

TOWN BOARD REGULAR MEETING
May 12, 2021

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 12th day of May 2021.

Present: Jeffrey M. Dewart----- Supervisor
 Robin R. Jansen ----- Councilwoman
 Jon Hotaling ----- Councilman
 Gail Damon ----- Councilwoman
 Fred Leuer ----- Councilman
 Tracy L. Carmer----- Town Clerk
 Michael M. Flint ----- Supt. of Highways
 David Haylett----- Attorney

Audience: approximately 15 residents

Absent: Jonathan D. Dewart ----- Supt of Water/Sewer/Grounds
 Mindy Austin ----- Confidential Asst. to the Supervisor
 Brian Sibiga ----- Engineer

Supervisor Dewart called the meeting to order at 6:00PM with the Pledge to the Flag and a prayer for guidance.

The meeting started with a presentation by SPower. They are a company owned by AES Clean Energy and plan to use approximately 1,000 acres of power plant property for a solar farm. They will re-use the electrical infrastructure that exists. The final plan will be fine-tuned, but they are planning a 140mw – 200mw operation with potentially a 20mw battery storage. This will be attached to the substation and take up approximately 1-2 acres. They feel that this is a beneficial re-use of the site and existing electrical infrastructure. They will reach out to the landowners adjacent to the project area. The project will be approximately a \$200 million capital investment and there will be a host agreement with the Town. During construction 150 people will be employed. After it is constructed, they will employ 2-3 full time staff. They are working in conjunction with Barker Central School to sponsor STEM materials. They will apply in the Fall under Section 94C and hope to start construction in 2022-2023 and be completed in 2023-2024. They will hold an open house on June 16 at Barker Fire Department (they will have a day and an evening session). Bids are due to NYSERDA on August 26th and that will drive a lot of what they are doing. He provided a phone number and email address if anyone has questions 866-757-7697 and somersetsolar@aes.com. He also provided his direct email Michael.Farrell@aes.com and cell 718-909-4486. The presentation ended with an introduction of the other 3 members of the team.

Councilman Leuer asked how much power is going to the grid vs staying onsite for the data center.

TOWN BOARD MEETING
MAY 12, 2021 PAGE 2

Michael stated that there is not a contract to send any electricity to the data center and they are two completely separate projects.

Councilman Leuer asked if there have been studies of the temperature differential between the lake temperature vs panel temperature (up to 146 degrees).

Michael said that he does not think it is substantial enough to cause the kind of impact but they would be happy to look into it. Brett stated that you see that more in a desert setting rather than panels that have grass underneath.

RESOLUTION 65-2021

APPROVAL OF THE MINUTES

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
Nays 0

Resolved the minutes of the previous meeting on April 14, 2021 are accepted as submitted.

RESOLUTION 66-2021

APPROVAL OF THE SUPERVISOR'S MONTHLY REPORT

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
Nays 0

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

John Mason, President of Somerset Operating Company, provided an update on what is happening at the plant. He stated that they are demolishing the entire plant with the exception of a couple buildings. Most of the scrap will be removed by rail to keep traffic to a minimum. They will flatten the plant (including the stack) to 18" below grade and it will be completed in approximately 2 years. All of the hazardous material (Freon, etc.) has been removed from the plant.

Steve Royce asked how close they are to the eagle nest?

John said that he knows where that nest is and they are farther than 600ft – 800ft away from it.

Betty Wolanyk asked if they are demolishing the smokestack.

John said that will hopefully happen in April, 2022.

Peg Schwabel asked what will happen to the coal ash?

John said that it stays and it is sealed. They are required to monitor it for the next 30 years.

COMMUNICATIONS

Clerk Carmer read a letter submitted by Jim Hoffman stating that he feels that Beowulf Energy is completely ignoring the Town in the closure and repurposing of their facility. He said that the property was zoned Planned Unit Development to avoid what is happening with the piecemeal, random development. He went on to ask many questions regarding preserving our rural character; the Data Center; the solar farm; the Multiple Use Plan; and the monitoring and maintenance of the landfill. He requested that the Town Board ask for a response from Beowulf.

Clerk Carmer advised that the National Multiple Sclerosis Society plans to pass through our town during their Bike MS fundraiser on August 21, 2021. Approximately 75 cyclists will be on our route.

Supervisor Dewart stated that they are working on a lot of the questions asked by Jim and will let everyone know when we have the answers.

RESOLUTION 67-2021

MORATORIUM ON BATTERY STORAGE

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 Nays 0

WHEREAS, a Local Law “Establishing a Moratorium on Battery Energy Storage Systems within the Town for a Period of Six Months” has been introduced; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Somerset Town Board does hereby call for a Public Hearing to be held on the introduced Local Law “Establishing a Moratorium on Battery Energy Storage Systems within the Town for a Period of Six Months” at the Somerset Town Hall, 8700 Haight Road, Barker, New York 14012 on June 9th, 2021 at 6:00 p.m.

RESOLUTION 68-2021

BRIDGENY GRANT

On a motion of Councilman Leuer, seconded by Councilwoman Damon, the following resolution was

ADOPTED Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 Nays 0

WHEREAS, a Short Environmental Assessment Form has been prepared for the proposed action to replace the existing Hartland Road Bridge twin arch culverts with a 32' span by 8'

TOWN BOARD MEETING
MAY 12, 2021 PAGE 4

rise precast three-sided arch with a natural bottom to provide a structurally competent bridge and also incorporate a natural flow path through the bridge to support aquatic life; and

WHEREAS, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project,

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the action is an unlisted action pursuant to SEQRA, and that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this Determination of a negative declaration, pursuant to SEQRA, be prepared and filed.

RESOLUTION 69-2021

BIKE MS

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

ADOPTED Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 Nays 0

RESOLVED, National Multiple Sclerosis Society is authorized to use Town roads for their 62.5 mile "Bike MS" fundraising event.

RESOLUTION 70-2021

AUDIT OF CLAIMS

On a motion of Councilman Leuer, seconded by Councilwoman Damon, the following resolution was

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 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. 150 through No. 181	\$ 51,988.93
Highway Fund	No. 39 through No. 53	\$ 7,250.79
Sewer Fund	No. 46 through No. 59	\$ 7,234.80
Water Fund	No. 35 through No. 42	\$ 12,151.79

PRIVILEGE OF THE FLOOR

Pam Atwater talked about the Planned Unit Development (PUD): it should be looked at all at once, not piecemeal; we need oversight for toxic wastes from decommissioning the plant; how and when will the proposed park be established; many questions on the impact on our town with the solar project (budget, taxes, SEQRA review, agricultural land); the safety plans for the dangers of battery storage; she hopes the board members will be

TOWN BOARD MEETING
MAY 12, 2021 PAGE 5

attentive to the NYSEERDA – Great Lakes Feasibility Study as it may mean offshore wind turbines; and what are the plans for bitcoin mining? She stated that the energy usage is incredible and the center has the potential to discharge hot water into the lake. She stated that there are noise concerns along with infrasound. She provided information on bitcoin mining to the Town Board.

Steve Royce would like the Town Board to get answers from SPower. He asked how the plan will impact the view from Route 18? How will the tourist and agricultural nature of the town be affected? How much forest and agricultural land will be taken over by panels? What is the lighting impact on birds? Will the batteries have a fire suppression system? Will neighboring homes be subjected to glare? How tall will trees be for screening?

Marilyn Royce stated that the 2-3 permanent jobs should be filled by local people, along with local people being involved in building the project. She asked about the plan for taking the solar panels down and what liability the company will have. She is also concerned about the birds and the effect on wildlife.

Betty Wolanyk thanked the Board for the moratoriums. She stated that electric car makers are advising that the cars should not be parked inside garages attached to homes and should be charged away from homes because of the battery hazard. She believes lithium ion batteries have no place in this community. She said the solar industry says that the panels save farmland for future generations and she'd like to know how this can be after the panels are blown over by winds creating broken glass over large areas. This land can no longer have animals grazing or humans working it. She stated that panels do heat the land beneath them and wonders what impact this will have on the soil freezing in the winter, and the insects? What impact will this have on the soil in the summer? Also, what is the impact on the microclimate? How will weeds be controlled? Will there be constant mowing between the panels or have sheep grazing? How and where will the panels be recycled? What will happen to toxic waste that may have been released? With 94C being implemented so the PILOTs are implemented by the state, what does the Town Board plan to do about that? She feels that the state has already "rolled over us" so why not make our laws restrictive? The state should have to fight us to overrule our laws. How will the company compensate the residents living near them for the loss of property value? If a fire, how will the company clear up the land? Where will the wildlife go if they cannot live on those acres? Betty left Washington DC to see the stars at night, hear the peepers, etc. She stated that we live with the inconveniences of being further away from doctors, grocery stores, etc because it is our choice. She knows the Town Board is doing their best to keep taxes down. She wants them to find a use for the power plant facility and to provide jobs. She stated that we need to know all of the impacts and all of the options on this project and do what is right for this town.

RESOLUTION 71-2021
EXECUTIVE SESSION

TOWN BOARD MEETING
MAY 12, 2021 PAGE 6

On a motion of Councilwoman Damon, seconded by Councilman Leuer, the following resolution was

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 Nays 0

Resolved to enter into executive session at 6:45P.M. to discuss a matter with our attorney.

RESOLUTION 72-2021

EXIT EXECUTIVE SESSION

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

ADOPTED: Ayes 5 Dewart, Jansen, Hotaling, Damon, Leuer
 Nays 0

Resolved to exit executive session at 7:22P.M.

On a motion of Councilman Hotaling, seconded by Councilwoman Jansen, the meeting adjourned at 7:23P.M. subject to the Call of the Clerk.

Tracy L. Carmer, RMC
Town Clerk