

REGULAR MEETING
MAY 13, 2015

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 13th day of May 2015.

Present: Daniel M. Engert ----- Supervisor
Gary R. Alt ----- Councilman
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Randall J. Wayner ----- Councilman
Tracy L. Carmer ----- 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 ----- Counsel
Randy Roeseler ----- Engineer

Attended by: numerous residents and BCS students

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

RESOLUTION 65-2015

APPROVAL OF THE MINUTES

On a motion of Councilwoman Jansen, 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 are approved.

RESOLUTION 66-2015

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

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

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

Councilwoman Jansen requested the year-to-date sales tax be reported halfway through the year.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer
Dog Control Officer
Police Report

COMMUNICATIONS

Clerk Carmer read Disclosure Letters submitted by Councilman Gary Alt, Planning Board member Joseph Christopher Czelusta, and Assistant Code Enforcement Officer Stephen B. Lee, Jr.

Supervisor Engert stated that he became aware last week of residents' concerns of conflicts of interest. Immediately he contacted the Town Attorney to review our Town code. Attorney Norris advised him it was in the best interest of the town for any official who has entered into a lease agreement to make a full disclosure and that they refrain from taking any action in their capacity. Supervisor Engert feels there is nothing more important than the Town operating in the most honest, transparent and open fashion. He stated that with the exception of action on the meteorological tower, where Mr. Czelusta abstained from the discussion and the vote whether to grant or deny the special use permit application, there has been no other action undertaken by the town in regards to this project. Although an issue remains as to whether the gentlemen could have participated in the debate and process, to avoid any appearance of impropriety and appearance of conflict, these gentlemen have all done the admirable thing and the issue is closed. He will continue to monitor the situation seriously.

RESOLUTION 67-2015

SEQRA Residential Lakeshore Accessory Buildings

Supervisor Engert stated the Planning Board referred the amended local law to the Town Board, who held a public hearing and received comments from the public.

Attorney Norris noted that the Board received SEQRA part 1 before the board meeting for review. Attorney Norris read Part 2 and recommended that all of the responses should be no or small impact. After taking a "hard look", the board members agreed.

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

ADOPTED by roll call vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Aye
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

WHEREAS, a Short Environmental Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed local law entitled "A Local Law amending the Accessory uses and Uses permitted with special use permit in the Lake Shore Residential District", and this form having been carefully reviewed and considered,

NOW, THEREFORE, THIS BOARD FINDS AS FOLLOWS:

The Town of Somerset Town Board is the lead agency and the only involved agency. The action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). This Board finds that this action will not result in any significant adverse impact on the environment and, accordingly, directs that the Town Supervisor sign the Short Environmental Assessment Form.

RESOLUTION 68-2015

Waterfront Assessment Form

Attorney Norris read the Waterfront Assessment Form and recommended the findings to be adopted as presented.

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

ADOPTED by roll call vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Aye
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

WHEREAS, a Local Waterfront Revitalization Program Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed local law entitled “A Local Law amending the Accessory uses and Uses permitted with special use permit in the Lake Shore Residential District”, and this form having been carefully reviewed and considered,

NOW, THEREFORE, THIS BOARD FINDS AS FOLLOWS:

That this action is consistent with the Local Waterfront Revitalization Program standards and conditions.

RESOLUTION 69-2015

LOCAL LAW #1-2015 ACCESSORY BUILDINGS LAKESHORE DISTRICT

Supervisor Engert read the proposed local law.

Attorney Norris advised that the Niagara County Planning Board gave their approval. He also stated that there was a minor change to the local law from the original law presented at the public hearing. He feels that it not substantial and another public hearing is not necessary.

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

ADOPTED by roll call vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Aye
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

A Local Law “Amending the Accessory uses and Uses permitted with special use permit in the Lake Shore Residential District”

Be it enacted by the Town Board of the Town of Somerset as follows:

The Town of Somerset Zoning Code, as contained in Chapter 205 of the Code of the Town of Somerset, is hereby amended as follows:

1. § 205-34 (B) is hereby repealed in its entirety and the following is adopted in its place:

“B. Before there can be any accessory building or accessory use in a Residential Lake Shore District (RLS), there must first be a principal use or principal dwelling on the lot, except as provided in §205-35(B).”

2. § 205-34(C)(1) is hereby repealed in its entirety and the following is adopted in its place:

“All accessory buildings shall be set back a minimum of 100 feet from the road right of way.”

3. § 205-34(C) is hereby amended by adding thereto the following provision:

“(3) The minimum square footage of an accessory structure shall be 250 square feet and the maximum square footage of an accessory structure shall be 900 square feet.”

4. § 205-35, Uses permitted with special use permit, is hereby amended by adding thereto the following provision:

“B. An accessory structure on a separate lot used to service a principal structure located on a lot having lake frontage when either: (a) The accessory structure is located on a lot on the south side of the same road as the lot upon which the principal structure is located, or (b) the accessory structure is located on a lot on a road intersecting the road which the principal structure is located and within 500 feet of the principal structure. The Planning Board shall take into consideration and review the structure’s overall appearance and proposed location, including, but not limited to: architectural styles, design materials, and colors; the surrounding area including the impact of lake views and other buildings located in area; and the overall aesthetic enhancement of the Town and the Lake Shore District. Any approval of the Special Use Permit by the Planning Board may be conditioned upon its review of the foregoing considerations.”

This Local Law shall take effect immediately upon passage and the filing with the Secretary of State.

RESOLUTION 70-2015

ANNUAL TYLER MILLER MEMORIAL STRONGMAN COMPETITION

Supervisor Engert stated that Jeff Miller would like to hold another memorial competition in the Town Park.

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

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

Resolved that Jeff Miller is authorized to hold the 3rd Annual Tyler Miller Memorial Strongman Competition at the Town Park on June 20, 2015.

RESOLUTION 71-2015

REVIEW BANK PROPOSALS

Supervisor Engert stated that Key Bank advised the Town a few weeks ago that they will start charging hard fees to the Town effective June 1st due to changes in regulations for government accounts. The Town was advised on Monday that the Barker branch of Key Bank will be closing August 7th. A committee of the Supervisor, Town Clerk, and the Supervisor's Confidential Assistant reviewed proposals from three banks, none of which will charge hard fees to the Town. First Niagara is the bank of choice due to their presence in WNY. The Supervisor stated that he will work hard to get a bank to have a presence in Barker and we can re-evaluate if a bank moves in.

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

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

Resolved the Supervisor is authorized to transfer banking services to First Niagara Bank NA effective as soon as possible and is authorized to sign necessary agreements.

PSC SITING BOARD AD HOC MEMBERS

In the event a public scoping statement is filed by APEX, the Supervisor has to be prepared to nominate four members to the Siting Board. Supervisor Engert stated that he received requests from six residents: Robert Damon, Cathi Orr, Tom Staples, Richard Meyers, Andrew Treitler and Scott Harvey. Supervisor Engert spoke with Legislator Syracuse and he will be working with the Chairman of the Niagara County Legislature who also will nominate names. All candidates will have interviews with Supervisor Engert and Legislator Syracuse. Anyone else wishing to be a candidate is encouraged to submit their names to Supervisor Engert.

RESOLUTION 72-2015

HIGHWAY SHARED SERVICES WITH NYSDOT

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

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

Resolved the Highway Superintendent is authorized to enter into a shared services agreement with NYSDOT.

RESOLUTION 73-2015

COMMISSION SURVEY TO GATHER FEEDBACK

Supervisor Engert feels it is time to start moving forward based on issues being raised by our constituents.

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

ADOPTED by roll call vote

Supervisor Engert	Aye
Councilman Wayner	Aye
Councilman Alt	Abstain
Councilwoman Jansen	Aye
Councilman Dewart	Aye

WHEREAS, this Town Board strongly believes that its primary duty is to listen to its constituents of the Town of Somerset and to be responsive to their needs and concerns; and

WHEREAS, Apex Clean Energy has submitted a Public Involvement Plan with the Public Service Commission to begin outreach with the public and area elected officials and other stakeholders for a potential Article X Commercial Wind Project in the Towns of Somerset and Yates; and

WHEREAS, as a result of this Public Involvement Plan, many town residents have attended recent Town Board meetings and public information sessions and contacted Town Board members by various means of communication to express their concerns, opinions and frustrations about this potential Commercial Wind Project within our community; and

WHEREAS, this Town Board desires to receive feedback from all town residents concerning commercial wind generation within the town; and

WHEREAS, an effective manner to receive and record such feedback is by conducting a survey to gather the thoughts and views of our constituents; and

WHEREAS, this Town board feels adamant that all constituents should have their voices heard and that such information received from a survey will prove valuable to the town during this public involvement phase and will become part of the record if a project application is ever submitted;

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to expend up to \$2,500.00 for the cost and production of said survey, including printing and postage, through Summit MSP of Lockport, NY; and be it further

RESOLVED, that all surveys must be returned on or before Tuesday June 16, 2015 at 4 PM and that the Town Clerk shall collect and open all returned surveys at the same time on Wednesday June 17th at 9 AM, and be it further

RESOLVED, that the results of the survey shall be published on the Town's Website for Public viewing no later than Monday, June 22, 2015.

RESOLUTION 74-2015

FORMATION OF WIND ENERGY LAW COMMITTEE

Supervisor Engert feels this resolution is an appropriate response to residents' concerns regarding the current local law which permits commercial wind projects.

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

ADOPTED by roll call vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Abstain
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

WHEREAS, this Town Board strongly believes that its primary duty is to listen to its constituents of the Town of Somerset and to be responsive to their needs and concerns; and

WHEREAS, Apex Clean Energy has submitted a Public Involvement Plan with the Public Service Commission to begin outreach with the public and area elected officials as well as other stakeholders for a potential Article X Commercial Wind Project in the Towns of Somerset and Yates; and

WHEREAS, as a result of this Public Involvement Plan, many town residents have attended recent Town Board meetings and public information sessions and contacted Town Board members by various means of communication to express their concerns, opinions and frustrations about this potential Commercial Wind Project within our community; and

WHEREAS, nearly a decade ago, and prior to the new Article X Law, the Town thoroughly examined whether Commercial Wind Energy should be permitted within our town by having a committee, comprised of diverse and knowledgeable individuals, who carefully studied other municipal wind ordinances, weighed conditions, factors and set back requirements known at that time, and then offered a recommendation to the Town Board, who thereupon held a public hearing, completed SEQRA and adopted a local law; and

WHEREAS, New York State adopted revisions to the Article X process in 2011 which primarily removed the local control from such energy projects and eliminated constitutional home rule by placing the ultimate decision to site such projects in the hands of New York State appointed officials; and

WHEREAS, the Town Board, along with many other Town Boards across the State opposed the revision to the Article X Law and voiced our opposition in a resolution adopted by this Board on June 12, 2007; and

WHEREAS, the Town Board acknowledges that while local control and home rule was wrongfully taken away through this Article X law, it will endeavor to make certain that the voices of the residents will be heard in any event, and that the Town Board believes that their voice is most strongly heard through the passage and adoption of local laws that the residents feel best defines their wishes and desires for their community; and

WHEREAS, under the New York State's Article X Law, the siting board must consider any local law ordinance, but may also disregard such Local Law or ordinance if the State's Siting Board finds it to be unreasonably burdensome; and

WHEREAS, as part of this recent community dialogue and discussion, many residents of the Town have expressed a desire for the current Local Law regarding commercial wind-energy conversion systems, adopted nearly a decade ago, be revisited and reviewed considering new scientific data, recent studies and technological advances; and

WHEREAS, this Town Board has listened carefully to the residents of the town about its desire to review our current Local Law;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby establishes the Commercial Wind Energy Local Law Ad Hoc Advisory Review Committee to review the current Local Law, carefully study recent scientific developments and research, and offer recommendations and/or revisions of the current Local Law to the Town Board for its consideration; and be it further

RESOLVED, that the committee shall be chaired and facilitated by the Town's Planner, Andrew Reilly, PE, AICP, who is extremely knowledgeable and versed in the Town's Comprehensive Plan, its Local Waterfront Revitalization Program document, its Local Laws, including the current Commercial Wind Energy Local Law and is the most qualified to serve in this capacity but he shall serve as a non-voting member; and be it further

TOWN BOARD MEETING
MAY 13, 2015 PAGE 9

RESOLVED, that the committee shall be broadly constructed to provide a fair and comprehensive review and the following individuals or representatives shall serve on the

Commercial Wind Energy Local Law Review Ad Hoc Advisory Committee at the pleasure of the Town Board:

-Supervisor, Town of Somerset

-Chairman, Town of Somerset Planning Board

-One resident recommended by the Chairman of the Niagara County Legislature

-One resident recommend by the Mayor, Village of Barker

-One resident representing the Barker Central School District recommended by the President of the Board of Education

-One resident representing the Town of Somerset Historical Society recommended by its President

-President, Save Ontario Shores, Inc.

-One resident recommended by the President of Save Ontario Shores, Inc.

-One representative recommended from Apex Clean Energy

-One resident recommended by Apex Clean Energy

-One resident representing the Niagara County Farm Bureau recommended by its President

-One resident representing the Niagara USA Chamber recommended by its President

-One resident representing the Niagara County Fisheries Advisory Board recommended by its Chairman; and be it further

RESOLVED, that the Town Supervisor notify these entities and request that their recommended representative (preferably Town residents) be submitted in writing to the Town Clerk no later than June 26, 2015; and be it further

RESOLVED, that the committee shall commence its first meeting no later than July 24, 2015 and shall be called by Mr. Reilly with one week written notice; and be it further

RESOLVED, that this Ad Hoc advisory committee shall report its findings and recommendations to the Town Board no later than February 29, 2016.

RESOLUTION 75-2015

REQUEST ADDITIONAL TIME TO REVIEW ANY PSS FILING

Supervisor Engert stated that he has serious concerns of the lack of time to review any Public Scoping Statement (PSS) if one is submitted. This document provides the first glimpse of what the project would look like. Councilwoman Jansen suggested the resolution be amended to send a resolution to the Town of Yates and ask that they review this resolution as well.

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

ADOPTED as amended by roll call vote	Supervisor Engert	Aye
	Councilman Wayner	Aye
	Councilman Alt	Abstain
	Councilwoman Jansen	Aye
	Councilman Dewart	Aye

WHEREAS, Apex Clean Energy has submitted a Public Involvement Plan to the Public Service Commission for a potential Wind Energy Project in the Towns of Somerset and Yates; and

WHEREAS, following the Public Involvement Plan period, Apex Clean Energy may submit a Preliminary Scoping Statement prior to its full Application; and

WHEREAS, this Town Board believes strongly that concerned residents and the general public deserve a fair and reasonable period of time to offer comments, scientific research and points of view on such significant major electric generating facility projects throughout the entire process; and

WHEREAS, Section 1000.5(g) of the Regulations Implementing Article 10 of the Public Service Law as enacted by Chapter 388, Section 12, of the Laws of 2011 states that "within 21 days after the filing of the preliminary scoping statement, any person, agency or municipality may submit comments on the preliminary scoping statement by serving such comments on the applicant and filing a copy with the Secretary (and) within 21 days after the closing of the comment period, the applicant shall prepare a summary of the material comments and its reply thereto..."; and

WHEREAS, the Preliminary Scoping Statement is the first glimpse that the residents and general public will have regarding the specific description of the proposed project and the environmental and health impacts that they must consider among other things; and

WHEREAS, this Town Board strongly believes that a 21 day comment period following the filing of the preliminary scoping statement is completely and utterly an unreasonable and unfair period of time for concerned residents and the general public to properly digest such a voluminous and highly technical document and to then properly offer comments to said statement; and

WHEREAS, this Town Board strongly believes that this 21 day comment period is unfair to all residents of the State of New York and this said comment period should be extended for all Article 10 Proposed Siting Projects being considered in the State of New York, not just the Lighthouse Wind Energy Project if a preliminary scoping statement is presented affecting the Towns of Somerset and Yates;

NOW THEREFORE BE IT RESOLVED, that in the event a preliminary scoping statement is filed for the Lighthouse Wind Project in the Towns of Somerset and Yates, this Town Board of the Town of Somerset demands the Department of Public Service and its New York State Board on Electric Generation Siting and the Environment extend the current 21 day comment period at minimum to a 90 day comment period following the filing of the preliminary scoping statement; and be it further

RESOLVED, that this Town Board of the Town of Somerset urges the Department of Public Service and its New York State Board on Electric Generation Siting and the Environment extend the current 21 day comment period at minimum to a 90 day comment following the filing of the preliminary scoping statement for all Article 10 Proposed Siting Projects in the State of New York; and be it further

RESOLVED, that certified copies of this resolution be mailed by the Town Clerk to Governor Andrew M. Cuomo, New York State Senator Robert G. Ort, New York State Assemblywoman Jane Corwin, New York State Assemblyman Stephen Hawley, the Chair of the NYS Department of Public Service (DPS), the Commissioner of the NYS Department of Environmental Conservation (DEC), the Commissioner of the NYS Department of Health (DOH), the Chair of the New York State Energy Research and Development Authority (NYSERDA) and the Commissioner of NYS Economic Development (Empire State Development); and be it further

RESOLVED, that the Town of Somerset Town Board directs the Town Clerk to provide a certified copy of this Resolution to the Town of Yates Town Board for its information and review.

RESOLUTION 76-2015

ACADEMY OF FINANCE INTERNS

Supervisor Engert advised that he conducted interviews of two high school students who wish to participate in an internship at the Town Hall through the Academy of Finance. The internship is funded by Niagara County for 120 hours of service at minimum wage. One student was not eligible for funding but wishes to participate with the Town without compensation. Supervisor Engert stated that in the future we will look at providing funds to the program as we do with other organizations.

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 Supervisor is authorized to extend offers of internships at no cost to the Town to Rebecca Stoloski and Jacob Allen.

RESOLUTION 77-2015

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. 154 through No. 194	\$ 36,140.44
Highway Fund	No. 47 through No. 58	\$ 9,621.79
Sewer Fund	No. 45 through No. 59	\$ 5,587.21
Water Fund	No. 43 through No. 53	\$ 6,784.46

PRIVILEGE OF THE FLOOR

John Wolanyk asked if he needs to obtain a permit for a portable chicken coop. Code Enforcement Officer was in the room and advised that a permit is required.

Jon Hotaling asked in reference to the change of banks if residents will have to travel to the new bank to pay their water bills.

Supervisor Engert said no and advised that we are looking at a way to take care of it at the Town Hall.

Bill Rucker asked what is being done with the junkyards in town. Supervisor Engert stated that Code Enforcement is working on it.

Marcia Ray applauds the board for taking action. She wonders if the proposals will have a chance because of the timeframe and will the committee be able to have an effect on APEX.

Supervisor Engert stated that the timeframe is based on APEX and the committee will provide us with a voice and we will carry it all the way to Albany.

Cathi Orr stated she appreciates the resolutions put forward by the board. She quoted sections of an article regarding economic tax base erosion. She stated that these projects are all about the money and said PILOTS cause others to pay what wind companies don't. She stated that SOS is working on putting together a tour to Wyoming County to see the turbines.

Alice Wolanyk stated that the reason we don't have a nuclear plant here is because this is a fault area. She said that UB has an earthquake center and asked why someone hasn't thought that this would make a difference since we have had 3 small earthquakes in the past couple of years.

Supervisor Engert stated that will be a point for the committee to look into.

Jim Hoffman stated that Alice is correct. We are on the Clarendon-Linden Fault. He congratulated the board for taking a proactive approach and is glad we are looking at our turbine ordinance. He wants us to consider energy storage when revising the ordinance. He stated that our Comprehensive Plan highlights the rural character of the Town and projects have been overturned for not being consistent with the plan. He feels that turbines are not consistent with the vision in the plan. He also wonders who needs the power because the Somerset power plant only operates 20-25% of the time.

Floyd Koerner wanted to clarify some inaccuracies that have been reported. His sister is Judy, the Assessor for the Town of Eagle and last month it was stated that their tax assessments are going up and their property values are going down. Judy advised him that the property values went up and said many people are trying to move there because of the turbines. Regarding needing 30 acres for each windmill, farmers are farming right up to the base of the windmills and Judy advised him that she zones the windmills industrial with one acre per windmill. The benefits that the Town of Eagle receives are no town tax, no refuse charge and free Time Warner. The roads that were damaged were repaired and the projects get bonded in case the project ceases. He stated that it was quoted that taxes will increase 100%. He said that the Town tax has gone up 100% over the last 10 years. He would like the Town to take serious consideration of this wind project and do what's best for the Town.

John Riggi applauded the Town Board for their actions taken this evening. He provided information from a letter written by the US Fish and Wildlife regarding migratory birds. The US Fish and Wildlife Service finds APEX's bat survey protocol and migratory bird protocol insufficient. They further advise that all turbines should be placed 3 miles from the shore and wants APEX to reconsider whether this is an appropriate site for the project based on wildlife activity at this site.

Dawn Riggi thanked the board for being proactive. She read part of a letter from Jane Harper who was the Tipton County Indiana Commissioner from 2009-2012. She stated that their wind project tore their county apart. Jane regrets having her name on the paperwork and said she wouldn't do it again. The full letter is posted on the Save Ontario Shores website. Dawn distributed copies of a documentary to the board members.

Betty Wolanyk stated that wind turbine companies get one third of the cost of their project up front from the federal government and depreciates the project over five years. The company then sells the project to another company who depreciates it over five years and sells it, etc. She stated that wind energy is uncontrollable and uncertain so cannot replace traditional sources of electricity. She discussed gross energy production vs net energy production. Betty advised that 64% of wind turbine production is done in the US, but mainly by overseas companies. She listed the various interferences caused by turbines including TV, cell phone, internet, and radio reception, along with radar. She provided the Town Clerk with her comments for the record which include links to numerous websites.

Patty Ray stated that at last month's meeting she requested to be on the Ad Hoc Committee.

Supervisor Engert apologized that he forgot and stated that she will be put on the list.

Rachel Pisarski stated that she has two children in Barker Central School and she feels this won't keep our children close to us. In addition to the environment we should also consider family.

Bob Verheyn feels that the three gentlemen who submitted Disclosure statements should resign. He stated that they don't work for APEX, they work for the residents.

Dale Howard stated that the board should hire an expert attorney who specializes in home rule for this project like the board did for the Fire District project.

Anne Moeller stated the Planning Board minutes show that Chris Czelusta voted on the Nellist met tower.

Attorney Norris stated that the Planning Board minutes reflect that Mr. Czelusta made it very clear that he was abstaining from this matter and Mr. Czelusta abstained on the vote whether to grant or deny the special use permit application. The minutes on the renewal of the special use permit reflect that Mr. Czelusta voted on the renewal, however he believes this was done in error due to the volume of permits being reviewed at the same time. Anne commented that Orchard Park has a problem with Canadian Geese and they found a company that will install a solar tower with red flashing lights that will make the geese leave the area. She wanted to make the analogy to the wind turbines red flashing lights.

Christine Johnson is concerned with her neighbor who has epilepsy. She feels the red flashing lights and flicker from the wind turbines will cause seizures. Supervisor Engert made note of it for the committee.

Richard Ray talked about radio frequency difficulties at the fire hall. Supervisor Engert will advise the committee to look into that too.

Krista Atwater stated that she has attended most of the meetings of the Town Board and Planning Board and feels the boards have been above reproach. She said that every board member has always put forth the best interests of the Town of Somerset and there is nothing going on behind the scenes. She stated that Mr. Alt, Mr. Czelusta and Mr. Lee have been completely proper. She said the attacks are completely inappropriate then she stated she is anti-windmill.

John Wolanyk feels that we should look at solar panels. Supervisor Engert advised that he hopes to be able to announce very soon a potential solar project in the Town of Somerset.

Tim Leising asked if the solar project will help the whole community. Supervisor Engert stated that it's too early to answer those questions because it hasn't been cited yet. He hopes to have answers very soon.

Betty Wolanyk requests that the questions on the survey be put forth in an objective manner. Supervisor Engert stated they will be put forth in an objective fashion, and he will do this with his best effort and in the most efficient way possible.

On a motion of Councilwoman Jansen, seconded by Councilman Dewart, the meeting adjourned at 8:25 P.M. subject to the Call of the Clerk. Carried unanimously.

Tracy L. Carmer, RMC
Town Clerk

