

TOWN BOARD SPECIAL MEETING
NOVEMBER 30, 2016

A Special 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 30th day of November, 2016.

- Present: Daniel M. Engert ----- Supervisor
Randall J. Wayner ----- Councilman
Robin R. Jansen ----- Councilwoman
Jeffrey M. Dewart ----- Councilman
Tracy L. Carmer----- Town Clerk
David Haylett----- Attorney
Drew Reilly ----- Engineer
- Absent: 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

Attended by: approximately 40 residents and students

Notice of said meeting sent to the Lockport Union-Sun and Journal on November 18, 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 6:00PM with the Pledge to the Flag.

Drew Reilly provided an overview of the concept of a Comprehensive Plan and how they are prepared. He said that when you adopt a Comprehensive Plan other agencies must consider that document in their decision. Every five years or when a big event occurs in Town, the plan should be reviewed.

COMPREHENSIVE PLAN UPDATE PUBLIC HEARING

Supervisor Engert called the public hearing to order at 6:10PM.

Louise Clark said that Niagara County is under attack. She grew up in Love Canal and saw how quickly industry can cause pollution. She also lived in Lockport near 12 Mile Creek and on Bulmore Road in Youngstown where chemicals are transported, ruining the air quality and causing illnesses. She thinks Somerset is wonderful and calls it "The last frontier" of Niagara County because of its purity and clean air and she has found peacefulness here.

Jim Hoffman thanked the Board for updating the Plan as he feels it is in order. He feels turbine designs for wind farms, along with the quantity, have grown much larger than when the last Comprehensive Plan was written. The proposed wind farm of this magnitude has caused the public to turn against them. He said the impact of Article X has become apparent. In addition, the Town has revised their wind turbine ordinance which must be

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recognized in the Comprehensive Plan. He said of extreme importance is the fact that Somerset is located in an internationally recognized bird and bat migration area. He also would like the Town to take into account the existence of an old growth forest on Town and behind our Town Hall. Some of the trees date back into the previous century and Jim provided the Board with an inventory compiled by the DEC.

Pam Atwater stated that she knows Drew and knows that he is thorough. She feels maintaining the rural character of the Town is most important. She advised of some typos in the draft.

Chris Bronson is concerned with fire protection relating to distance and time of aid. She said that turbines do explode and cause fires and could be catastrophic with flying debris, etc. and we are far from mutual aid.

Cathi Orr stated the Comprehensive Plan has been very specific in keeping with the rural character of the Town. She said in Orangeville there are many turbines not working and if you look at the opposition's facebook page you will see men working in hazmat uniforms. She hopes we keep the rural character, the reason she moved here.

Betty Wolanyk thanked the Board for undertaking this and hopes they continue the five year cycle. She said that there is nothing listed as historic sites and believes we have some, including the Salt Springs that the Indians used to use. She thinks we should also recognize that we have two bald eagles nests in town. She also has concern about fire protection that was mentioned. She feels since we mention the Wind Law on page 26 and 27 that we should also include the new Solar Law. Under the observations section of page 27 she thinks we should include the need to prevent any impact on Mercy Flight due to the distance from major hospitals. Page 30 indicates a study that was supposed to have been done on the Brownfield site. She asked if this has been done and what were the results. She said this paragraph should be updated. On the types of businesses on page 34 she wants us to add a brewery and cidery, and update the sentence that indicates that a cidery will be opening.

Agnes LaPorte stated that she moved from a more industrial area to Somerset 40 years ago. She feels new business is important, but none that will cause destruction like Lighthouse Wind will. She wants our town to be protected from anything that will destruct it.

Maryellen Royce thanked the Board for allowing her to speak. She supports the goals and priorities that are outlined in the plan and wants to see the Town's rural character preserved. Her home is within a mile of the Somerset-Newfane border and her dream is to open a pottery studio. Her home would be adversely affected by large scale wind turbines and she does not want to open a business if "the delightful country atmosphere is replaced by wind turbine flicker, drumming and unsightliness." She wants the Town Planners to stand firm on their revisions as the plans made by the Town of Somerset will affect the entire region.

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Chris Bronson stated the International Dark Sky Association encourages tourism where there is a lack of light for people to stargaze. People travel to Somerset to view the sky and she feels we should look into this.

Taylor Quarles thanked the Board for allowing him to provide a comment. He stated that 50% of his communications have been with the agricultural community and he has learned a lot about farming and agriculture. He said he will provide more detailed comments by the next hearing. He said approximately $\frac{3}{4}$ of the land in Somerset is agricultural, and about 20% is forested or rural. The farmers are overwhelmingly in support of wind energy. He said the general trend he saw in the Plan is restrictive to wind energy. He disagrees with the classification that wind energy and agricultural areas are not compatible. He stated a turbine would take up no more than an acre, more likely $\frac{1}{2}$ acre including the access road. He said the wind turbines would provide income to the farmer while allowing them to continue to farm right up to the turbine base. With commodity prices low this would have a major positive impact on the agricultural community. Nationwide last year, wind turbines paid approximately \$222 million in lease payments to farmers. He said the suggested updates are an outright restriction on the potential for a wind project. He provided examples:

- Page 23 (1C) he interprets this to mean no wind turbines
- Page 25 he said a number of the facts were drawn from facts from 2002 – 2007 and he feels this has probably been updated since then and would like to see how this has changed.
- Page 37 (5) regarding farmers achieving their goals, he understands the farmers' goals are consistency and keeping their farms and they see the potential wind farm as helping them to achieve those needs.
- Page 44 he likes the concept of the new vision map but notes the expanded village area is quite large and encompasses 500 – 600 acres of agricultural field and restricts the agricultural use on that land.

Lyle Whitford stated that his job brought him to Somerset from Central NY and occasionally they return to visit friends. On one visit he took a ride on East Hill, where there are many farms with wind chargers in the corn fields, pastures, amongst the farm buildings. Everyone seems happy and well-adjusted to the situation where their revenue makes their life easier. He feels they are compatible with agriculture.

Bob Verhyen said if the agricultural residents wanted their input on the Plan they should have shown up instead of relying on a non-resident member of a corporation to be their spokesperson.

Agnes LaPorte stated the income from the leases is our tax money and feels if they are not subsidized they will not be profitable. She said there is no way to determine who wrote letters that may be submitted for the plan.

Supervisor Engert stated the Board will give weight to comments received at their discretion, but will consider written comments and will retain them for the record.

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Krista Atwater said it is important to include what real farming is, not industrial farms. She said small farms are trying to make it in this community and there is a struggle for the land to begin with. She stated under the Right To Farm Law, wind turbines are to support the farmer, not to make money. She said we have turned the term "wind farm" into something that is not farming. She wants our lakefront to be used for tourism, and feels our farming should be too because people do not understand what farming is anymore. She also feels we need to get hard lines into our town and not rely on cell phones, especially if we bring something in that will affect the signals. She said that many people visit the Salt Lick and there are old growth trees in there and feels it is historical.

Louise Clark said she thinks something that would be beneficial to Niagara County is a fish hatchery like Powder Mills Park in Fairport. She said they have a small lake on approximately 3-4 acres. The trout are raised in 4 foot pools then released into the lake. The park is visited by school children and families and thinks it would be wonderful for our area.

Tom Staples has farmed for 40 years and said windmills are not compatible with agriculture. He said he has spent his whole life trying to clear obstacles from his fields. He said they are compatible with income and the farmers would not be putting them up if they weren't receiving money from it.

RESOLUTION 150-2016

CLOSE THE PUBLIC HEARING ON THE COMPREHENSIVE PLAN

With no one else desiring to be heard, on a motion of Councilwoman Jansen, seconded by Councilman Dewart, the following resolution was

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

Resolved the public hearing is closed at 7:01PM.

RESOLUTION 151-2016

CHANGE OF MEETING DATE

Supervisor Engert stated this is being heard at the County Planning Board December 19th so we need to wait until after their hearing to hold our next hearing. Our next Town Board meeting is scheduled for December 14th so we can keep that and hold two meetings or change the date of our Town Board meeting to coincide with the Public Hearing.

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

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

Resolved the next Town Board meeting will be held on December 21, 2016.

RESOLUTION 152-2016

PREPAY BILLS

Supervisor Engert stated that with the change in meeting date, some of the bills could be late.

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

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

Resolved the Supervisor is authorized to pay any bills in December that would be late due to the meeting date being changed.

RESOLUTION 153-2016

SECOND PUBLIC HEARING ON COMPREHENSIVE PLAN

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

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

Resolved the second public hearing on the Town of Somerset's Comprehensive Plan be held on Wednesday December 21, 2016 at 6:30PM.

RESOLUTION 154-2016

EXECUTIVE SESSION

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

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

Resolved to enter into execution session at 7:06PM to discuss pending litigation with our attorney.

RESOLUTION 155-2016

RETURN FROM 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 to exit executive session at 7:59PM

On a motion of Councilman Dewart, seconded by Councilman Wayner, the meeting adjourned at 8:00P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk