

TOWN BOARD REGULAR MEETING
DECEMBER 21, 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 21st day of December, 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
	David Haylett-----	Attorney
	Brian Sibiga -----	Engineer
	Drew Reilly -----	Engineer

Attended by: approximately 25 residents

Notice of said meeting sent to the Lockport Union-Sun and Journal on December 8, 2016 with same notice being posted at the Town Hall and on the website on the same day.

Supervisor Engert called the meeting to order at 6:32PM with the Pledge to the Flag and a prayer for guidance.

Clerk Carmer read the Notice of Public Hearing.

Comprehensive Plan Update Public Hearing

Supervisor Engert called the hearing to order at 6:33PM.

Drew Reilly stated the Niagara County Planning Board unanimously supports the adoption of our Comprehensive Plan, and have concerns with large scale wind turbines interfering with migratory birds and vital agriculture. They recommend including radar navigation for the FAA in plan updates. They also expressed concern of the impact on adjoining communities and the bee population. Drew reviewed the changes that were made since the last meeting including the following:

- He pointed out that the Salt Springs that were discussed are on private property, we are just noting they are important features of the town.
- He stated the circle that is drawn around the Village is not a zoning change, it shows the noted ½ mile area around the village that if developed would need to consider the impact on the village.
- He advised that the Comprehensive Plan does not usurp the LWRP which has control over the waterfront.

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- He stated that a line was drawn showing the three mile boundary that is discussed in many documents.

Drew also provided his observations:

- The update to the plan was due and is needed because the large project proposed in Town was not addressed in the Plan. He stated this is common in communities and gave Super Walmart as an example.
- NYS Dept. Of State states in its training that Comprehensive Plans should clearly address Large Scale Wind and Solar projects.
- He feels the vision has not changed since 2003 and 2012.
- He stated that Comprehensive Plans deal with growth in communities and where it should take place. He said our plan is to maintain the rural character, purge and support agriculture, and provide places for the development.
- He said the area shaded orange/yellow has not changed. It includes wetlands, heavily wooded area, a few farms and should be protected.
- Drew discussed the areas slated for tourism and agri-tourism.

He concluded by saying that large scale turbines are in complete opposition to the goals and visions of the Town. He stated there is no rational argument stating that numerous 600 foot tall industrial grade turbines would not change the character of the Town. To help the economies of a handful of farmers should not outweigh the visions and goals of its plans and future of the entire community.

Drew was asked if in other plans that he has done, did he include a paragraph on the benefits to the community? Drew stated that he did add it to our plan because it is a benefit but it needs to be weighed.

Taylor Quarles stated that he previously submitted comments via email but has some more points he wants to discuss. He said that Drew stated in the 2012 Plan there were no large turbines proposed at that point. He said he understands there were large turbines on the minds of town leaders and residents as a survey was done. Regarding section 6H he says the statement is directed toward the wind project and is strict and severe. He stated the Plan outlines areas that are restrictive: expanded village, agri-tourism, environmentally sensitive areas, and the expanded stream area. He stated he understands the importance of wetlands but they are already regulated by state and federal authorities. He said the area is predominantly agricultural and this does not provide justification for restricting the use in those areas. He feels the expanded village area adds 600 acres of agricultural land that is restricted and he hasn't seen plans for it to be switched over to residential so he wonders how the classification affects those property owners. He stated he appreciates the revisions and regarding the benefit to landowners it should include substantial tax payments and 10 well paying jobs being created. He stated the plan makes reference to an alleged US Fish & Wildlife survey that turbines should not be located within three miles of a shoreline. He has looked at this in great detail and his research has him understanding the article supports a claim made several years ago and it is not a regional study. The US Fish

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& Wildlife has not made any such recommendation to Lighthouse Wind in their communications and he has not seen the truth to back up that claim. He thanked the board for the opportunity to comment.

Chris Bronson stated she isn't sure that Taylor's statements are that views of our residents he is representing or APEX. She stated if the residents wish to speak they should appear in person.

Supervisor Engert stated the document Taylor referred to was written on December 19th by the law firm Young Summer LLC. He read the first sentence which says they represent Lighthouse Wind LLC and submit these comments on the Town of Somerset Comprehensive Plan.

Betty Wolanyk said APEX does not live here and will not be impacted so their comments should not be considered. She resents the fact that their attorneys have submitted documentation and asks what right an out-of-state corporation has to have any input on our plan. She thanked the board for including the comments from the last hearing, updating the plan, and the work they do on our behalf.

Cathi Orr referred to page 10 where the US Fish & Wildlife recommends a three mile radius and stated there are other agencies that recommend five to ten miles. She also addressed maintaining the rural character and said the size of the turbines is not all. There will also be overhead and underground electric lines, transformers, tons of trucks, spillage, pile driving, etc. She complimented the board for appreciating that we are in a unique area.

Jim Hoffman submitted a document and said he is a resident of Somerset and hopes his comments are taken in that manner. He supports the update and said that numerous things have changed effecting the goals and objectives of our town, specifically the turbine project. He stated that allowing these would make a mockery of the objective to preserve the rural character of our town. He listed other ways the plan recognizes the needs of the farming community including agri-tourism, natural gas availability, three phase power, etc. He thanked the board for undertaking the project and for letting him comment. He stated one of the major reasons he supported this updates is because the size and number of these turbines were not imagined in 2012. He hopes someone does fact checking on the three mile limit and believes it was done in our area.

Dale Howard said he is pleased with this and pleased to see the village center. He could easily see Somerset and Barker becoming THE vacation spot in years to come.

With no one else desiring to be heard, 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 public hearing is closed at 7:05PM.

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Supervisor Engert opened the regular meeting at 7:06PM.

RESOLUTION 156-2016

APPROVAL OF THE MINUTES

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 minutes of the previous meetings on November 9, 2016 and November 30, 2016 are approved as submitted.

RESOLUTION 157-2016

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

On a motion of Councilman Alt, seconded by Councilman Wayner, 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
Police Report

ANNUAL REPORT RECEIVED AND FILED

Highway Department

Supervisor Engert stated that two of the highway trucks were sold for \$36,626.

COMMUNICATIONS:

Clerk Carmer stated the Town received a certificate from the Niagara County Department of Health for the Approval of Completed Works for the Emergency Waterline repair at Fish Creek. She read a letter of resignation from Councilman Randall Wayner effective January 2, 2017. She also read a letter received from LeRoy and Lorraine Wayner stating their pride in Randy.

WATERLINE REPAIR

Superintendent Denny stated that a lot of time and hard work was put into the project and they had help from our engineer, the highway department and the Town of Newfane. Councilwoman Jansen asked if they had another emergency would they do the sleeving again?

Superintendent Denny stated it was appropriate. He said if we had another week he would have gone across the creek and finished the job with the excavator but he doesn't feel that we lost too much putting a sleeve in. With more planning he would replace it instead. He said it is improved as we have already fixed two leaks in the yard where this started.

RESOLUTION 158-2016

COMPREHENSIVE PLAN UPDATE SEQRA

Supervisor Engert asked the board if they need more time to digest the information we received tonight.

Councilman Wayner feels what he heard tonight was an overall endorsement and thanked Drew Reilly for coordinating this. The adjustments have been implemented from previous meetings and he thinks there has been ample time and is ready to proceed.

Councilwoman Jansen agreed.

On a motion of Councilman Dewart, seconded by Councilwoman Jansen, 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, the Somerset Town Board with the input and participation of Wendel, the Town Planner and Engineer and Consultant, town staff and the citizens of the community, completed the 2016 Town of Somerset Comprehensive Plan Update in accordance with section 272a of NYS Town Law, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article VIII State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law, the Somerset Town Board established itself as SEQRA Lead Agency and conducted a coordinated Environmental SEQRA Review for this Type I action, and

WHEREAS, the Town Board has received input from the public and from other involved and interested agencies and has taken a hard look at the social, economic and environmental impacts of the adoption of the 2016 Comprehensive Plan Update, and

WHEREAS, the findings of this review indicate the adoption of an update to the Town of Somerset Comprehensive Plan will not adversely affect the natural resources of the state, and/or the health, safety and welfare of the public and will help manage growth and development in the Town in a manner that will have potentially beneficial impacts on aesthetics, recreation, economics, transportation, and community character,

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board as SEQRA Lead Agency for this action has determined that the adoption of the 2016 Town of Somerset Comprehensive Plan Update will not result in any significant adverse impacts on the environment, and a negative declaration is hereby issued based on the reasons as set forth in the environmental section of the plan and the Full Environmental Assessment Form and its attachments, and

BE IT FURTHER

RESOLVED, that the Somerset Town Board recognizes the fact that the adoption of the 2016 Comprehensive Plan Update incurs no direct environmental impacts and that the implementation of any suggested actions under the Comprehensive Plan which may have potential impacts on the physical development of the Town may require subsequent and specific SEQRA review, and

BE IT FINALLY

RESOLVED, that the Town Board authorizes the Supervisor to sign the Environmental Assessment Form which will act as the SEQRA negative declaration and authorize Wendel, the Town's consultant, to undertake the appropriate notices and filings.

RESOLUTION 159-2016

COMPREHENSIVE PLAN UPDATE

On a motion of Councilman Dewart, seconded by Councilwoman Jansen, 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, the Town Board and its consultant Wendel have worked diligently in preparing the 2016 Comprehensive Plan Update for the Town of Somerset, and

WHEREAS, through the coordinated actions of the Somerset Town Board, Wendel, Town departments and Town staff, the Town has completed the 2016 Comprehensive Plan Update in accordance with section 272a of the NYS Town Law, and

WHEREAS, the Town Board reviewed the draft document and directed updates to the plan in response to input received, and

WHEREAS, the Town Board completed a public opinion survey and held public hearings on November 30, 2016 and December 21, 2016 to solicit final comments on the draft Plan Update, and

WHEREAS, the Town Board as Lead Agency through a coordinated review process which was conducted in accordance with requirements of the State Environmental Quality Review Act, has determined that the adoption of the Comprehensive Plan Update will not have a significant effect on the environment and has issued a negative declaration.

NOW, THEREFORE, BE IT

RESOLVED, that the Somerset Town Board hereby adopts the document titled "2016 Town of Somerset Comprehensive Plan Update" as the Town's Comprehensive Plan, and

BE IT FINALLY

RESOLVED, that a copy of the Comprehensive Plan Update be filed in the office of the Somerset Town Clerk, and that the Town Clerk make the required copies and perform the appropriate filings and notices with the assistance of the Town's Consultant Wendel.

RESOLUTION 160-2016

SOLAR ENERGY SYSTEMS LOCAL LAW SEQRA

Supervisor Engert stated the Niagara County Planning Board approved the law at their meeting.

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

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

WHEREAS, a Full Environmental Assessment Form having been prepared and filed by the Town of Somerset, relative to the proposed Local Law entitled, "Solar Energy Systems", and

WHEREAS, coordinated review has taken place, and no other agency has objected to the Town Board assuming lead agency, and the time for such comment or objection has passed,

NOW, THEREFORE, IT IS,

RESOLVED AND DETERMINED, that the Town Board of the Town of Somerset is lead agency pursuant to NYCRR Part 617.

RESOLUTION 161-2016

SOLAR ENERGY SYSTEMS LOCAL LAW EAF FINDINGS

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

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

WHEREAS, the Town Board of the Town of Somerset is applicant and lead agency has caused a full environmental assessment form (EAF) relative to the proposed local law entitled "Solar Energy Systems" , and

WHEREAS, the Town Board is the lead agency pursuant to NYCRR Part 617,

NOW, THEREFORE, BE IT

RESOLVED, that Part III of the EAF containing written reasons for determination of significance be and hereby are adopted as the findings of this Board, and that the EAF as a whole together and with the reasons set forth justify the determination of significance, and

BE IT FURTHER

RESOLVED, that it is determined that the action, the adoption of the local law entitled "Solar Energy Systems" will not have a significant adverse environmental impact and the Supervisor is directed to complete the certification that the project will result in no significant adverse impact on the environment, and therefore an environmental impact statement need not be prepared, accordingly issuing a negative declaration. This action involves the adoption of a local law as part of the Town Code of the Town of Somerset Zoning. It regulates the siting of solar energy systems. The reasons for adopting the determination of significance are as follows:

- The Full Environmental Assessment Form Parts I and II do not identify any impact which affects the environment;
- No potentially moderate or large impact on the environment has been identified;
- The proposed action is regulatory in nature; it does not prohibit or discourage or encourage the siting of solar energy systems;
- The action protects the environment requiring siting in accordance with setbacks, aesthetics, and establishes maintenance and decommissioning procedures and protection;
- The law is of town-wide application. It does not enable or prevent any specific actions or projects;

RESOLUTION 162-2016

SOLAR ENERGY SYSTEMS LOCAL LAW

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

ADOPTED by Roll Call Vote:

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

RESOLVED, Local Law entitled "Solar Energy Systems" is hereby adopted by the Town Board of the Town of Somerset by a roll call vote.

RESOLUTION 163-2016

RELEASING BOND – NIAGARA WIND AND SOLAR

Supervisor Engert stated that Niagara Wind and Solar had submitted a \$5,000 bond that the Town held for any issues during a five year period. Code Enforcement Officer Remington inspected the turbines to the best of his ability.

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

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

WHEREAS, the Town of Somerset, in 2010, sought proposals for the design, fabrication, delivery, installation and start-up of a net-metered 20Kw wind turbine system at the Town Wastewater Treatment Plant, and

WHEREAS, the Town awarded said bid to Niagara Wind and Solar, Inc. 7510 Porter Road, Suite 4, Niagara Falls, NY 14304 on August 10, 2010, and

WHEREAS, the winning bidder, Niagara Wind and Solar, Inc. was required to make a \$5,000.00 cash deposit with the Town to provide for the maintenance of the project for a five-year period, and

WHEREAS, no maintenance has been required on the windmills within the past five-years and there exists no current maintenance issues.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor is authorized to release the \$5,000.00 maintenance deposit to Niagara Wind and Solar, Inc.

RESOLUTION 164-2016

BUDGET AMENDMENTS

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

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

Resolved as provided in section 107 and section 115 of the Town Law, that the supervisor of the Town of Somerset is hereby authorized to expend from the unexpended balance or surplus revenues such sums as may be necessary to cover amounts by which the actual expenses were incurred in 2016 in any amount exceeding the amount budgeted.

RESOLUTION 165-2016

ENCUMBRANCES

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 funds for invoices of goods not received for in 2016 are hereby encumbered.

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RESOLUTION 166-2016

2017 SALARIES

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 2017 salaries are approved per the itemized 2017 salary schedule attached.

RESOLUTION 167-2016

PREPAY BILLS

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 all bills incurred for 2016 are authorized to be prepaid.

RESOLUTION 168-2016

YEAR END AUDITS

Councilwoman Jansen stated that she has already contacted Clerk Carmer to schedule the audit which will probably occur Wednesday, December 28th.

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

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

Resolved the audit committee consisting of Councilwoman Jansen and Councilman Dewart are authorized to perform the year-end audit of the Town Clerk, Code Enforcement Officer, Supervisor, Justice and Tax Collector.

RESOLUTION 169-2016

REGULAR 2017 MEETING DATES

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

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

Resolved the regular meetings for the Town Board be held the second Wednesday of the month at 6:30PM; the Planning Board meetings to be held the first Thursday of the month at 7:30PM; the Zoning Board of Appeals meetings to be held the second Tuesday of the month at 7:30PM as needed.

RESOLUTION 170-2016

LIGHTHOUSE CHRISTIAN CAMP WATERLINE PETITION

Superintendent Denny stated that the Lighthouse Christian Camp would like to extend the water line to their camp by 950 feet from the existing main to the east, and add a few fire

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hydrants for more fire control while delivering more water to them. He said it is at no cost to the Town, but the town employees will install it.

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

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

WHEREAS, a petition dated December 21, 2016, has been duly presented to the Town Board of the Town of Somerset, New York (the "Town"), according to law, proposing that the said Town Board authorize and approve the construction of lateral water mains in or along that portion of an easement 10 feet wide extending approximately 950 east from the current water service line, parallel to Fifth Street, an undedicated private road, with an additional ten feet wide easement running 125 feet north along Fir Drive, an undedicated private road, in Somerset Town Water District Number 1, and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the said petition is \$0.00, to be borne by the district at large, as the petitioner proposed to fully fund the installation of the aforesaid lateral water mains and as a "gift" to the Town of Somerset Water District No. 1, it is hereby

ORDERED, that the Town Board, shall meet at the Town Hall, 8700 Haight Road, Barker, New York 14012, on the 11th day of January, 2017, at 6:30 p.m., to consider said petition and hear all persons interested in the subject thereof concerning the same, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to publish a copy of this order certified by her in the Lockport Union Sun and Journal, the official Town newspaper, and to post a copy of same on the signboard of the Town, in the time and manner required by law.

RESOLUTION 171-2016

NIACAP CONTRACT

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 Supervisor is authorized to enter into a contract with NIACAP.

RESOLUTION 172-2016

WAYNER PROCLAMATION

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

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

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WHEREAS, Councilman Randall J. Wayner is a lifelong resident of the Town of Somerset, and after graduating from Barker Central School he went on to earn a degree in Business Administration from Alfred State College, and

WHEREAS, he returned home to the Town of Somerset to marry his sweetheart Tricia and together raise a family while working for North America's largest industrial distributorship, and

WHEREAS, he served the Town of Somerset as a Planning Board member from January 1, 2004 until his appointment to the Town Board on January 5, 2006, and

WHEREAS, the citizens of the Town of Somerset have expressed their confidence and desire to duly elect Randall Wayner to hold the office of Town Councilman in November 2006, November 2010, and November 2014, and

WHEREAS, Randall Wayner was appointed to hold the position of Deputy Supervisor for the Town since January 2012, and

WHEREAS, Councilman Randall Wayner throughout his distinguished tenure of service demonstrated exceptional work ethic and tremendous enthusiasm in the furtherance of his goals to lower the cost of Town government, enhance services provided by local government to taxpayers, and to be an effective representative for his constituents, and

NOW, THEREFORE, BE IT

PROCLAIMED, that the Town Board and citizens of Somerset hereby commend and express sincere gratitude to Randall J. Wayner for his exceptional leadership, the faithful discharge of his duties over many years as an elected Town Councilman and Deputy Supervisor providing exceptional and outstanding service to the Town of Somerset, and

NOW, FINALLY, BE IT

PROCLAIMED, that I, Daniel Engert, Supervisor of the Town of Somerset, along with my fellow board members do set forth January 2, 2017 as dedicated as Randall J. Wayner Appreciation Day in the Town of Somerset, and all the citizens of the Town of Somerset are encouraged to join in this observance.

Councilman Wayner spoke of the last few months being tough to look out and see the people whose doors he knocked on. He listed many people whose footsteps he followed in or has worked alongside. He said the citizens are the ones who drive the community and said don't ever stop. He said he is leaving geographically but not leaving the battle. He has already written a letter to the Supervisor of the Town of Sweden that follows with the concerns we have voiced.

RESOLUTION 173-2016

AUDIT OF CLAIMS

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

General Fund	No. 421 through No. 464	\$119,951.05
Highway Fund	No. 143 through No. 156	\$ 23,445.34
Sewer Fund	No. 141 through No. 156	\$ 5,935.23
Water Fund	No. 103 through No. 121	\$ 16,797.85

PRIVILEGE OF THE FLOOR:

Jim Hoffman thanked Councilman Wayner for his service and thanked the board for approving the Comprehensive Plan. He asked how big can turbines get? He provided information on 5 turbines that are located three to four miles off the coast of Block Island which is twelve miles off the coast of Rhode Island. He said the height is 560-600 feet with blades that are 242 feet long and a total weight of over 800 tons. He compared them to a 747 airplane which has a wing span of 224 feet and weighs 490 tons, and a Saturn 5 Moon Rocket that is 365 feet high. He thanked the board for their work on shrinking the budget despite being sued. He feels the lawsuit is an insult and our will should be recognized. He questions their business tactics by suing us while going around town offering donations to organizations.

Cathi Orr stated it is a relief to have a board like ours and she appreciates them.

Dick Ray stated his pleasure at seeing the power plant running and is encouraged by President-Elect Trump's statements that he will not cut off all of the coal in the world and hopes that may help our plant. He asked the board to keep in contact with Chris Collins and wants the board to tell the story to President-Elect Trump. Revolutions were fought to keep things like this happening to our people

Betty Wolanyk offered her research to Councilman Wayner. She discussed the term "energy poverty" which was to bring attention to 3rd world countries who could not afford fuel to cook and heat their homes. She said it is now being used to describe the outrageous cost of electricity in developed nations due to the impact of three blade turbines on electric bills. Electric rates have more than doubled in Germany, and Ontario Canada has the highest rates in Canada and has the fastest growing rates in North America. She stated that people who live in the rural areas where the wind turbines are have to pay higher rates than those living in the cities. She voiced concern on the impact on cell phones, internet access, and business competitiveness. She also discussed the donations that APEX is making to food pantries and low income families for Christmas.

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Chris Bronson reminded residents of how technology has changed from big satellite dishes to smaller ones, and landline phones to cell phones. She said that turbine technology is changing also according to an article in the Buffalo News. He said the next step in wind technology is a new turbine design which is only 55 – 65 feet high and avoids the issues of adverse effects on military air bases and aesthetics and scenery obstruction. In addition to other benefits, while 3 blade turbines allow 95% of the air to pass through the blades unutilized, the new design utilizes almost 100% of the wind. The article says the demand is expected to grow and Chris feels the 3 blade turbines will become obsolete. She ended by thanking Councilman Wayner.

Dale Howard stated that he has done a lot of underground work (drainage) at his house. Streams, springs, etc. run toward the lake and he feels these will be diverted by all of the digging that will be done so wells will run dry and basements will flood. He asked if this will change our flood plains which would increase the cost of flood insurance?

Jon Hotaling stated when the addition was constructed at the elementary school, the spring fed pond behind Nicholia's dried up.

Marcia Ray said that 2016 has been grueling and she extended her thanks to the Board and department heads. She hopes APEX will leave and would like the board to take our message to Albany. She said to keep up the good work and Merry Christmas.

Steve Royce lives in Appleton and said that he hopes Newfane is as diligent at protecting their town.

Taylor Quarles stated that they will continue to hold office hours in 2017, but please check the website first as the hours could change. He wished the board a safe and pleasant holiday season.

Krista Atwater said she appreciates being able to go to Councilman Wayner even though they weren't always on the same side and thanked him for his service. She also thanked the board for their service and said she knows how much time it takes.

RESOLUTION 174-2016

EXECUTION SESSION

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

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

Resolved to enter into execution session at 8:15PM to discuss issues with our attorney.

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RESOLUTION 175-2016

RETURN FROM EXECUTION SESSION

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

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

Resolved to exit executive session at 8:35PM

On a motion of Councilman Alt, seconded by Councilman Dewart, the meeting adjourned at 8:36P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk