screech, or hum, the tones shall be eliminated.

NOTE: Minimum distances or setbacks are a very inexact means to limit WECS noise. It is far more appropriate to deal with each application on its own merits, taking into account the ground surface in the area, the number and placement of the wind turbines, and the sound power produced by the particular model of the WECS.

RESOLUTION 51-2016

EXECUTIVE SESSION

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

ADOPTED: Ayes 4 Engert, Wayner, Jansen, Dewart
 Nays 0

Resolved the board entered into executive session at 2:07P.M. for consultation with the Town Attorney.

RESOLUTION 52-2016

RETURN TO REGULAR SESSION

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

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ADOPTED: Ayes 4 Engert, Wayner, Jansen, Dewart
Nays 0

Resolved the board return to regular session at 2:25P.M.

Supervisor Engert stated that the board is undergoing discussions regarding the implications of Real Property Tax Law 487 on exemptions for wind, solar and farm waste systems. The board is not taking any action at this time, but will review it further to get the most protection for our town's health and safety and revenue impact.

Supervisor Engert reviewed the timeline of all of the work that went into the proposed local law.

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the meeting adjourned at 2:28 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk